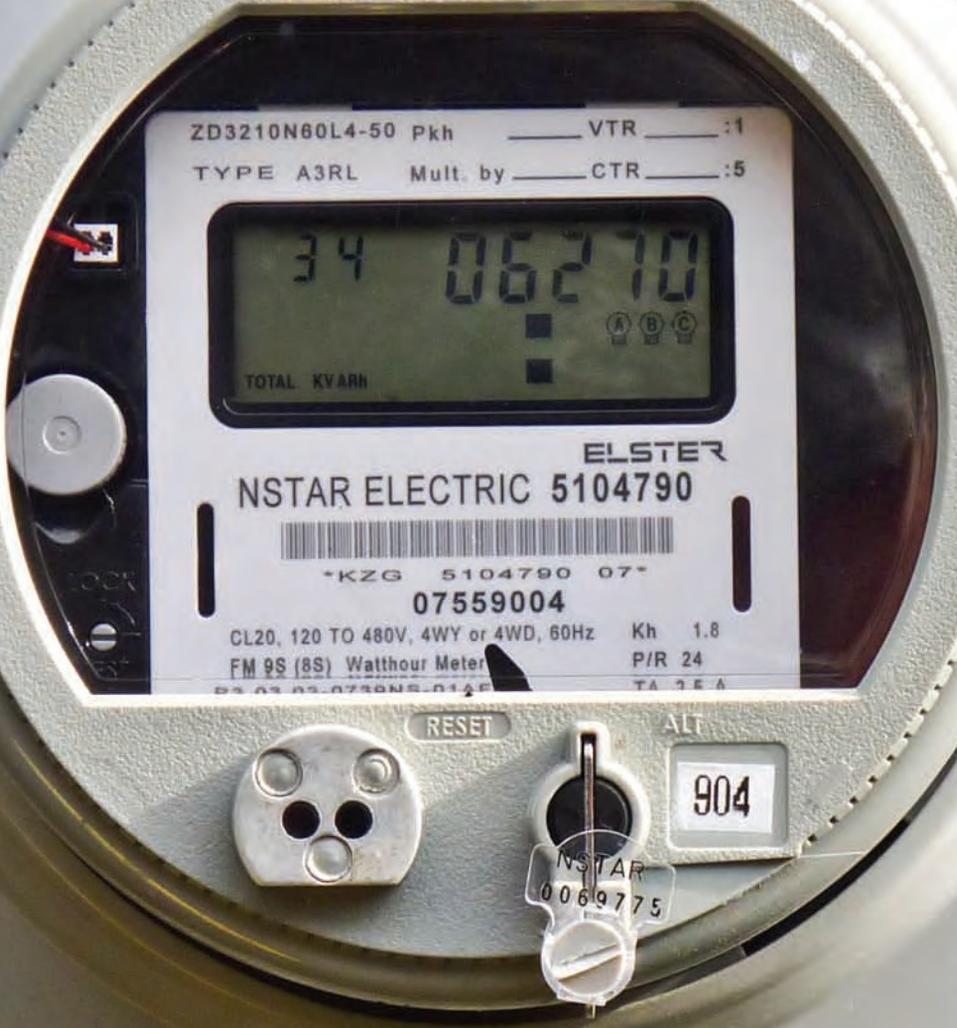


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CiVIC sense



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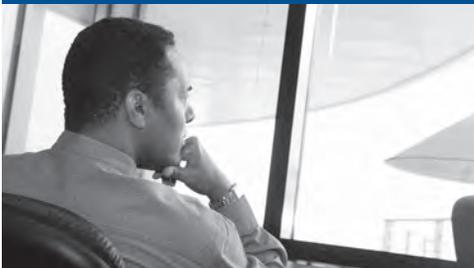
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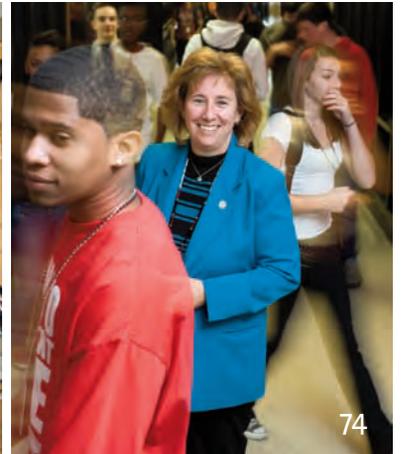




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WOMEN OUTPACE MEN IN ACADEMICS

Jack Sullivan's "False Start" (Fall '10) stated that "women athletes at state schools....still run far behind men in nearly every measure of equal treatment." Focused as it was on athletics, the article failed to mention that for nearly two decades women have run well ahead of men in academic success.

Since 1982, when college graduation rates of men and women became equal, women have decisively surpassed men in academic accomplishment. According to research reported in the journal *Demography*, women stay in college longer, receive 58 percent of all bachelor's degrees awarded in the US, go to graduate school more often than men, and earn a disproportionate share of honors degrees.

That this advantage exists is clearer than the reasons for it, which remain mysterious. A number of factors have been studied with inconclusive results. These include expectations of better income, more stable marriages, and a higher standard of living. Is it possible that a simpler explanation might be that women—less distracted, physically challenged, and spared the hours required for athletic performance—are able to pay more productive attention to learning, which used to be what college was about? Might it be that men's lagging academic performance is due to their spending so much time participating in and thinking

about sports? Will increased sports participation among women reduce their academic success? More compliance with Title IX may provide a natural experiment to answer this question.

*Miles F. Shore
Needham*

PROGRESS ON TITLE IX

"False Start" highlighted many of the challenges facing colleges and universities as they take steps to comply with Title IX of the 1972 Educational Amendments Act.

As a rule, Title IX is embraced by the athletics community in public higher education because it speaks to fairness for our students. The article shines a light on an important law that is far more complex than many may realize. What went unmentioned in the piece were the significant efforts made by UMass Lowell to continue to make progress toward equality in athletics during challenging economic times.

Since 2000, the university's women's teams have captured 23 conference championships and appeared in 43 NCAA tournaments. The field hockey team has made five trips to the NCAA championship game and won the university's first-ever national championship by a women's team in 2005.

UMass Lowell's female student-athletes regularly achieve a grade point average higher than 3.0.

Women athletes have made extra-



ordinary contributions to UMass Lowell's designation as a community-engaged campus by the Carnegie Foundation for Excellence in Teaching.

UMass Lowell's efforts to address inequities between men's and women's athletic programs have been steady since its first gender equity plan was developed in 1997. With that first plan, the goal was to bring all programs into full compliance with Title IX by the mid-2000s. Ensuring an equitable experience for male and female student-athletes was always the ideal.

Since then, the university increased participant and coaching opportunities for women, built or renovated women's practice and game facilities, provided new office space for coaches, and added new locker rooms for women's teams. This progress was achieved by raising funds through new external sources, reallocating athletic department resources, and increasing operational support by the university. To ensure continued vigilance, the campus appointed a gender equity coordinator and a standing Gender Equity Committee.

The most significant hurdle to full compliance with Title IX regulations is matching the resources committed to the Division I men's hockey program. Elevating an existing women's sport to Division I status is under consideration by UMass Lowell, but

We welcome letters to the editor. Send your comments to editor@mass-inc.org, or to Editor, *CommonWealth* magazine, 18 Tremont Street, Suite 1120, Boston, MA 02108. Please include a city or town, as well as a daytime phone number. Letters may be edited for clarity and length.

such a move will be affected by new NCAA regulations that restrict universities from moving single sports from one NCAA division to another.

A holistic assessment of UMass Lowell's position regarding this issue would have to recognize the university's overall gains regarding women's athletics. A sustained commitment to the university's 1997 gender equity plan enabled the campus to make noticeable strides toward equity, but the plan stalled in 2007 as a result of an economic collapse that had a dramatic impact on funding for many colleges and universities. A recent review of gender equity at UMass Lowell produced new strategies to continue on a path to full compliance. This plan was developed with input from coaches and the university's Student-Athlete Advisory Committee. It is an open and honest approach, one that has ensured a cooperative effort

to help identify ways to continue progress even during the most challenging economic times.

*Dana Skinner
Director of Athletics
University of Massachusetts Lowell*

The following letters were posted online at CommonWealthmagazine.org.

NO LOVE FOR BIDS

A BID ("A business improvement district in Boston—finally," Fall '10) is a terrible idea. We should all be on a level playing field. BIDs are simply a way for the city to collect a tax (which it is) without having to call it a tax. The city should pay for things it promises: clean streets and safe neighborhoods. The owners of properties around there should be livid. Expanding this to other areas is a terrible idea. And, you can

bet that if certain people pay up, they'll get special treatment from the city.

John A. Keith

WHO IS 'PAYING TO PLAY'?

Documentation of the shift in money and power politics on Beacon Hill is interesting ("Power is a money magnet on Beacon Hill," Fall '10) but mundanely predictable. What would be of equal if not greater interest would be the analysis of the donors and the parallels to pending legislation. Specifically, who is "paying to play" for what gain on Beacon Hill? That is the level of transparency needed.

Kathleen Conley

STORY MISSES POINT

Jack Sullivan's commentary on the MBTA/Massachusetts Bay Commuter Rail On-Time Report Cards ("Time



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on T's side," Fall '10) completely misses the point about transparency on the commuter rail.

MBCR's Report Card program gives the public direct access to On Time Performance (OTP) for MBTA commuter rail service. The "Actual On Time Performance" report card summarizes the actual experience of customers on a system-wide basis, as well as for each commuter rail line. This report lists factors that led to delays, ranging from stormy weather to equipment failure to conflicts with other rail service (Amtrak and freight).

In order to give our customers an honest and balanced look into the commuter rail's on-time performance, MBCR also publicly reports "adjusted" on time performance. This report reflects OTP as it is defined under the contractual relationship between MBCR and the MBTA.

MBCR makes both reports pub-

licly available to its customers in order to ensure full disclosure of all information related to commuter rail performance and public awareness of the fundamental difference between delays that are the fault of MBCR as operator of the service and delays that occur because of things outside MBCR's control.

Had Sullivan taken the time to peruse a few of the two publicly available reports (available at www.mbcrcr.net) he would have seen that his reporting was missing the intent of the documents.

In fact, MBCR does report that delays due to mechanical failures are incidents within its control. In fact, MBCR is penalized financially for every train that is delayed due to mechanical failure. The same holds true if MBCR fails to have equipment available or if MBCR does not provide enough staff to operate a train.

Considering that Sullivan has reported extensively on the issue of track tie failure on the Old Colony branches, it was curious to see him highlight the reporting of delays associated with tie replacement on the line. Does he wish to infer that MBCR is wrong to report these delays in both terms of actual delay as well as the underlying cause? These ties were installed before MBCR's arrival in 2003.

MBCR is one of the few, if not only, commuter rail service providers in the United States to publicly report its performance for better or worse. MBCR will continue to provide information to our passengers and other interested observers about all aspects of the service. And we welcome comments from anyone about our service, our employees and our information efforts.

Massachusetts Bay Commuter Rail



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Everybody knew

COMMONWEALTH FIRST BEGAN investigating patronage at Probation in 2008. We tried to pry records from the Probation Department under the state's Public Records Law, but the agency, as part of the judiciary, said it was exempt from the statute (see related story in *Inquiries*).

We also interviewed people who were in a position to know what was going on at Probation, but they had little to say. Former Supreme Judicial Court chief justice Margaret Marshall, for example, talked with pride during an interview a year ago about the court system's embrace of transparency and accountability on her watch ("Hail to the Chief," Winter '10). She boasted that staffing models allowed her to know precisely how many employees each court needed to do its job.

Yet when I asked her about the lack of transparency at the Probation Department and why those same staffing models were not applied to that agency, her answer was baffling. "When we did the staffing model for the processing of cases, the same study was not done for the processing of Probation," she said. "Of course, I'm aware of the concerns that are expressed, but if your question is, is there some way that I can't get access to data, the answer to that is no."

Robert Mulligan, chief justice for administration and management and the man who oversaw Probation, didn't speak out either. He apparently was raising concerns internally about patronage at Probation, but felt his hands were tied by laws that allowed him to reject new employees only if the court's hiring procedures were violated. It turns out those procedures were violated—repeatedly.

Gov. Deval Patrick, who often remarks now about his long-standing concern about Probation, had little to say about patronage a year ago when he first broached the idea of moving Probation from the judiciary into the executive branch. He and his staff talked only about potential efficiencies and savings by combining Probation with parole. His only comment on patronage then was in response to a question I put to him.

"Yes, I have a concern," he said. "I have a concern about

the accountability and the transparency of that agency."

Yet four months later, when Rep. Charles Murphy, the chairman of the House's budget committee, released a spending plan that kept Probation right where it was, under the Legislature's thumb, the governor didn't even respond.

The key players on Beacon Hill all knew there was a problem at Probation, but none of them blew the whistle. Former Probation commissioner John O'Brien hired the people recommended by powerful politicians, apparently so those politicians would keep increasing his budget. Court and administration officials stood by silently and

Keep in mind the causal factors

did little or nothing out of fear the Legislature would cut their budgets or derail their legislative priorities if they spoke out.

In short, the power dynamics on Beacon Hill made it difficult, if not impossible, for calls for reform at Probation to bubble up from within state government. It took a vigorous press to expose the problem. *CommonWealth* can take credit for breaking several stories about Probation, but it wasn't until *The Boston Globe's* Spotlight Team published a report on patronage abuses at the agency last May that the whole dynamic flipped. The report gave all the players the cover they needed to act.

Marshall and her colleagues at the SJC appointed an independent counsel and gave him subpoena power the day after the *Globe's* initial report. After his report was finished, task forces were appointed and the various investigatory agencies—the attorney general, the US attorney, and the inspector general—all jumped into action.

It might have happened a lot sooner if the Legislature didn't micromanage court budgets, if the judicial branch was subject to the Public Records Law, and if court officials acted more like managers and less like enablers. As probation reform begins to take shape, these causal factors should be addressed so we don't have a repeat performance. **CW**



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Name that malady

First, The Beatles, now flagellate hyperpigmentation. There's no limit for the apps someone can download for their iPhone or iPod.

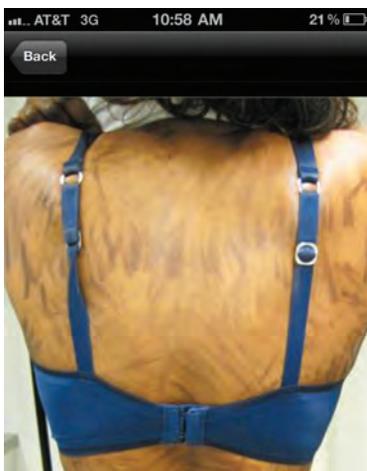
The *New England Journal of Medicine* now has a smartphone application available for download that runs a version of the *Journal's* popular Image Challenge. The app is available for \$2.99.

Each week, *NEJM* posts a picture and lets users put their diagnostic skills to the test. The Challenge offers five choices for an answer and the correct one has an explanation with it.

In the image below, doctors were treating a 39-year-old woman for the appearance of a skin malady. The Challenge gave five possible answers as a diagnosis, including arsenic poisoning, self-flagellation, and, the correct answer, flagellate hyperpigmentation, a side effect from an antibiotic used in some cancer treatments.

"We're really trying to stay at the electronic forefront," says Dr. Edward W. Campion, the *Journal's* senior deputy editor and online editor. "It's intended for health professionals."

► JACK SULLIVAN



Probation scandal spurs calls for public records reform

► BY COLMAN M. HERMAN AND BRUCE MOHL

THE PATRONAGE SCANDAL at the state's Probation Department is prompting calls for all sorts of hiring reforms, but there is also a growing chorus of voices pushing for changes in the Public Records Law.

"No matter how this goes, the public records issue has to be addressed," says former attorney general Scott Harshbarger, who was appointed by the Supreme Judicial Court to lead a probation task force. "That's got to change."

Probation, as part of the judicial branch of government, views itself as exempt from the Public Records Law, the state's counterpoint in the federal Freedom of Information Act. Over the years, the agency has used that exemption to turn down numerous requests for information. *CommonWealth*, for example, in July 2008 sought a list of all probation employees, their job titles, their salaries, and who recommended them for their posts. But the agency rejected the request three days later, saying judicial records are not subject to the law.

Harshbarger, on behalf of the American Civil Liberties Union of Massachusetts, filed a request in 2008 for aggregated statistical data on the handling of youthful offenders. Harshbarger says his request was also turned down, along with many others that would have yielded information that could have been helpful to the larger criminal justice community. "For 10 to 12 years, they were secretive," he says of the Probation Department.

Roderick Ireland, the newly appointed chief justice of the SJC, isn't ruling out support for extending the reach of the Public Records Law to the judicial branch. "Applying the state's Public Records Law to the courts would involve complex issues which require thoughtful consideration," he says in a statement. "There are many factors that would need to be carefully examined, and I would want to take time to deliberate on these issues before offering my views."

As *CommonWealth* previously reported ("Paper Tiger," Fall '08), the Public Records Law is riddled with exemptions and exceptions that can reduce its effectiveness. The Legislature exempted itself from the law in 1897. The judicial branch is exempted from the law by regulation and a series of court cases. Even Gov. Deval Patrick's legal advisors say case law exempts the governor's office, although aides say Patrick voluntarily complies with most records requests. In addition, there are at least 70 other exceptions cutting off access to specific types of records.

No one has filed legislation yet to amend the Public Records Law, but momentum appears to be building for change.



Gov. Deval Patrick introducing Roderick Ireland as his choice for chief justice of the Supreme Judicial Court.

Secretary of State William Galvin, whose office oversees the Public Records Law, said through his spokesman that he would like to see the courts, the Legislature, and the governor all covered by the law.

Sen. Brian Joyce, a Milton Democrat who cochairs the Legislature’s State Administration and Regulatory Oversight Committee and is also serving on another probation task force, says he is in favor of amending the Public Records Law so it would apply to all branches of government. “I suspect everything is on the table,” he says.

Joyce and others say safeguards need to be built in as the law is expanded so a judge’s case notes and communications with his clerks would not be subject to a public records request. Harshbarger agrees, adding that he thinks the law could be crafted to satisfy such concerns.

Other issues are likely to surface if lawmakers revamp the Public Records Law. Galvin’s spokesman, Brian McNiff, says the secretary would like to see enforcement of the law handled by his office; currently, Galvin’s office rules on appeals when agencies refuse to turn over records but, by law, enforcement is left to the attorney general. The two offices often don’t see eye to eye.

Attorney-client privilege is one area where the two offices disagree. Public officials often claim attorney-client privilege in order to shield records from public scrutiny. Attorney General Martha Coakley has told Galvin’s office that he “does not have the authority to issue decisions as to whether documents are or may contain attorney-client communications.” That authority, she says, belongs to the courts. But Galvin’s office has ignored Coakley, defiantly writing in the guide to the Public Records Law that his

office will determine cases of attorney-client privilege on a case-by-case basis.

Some of the exemptions to the Public Records Law are controversial. One such commonly used exemption by public officials is known as the deliberative process exemption, in which documents that are part of an ongoing public policy development process are considered off limits to public access.

Coakley, for example, recently declined to provide *CommonWealth* with certain records involving her investigation of the conduct of Paul Levy, the

president and CEO of Beth Israel Deaconess Medical Center, saying, “Information regarding ongoing policy development regarding the regulation of not-for-profit organizations will not be released.”

Coakley did agree to release other records from her investigation, but she wanted to charge \$1,353.

The Public Records Law doesn’t mandate the posting of records online, but state officials appear to be moving in that direction. This year’s budget requires that the state establish a website that provides comprehensive, searchable information on the state budget and how the state is spending its money. There will also be information about tax credits granted to businesses: the identity of the businesses, the amounts, and the dates the credits were issued.

“If the law is implemented the way it’s supposed to be, the website will make transparent, in checkbook detail, much of the state spending and revenue sources for all state agencies, including the 42 quasi-public agencies,” says Deirdre Cummings, legislative director for MassPIRG, which lobbied hard for the website.

In January 2009, the Governor’s Task Force on Public Integrity issued its report, which eventually led to the passage of an ethics reform law last year. In its report, the task force chose not to recommend changes in the Public Records Law, saying the issue was “worthy of future discussion and consideration.” With many officials calling for such a discussion, now may be the time.

RECORDS LAW RIDDLED WITH EXEMPTIONS

Money for nothing

► JACK SULLIVAN

KATHRYN HARPER AND her husband, Winston, were beside themselves one weekend in early November.

The 63-year-old Salem grandmother had just scratched a \$5 Massachusetts State Lottery ticket and discovered she was an instant millionaire, giving the couple money they could use to make trips, help their kids, and pay off their mortgage for a worry-free retirement.

The Harpers pondered over the weekend about what to do, whether to take the \$650,000 cash option or select 20 annual payments of \$50,000 before taxes. They chose the payout up front, giving them a check for about \$455,000 after taxes were paid.

“We’re not young enough that the [annuity] would have done us any good,” says Kathryn Harper, a carpenter at the Westin Copley Place hotel in Boston where she has worked for more than 26 years. “It just wouldn’t do what we wanted it to do.”

LOTTERY SAVES ON CASH PAYOUTS

What few people realize is that the Lottery saves money every time a winner chooses the cash payout.

In Harper’s case, the bond needed to fund 20 annual payments totaling \$1 million would have cost the Lottery about \$715,000. By choosing the \$650,000 cash payout, Harper saved the Lottery about \$65,000.

“That’s very interesting,” says Harper, who said she was told by Lottery officials that her cash payout was the same as what a \$1 million bond would have cost. “I guess you could argue we should have gotten that extra money.”

Lottery officials introduced the \$650,000 cash payout for prizes of \$1 million or more in June 2009. Prior to that, winners only had the option of taking 20 annual payments.

Lottery spokesman Dan Rosenfeld says officials were finding that many winners were selling their annuities for \$500,000 or less to unscrupulous companies who would collect the remaining checks at a healthy profit.

“A lot of our players were looking for a cash option,” says Rosenfeld. “We added that to the prize mix so the players could have a choice. It’s been pretty popular. Our players were not doing very well on the open market.”

When the \$650,000 cash payout figure was selected, the cost of purchasing a federal bond to cover an annuity worth \$1 million was about \$680,000, but the cost has risen since then. That means winners who choose the cash option put a little extra cash in the Lottery’s pocket—at least an



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estimated \$2.7 million so far.

Lottery officials say the winners are still doing better financially than they did before when they sold their annuities on the open market. “We do have a savings,”

says Rosenfeld. “But the person is making \$150,000 more with our offering.”

Similar payout confusion arises with the big game drawings and their multimillion dollar jackpots. For instance, the multi-state Mega Millions game advertised a jackpot in December of \$145 million with a cash payout of \$91.8 million. Only the cash payout was guaranteed, however. The larger payment of \$145 million—an annuity spread over 26 annual checks—would have become reality only if the cost of purchasing the bond equaled \$91.8 million, the size of the cash payout. If it didn’t, the states bankrolling the Mega Millions game would only purchase whatever the \$91.8 million would buy and the winner would have to accept that.

The high finance of the Lottery is intriguing to Harper, but she’s not losing any sleep over it. She says she would have liked to increase her winnings by \$65,000, but the \$650,000 payout on her \$5 ticket was still a very good return. “It’s a lot, a lot of money,” she says.



Kathryn Harper took \$650,000 in cash when her \$5 lottery ticket won.

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Study says students are good judges of teacher quality

► MICHAEL JONAS

IF YOUR CHILD raves about having a great teacher—or rails about a bad one—believe it.

That's the finding from a new report that gives some research backing to an idea that many have long believed to be true—that students readily recognize the standout teachers as well as the classroom duds in their school. The study found that student assessments of teacher quality line up remarkably well with quantitative measurements looking at which teachers produce the greatest learning gains among students on standardized tests.

The report, issued in December, is part of a \$45 million project funded by the Seattle-based Gates Foundation. The Measures of Effective Teaching initiative aims to identify multiple, reliable ways to identify superior teaching. It is part of a wave of research driven by the growing consensus that teacher effectiveness is the single biggest school-based factor that affects student learning.

The findings on student evaluation of their teachers come from more than 2,500 grade 4-8 classrooms in five school districts across the country. The students were asked to rate their teachers on such variables as their ability to control classroom behavior, how much they challenge students, and how well they explain materials, make lessons interesting, or welcome student participation. The study then looked at the relationship between these qualitative assessments by students and “value-added” scores that gauge how much academic progress students make under different teachers. Value-added assessments take into account a student's past performance in an effort to tease out the degree of progress that can be attributed to particular teachers.

The bottom-line finding: “Students know when they experience effective teaching,” says Ron Ferguson, the Harvard researcher who developed the student surveys. “Students can tell us something valuable that helps us predict how much they will learn.”

While the study may broadly confirm the widely held belief that students know good teaching when they see it, Ferguson says when people are asked what specific teacher qualities are the strongest predictors of achievement gains, “they often get it exactly wrong.”

His survey puts questions into categories he calls “the 7 Cs,” grouping questions together under the headings of

care, control, clarify, challenge, captivate, confer, and consolidate. Ferguson says many people believe the best teachers are those who show they care a lot for their students, but this turns out to be one of the weaker predictors of student gains. The qualities most strongly related to student achievement were a teacher's ability to exercise control over the classroom and to challenge students.

Students who said teachers spent a lot of time having them practice for state tests did perform better on the exams. But that measure was one of the weaker predictors of student achievement gains, suggesting that a rich and challenging curriculum actually leads to bigger gains than a narrow “teach to the test” approach.

Standardized tests, from which teacher value-added scores are derived, are only given in certain subjects and at certain grade levels. That's one reason why researchers are excited about the findings on student evaluations, which can be gathered from classrooms where standardized state tests aren't administered.

A Boston student group spent three years campaigning to have students evaluate teachers in the city's public schools. Last year, the school committee and Boston Teachers Union signed off on the idea. The evaluations are supposed to be given out during the current year in every high school class. Although the results go only to the classroom teacher and are not part of the teacher's formal evaluation, students from the Boston Student Advisory Council are hoping to see the evaluations eventually incorporated into the official review of teacher performance.

“STUDENTS CAN TELL US SOMETHING”

This is a “stepping stone, a beginning point,” says Maria Ortiz of the school department's Office of Family and Student Engagement, who worked with the student group on the effort.

The Gates Foundation study also looked at the consistency of value-added ratings of teachers. The report says a teacher's value-added score with a particular class strongly predicted how they would score with a different classroom of students or how they scored in prior years, suggesting it is a reliable gauge of teaching effectiveness.

Evaluating teachers based on student achievement test scores has become a centerpiece of many reform efforts, including the federal Race to the Top initiative, which requires that the states receiving money under the \$4.3 billion project revamp teacher evaluation policies so that student achievement scores are “a significant factor” in the reviews.

Most teachers' unions have objected to the idea of linking student test scores to teacher evaluations. In December, however, the Massachusetts Teachers Association

announced its support for a system that uses test scores, along with other measures, in teacher evaluations.

Piloting through shortfalls

► JACK SULLIVAN

MASSACHUSETTS COMMUNITIES LEAD the nation in reaping revenues from tax-exempt properties, but the payments represent pennies on the dollar compared to what municipalities would bring in if the land were on the tax rolls.

Some 84 cities and towns in Massachusetts have instituted PILOT (payments in-lieu of taxes) programs where a nonprofit—mostly hospitals and colleges or universities—agrees to voluntarily contribute a set amount each year.

According to a report released in December by the Cambridge-based Lincoln Institute of Land Policy, Massachusetts cities and towns operate 72 percent of the 117 PILOT programs in the nation.

Boston, for instance, collects \$31.5 million from owners of tax-exempt properties, some \$14.5 million in voluntary payments from hospitals and universities and the rest from the Massachusetts Port Authority, museums, and foundations. Another \$26 million flows to the city from the state and various state authorities as compensation for tax-exempt land owned in Boston.

“We are the PILOT leader, Boston and Cambridge,” says Anthony Flint, a fellow and director of communications at the Lincoln Institute. “Massachusetts has some of the oldest programs. You could argue the rest of the country is looking to us.”

The legal basis for exemptions from property taxes varies from state to state, according to the Lincoln Institute report. In 17 states, the constitution mandates it for charitable organizations. In Massachusetts and 24 other states, the constitution authorizes the legislature to grant exemptions. The Massachusetts Legislature enacted the current exemption more than a century ago, and theoretically could reverse that process.

Even though the Lincoln Institute report said the Massachusetts PILOT programs lead the nation, that doesn’t mean everyone is satisfied with them. The biggest concern is that the programs don’t bring in enough revenue.

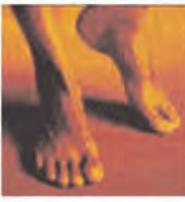
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In Boston, for example, all tax-exempt properties would bring in \$944.5 million annually if they were taxed regularly.

Boston Mayor Thomas Menino formed a task force two years ago, including members of the nonprofit community, to explore new methods of collecting money from tax-exempt property owners. The group released its report just before Christmas, in which it called for keeping PILOT agreements voluntary; expanding the agreements to all nonprofits, not just hospitals and universities; exempting the first \$15 million in assessed values; and allowing up to 50 percent of contributions to be in the form of community benefits.

The Legislature sets reimbursement rates for certain land in municipalities, but many of those rates haven't been updated in years. In Rochester, for example, the privately owned SEMASS waste incinerator pays the town most of the \$3.3 million it collects under its PILOT program. Richard LaCamera, Rochester's town administrator, says the SEMASS payments haven't changed since they were put in place in 1984 by the Legislature, which granted SEMASS a tax exemption.

LaCamera says the city of New Bedford also owns property in Rochester that is used to protect its water supply. New Bedford is required under state law to make payments

to Rochester as compensation—as are all towns that own such properties in another community—but the state has rarely increased the size of those payments. LaCamera said Rochester officials should probably talk with New Bedford about making higher voluntary payments.

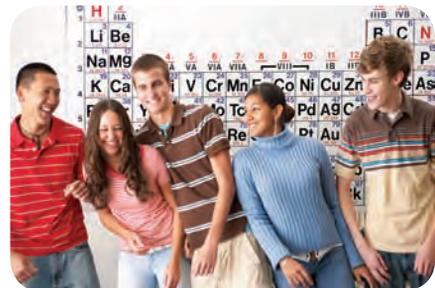
“We’re protecting a lot of land and they’re counting on us to protect their water supply,” says LaCamera.

The tiny western Massachusetts town of Huntington has the highest percent of tax-exempt land of any municipality. The regional school system, state-owned property, and land protecting the water supply for the city of Pittsfield represent nearly 40 percent of Huntington's land, yet the community receives just \$20,000 in PILOT revenues.

Some municipal officials say they should use their control over permitting and other town regulatory functions to squeeze nonprofits for higher payments in lieu of taxes. But the Lincoln Institute report urges cities and towns to avoid confrontations and enter into agreements that are beneficial to both sides.

“We’re suggesting, to avoid that kind of contentious dynamic, there be some town-gown collaborative effort,” says Flint. “The nonprofit recognizes they want to live in a city that is well-functioning and isn’t broke. It’s sort of to the mutual benefit of both to have these agreements.” **CW**

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To learn more about how **MEFA helps families and students in the Commonwealth manage college debt**, contact Martha Savery, director of community outreach, at msavery@mefa.org or 617.224.4813.

Health plans are tiering up

BY JACK SULLIVAN

A NEW LAW is prodding health insurers to design plans that would force their customers to pay more out of pocket if they go to a more expensive hospital or specialist for care.

The law, passed last summer, requires all of the state's health insurers to offer at least one plan that rates providers on cost from low to high and charges customers based on which provider they use. Cheaper providers would cost patients less out of their own pocket, while higher-price doctors and hospitals would mean paying hundreds, maybe thousands, of dollars more each year.

"This idea of shared responsibility, this does bring consumers into that equation," says Barbara Anthony, deputy commissioner of the Executive Office of Consumer Affairs, whose Division of Insurance oversees health plan regulations. "This is a perfect triangle of interested parties—consumers, health plans and providers—and gives consumers a great stake in the reduction of health care cost."

Soaring health care costs are not only devouring corporate, municipal, and household budgets, but are also deterring people from seeking care. The Centers for Disease Control and Prevention found that, on average, 14.9 percent of Americans who said they needed to see a doctor last year did not because of cost. (See map for state by state comparisons.)

But containing those costs is no easy matter. While the Legislature ordered health plans to have their new plans ready this year and mandated savings of 12 percent, lawmakers did little in the way of defining how those plans should look and how the rating system should be devised.

Even before the mandate takes effect, Blue Cross Blue Shield of Massachusetts will offer several plans—some with tiered networks, some with limited networks where more expensive providers are not an option. Blue Cross officials say their new plans will help reduce costs. They say the new plans

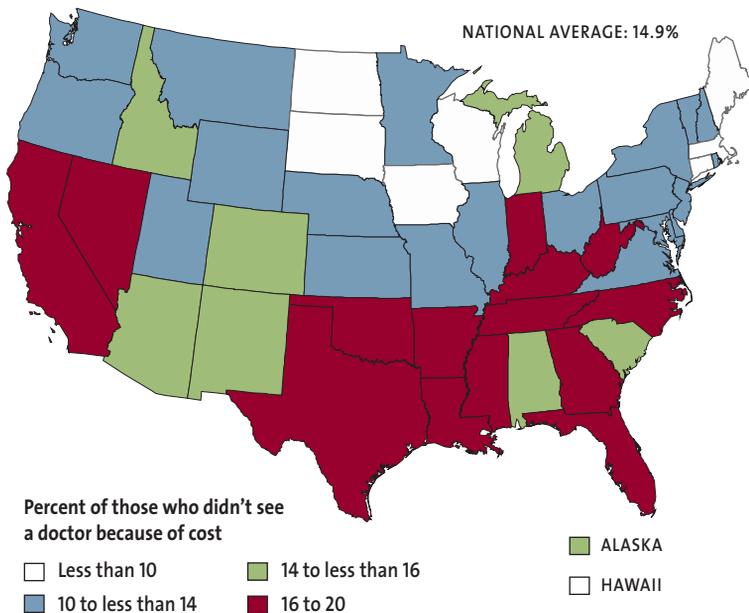
will cost about 4 percent more, but far less than the 10 to 12 percent increases coming at comparable plans without tiered networks.

"By doing this, we're able to show people the difference in the cost among facilities at the same time we're able to keep the monthly premiums lower," says Tara Murray, a spokeswoman for Blue Cross. "The consumer has been veiled from the changes in the cost so this offers a little more transparency."

The new law only requires insurers to offer one plan in each of the regions they serve around the state, meaning if someone lives in a geographic area that is served primarily by high-cost providers, their out-of-pocket expense may include more gas for the car ride to a lower-cost provider in another region.

There also are few guidelines in the law to determine how to rate providers for tiering, leaving that up to each health

EFFECT OF COST



Source: Behavioral Risk Factor Surveillance Survey Data. Centers for Disease Control and Prevention, 2009.

plan. Some plans say the tiers are designed to account for “quality and/or cost,” but the terminology used to describe them seems more suited to cost. For example, several plans that offer tiered networks describe low-cost hospitals as “excellent,” while higher cost facilities are labeled “standard” or “basic.” Children’s Hospital and Massachusetts General Hospital in Boston are lumped in the basic tier. Both facilities are high cost, but few would challenge the quality of their care.

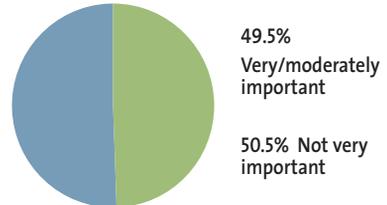
One employer who has been successful in implementing a tiered network is the state of Massachusetts. The 12 health plans offered by the state’s Group Insurance Commission to 300,000 active and retired employees have used tiered networks for four years now with increasing success and cost-savings. About 20 percent of physicians are rated in the least expensive tier 1 category, 65 percent in tier 2, and 15 percent in the highest-cost tier 3.

But the plans may not be having the effect of raising consumer awareness that officials see as key to lowering costs, according to a study of the GIC done by researchers from Harvard School of Public Health (see pie charts).

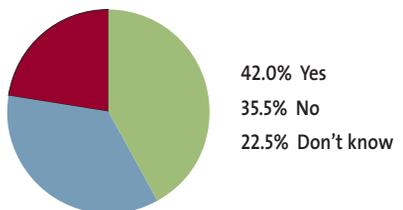
“People have sort of low awareness and were exhibiting low use of them as a mechanism to help them select a physician,” says Anna D. Sinaiko, a co-author of the study, which was published earlier this year in the *American Journal of Managed Care*.

SURVEY ASKS...

Q: How important was the information about this doctor’s tier to your decision to use him/her?



Q: Do you trust the tiers created by your health plan to tell you which doctors are better than others?



Source: Consumer Experience with a Tiered Physician network: Early Evidence, *American Journal of Managed Care*, Feb., 2010

COST VARIATIONS

Below are some examples of tier prices for the Massachusetts Group Insurance Commission, which negotiates coverage for 300,000 state and local government workers. The comparisons are based on family plans where the employee pays 20 percent of the premium.

PLAN	EMPLOYEE MONTHLY PREMIUM		COPAYMENT		
			TIER 1	TIER 2	TIER 3
Fallon Select Care	\$240.23	SPECIALIST	\$25	\$35	\$45
		HOSPITAL ADMISSION	Limited network, no tiers		
Harvard Pilgrim Independence	\$235.16	SPECIALIST	\$20	\$35	\$45
		HOSPITAL ADMISSION	\$250	\$500	\$750
Tufts Navigator	\$282.97	SPECIALIST	\$25	\$35	\$45
		HOSPITAL ADMISSION	\$300	\$700	N/A
Unicare Plus	\$269.13	SPECIALIST	\$25	\$30	\$45
		HOSPITAL ADMISSION	\$250	\$500	\$750

Source: Group Insurance Commission

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Swearing off earmarks BY JACK SULLIVAN

earmarks. you might as well insert a profanity into the federal budget with all the disdain that has been dumped on the term.

For decades, incumbent congressmen touted their ability to bring home the bacon in the form of federal dollars for home state projects such as infrastructure, medical and technical research, and the occasional study to determine why pigs smell.

But with the influx of Tea Party devotees pushing conservatives even harder on reducing spending, nearly all Republicans have taken a vow of earmark abstinence in the new Congress.

The problem is, the nonbinding vow, even if it is followed, won't have much of an impact because the \$4 trillion federal budget is so huge. According to the Congressional Budget Office, the government spent \$10.1 trillion from fiscal year 2008 through fiscal 2010. Of that total, just \$41.4 billion—or about 4/10ths of 1 percent—was

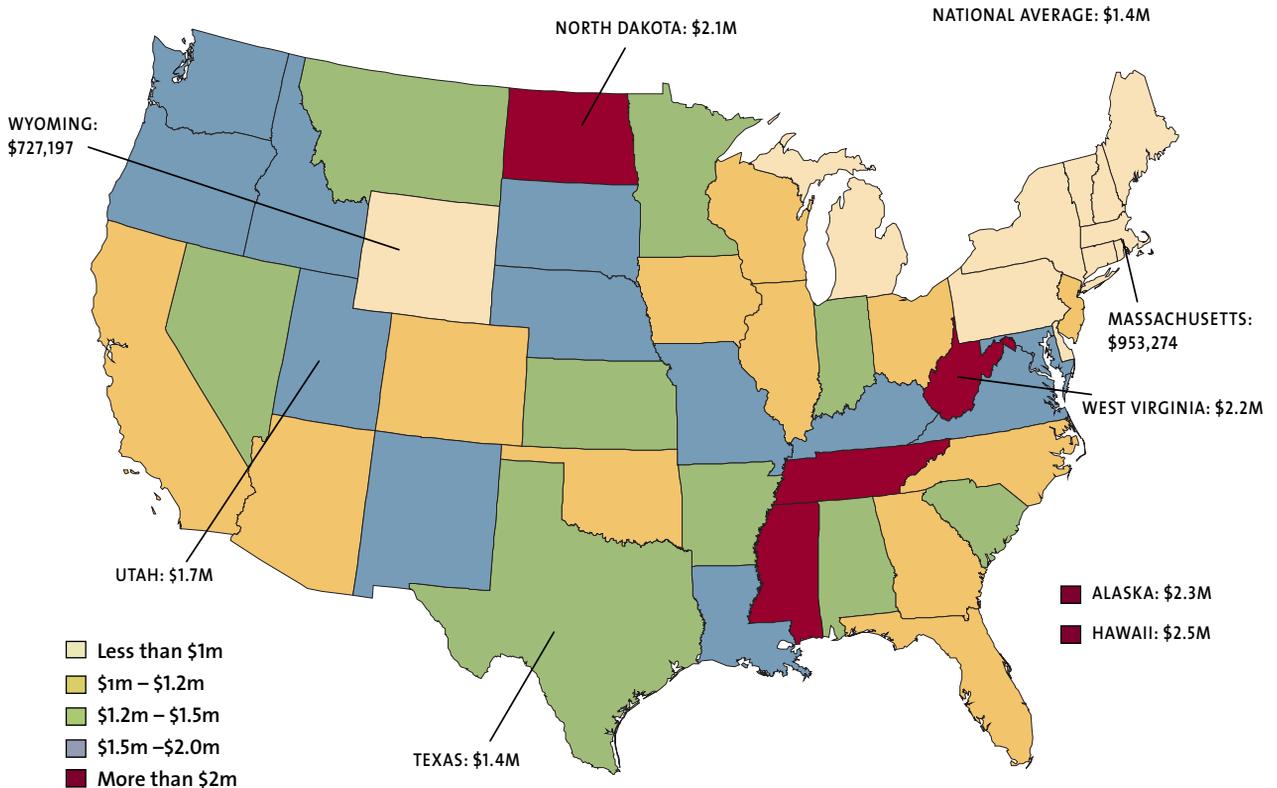
spent on congressional earmarks, with the United States Marine Corps the biggest recipient.

California, with nearly \$2.9 billion in earmarks over that time, was the top recipient. Massachusetts came in 23rd with 766 earmarks for \$730 million.

The top 10 earmarkers are split evenly between Republicans and Democrats. While Massachusetts once had legendary earmarkers like the late US Reps. Thomas P. O'Neill and J. Joseph Moakley and Sen. Edward M. Kennedy, no Bay State congressman currently ranks in the top 25. Sen. John Kerry ranks 28th, sponsoring or cosponsoring 424 earmarks valued at \$557 million.

Most of Kerry's earmarks, though, were for national projects, such as the military, national parks, and medical research. Kerry was the sole sponsor of just one earmark for Massachusetts—\$8 million to help build an institute at the JFK Library dedicated to the study of the Senate, in memory of Ted Kennedy. **CW**

AVERAGE EARMARK VALUE, FY2008-2010



Source: Congressional Budget Office and Taxpayers for Common Sense

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I must learn only in certain ways, and only between 8 am and 3pm, 5 days a week, until I am 18...

I must learn only in certain ways, and only between 8 am and 3pm, 5 days a week, until I am 18...

I must learn only in certain ways, and only between 8 am and 3pm, 5 days a week, until I am 18...

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Shifting the burden BY JACK SULLIVAN

IT'S A CAUTIOUS dance trying to find the balance between maximizing local revenues and squeezing too much out of property owners. Too much of a burden on homeowners can cause backlash, while a hefty levy on business owners can stifle commercial growth or trigger an exodus.

The vast majority of Massachusetts cities and towns have a flat rate for residential, commercial, and industrial properties. But since Proposition 2½ was passed in 1980, 106 communities have instituted a differentiated tax rate that shifts more of the tax burden onto business.

The formula for the Commercial, Industrial and Personal Property shift (called CIP by the Revenue Department) is mind-numbing, but basically allows communities to levy on businesses a property tax rate of up to 150 percent of what a flat rate would be. Some urban and older industrial communities can levy up to 175 percent of the flat rate.

Revenue Department records indicate the shift ranges from 103 percent of what the flat rate would be in Hanover to 175 percent in 54 commu-

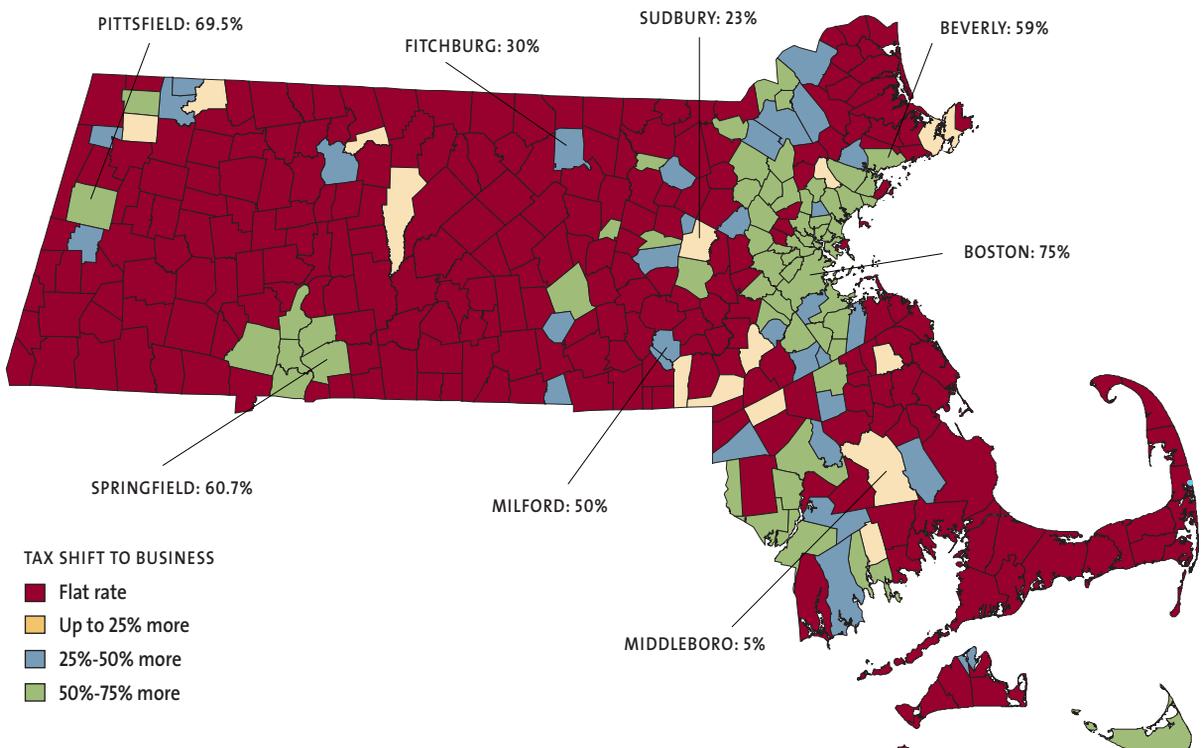
nities have lots of businesses, while others have very few. They range from Boston to Swampscott to Worcester. Only Barnstable and Winchester, because of some assessing anomalies, have a higher residential rate than businesses.

Municipal officials who have increased the tax burden on businesses say they are mindful of what they can ask businesses to pay without pricing them out of town. “That is always part of the discussion,” says Richard d’Ambly, chief assessor in Milton, where businesses last year paid \$20.44 per \$1,000 of assessed value compared to the residential rate of \$13.35.

The shift can mean hundreds of dollars off the average residential taxpayer’s annual tax bill. “I live in Raynham and my tax bill actually went down one year because of it,” says d’Ambly.

But the shift isn’t for everyone. Westborough, with a prime location at the junctures of I-495, Route 9, and the Mass Pike, has nearly 40 percent of its total assessed value in CIP but levies a single tax rate of \$16.98. **CW**

WHAT BUSINESSES PAY IN COMMUNITIES WITH SPLIT TAX RATES



Source: Massachusetts Department of Revenue, Division of Local Services. FY2010

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Congressional math

With the Massachusetts delegation set to shrink by one, Beacon Hill will decide how to eliminate one of 10 House seats **BY SHAWN ZELLER**

MASSACHUSETTS LEGISLATORS GOT the bad news in late December. And by late February or early March, they should have detailed Census figures confirming what they've long expected: The state's congressional delegation is about to shrink by one, forcing Beacon Hill to choose which of the 10 US House seats to eliminate.

"It's going to be nothing but painful," says Avi Green, the executive director of MassVOTE, a Boston-based group that plans to watchdog the process. "If it's a game of musical chairs—if you have 10 candidates who wish to fill nine seats—it will be an extremely bare-knuckled political dance."

The best case scenario, so far as Beacon Hill is concerned, is that one of the 10 Democrats who now represent Massachusetts in the House will step aside—how willingly is anyone's guess—allowing State House lawmakers to carve up the district and divvy it up among those that remain. Prospects for that greatly improved in November when Republicans gained control of the House. Veteran lawmakers of the party that's out of power—finding their authority in the House much reduced—often retire in such circumstances.

The smart money had been on John Olver, the 10-term representative from Amherst, to step aside. Population growth in his western Massachusetts 1st District has been slower than in the eastern part of the state and, at 74, he is the delegation's elder statesman. He also faces a primary challenger in former Pittsfield state senator Andrea F. Nuciforo Jr. But Olver, the only rep on the powerful Appropriations Committee, says he plans to run again.

Another possibility is eliminating the House seat of any representative who runs for the Senate against Scott Brown in 2012. Michael Capuano, who represents a good chunk of Boston plus all of Cambridge, Chelsea, and Somerville, is eyeing a

Senate run. US Reps. Ed Markey, Barney Frank, and Stephen Lynch are also reportedly thinking about it. But this approach has its drawbacks. Capuano's seat, once held by former House Speaker Tip O'Neill, is the only one in the state where a majority of the residents are minorities. Unless it were replaced with another majority-minority district—no easy task given the concentration of minorities in Capuano's district and the relative paucity of them elsewhere in the state—Massachusetts would almost certainly be sued by Green and a coalition of minority organizations that are monitoring the process for just such a misstep.

The coalition, which includes MassVOTE, the Black Political Task Force, and the Hispanic group *¿Oíste?*, will also be pushing Beacon Hill lawmakers to more precisely configure districts with relatively equal numbers of people. A number of minority advocacy organizations sued the state during the last round of redistricting in 2002, after legislators approved lines for State House seats that a court later found had denied minorities fair representation. The 2002 state legislative redistricting not only cast Beacon Hill mapmakers in a bad light, it ultimately led to the indictment and felony conviction of former House Speaker Thomas Finneran on obstruction of justice charges, based on his testimony in the federal voting-rights case.

Avoiding another such fiasco will be a key priority of the joint House-Senate committee that will begin drawing new district lines later this year for Congressional as well as state legislative seats, according to the two Democrats chairing it, state Rep. Michael Moran of Brighton and state Sen. Stanley Rosenberg of Amherst.

If no one in the US House delegation agrees to retire or runs for higher office, things get tricky.

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State leaders could choose to eliminate one district entirely and divvy it up among surrounding districts, or they could create a “fair fight” district incorporating sections of two surrounding districts. The two current representatives would then have to face off with each other for the remaining seat.

The leading target in this scenario may be Lynch, the South Boston congressman who annoyed his colleagues last year by voting against President Obama’s health care overhaul. To say that politics doesn’t play a role in redistricting, after all, is to deny the obvious.

Consider Finneran’s effort a decade ago to oust then-US Rep. Martin Meehan by creating a new seat surrounding New Bedford and Fall River while eliminating the Lowell-based 5th District, a move widely reported to have been a result of Meehan’s unpopular push for campaign finance reform in Washington. It was considered highly unusual at the time, since Massachusetts had preserved all 10 of its seats following the 2000 Census and had no reason to do much tinkering. Ultimately it failed.

But that’s not to say politics won’t rear its head again. “Some people will suggest that’s not the case. They will say it’s all about the numbers and the population growth,” says state Rep. Thomas Petrolati, the Ludlow Democrat who co-chaired Beacon Hill’s redistricting committee after the 2000 Census. “That’s how you sell a redistricting proposal and ensure there’s no legal challenge, but there is a strong element of politics involved.”

It’s advice that Petrolati probably wishes he’d taken himself, since his redistricting proposal was eventually thrown out in court. Petrolati, a behind-the-scenes operator whose involvement in the state Probation Department patronage scandal recently cost him his leadership post as a top deputy to Speaker Robert DeLeo, admitted at the time that he’d paid far more attention to the interests of his fellow representatives in the State House than to Census data.

Pointing to the legal trouble state lawmakers found themselves in last time, Common Cause, a nonprofit group that advocates for reducing political influence over redistricting, has pushed State House leaders to replace the joint redistricting committee with an independent commission to draw district lines. The aim, says Pam Wilmot, executive director of the group’s Massachusetts chapter, is to reduce partisan gerrymandering that has often resulted in oddly shaped districts designed to protect incumbents.

More than a dozen other states have turned to redistricting commissions—some more independent than others—including, most recently, California, where voters in November approved a ballot initiative giving a commission control over the mapping process there. But Beacon Hill pols have resisted the idea of an independent process. That’s no surprise, perhaps, since Massachusetts

is where the term gerrymandering was born, in the early 19th century, when Gov. Elbridge Gerry pushed to create a state Senate district with such oddly shaped borders that it reminded people of a salamander.

Moran suggests the idea of lawmakers giving up their role in redistricting would be undemocratic. “The idea that some college professor who has a degree in political science is better at drawing districts than someone elected

Gerrymandering was born in Mass.

in a democratic process, I think that’s offensive,” he says.

That said, Moran and Rosenberg say they’re looking to avoid, as best they can, the controversy that surrounded the 2002 redistricting by holding as open a process as possible. “It’s a thoughtful step-by-step process to make sure that the committee knows what its job is and the public has the opportunity to express what they are looking for,” says Rosenberg. Both of the chairmen say they’ll be holding hearings throughout 2011 to gain input. And both insist that the population numbers will guide their decisions. Still, ensuring Democrats continue to win re-

election surely remains a key priority.

This won’t be the first time Massachusetts leaders have faced tough choices during the redistricting process. Indeed, the size of the state’s delegation has dwindled steadily since Congress capped the number of House districts at 435 in 1929. Massachusetts had 15 representatives following the 1930 Census; 14 in the 1940s and 1950s; 12 in the 1960s and 1970s and 11 in the 1980s. The current number, 10, was settled on following the 1990 Census.

At that time, state lawmakers eliminated the 11th District once held by former president John Quincy Adams. Brian Donnelly, who’d held the seat since the late 1970s, retired and his district—which included neighborhoods along Boston’s southern tier, Milton, Weymouth, Randolph, and Brockton—was divvied up between the 9th District now represented by Lynch and the 10th, which William Keating won in November.

Still, Massachusetts has never had fewer than 10 representatives in Washington and the move to nine—the result of faster population growth in the south and southwest United States—is a sobering one. “I’m going in with a healthy attitude,” says Moran. “We have been charged with this duty and we have to perform it. The numbers are what they are.” **CW**

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Next Stop, Massachusetts Strategies to Build the Bay State's Transportation Future and Keep our Economy Moving

BY BENJAMIN FORMAN, JOHN SCHNEIDER, AND GORDON CASP*

INTRODUCTION

Last May, MassINC partnered with the MIT's Advisory Board, the House of Representatives, and the Federal Transit Authority to host a round table discussion on the challenges facing the U.S. transit and transportation systems. The report that resulted from this discussion is available at www.massinc.org.

The country must create a compelling business case to justify these investments. The report identifies a number of key challenges facing the U.S. transit and transportation systems. These include: aging infrastructure, underfunded operations, and the need for more investment in transit systems to attract more riders by expanding services.

While the economic crisis has certainly complicated the transit picture, it has also made it clear that we need to address the challenges facing the U.S. transit and transportation systems. The report identifies a number of key challenges facing the U.S. transit and transportation systems. These include: aging infrastructure, underfunded operations, and the need for more investment in transit systems to attract more riders by expanding services.

With increasing competition from abroad, manufacturing companies that cannot afford to invest in large and advanced manufacturing systems to control input costs for a new energy costlier are more frequent throughout the market.

Not only have we failed to keep pace with the competition in infrastructure investments, but these economic conditions have made it more difficult to attract investment in infrastructure. These conditions have led to a loss of investment in infrastructure, which is a key to our economic growth.

Despite the deep downturn and the declining state of our transportation infrastructure, common sense and transportation reform has led to a strong recovery. The state and federal leaders who came together for the National Transit Summit made important progress regarding the pressing need to begin a serious discussion about the condition and investment opportunities in our U.S. public transportation systems. While much of this progress has been made, there is still much work to be done. Leaders assembled in Boston for the summit were

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ML
STRATEGIES

MAP shows the way

At Boston's St. Francis House, the focus is on jobs, not group therapy

BY PIPPIN ROSS

“DAMN, I WAS doing so good!” Gerry exclaims as he buries his 30-something bald head in his hands. “Then he had to ask *that* question.”

Gerry is one of eight people seated around a long, worn Formica table on the fourth floor of downtown Boston's St. Francis House. They are looking at a big-screen TV, critiquing each other's mock job interviews done a few days earlier. What threw Gerry for a loop was the interviewer's question: “I see there's a lengthy gap in your work history. Do you mind if I do a CORI search on you?”

Group member Angela describes the interviewer's question about searching the state Criminal Offender Report Information system as “one big, fat sucker punch.” Everyone at the table nods in agreement.

Gerry asks, “Whatever happened to the thing about paying your dues?”

In sync, with a tone far from enthusiastic, the group says: “Prove it.”

Prison, homelessness, addiction, or some combination of all three is what brings people to the St. Francis House's Moving Ahead Program, known simply as MAP. The difference between MAP and other recovery and re-entry programs is deceptively pragmatic. MAP believes the best way to help people is to get them a job; the soul-searching intent of all-day group-therapies can get irrelevant fast when someone is unemployed and the rent is due.

Class instructor Artie Garroni-Rounds hops to his feet. “Remember those bridge words.” He sweeps his arm behind him, toward the blackboard packed with lists. “C'mon guys, prove yourselves.” He points to the words scrawled in chalk beneath Reality and CORI. “Use the bridges—*but, until, however, although, since, then*—and give me some responses to ‘I see a large gap in your work history.’”

Steve offers: “I was a drunk living on the streets, but I'm not now.”

“Too detailed,” says Artie.

Gerry tentatively raises his hand. “That was when I got into trouble 15 years ago. Since then, a lot has changed.”

Artie shakes his head. “Too detailed—and defen-

sive. C'mon, you're a great man now. What's our mantra?”

“Prove it” is, again, the group response.

Viktor, who resembles a youthful Omar Sharif, smiles triumphantly as he play-acts confident sincerity to the mock personnel interviewer, “There is a gap,” he agrees, “although it doesn't define who I am today.”

The group falls silent, then breaks into hoots and high-fives. “Damn, I wish I'd said that,” says Gerry, putting his head back in his hands.

JOB INTERVIEW DRESS rehearsals are a sign the group is in the final week of the three-and-a-half month MAP course. MAP, now in its 15th year, is preparing to graduate its 100th class. It has more than 1,100 alumni and the backing of the US Department of Housing and Urban Development and the National Conference of Mayors. Its radical approach is to accept that crime, addiction, and other acts of madness are irreparable results of tough lives. Recovery doesn't come from exploring the ugly details of the past, but replacing them with the honor and determination of being a productive citizen. With a 68 percent success rate, the concept has been duplicated in 10 other states.

Along with interviews and resume writing, Gerry's class practiced other workplace protocol, such as presenting ideas, carrying out instructions on deadline, and selecting the right clothes for critical meetings with potential employers or landlords. A couple of weeks earlier, Artie walked the group through Myers-Briggs exercises to define their strengths and interests, and decide what sort of degree or certification to pursue, and how. Participants began the course by collectively assembling individual “life maps,” detailed descriptions of how, when, where, and why each class member's behavioral arc was dictated by the unholy trinity of hard times: addiction, homelessness, and prison. The acronym for the program is an apt one. Chart a course, change a life.

Fred Smith is the chief cartographer behind

MAP. He quit a career as a Beacon Hill legislative aide to promote the idea that recovering addicts, former inmates, and the homeless can turn their lives around with a job and a place to live. MAP helps them find both with five days a week of intense classroom work.

“For very legitimate reasons, people wind up being what society only views as a useless mess,” says Smith, now director of program development, research, and evaluation at St. Francis House. “That doesn’t mean we’re not responsible for our mayhem, but a beautiful part of human nature is the urge to keep trying to get it right. Society and systems may not respect that urge, but MAP does.”

Despite MAP’s nationally recognized track record, a solid chunk of Smith’s time is spent in pursuit of grants and donations to keep the program moving ahead. As an incentive for attending the 14-week class, each student earns \$140 a week toward the standard cost of a room in a group sober home. They also receive a travel card to cover public transit and a \$60 weekly stipend.

Over the last 15 years, the cost of stipends, instructors, and materials has been partially bankrolled by HUD, the US Department of Education, the Federal Probation Department, the Massachusetts Parole Board, and private donations. The total cost is about \$11,000 per student, a quarter of the cost of a year in prison, or close to the full price for three days in the psychiatric unit of Massachusetts General Hospital, where individuals with advanced addictions often end up. MAP has a steady waiting list of more than 100 people, partly because judges, probation workers, and parole officers often mandate it as a condition of release, or as an alternative to going to prison in the first place.

Smith’s tiny office on the third floor of the 11-story St. Francis House has a steady traffic of people like Ken, a worried-looking man in his late sixties, wearing shorts on a cold afternoon. In trouble with his overseers at probation and parole, he nervously asks: “Can you help me, Fred? Can you?”

“I’ll do my best,” Smith says, watching Ken walk quickly out of his office. “He did 20 years on a second-degree murder charge for an incident he had very little to do with. As you can see, like so many people who get blamed for crimes they didn’t do, he’s mentally disabled.”

Ken was released on the condition he remain on both probation and parole for the rest of his life. “He recently went to an AA meeting with two people who have former records as well. Apparently that breaks one of his parole rules, so they pulled him from his job,” says Smith, shaking his head at what he calls the “punitive absurdity” of life both during and after prison. “It’s the balancing act in our society between rehabilitation and retribution that

just won’t quit. I call it ‘the Uncle Clarence syndrome.’”

When Smith’s father was a boy during the Depression, he and his brother, Clarence, were separated. While his father went to a foster care family, Clarence was shipped to the Walter E. Fernald School in Waltham. At the time, Fernald was an orphanage and hospital for “feeble-minded boys.” (It later underwent massive reform following a class action lawsuit in the 1970s spurred by allegations of phys-

“I didn’t know what the hell I was doing, but I think it works.”

ical and sexual abuse.) One day, Clarence got into a scuffle that ended when he swatted another boy with a broom handle. He was promptly shipped off to Bridgewater, then referred to as “the prison for the criminally insane.” A look of incredulous disgust crosses Smith’s face. “Forty years later he was released with a bus ticket to Boston and the name of a minister.”

Clarence’s release led to the epiphany that resulted in MAP. “I stepped in to help Uncle Clarence. All he needed was a little support, respect, and a place to live. Just when he was finally starting to pull his life together, he died. He was my first exposure to the gritty, heartless result of people who don’t know how to live after years of being homeless and institutionalized.”

About a year shy of becoming a vested state employee, Smith quit his Beacon Hill job. “I didn’t want to be part of the bureaucracy that simultaneously creates, and is utterly oblivious to, the Uncle Clarences of the world,” he says. “I had a simple idea. What people like him really need are the basics: a place to live and a job. What they don’t need are more pharmaceuticals, more testing, forced self-introspection, and restraints. Honestly? I didn’t know what the hell I was doing, but I think it works.”

THE IDEA THAT the most effective way to modify habitual misbehavior is to replace it with new habits that *feel* just as good as the bad ones do at first has won the support of Dr. Howard Shaffer, the director of the Division of Addictions at the Cambridge Health Alliance. Shaffer was recruited to St. Francis House to be the psychiatric advisor when Smith was hired.

At the time, programs that incorporated simple, paying jobs as part of therapy for the mentally disabled had been successfully tested. But Smith was focused on what the psychiatric community refers to as the “mentally distressed.” Says Smith: “My goal wasn’t grocery bagging. It was to have people achieve long-term, mainstream employment, emphasis on mainstream.”

Shaffer says Smith was on to something. “Work, in the

form of a job, is the cornerstone to recovery,” he says. This is contrary to the conventional wisdom that repairing mental health fosters material stability. “Fred and I have flipped it. There’s no motivation to get your mental health in order unless you’ve got something to get it in order for. Get a job and a good place to live, and good mental health will follow. No one, especially not someone who has spent their life in extreme fight or flight mode, wants to sit around and think about what made their life a mess.”

While academic think tanks and social service academics offer a mixed bag of recovery techniques, with arcane titles such as “behavioral methodology” or “multi-phase inventory,” MAP’s curriculum never wavers. “It’s the people who do it, ya smarty-pants,” is Smith’s cheerful, laser-beam mantra.

Smith describes a woman who joined his program as a condition of release after being incarcerated for attempted murder. “Like so many women, she had fought back after years of surviving domestic violence,” he says. Finally, on the condition she complete MAP, she gave Smith an idea — expand the program to focus on the simple but socially critical empowerment of looking good. “What an important and simple thing for us to ignore,” he says with a quick whack to his own forehead. Within 10 days she presented

him with a formal proposal and “Studio Shine” was born. Now job and housing seekers have an entire room filled with clothes, makeup, and guidance on how to find the right “look” for the mission at hand. “It seems superficial, but it’s a huge breakthrough for so many people who have never been told, ‘Hey, you’re looking good.’” Smith says. “Besides, we might be just about the only place on the planet that offers an image consultant to the homeless and ex-cons.”

What Smith refers to as Dr. Shaffer’s “radical Columbo approach” has reinforced Smith’s original theory that respect and support lead to surprisingly cost-effective results. “Like Columbo, he can see why the person did the crime, or in this case, created a crisis, in a way that’s so simple some professionals in his line of work consider it ass-backwards,” says Smith.

To confirm that a humane approach trumps punitive action, or meds, Shaffer has pushed Harvard to start measuring the technique’s success, or failure, employing a computer program called LEAD (Linking Evaluation Assessment Data). It involves detailed, and consistent, interviews with MAP participants from the first day they arrive to months and years after graduation. Although MAP’s goal is for enrollees to have a place to live and work, or at least



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WHAT WORKS

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Anyone who walks down Boylston Street off of Tremont near the Ritz Carlton Boston Common has seen the daily sidewalk crush that occurs for the 85,000 free meals a month that St. Francis House offers. But the life-saving cuisine is just the tip of the subsistence iceberg. The humanitarian life-support system was created nearly 30 years ago, when Franciscan monks from nearby St. Anthony's opened a shelter and soup kitchen for Boston's burgeoning homeless population. The St. Anthony's rector, Father Louis Canino, and Ira Greiff, a relocated clinical psychiatrist from New York University's School of Medicine, merged their spiritual and medical perspectives—and influence—to stage a vast expansion of the shelter in 1984 with the purchase of the former Boston Edison building as a place to offer more than the basics of food, shelter, and clothes.

“What a lot of people don't notice as they quickly skirt a crowd generally described as the down and out,” says Shaffer, “is what's actually happening inside the 11-story building to repair the chronic battle fatigue that comes from living in society's margins.”

MAP classes meet on the middle floors. Above them are four floors of single dorm-style rooms and collective

kitchens for the “Next Step” program. Stable, low-cost housing is offered as a follow-up to some of the “guests” who complete MAP and acquire a job. Two other St. Francis House floors are dedicated to medical and therapeutic help. There's a floor devoted to showers and clothes, and a safe and peaceful all-day women's drop-in center.

Most people who cross the street to avoid proximity to street people would be surprised to see the program's fully-equipped art studio. It's a creative oasis where homeless guests spend hours painting, sculpting, and weaving. Their work regularly hangs in lobby of City Hall, South Station, and several Boston galleries, where pieces regularly sell to a small contingent of buyers who know surviving hard times can be a catalyst for some of the greatest art.

Into the elevator past Smith's office squeeze Viktor, Gerry, Angela, and the rest of Artie's class carrying rolled-up floor mats. “We're off to solar gaze,” Angela announces. “One of the best times of day.”

“Yeah,” agrees Viktor. “When our brains stop their endless manipulations and maneuvers.”

The latest addition to the MAP curriculum, called the Wellness Initiative, came from a volunteer who regularly teaches yoga and meditation for well-heeled but job-stressed employees of Fortune 500 corporations. She translated it

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down to street level. Witnessing frequent staff frustration over the inability to teach MAP participants to think before they act, she suggested that Smith include feeling good with looking good. Wellness Initiative instructor Ivor Edmonds says the idea is to do something that has a quick reward system like drugs and alcohol once did.

“If I ask you to exhale and reach for your toes, it doesn’t require some long cognitive process. Success comes quickly, and feels good,” Edmonds says. “What many of these people have gone through is so deep in their cell structure, talk therapy won’t cut it.”

Today’s outdoor meditation class on Boston Common begins with solar gazing, a meditation in which Edmonds asks the class to close their eyes and imagine the sun’s warm light pouring into the center of their foreheads. “Let it melt the knots inside your head.”

“See ya, seasonal affective disorder,” whispers Andrea.

“Shhhhhhh. No more talking or thinking,” Ivor reminds the class.

A week later, the same group is now spotlessly dressed in ties, suits, and dresses at the Union Club on Park Street. When asked why MAP’s 100th graduation would take place with a sit-down lunch on the fifth floor of the posh, members-only club, Smith is quick to point out that it’s exactly

where MAP graduates, coaches, and innovators belong. “This place was formed in a dark period during the Civil War. It was a place where people with what was called ‘like-minds’ could talk and be supportive,” he says. “That’s MAP in a nutshell.” To highlight that egalitarian ideal, the facility and the sumptuous buffet are being donated by supporters.

Amid clinking glasses full of iced tea and a low, expectant murmur, the graduation is thick with the congratulatory fanfare one hardly associates with hard times. One announcement brings a flurry of applause. Based on nearly \$15 million raised, MAP classes will soon double to graduate 200 people a year.

Everyone in the room is a true believer in Fred Smith’s simple idea, but none more so than the graduates of the 100th class, all dressed and coiffed by Studio Shine style consultants. When Gerry proudly strolls up to collect his diploma, he’s obviously working to contain an emotional rush of tears.

“MAP is like a witness protection program. It protects me from the worst I’ve seen in myself,” he says. He pauses for the laughter to subside. “If I forget a lot about these 14 weeks, I will always remember two things I heard over and over again: The first is: ‘It’s up to you.’ The second is, ‘Prove it.’” **CW**

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The meter is running



The South Shore town of Kingston is getting into the renewable energy business. In the process, it's cashing in on one of the state's green initiatives by transforming it from a money-saver into a money-making program.

BY BRUCE MOHL

THE SOUTH SHORE town of Kingston is discovering that going green is not only good for the environment but good for the municipality's bottom line.

Kingston is plunging into the renewable energy business, partnering with private firms to put up giant wind turbines and a large-scale solar installation. Tapping existing state and federal subsidies and using its political muscle on Beacon Hill to create others, Kingston has figured out a way to transform the state's enthusiasm for all things green into an income stream that could approach \$1 million a year.

The town is leasing space at its former municipal landfill to two companies that are putting up a large wind turbine and a solar installation. The town is also orchestrating the construction of three wind turbines on private property adjacent to the landfill. In all, the pro-

KINGSTON'S RENEWABLE ENERGY DEALS

WIND PROJECT

LEASE: Town leases property at its former landfill to D&C Construction of Rockland for 20 years at \$150,000 a year, rising 3.5 percent a year.

POWER PURCHASE AGREEMENT: Kingston agrees to purchase the power output for 11.5 cents a kilowatt hour, rising 3.5 percent a year.

KEY SUBSIDIES: Federal tax credits, or grants, to D&C equal to 30 percent of project's cost; state pays guaranteed price of 4 cents per kilowatt hour to D&C for renewable energy credits.

KEY BENEFITS: Kingston saves roughly 5 cents a kilowatt hour on electricity it uses at its municipal buildings or resells the power to NStar at net-metered price of 15 cents a kilowatt hour, turning a profit of 4 cents a kilowatt hour.

SOLAR PROJECT

LEASE: Town leases property at its former landfill land to Borrego Solar Systems of San Diego for 20 years at \$103,500 a year, rising 2 percent a year.

POWER PURCHASE AGREEMENT: Kingston agrees to purchase power output for 11 cents a kilowatt hour, rising 1 percent a year.

KEY SUBSIDIES: Federal tax credits, or grants, to Borrego equal to 30 percent of project's cost; solar renewable energy credits valued at 30 to 60 cents a kilowatt hour.

KEY BENEFITS: Kingston saves roughly 5 cents a kilowatt hour on electricity it uses at its municipal buildings or can resell the power to NStar at net-metered price of 15 cents a kilowatt hour, turning a profit of 4 cents per kilowatt hour.

MARY O'DONNELL PROJECT

POWER PURCHASE AGREEMENT: Town agrees to buy power output from her three-turbine project and resell it to NStar for the net-metered price of 15 cents a kilowatt hour. Town passes the money to O'Donnell, collecting a fee of 1 percent for serving as the conduit.

KEY SUBSIDIES: Federal tax credits, or grants, to O'Donnell equal to 30 percent of her project's cost; renewable energy credits.

jects are expected to generate 10 megawatts of clean, carbon-free electricity—enough to power 8,000 to 10,000 homes.

Kingston is planning to buy all of the electricity produced by the three projects. Some of the power will be used to lower the municipality's electric bill, but most of it will be resold at a hefty profit. The town expects to collect at least \$750,000, and possibly as much as \$1 million, in annual lease payments, new tax revenues, and sales of

electricity. The pot of money is so big that town residents are already fighting over how to spend it.

"Kingston's on the cutting edge," says Selectman Mark Beaton, chairman of the town's Green Energy Committee. "If Kingston can pull this off, any town can."

But that's what has some people worried. With little regulatory oversight, towns are rushing to put up high-cost green energy projects that nevertheless make them money because of a host of state and federal subsidies. Kingston, for example, is exploiting a state subsidy program in a way that was never intended. The program was designed to help homeowners and municipalities reduce the size of their electric bills, but Kingston has transformed it from a money-saver to a money-making initiative.

The program requires Kingston's local utility, NStar Corp., to buy the town's green power at very high prices. But NStar won't end up paying the tab; it will pass the cost of this high-priced electricity on to its 1.1 million electric customers, who live in Greater Boston, the western suburbs, the South Shore, and Cape Cod and the Islands. Those customers will pay slightly higher electric bills to cover the cost of Kingston's green profits. If other communities follow Kingston's lead—which is likely because of the profit potential—NStar estimates its customers will end up shouldering roughly \$30 million a year in additional costs.

NET METERING

The clock was ticking toward midnight, so Rep. Thomas Calter, a Kingston Democrat, literally took matters into his own hands. A bill making it easier to site wind turbines passed the House, but only after time-consuming votes forced by the measure's opponents. The bill needed final approval in the Senate if it was going to become law before the session expired on July 31 last year. To speed things along, Calter grabbed the legislative documents and raced down the hall to the Senate. But he was too late. Time had expired.

It was a big setback for Calter. He had been pushing hard for the legislation because of a small provision in it dealing with the obscure issue of net metering. Calter says he doesn't really know that much about the issue, but he knows Kingston's Board of Selectmen wanted it passed. "I take my marching orders from them," he says.

Net metering is a grass-roots approach to developing renewable energy. The goal is to encourage homeowners, businesses, and municipalities to put up their own solar panels or wind turbines and reduce their reliance on electricity supplied from the regional power grid.

It's fairly simple in concept. When the sun is out or the wind is blowing, the homeowner will offset his power usage by generating his own electricity. At times, he may even produce more electricity than he needs, with the sur-

plus being fed into the grid. But when it's nighttime or the wind is still, the homeowner will get all or most of his power from the grid. A special meter measures this flow of electricity. It spins forward when the customer is buying electricity from the power grid and backward when the customer is delivering power to the grid. At the end of each month, the customer is billed for his net consumption, thus the term net metering.

Net metering has been around for a long time, but it wasn't until Gov. Deval Patrick signed the Green Communities Act in 2008 that renewable energy developers began to take notice. The law increased the size of projects that qualified for net metering and required utilities to pay far more for net metered electricity supplied to the grid, particularly electricity supplied by governmental entities. Previously, utilities had only been required to pay their avoided cost, or the wholesale price of power. But the Green Communities Act required them to pay the retail price they charge their customers, which is a combination of the wholesale price of electricity plus the various distribution and transmission charges that show up on a bill.

The difference between wholesale and retail is substantial. NStar says the current wholesale price for electricity is about 5 cents a kilowatt hour, but under existing net metering tariffs the utility would pay three times that amount, or 15 cents, for net-metered electricity from a governmental entity such as Kingston. The payment for net-metered electricity generated by a private developer is 11 cents. NStar officials say the net-metered rates are subject to change as retail rates change.

Patrick administration officials say the higher price for net metered electricity is warranted because it's a retail offset. In other words, a customer is using net metered electricity to reduce his utility bill, so it's only fair he should be compensated at the same rate he pays. "Why shouldn't I be able to sell it back at the rate I buy it at?" asks Ian Bowles, who until recently was the state's secretary of energy and environmental affairs.

The proposed changes in net metering that Calter was pushing for originated in the House. They raised the cap on how much of a utility's power can come from net metering projects, from 1 to 3 percent of the utility's peak

A change to state law will allow businesswoman Mary O'Donnell to put up three wind turbines on her property and sell the power through the town of Kingston at a higher rate.



load, with 2 percent set aside for government projects. They also clarified that municipalities could contract out renewable energy projects to third parties and still have them qualify for the higher net-metered government rate. The only catch was that all of the project's power had to go to the municipality and the project itself had to be located on town land.

That definition became a problem for Kingston when local businesswoman Mary O'Donnell came to the Board of Selectmen with a novel proposition. She wanted to put up three wind turbines on her former sand and gravel pit adjacent to the town landfill and run the electricity through the town's meters so it would qualify for the higher net-metered rate offered to governmental entities. She said her project would increase her property tax payments to the town with none of the negative side effects associated with most developments, like traffic or an influx of school-age children.

"When Mary came to us with the proposal for wind turbines, we jumped at it," says Shirley MacFarlane, the chairman of the Kingston Board of Selectmen. She says

the board immediately reached out to Calter, the local state rep, and Senate President Therese Murray, who also represents the town. The two lawmakers managed to tweak the legislation while House and Senate negotiators were resolving differences between their bills.

The legislation went into the conference committee defining a government project as one owned or operated by a governmental entity or one that assigns 100 percent of the output to a government entity and is located on land owned by the governmental entity. It came out with the last clause—“on land owned by the governmental entity”—dropped. That single edit paved the way for O’Donnell to generate power, run it through the town’s meters, and collect the town’s net metered rate of 15 cents as opposed to the private developer’s rate of 11 cents.

When the wind siting bill failed to pass on July 31, Murray vowed to push it through during informal sessions of the Senate. She kept bringing the bill up for a vote, but Republicans opposed to the wind siting provisions kept blocking it, which was easy because it only takes one objection to stymie action during an informal session.

In September, the governor and top lawmakers began pressing for what they said was must-pass spending legislation. The \$400 million bill provided money for prisons, Medicaid benefits, and services for homeless families. It also included the net metering provision, plucked verbatim out of the wind siting bill. Sources say Murray, a Plymouth Democrat, played an instrumental role in inserting it into the bill.

Rep. Karyn Polito, a Republican then running for treasurer, temporarily blocked the spending bill in the House. Democrats, led by the governor, attacked her for grandstanding and putting the poor and disabled at risk. “Whatever needs to happen needs to happen in order to get this done,” Patrick said at the time. “I don’t care what it is. Let’s just get it done.”

The bill eventually passed and Patrick signed it into law in October. With its passage—and the pieces now in place for Kingston to launch its green energy initiatives—Murray’s interest in the broader wind siting legislation suddenly seemed to evaporate. She stopped bringing the bill up for action during the Senate’s informal sessions.

THREE DEALS

Mark Beaton is what you might call a practical environmentalist. He runs a pub in Kingston called The Charlie Horse, where he began embracing green initiatives long before they became fashionable. He composts and recy-

cles, put solar panels on the roof of his restaurant, and outfitted his truck so it would run on grease from the restaurant fryolator. Beaton wants to save the planet, but he also wants to save money.

He’s brought that same sensibility to his dual roles as chairman of Kingston’s Green Energy Committee and a member of the Board of Selectmen. He has mastered the minutiae of state energy laws covering a host of arcane subjects and used that knowledge to develop energy projects that are not only popular with save-the-Earth environmentalists but make money for the town of 12,000 people.

Under Beaton’s lead, Kingston has three energy projects under development: a 2-megawatt wind turbine and



From left, Kingston town administrator Jill Lyons and Board of Selectmen Dennis Randall, Sandra MacFarlane, Joseph Casna Jr., Richard Arruda, and Mark Beaton.

a 2.3-megawatt solar installation to be located on the town’s former landfill, and the proposal from local businesswoman Mary O’Donnell, which would consist of three 2-megawatt wind turbines on private land she owns adjacent to the landfill.

All three projects are expected to tap existing federal subsidies providing cash grants for 30 percent of the cost. The state’s Clean Energy Center is also chipping in more than \$2.6 million for planning and renewable energy price supports for the wind project on the landfill.

The landfill projects will generate significant new revenue for the town in the form of lease payments, property taxes, and electricity sales. No income projections have been done, but Beaton and other town officials have done some back-of-the-envelope calculations.

The Board of Selectmen approved 20-year deals with D&C Construction of Rockland and San Diego-based Borrego Solar Systems, a firm with offices in Lowell. The deals will yield a combined annual lease payment of \$253,500, which will rise slightly each year.

The town will pay 11 cents a kilowatt hour for the solar power and 11.5 cents for the wind power, with both prices set to rise slightly each year. A portion of the electricity will go to power the town's municipal buildings, saving Kingston an estimated \$171,000 a year on its utility bill. The remainder of the power will be resold to NStar at the municipal net-metered price of 15 cents a kilowatt hour, generating income for the town of approximately 4 cents a kilowatt hour, which is estimated to bring in about \$150,000 over the course of a year.

Beaton says the leases with D&C and Borrego allow the town to generate significant income without investing any upfront capital. "When the sun shines and the turbines spin, it's going to make money for us," he says. "We have taken a used landfill and turned it into a cash cow."

In its arrangement with O'Donnell, the town agreed to purchase all of her electricity and resell it to the grid. None of the power will be used locally. The town will receive its net-metered rate of 15 cents a kilowatt hour, which is 4 cents higher than what O'Donnell would have been paid if she had net-metered the electricity herself.

At a November meeting, Kingston's Board of Selectmen debated how the town should be compensated for helping O'Donnell. O'Donnell told the selectmen her budget was so tight that she couldn't afford to pay the town anything more than the higher property taxes she would owe after installing three \$2 million wind turbines on her property. Estimates of how much her property tax payments would increase ranged from \$150,000 to \$180,000 a year.

"I'm having a very difficult time getting this financed," O'Donnell told the selectmen. "There's not a lot of money in this."

O'Donnell even tried to win the board's support for legislation that would require NStar to pay the cost of connecting her project to the regional power grid. NStar objected, saying the cost should be borne by O'Donnell and not by the utility's customers. The board took no action on the legislation; NStar later estimated the connection cost for O'Donnell's project would be roughly \$165,000.

Neither O'Donnell nor her consultant offered any details on her projected costs and revenues. Instead, she made an emotional appeal to the selectmen to support her project. O'Donnell said developing green energy is expensive but worth it in the long run because projects like hers are necessary to reduce the country's dependence on foreign oil and avoid the need to send Americans overseas to fight and die protecting that oil. "Help me out to help make your commitment [to renewable energy] a reality," she said.

Kingston's town counsel, Lisa Mead, pointed out to the selectmen that the municipality was helping O'Donnell

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land a significantly better price for her power. “The town is being used, to put it really bluntly, as a pass through,” she said, in explaining the arrangement.

O’Donnell bristled at the suggestion she was using the town. “The town is getting a lot,” she said, pointing out that her project will generate new tax revenue for the town and no new costs. “I think it’s a win for everybody.”

The Board of Selectmen, accepting at face value O’Donnell’s claim that she would be making little or no money on the wind deal, voted to pocket only 1 percent of the revenue from the sale of her electricity as compensation for serving as a conduit to the town’s higher net-metered price.

A CHANGE IN DIRECTION

Most states have net metering laws, but the statutes often differ in significant ways. The goal of the laws is to help utility customers meet some or all of their electrical energy needs by developing their own renewable energy sources. With lawmakers increasing the size of eligible facilities and the amount of electricity subject to net metering, a policy question has arisen over what to do when a customer generates more electricity than he uses

over an extended period of time.

Some states allow the customer to apply credits for his surplus electricity to future bills. Other states let the utility pocket the surplus power at no charge or buy the electricity at the utility’s avoided cost. Some even direct utilities to credit a customer’s surplus generation to the accounts of low-income assistance programs.

Kevin Fox, a law partner at Keyes & Fox LLC in San Francisco who advises renewable energy developers on regulatory compliance, monitors state net metering laws for the Interstate Renewable Energy Council, a nonprofit group that advocates for sensible regulation. He says he is not aware of any state other than Massachusetts that allows a net-metered customer to be paid for electricity generation that greatly exceeds that customer’s electricity needs. He worries that municipal projects like the one in Kingston could eat up the cap space available for net-metered power.

“It would be unfortunate if providing incentives for municipalities to get into the renewable energy business to turn a profit crowded out the ability of utility customers in Massachusetts to use net metering to meet their own electricity needs,” he says.

Bowles, the state’s former secretary of energy and

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environmental affairs, says he urged Gov. Patrick to sign the latest net metering provisions into law. He acknowledges the changes represented a slight shift in direction and says the state will need to monitor the situation over the next few years to make sure municipalities aren't operating as wholesale power developers and using their status to secure retail rates for their electricity.

But Bowles says he is not overly concerned. He says the net metering changes are an innovative way to help homeowners and municipalities participate in the state's efforts to promote renewable energy. He also notes the amount of power being generated by the Kingston net metering projects is negligible. "This doesn't keep me up at night," he says. "This is all, to my mind, directionally a good thing."

Yet the cost and size of net metering may be bigger than it first appears. Kingston, for example, is receiving a net-metered price estimated at 15 cents a kilowatt hour for its electricity. In addition, the renewable energy developers working with Kingston will receive renewable energy credits for each kilowatt hour of power they produce.

NStar says it's troubled by how the definition of a municipal net metering project keeps changing.

The credits can be sold to companies that market electricity in Massachusetts, which are required to demonstrate that 5 percent of their power is coming from renewable sources. The price of credits varies with demand, but they are currently selling for 2 to 3 cents a kilowatt hour for wind power. For the renewable energy credits spun off by the wind project on Kingston's town landfill, state officials committed to buy the credits at 4 cents a kilowatt hour.

Combined, the 15 cent net-metered price and the 2 to 4 cents for renewable energy credits means the total cost of Kingston electricity will be in the 17- to 19-cent range, on par with the price of power from Cape Wind. Cape Wind, the controversial offshore wind project that has drawn criticism for its high-cost power, is charging 18.7 cents a kilowatt hour, a price that includes renewable energy credits.

When it comes to size, Kingston's 10-megawatt project is fairly small. But state officials fully expect other towns will follow Kingston's lead and the 3 percent cap will be reached. For NStar, 3 percent represents about 149 megawatts. Coincidentally, the Green Communities Act separately requires utilities to negotiate long-term contracts

for renewable energy equal to 3 percent of their load. National Grid, the largest electric utility in Massachusetts, complied with that provision by signing its contract for half of the power output of Cape Wind.

NStar and other utilities are allowed to pass the cost of net metering along to their customers, but company officials worry that as rates keep increasing they will be blamed. They are also troubled at how the definition of a municipal net metering project has morphed from a project owned and operated by a municipality to one that is run by a third party on municipal land, and, with the latest changes, to a project that isn't even on town land, with power just assigned to the municipality.

"We've been concerned about the blurred lines between public and private development under the old law. There is even more blurring with this new law," says Mark Reed, NStar's director of government affairs.

Eleanor Tillinghast, the president of Green Berkshires, an environmental advocacy group that has opposed wind projects in western Massachusetts, says what's happening in Kingston is going to fuel a gold rush mentality among municipalities as they scramble to take advantage of net metering subsidies.

"This really isn't net metering anymore," she says. "It's become quite an amazing subsidy that will benefit the few towns that manage to get projects going before the 3 percent cap is reached, and everyone else will pay. Once other towns see the bonanza, they'll pressure legislators to expand the program, adding even more costs to ratepayers' electricity bills."

None of these public policy concerns were on the minds of Kingston residents in early December when the Board of Selectmen held a meeting to discuss what should be done with all the money expected to flow the town's way.

The Green Energy Committee wants the money to go into a revolving fund that could be tapped for low-interest or no-interest loans to town residents for projects that would reduce their energy consumption. The town's Finance Committee, meanwhile, wants at least a portion of the money to go for more pressing, immediate needs, including ice and snow removal, capital projects, or the town's unfunded pension liability.

The discussion got heated at times as some speakers warned about the dangers of climate change and others extolled the need for tax relief. No vote was taken, but the board seemed to be leaning toward using the money to plug holes in the town budget. On one point, everyone agreed: The town's Green Energy Committee had done a great job in making green power pay. Mary O'Donnell, a beneficiary of those efforts, offered heartfelt praise to the committee members. "They taught us all how to make money and do a public service at the same time," she said. **CW**

Money talks —



— and delivers

WinnCompanies has a history of giving big to politicians—and winning big when it comes to state and federal funding for its development projects.

BY PAUL MCMORROW | PHOTOGRAPHS BY MEGHAN MOORE

UNTIL HIS ARREST LAST YEAR, few Bostonians had heard of Martin Raffol. Many more people, however, had probably heard of his boss, Arthur Winn—one of the state’s most prolific affordable housing developers, the businessman behind the failed Columbus Center development, and a highly public business figure who had become entangled with Dianne Wilkerson, the disgraced former state senator.

Raffol’s arraignment last September shined an unflattering light on Winn’s prolific campaign fundraising organization. Federal prosecutors hauled Raffol into the Moakley Courthouse and alleged that the Natick resident illegally funneled \$44,000 to Bay State politicians, including \$12,000 spread among US Reps. Stephen Lynch, Barney Frank, Michael Capuano, and William Delahunt. Raffol quickly pleaded guilty to a concealment scheme in connection with the campaign finance violations, and to witness tampering. He was freed on \$100,000 bail and awaits sentencing in March.

On its face, the Martin Raffol case is about Raffol, and Raffol only: The politicians who took the \$44,000 in campaign contribu-

Winn is transforming this former Mission Hill pickle factory into affordable lofts using \$8.5 million in public funds.



tions had no idea the cash was dirty, and federal court filings repeatedly state that a senior WinnCompanies executive (widely believed to be Arthur Winn) had no knowledge of the methodical scheme Raffol ran for funneling money into the hands of unwitting politicians.

But the voluminous court filings connected to Raffol's guilty plea pulled back the covers on the inner workings, and bottom-line benefits, of the WinnCompanies' legitimate fundraising operation. The real story these filings describe of Winn's relationship with politics isn't so much a tale of corruption as it is the story of a savvy, disciplined, and expansive political organization that considers campaign contributions as just another part of doing business.

A review of public data, including campaign finance and lobbying data from regulators in Massachusetts and Washington, DC, shows that the WinnCompanies has played politics harder than virtually any of its competitors. The company has also reaped some of the biggest rewards. That's a critical point, since much of the WinnCompanies' business is built on an array of discretionary subsidies and other public aid not awarded based on a strict formula.

Since 2002, Beacon Hill and Capitol Hill campaign contributions and lobbying expenditures directly related to Winn have exceeded \$2 million. That's far more than other developers active in Massachusetts. The \$1.1 million Winn affiliates spent on campaign contributions and lobbying at the state level blows away Winn's competitors in the state's affordable housing development arena; its closest competitor shelled out \$88,000.

Prosecutors in the Raffol case described the Winn-

Companies' political activities as a way of advancing the developer's business interests and winning development subsidies. The development firm strongly denies this charge, and believes that, if anything, it hasn't been awarded enough subsidies. But the fact remains that, for more than a decade, none of Winn's competitors have come close to matching the level of development subsidies that the company has received.

LESS EQUITY NEEDED

The Boston-based WinnCompanies, the parent firm of a set of three companies involved in various real estate activities, is both a developer and manager of housing. For decades, Winn's bread and butter has been subsidized housing. Winn's residential arm currently manages 73,000 rental units across more than 20 states, and it has a sizable military housing presence. Many of the housing communities it owns or manages depend on some level of federal housing subsidies, federally-backstopped debt, or state-issued affordable housing debt.

The struggles of Columbus Center, the \$800 million construction project that was to have spanned the Massachusetts Turnpike between the South End and the Back Bay, earned the Winn development team much public notoriety. The luxury condominium and hotel project was outside the company's normal strike zone, though. Winn's recent local development projects have been much smaller than the ambitious Columbus Center undertaking; unlike the failed Turnpike project, they've also been the types of projects that qualify for affordable housing sub-



Winn financed the redevelopment of the former Boott cotton mill in Lowell with loans from MassHousing and the city, and with historic and low-income housing tax credits.

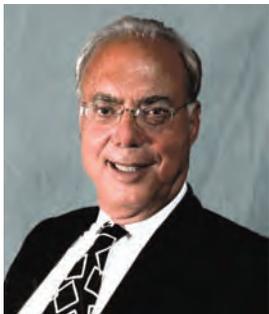
sidies, historic rehabilitation tax credits, or both.

In downtown Worcester, sitting in the shadow of Interstate 290, there's an old mill building that has seen better days. A century ago, when Worcester was an industrial hub, the four-story brick complex was an envelope factory. That business faded in the 1970s, and eventually a furniture manufacturer moved in. When the property hit the market a few years ago, two-thirds of the Water Street mill's square footage sat idle, and several windows had been boarded up.

The mill had its location working for it, though. It was

the dramatic impact various pools of public subsidies have on Winn's development projects. Half of the project's apartments will be set aside as affordable housing units. Because affordable housing restrictions necessarily limit developers' potential profits, federal and state policymakers have put a number of subsidies in play to encourage affordable development.

The Canal Lofts development is a \$25.3 million project. Winn is borrowing \$16.3 million from a pair of banks, and another \$3.3 million in long-term, low-to-no-interest affordable housing loans from various public agencies.



A company spokesman said most political donations were made at a candidate's request, and Arthur Winn, left, rarely said no.

a quick walk from Worcester's train station, and it stood in a neighborhood city officials were trying to fill with new restaurants and residences. The WinnCompanies saw potential, put the mill under agreement, and got the site permitted for the construction of 64 apartments. In June, Winn paid \$2 million for the building and a parking lot across the street.

The Canal Lofts, as Winn dubbed the project, illustrates

That would leave the developer on the hook for the remaining \$5.7 million in development costs. But at Canal Lofts, Winn is tapping \$2.2 million in state historic tax credits, \$2.5 million in state low-income housing tax credits, and another \$711,000 in federal low-income housing tax credits. Taken together, the credits lower the amount of cash Winn has to put into the development from \$5.7 million to \$314,000.



Winn transformed Loft 27, a busted condo project in Lowell, into a successful affordable rental project.

Winn's other recent affordable housing developments have required much larger cash injections than the \$314,000 the company is putting into the Canal Lofts. But in every example, the subsidies have dramatically lowered the amount of equity Winn has at stake. And the less equity a developer has in a deal, the greater the potential for profit.

BIG DONOR AND LOBBYIST

Federal prosecutors in the Raffol case have drawn a strong connection between the WinnCompanies' political activities and its subsidized development business. Court filings repeatedly claim the WinnCompanies operated in a hyper-political manner, and did so as a way of creating a more favorable environment for its subsidized businesses.

Alan Eisner, a spokesman for Arthur Winn and for the WinnCompanies, said Winn and his executive team have never approached a politician to offer a political contribution, and that "the vast majority of political contributions were made at the request of a candidate or candidate's committee." While allowing that Arthur Winn "very rarely" turned down requests for political contributions, Eisner flatly rejected prosecutors' claims that contributions were made in an effort to obtain political support for real estate projects, calling that allegation "incorrect, illogical, and, quite frankly, preposter-

ous." Eisner also argued that, "if the public system could allocate subsidies on the basis of merit, WinnCompanies would receive substantially more funding that it currently receives."

Nevertheless, data from the Massachusetts Office of Campaign and Political Finance, the Federal Elections Commission, the Massachusetts Secretary of State's office, and the Secretary of the US Senate show that the WinnCompanies is among the most politically active developers in the state. It is also tops among developers of affordable housing. In fact, nobody else comes close.

Winn affiliates have spent \$1.1 million on campaign contributions and lobbying in Massachusetts since 2002.

Since 2002, Winn employees and their spouses have given more than \$198,000 to state and local candidates. They've also given \$305,400 to federal candidates from the Bay State since 1997. Top recipients of Winn fundraising include Lynch (\$36,000), the Massachusetts Republican State Committee (\$28,500), newly-elected state Sen. Barry Finegold (\$23,000), Secretary of State William Galvin

(\$20,600), Boston City Councilor Steve Murphy (\$20,000), former Lt. Gov. Kerry Healey (\$19,000), US Rep. Niki Tsongas (\$19,000), state Sen. Brian Joyce (\$17,500), US Rep. Barney Frank (\$13,000), and Wilkerson (\$12,000).

During the same time period that Winn employees gave \$198,000 to state and local candidates, Trinity Financial donated \$61,000. Beacon Communities, another leading affordable housing developer, donated \$20,000. Boston Capital, the nation's single-biggest owner of apartments, gave \$73,000.

The WinnCompanies didn't just out-donate affordable housing specialists. The company also out-donated many politically active developers, contractors, and property managers, including the Beal Companies (\$168,000), Suffolk Construction (\$126,000), Jay Cashman Inc. (\$112,000), John M. Corcoran Company (\$102,000), New England Development (\$43,000), Samuels and Associates (\$43,000), Peabody Properties (\$37,000), Boston Properties (\$30,000), the Druker Company (\$26,000), and Maloney Properties (\$24,000).

When donations from Arthur Winn's family members are accounted for, the firm's state and local contributions jump to more than \$233,000. Those donations often went to candidates Winn and other senior management contributed to. That's because Arthur Winn would agree to raise specific amounts of money for certain politicians, and Winn "would often ask friends and family to contribute to politicians he supported," said Eisner, the Winn spokesman. Eisner said Arthur Winn "assumes they contributed out of regard for him and/or the politician."

Additionally, the company has spent more than \$1.5 million lobbying federal and state policymakers in recent years. That activity outpaces nearly every other Massachusetts developer. And it puts the WinnCompanies far ahead of the state's other affordable housing developers.

Winn's \$925,500 in state lobbying expenditures since 2002 ranks the firm near the top of the heap of developers and property managers. The firm spent slightly less than the Roseland Property Company's \$1 million lobbying outlay, but it also spent far more on lobbying than Cabot, Cabot & Forbes (\$500,000), Federal Realty (\$385,000), and the LNR Property Company (\$276,000)—firms that lobbied heavily to obtain significant infrastructure aid for multibillion-dollar development projects.

Notably, Winn was the only big spender on lobbying that was also a top political fundraiser. Roseland coupled its million-dollar lobbying effort with just \$12,800 in campaign donations, for example. And of the local developers who do high volumes of work in the affordable housing arena, just one, Beacon Communities, paid a lobbyist at all. Beacon's lobbying tab came to \$68,000.

The great majority of Winn's lobbying effort at the state level has been geared toward its development busi-

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TALE OF THE TAPE: HOW WINN STACKS UP AGAINST THE STATE'S OTHER TOP AFFORDABLE HOUSING DEVELOPERS

DEVELOPER	MASSACHUSETTS CONTRIBUTIONS	FEDERAL CONTRIBUTIONS	TOTAL CAMPAIGN CONTRIBUTIONS	MASSACHUSETTS LOBBYING
WINN	\$198,000	\$305,400	\$503,400	\$925,505
TRINITY FINANCIAL	\$ 61,136	\$22,700	\$83,836	—
BEACON COMMUNITIES	\$19,725	\$17,300	\$37,025	\$68,329
GATEHOUSE GROUP	\$ 4,500	\$18,300	\$22,800	—
EA FISH	\$16,550	\$40,750	\$57,300	—
THE COMMUNITY BUILDERS	\$4,645	\$4,650	\$9,295	—
NUESTRA CDC	\$2,475	\$300	\$2,775	0

Contributions for years 2002-2010; Housing tax credit data for years 1999-2010 SOURCE: MA Office of Campaign and Political Finance; MA Secretary of State's Office; MA Executive Office of Housing and Economic Development; Federal Election Commission; Secretary of the US Senate

ness. In 2008, for instance, it spent \$45,000 monitoring legislation affecting its affordable housing management business; it spent more than \$145,000 lobbying legislators and state officials on issues relating to Columbus Center and affordable development projects. That pattern has continued since Columbus Center's demise. Through mid-2010, the company had spent \$60,000 lobbying on development projects, versus \$13,333 spent monitoring broader housing legislation.

Disclosures filed to comply with the state's new ethics and lobbying rules also show senior Winn executives lobbying state officials to secure loans and grants for affordable housing developments.

Those efforts appear to have paid off: Winn development projects receive far greater levels of equity subsidies than their closest affordable housing competitors.

CommonWealth examined Winn's affordable housing developments because the success of those projects depends on financial subsidies. In particular, we focused on tax credits, which are discretionary awards that affect the amount of equity a developer puts into a given deal, rather than subsidized debt, which is handed out based on strict affordability thresholds.

Low-income housing tax credits are the most powerful mechanism for developing affordable housing. Other financing sources—grants and debt from public and private lenders—typically follow the credits. The credits, therefore, can make or break affordable housing deals. Credits involve federal and state funds, but are awarded by state housing officials. And since 1999, no developer has been awarded more low-income housing tax credits than Winn.

According to data from the state's Executive Office of Housing and Economic Development, Winn has received \$31.8 million in low-income housing tax credits since 1999, compared to Trinity Financial's \$29.8 million, and Beacon Communities' \$26 million. No other affordable developers in Massachusetts come close to those totals.

Winn separates itself from competitors with its success at layering other subsidies on top of its low-income housing tax credits. The firm has received \$29.8 million

Wilkerson unwittingly introduced an undercover FBI agent to vendors who were making illegal campaign donations.

in Massachusetts historic rehabilitation tax credits since 2004, compared to \$4.4 million for Trinity, and \$2.1 million for Beacon. Eight of the 10 Winn development projects receiving Massachusetts historic rehabilitation tax credits also received low-income housing tax credits. The state historic tax credits are administered by Secretary of State Galvin's office. They are incentives for developers to redevelop historic structures.

In recent years, Winn has layered historic tax credits on top of low-income housing tax credits in developments in Worcester, Lowell, Fall River, and Boston. In each of those cases, tax credits reduced Winn's own equity by roughly \$5 million. And in each case, the firm also availed itself of low-to-no-cost public debt.

FEDERAL LOBBYING	MASSACHUSETTS EXPENDITURES	TOTAL EXPENDITURES	HOUSING TAX CREDITS	MASSACHUSETTS HISTORIC CREDITS	TOTAL CREDITS
\$630,747	\$1,123,505	\$2,059,632	\$31,843,293	\$29,805,000	\$61,648,293
—	\$61,136	\$83,836	\$29,779,884	\$4,375,000	\$34,154,884
—	\$88,054	\$105,354	\$25,989,592	\$2,100,000	\$28,089,592
—	\$4,500	\$22,800	\$15,947,348	—	\$15,947,348
—	\$16,550	\$57,300	\$7,845,009	\$2,100,000	\$9,945,009
—	\$4,645	\$9,295	\$8,066,987	\$960,000	\$9,026,987
—	\$2,475	\$2,775	\$4,843,322	—	\$4,843,322

THE RAFFOL CASE

The WinnCompanies attracted federal agents’ attention in the first place because of Columbus Center, and because of Arthur Winn’s unusual relationship with Dianne Wilkerson. Wilkerson was a staunch supporter of the troubled Boston development project, which was to have been built in her district, and she repeatedly backed efforts to use millions of dollars in public resources to soften the project’s price tag.

Meanwhile, Arthur Winn, who has been a high-profile Boston developer and philanthropist for decades, took an interest in Wilkerson’s personal finances. He handed her a \$10,000 gift to help settle her tax debts, telling the *Boston Globe* the payment was a gift to a “close friend.” He also helped secure for the then-Roxbury state senator a \$15,000 contract to lecture at Curry College. (That position fell through. Federal prosecutors allege the contract amounted to a no-show job; Wilkerson’s attorney says the position disappeared because of her ongoing legal troubles. Regardless, John Keith, a Curry trustee and one of Winn’s top contractors, told a federal grand jury that Arthur Winn was trying to find “a job” and “extra work” for Wilkerson, because “in her annual expenses and income, there was a \$60,000 [annual] debt.”)

It appears that federal investigators came upon Martin Raffol when they sought to draw connections between Wilkerson and the WinnCompanies. They subpoenaed the WinnCompanies soon after they arrested Wilkerson in the fall of 2008 and charged her with taking \$23,500 in bribes. The subpoena didn’t accuse the WinnCompanies of any wrongdoing, but the feds wanted to explore the relationship between Wilkerson and several developers. A subpoena of then-Boston City Councilor Chuck Turner also reportedly sought information about WinnCompanies.

In Raffol’s plea memorandum, federal officials say they

were investigating the WinnCompanies and its employees “for potential violations of federal criminal statutes, including crimes relating to various things of value, such as campaign contributions” made to Wilkerson. That’s partly because Wilkerson invited an undercover FBI agent to a June 2008 fundraiser Arthur Winn hosted for her at the Millennium Bostonian Hotel, a property he developed. Wilkerson promised to introduce the agent, who was posing as an out-of-state businessman, to prominent Boston developers at the fundraiser. Instead, she unwittingly introduced the FBI to a group of Winn subcontractors who were sending politicians illegal campaign contributions.

Court documents detail a scheme in which Raffol, who worked at Winn’s housing management division, asked subcontractors to contribute to several federal and state politicians. Raffol then reimbursed the contractors through artificially inflated invoices. Three of the five vendors who participated in this scheme had sent checks to the Wilkerson fundraiser the undercover FBI agent attended. Documents show one of those contractors was subsequently questioned by FBI agents, and he later testified before a federal grand jury. That contractor also taped a phone call in which Raffol asked the contractor to lie about the reimbursement plot.

Representatives for both Raffol and the WinnCompanies have said Raffol acted alone in reimbursing vendors for political donations, and that the WinnCompanies’ management team was unaware of the scheme.

Raffol has pleaded guilty to illegally channeling donations to federal, state, and local politicians. But the documents prosecutors have filed in the Raffol case are less intriguing for their description of a small-time campaign finance racket than for the glimpse they provide into the legitimate side of the WinnCompanies’ political activities.

Court documents say a culture of soliciting and direct-

ing political campaign contributions, as a part of the WinnCompanies' normal course of business, had existed since the early 1980s. The documents do not name the senior executive credited with establishing and perpetuating the company's political culture, but news reports have previously identified that person as Arthur Winn. Court documents allege he would choose which candidates would get contributions from the company's employees and vendors, and how much should be raised in each candidate's name. Candidates were allegedly identified based on their ability to obtain public financing for Winn developments, or to reward support for development projects, or to increase the pool of politicians who might support projects in the future.

Winn allegedly set fundraising targets for his executives, who would then solicit donations from their vendors. The executives would then collect those checks together and hand them off to Winn or other senior executives, who would deliver the checks to political fundraisers as a bundle, in order to demonstrate the company's fundraising prowess.

On more than one occasion, the court documents say, Raffol was asked "how the 'friendly vendors' were doing, were they happy and making money and profits, and if not, asked if [the company] could provide the vendors with more work." According to the court documents, Winn believed the vendors should want to make contributions "because the vendors received a lot of business" from the

Court documents say a political culture of soliciting donations for candidates existed since the early 1980s.

WinnCompanies.

People who know Raffol describe him as apolitical. His arraignment on campaign finance charges aroused surprise because he expressed little personal interest in politics. Several candidates who were unknowingly on the receiv-



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ing end of Raffol's dirty contributions said they had never met him, or even heard of him.

Raffol raised money for the company's candidates, his plea memorandum says, because he feared for his job. The plea says it became clear to Raffol that Winn management "considered soliciting and raising campaign contributions for certain elected candidates from vendors to be an integral part of Raffol's duties and responsibilities."

Raffol found fundraising "distasteful," the plea says, but two senior WinnCompanies executives told him "they could not guarantee that Raffol would not lose his job if he refused to raise campaign contributions any longer." He resorted to the illegal reimbursement scheme, he says, as a way of alleviating the ever-increasing pressure to raise funds for the company's favored political candidates.

Through Eisner, the firm's spokesman, the WinnCompanies denied pressuring employees to raise money or make political contributions, and said Raffol was the first employee to ever make that allegation. Eisner also denied that Arthur Winn collected checks from vendors, or that he ever "established a list of politicians to donate to," as prosecutors claim. Arthur Winn retired in July 2009, before the WinnCompanies became aware that

Raffol was the target of a federal investigation. The firm now prohibits the solicitation of political contributions from vendors.

It is believed Raffol is cooperating with government investigators. Typically, legal observers say, a defendant would plead guilty and cooperate in instances where the defendant is able to "flip" on someone higher up the food chain. Eisner said there were no allegations of wrongdoing in the subpoena the firm received, and said the firm has no knowledge of any current or former employees under investigation, but acknowledged published reports indicating that the criminal investigation that netted Raffol remains open.

But so far, prosecutors haven't alleged wrongdoing on the part of anyone but Martin Raffol. They've created a lot of smoke around the WinnCompanies' political machine — so much that they've prompted Winn to deny it ever had a political machine at all. And although federal prosecutors have created the appearance of impropriety by consistently linking Arthur Winn to Dianne Wilkerson, they've never explicitly alleged that a pay-to-play scheme existed.

Perhaps that's because what they've described is business as usual. **CW**



What's happening to the American Dream?

Massachusetts is emerging from the Great Recession faster than other states. But signs suggest the deep downturn accelerated trends that change the rules of the game for middle class families pursuing the American Dream.

For the first time, Massachusetts has the highest income inequality in the nation. MassINC, The MassINC Polling Group, and *CommonWealth* magazine are joining forces with the Center for Labor Market Studies at Northeastern University to examine this phenomenon and what it means for Massachusetts' middle class.

To learn more about this new multi-dimensional project, including how your organization can become a visible sponsor in this groundbreaking work, contact Lauren Louison, Vice President, Strategy at 617-224-1613.



Wilkerson Gedeon, 20, learned one of the maxims of the Benjamin Franklin Institute's benefactor: "You may delay, but time will not, and lost time is never found again."

The little college that could

The Benjamin Franklin Institute of Technology in Boston's South End is churning out graduates at a rapid pace, demonstrating that community colleges can deliver on their promise.

BY GABRIELLE GURLEY

PHOTOGRAPHS BY MARK MORELLI

Wilkelson Gedeon had his heart set on majoring in engineering at the Wentworth Institute of Technology in Boston. But the Arlington native, a self-declared procrastinator, missed the application deadline. After a friend had raved about the Benjamin Franklin Institute of Technology in Boston's South End, he applied and was accepted to the electrical technology program.

A couple of weeks into the program, he realized that his procrastination wasn't going to fly in college. So did his advisor. She started



Stephen Hammond in a Benjamin Franklin Institute electrical design and layout class.

by walking him to the school's academic support center to make sure he was doing his work. A professor stationed there signed off on his assignments. Gedeon soon found his way to the center on his own. "I didn't need her to hold my hand, because it was second nature," says the affable 20-year-old.

An intensive academic advising system is one of the key strategies that has put the private two-year college where some of the state's public community colleges would love to be: 50 percent of Benjamin Franklin students finish their programs within three years, twice the national average for two-year colleges and three times the Massachusetts two-year college graduation rate.

Community colleges, which educate nearly half of all higher education students in the country, are increasingly recognized as indispensable for equipping workers with the skills to adapt and survive in a rapidly changing economy. Long the neglected stepchild of the higher ed system, they are drawing attention these days at the highest levels.

"They may not get the credit they deserve; they may

not get the same resources as other schools, but they provide a gateway to millions of Americans to good jobs and a better life," President Obama said last year at the first-ever White House Summit on Community Colleges. "These are places where young people can continue their educa-

Half of Benjamin Franklin students finish their programs within three years, twice the national average.

tion without taking on a lot of debt. These are places where workers can gain new skills to move up in their careers."

Congress authorized \$2 billion to fund community college training and education programs over the next four years. Calling community colleges "one of America's best kept secrets," Jill Biden, the vice president's wife—and a long-time community college instructor—is spear-



Tracey Arvin, the head of Franklin's electrical technology department, oversees Alex Astrofsky in one of the college's three new labs.

heading a national campaign to add 5 million new community college graduates over the next decade. “Our challenge is not just to get students into college,” she said at the White House summit, “but to keep them there and graduate them faster with the skills they need to succeed in the American workforce.”

It’s a challenge that the 450-student Benjamin Franklin Institute—whose colonial namesake provided the money that became the school’s original endowment—has been quietly meeting with little fanfare. The school is “dedicated to degree attainment from top to bottom,” says Neil Sullivan, executive director of the Boston Private Industry Council. The council works with Boston public high school students who are transitioning to Franklin and three Boston-area state community colleges. “Increasingly, community colleges are moving in the same direction,” says Sullivan. “But it’s easier for a small institution to move more quickly than a large one.”

The school’s leaders say Franklin uses a “high-tech, high-touch” approach, meaning they combine technology and general education coursework with lots of counseling and generous academic supports. Beyond the classroom, “soft skills” like time management are also integral to the school’s philosophy, so that students like Gedeon learn

the meaning of one of the innumerable maxims proffered by the school’s benefactor: “You may delay, but time will not, and lost time is never found again.”

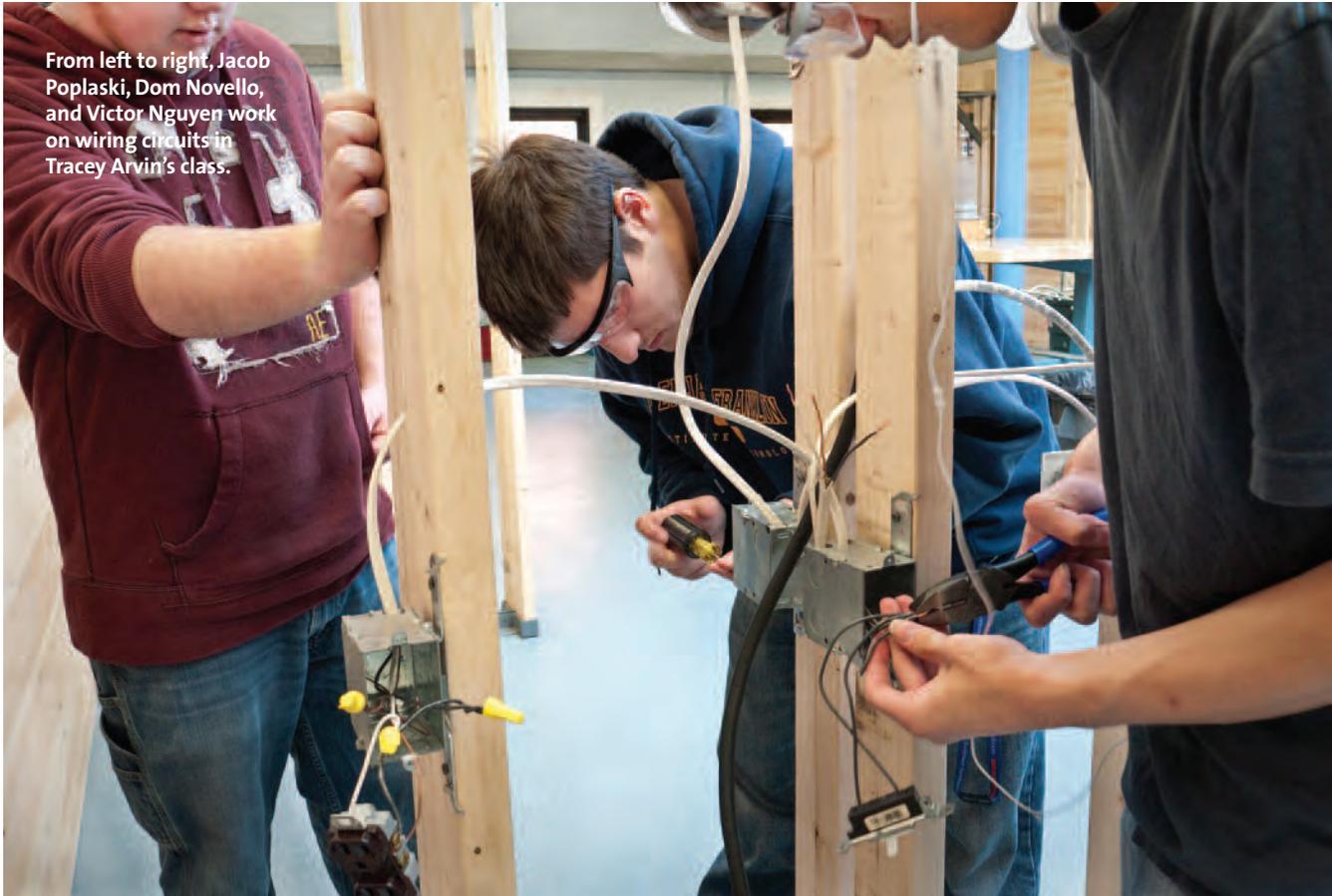
HANDS ON

In a 1784 pamphlet, Benjamin Franklin noted that most Americans were neither rich nor poor. “Industry and constant employment are great preservatives of the morals and virtue of a nation,” he wrote. To ensure that the middle class virtues that he championed survived his passing, Franklin left 2,000 pounds sterling each to the cities of Boston and Philadelphia to provide loans to young married apprentices to set up their own businesses. Franklin himself had benefited from loans to set up his printing shop in Philadelphia. “Good apprentices are most likely to make good citizens,” he wrote in his will.

By 1908, the fund he left was worth about \$400,000. Industrialist Andrew Carnegie, who admired Franklin, agreed to match most of the bequest to help found a school that was originally known as Franklin Union. The school’s first students paid from \$4 to \$10 for classes such as mechanical construction and industrial chemistry.

Long operating in the red, the college barely avoided a

From left to right, Jacob Poplaski, Dom Novello, and Victor Nguyen work on wiring circuits in Tracey Arvin's class.



shutdown in 2003. The school's trustees actually voted to close the school, but students, parents, and staff members protested and the trustees reversed their decision after an outpouring of donations from local foundations, alumni, and others.

Ray Magliozzi, the younger "Tappet Brother" of National Public Radio's "Car Talk," is one of the school's biggest cheerleaders. "If the school went under, [it would be] a lost opportunity for kids who don't have many choices," says Magliozzi, who helped raise money for the school and digs up engines and other diagnostic tools for its automotive technology classes.

Like the state community colleges, Benjamin Franklin has an open admissions policy, admitting all high school graduates. Students who hold a GED or who have not graduated from high school (including anyone who hasn't passed the MCAS) can take a placement exam to determine what, if any, remedial course work might be necessary. With technology majors such as computer science, electrical engineering, and automotive technologies, the programs are more

focused than a typical liberal arts-driven college.

The school occupies a unique niche in the Bay State's college rich-universe, providing a technology-driven curriculum to 450 mostly male, mostly minority students that other schools struggle to engage and graduate. African-

Franklin uses an approach that's high-tech and high-touch, combining course work with counseling and support.

American males make up 30 percent of the student body; nearly 20 percent are Hispanic/Latino and nearly 8 percent are Asian. About 30 percent of the students are white.

Compared to the state's community colleges, where average tuition and fees for a full-time, in-state resident are \$4,545, Benjamin Franklin isn't cheap. One year's tuition in the associate degree program is \$14,250. Fees,

health insurance, books and supplies, transportation, and personal costs nudge that figure to \$20,000 to \$23,000. Unlike most public community colleges, the college has some on-campus housing, with 60 students housed on two floors of a YWCA directly across from the college's Berkeley Street building. With room and board, the price tag jumps to nearly \$30,000. Eighty percent of students receive some type of financial help. Wilkelson Gedeon says that financial aid paid for about 50 percent of his costs. Typically, students leave the school with about \$12,000 in debt.

Unlike public community colleges, Benjamin Franklin offers a small number of tightly-structured programs, a far cry from the dozens of courses of study available at most community colleges. There are nine associate degree programs, four certificate degree programs, and one bachelor degree in automotive technology. (Shorter certificate programs are designed for students who graduate from

other colleges looking for specific technical training.)

Each student takes a predetermined course load in his or her program each semester, along with general education courses in the humanities, social sciences, math, and sciences. General education is not as tough a sell as it used to be. "When I first started here, there were students that would openly say, 'Why do I have to take an English class? I just want to work on cars,'" says Jackie Cornog, the head of the humanities and social sciences department. "But we are seeing that less and less."

She thinks that change in attitude might have to do with a competitive job market where students need any skill that is going to give them an edge. Employers who come to the school "talk about how they want employees who are well rounded," says Cornog, a nine-year veteran of the school. "They don't want a robot who can just fix something."

Classes are small, with an average class size of 12.5 students. At Bunker Hill Community College in Charlestown,



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one of the two state community colleges in Boston, the median class size is 20. Kenneth and Tamethea Willis of Randolph accompanied their son, Kenneth Jr., to a recent open house at Benjamin Franklin. They were sold on the fact that the younger Kenneth, who had already been accepted into the automotive technology program, would be one of hundreds not thousands. "It's a model of nurturing, with the right supports," says his father.

Most Ben Franklin students are more focused than many students at community colleges or even those at four-year institutions, who often start out with no clear idea about what they really want to do. Be it cars or computers, Franklin students know they want to work with their hands. Those types of deep-seated interests help fuel persistence toward a degree, according to Paul Zarbo, the outgoing dean of academic affairs. "They've self-identified as someone who would do well in a hands-on, applied learning situation," he says.



George Chryssis, Franklin's new president, attended the school. "I remember how caring the Institute was," he says.

Ben Franklin students also stand out in another way. Far fewer of them require remedial courses than state community college entrants. During the 2010-2011 academic

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year, 74 of the 286 incoming students, roughly 26 percent, required some college preparatory course work compared to 61 percent of first time, full-time state community college students seeking degrees.

During the first year, each new student is assigned to an advisor during a two-day orientation. Forty to 45 faculty and staff members advise about 8 to 10 students each. In the second year, students who have a 3.0 grade point average or higher are assigned to the director of advising, who carries a larger counseling load. "Stronger students are allowed to have a little more independence," says Rachel Arno, who heads advising and monitors the work of nearly 200 students.

Students with lower grade-point averages remain with their first-year advisor. The school prides itself on its SOS system ("Save Our Students"), a sort of educational emergency broadcast system that monitors students' progress, and prescribes tutoring and other counseling. If a student is having trouble in a course, the instructor will email his or her advisor. The advisor then has 24 hours to follow

The school prides itself on its Save Our Students program that monitors progress.

up with the student to find out what the problems are. A highly-structured program combined with academic supports and advising, say school leaders, means students who persevere, especially the ones that might flounder in the absence of those supports, are better equipped to enter the workforce with marketable credentials.

George Chryssis, who took office as the school's new president at the start of the year, was already well acquainted with Ben Franklin's "high-tech, high-touch" approach. The former Wentworth Institute of Technology vice president of executive affairs, who earned bachelor's and master's degrees in electrical engineering from Northeastern University, arrived in the US from Greece in 1966 with English language skills that needed work. Someone along the way suggested Franklin, so he enrolled in three college preparatory courses—in English, math, and physics to get his bearings. "I remember how caring the Institute was," he says.

Advisors also find that beyond problems like procrastination or being overwhelmed by a new or difficult subject, there are non-academic stresses that confront stu-

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dents. Most students work and commute to classes. Many students are first generation college students, have families, or are immigrants studying English who have to adapt to the twin challenges of language and culture. “If you are engaged, you can see warning signs very early, so you can intervene,” Chryssis says of the college’s staff.

The supportive environment is not lost on students. “Your intelligence level affects how well you do, but you actively have to try to fail at this school,” says student government president Ken Dunne, who is studying mechanical engineering. “There is so much support available to you and so many people willing to listen that if you want to pass, you will pass.”

COLLEGE BOUND

Franklin wrote that an “investment in knowledge pays the best interest,” but making that investment doesn’t always come easy to some students. They may come from families where no one has gone to college or have a parent who was unable to complete school. They need a different type of exposure with the college

experience.

Dual enrollment programs are designed to introduce high school students to college and help those students get their bearings once they enter college. Franklin’s “Early Access to College” program currently enrolls students from seven Boston public high schools. According to Joe Boston of the city’s public school partnerships office, the

“There is so much support available to you and so many people willing to listen that if you want to pass you will pass.”

program is geared to juniors and senior students in the “academic middle”—those neither on the honor roll nor failing—who may have had difficulties in ninth or tenth grade. These students want to pursue college, but may not have the grades to attend a traditional college.

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Enrollment in the program is simple. A completed application, transcripts, and recommendations are all any student needs to participate. However, students have to be motivated: They receive high school credit and college credit for the courses they pass, but failing grades affect their high school standing.

Up to 150 high school students attend Benjamin Franklin each year through early-college classes, an initiative that state community colleges also participate in. Those taking part are not identified in classes as high school students. Joe Boston, along with liaisons at the participating high schools, keeps close tabs on the young people. He meets with each student four times a semester. One of the messages he passes on to students is that they have an opportunity to prove to themselves that they can succeed in a college environment.

Christina Lee participated in the program. A graduate of Odyssey High School in South Boston who is now in her second year at the college, she was initially put off by the male-dominated environment where females only make up about 12 percent of the student population. But she was finally drawn in by the opportunity to “go to college for free” while in high school.

Lee took math, computer, and environmental technology courses during her senior year in high school and during the following summer. But when she decided to attend Franklin as a college student, Lee says, she didn’t want studies that were “too challenging.” Since she worked part-time at CVS, she decided to enroll in the pharmacy technology certificate program, which only required five courses to complete.

However, her mentors at Ben Franklin steered her toward a more demanding two-year associate degree program to become an optician, the state’s only such program. Lee, 20, credits them with forcing her to “shoot higher.”

Michael Taylor, the state Director of Workforce Development, was president of Franklin when the college established the program in 2006. At Franklin, those young people could “act, look, be like a college student,” says Taylor. “It broke down so many barriers about what they perceived college to be and what they perceived themselves to be in terms of their educational ability.”

In one of the school’s new electrical labs, Tracey Arvin’s electrical design and layout students are engrossed in individual projects. First, they must sketch out two separate diagrams of the circuits. A finalized wiring diagram combines all the circuit elements and serves as a road map that shows where the components are located and how they are electrically connected. Once instructors approve the wiring diagrams, students use them to physically wire their lighting projects.

But Gedeon couldn’t get a handle on the wiring diagrams. The moment of truth came when Arvin, the chair



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of the electrical technology department, told him that he would not graduate unless he knew how to do the diagrams that are stock in trade for any electrician. He failed the course. Students with a C average or better are allowed to participate in graduation ceremonies, so Gedeon was allowed to walk with the class of 2010 last May. But to obtain his diploma, he had to re-take and pass Arvin's class.

Gedeon finally mastered the diagrams last semester. "I'm great at it," he says. He is confident about passing the course the second time around, especially since he has already achieved another important academic goal. He was accepted by Wentworth and plans to start classes this spring, contingent on that passing grade.

SCALING UP

In 2007, a state task force on retention and completion rates at the public community colleges recommended that schools step up their student advising, mentoring, and other support programs. Several Massachusetts community colleges, including Bunker Hill and Roxbury Community College, are taking part in a national effort funded by the Lumina Foundation, dubbed "Achieving the Dream," to improve success rates at community colleges. In the wake of such efforts, as well as the new attention the issue is receiving from the Obama administration, it's worth asking whether the Franklin model, which goes to such lengths to address an individual student's challenges, can be ramped up from a small school to a larger institution.

Even the smallest community college in the state system, Greenfield Community College, has nearly 2,600 students. Larger institutions are more complex, says Thomas Bailey, the director of the Community College Research Center at Columbia University. What's the lesson for a community college? "You have to make a distinction between a student who knows 'I want to be an automotive technician' versus somebody who comes in and says, 'I don't know what I want to do,'" says Bailey.

Community colleges should not go as far as to demand that every student stick to a precise career path or course of study, says Sullivan of the Boston Private Industry Council. But once a student starts attending, he or she should work on developing a clear plan. "You don't have to lock in, but you have to be going in a direction for college to make sense," he says.

Mary Fifield, the president of Bunker Hill Community College, recognizes that, as the state's largest community college, with more than 12,000 students, Bunker Hill needs to develop a more structured framework to help students succeed. Students who participate in the school's "learning cluster communities," taking one developmental

course and one content course in the general education program, are showing persistence and completion rates roughly 15 percent higher than the college population at large, she says. Another initiative currently in development, modeled after a program at Florida's Valencia Community College, would utilize web-based tools and hands-on advising to track every student from enroll-

Whether community colleges can benefit from the Institute's model may become evident as school programs ramp up.

ment to his or her entry into the workforce.

Fifield hopes to make gains over time. But in comparison with Franklin, Bunker Hill, with its large numbers of part-time and developmental students, "is just a different world," she says. "We are trying to institutionalize the

strategies that have demonstrated persistence among our students."

Whether community colleges can profit from the Benjamin Franklin model may become more evident as the school ramps up its own programs. Chryssis, the Benjamin Franklin president, says the keys to financial success at a tuition-driven institution with a low endowment lie in enrolling more students. For that reason, administrators would like to add at least several hundred more students and increase the college's physical footprint.

Faculty hiring will have to receive a lot of attention to ensure that Franklin continues to attract people with the skills to reach students both inside and outside the classroom, says Zarbo, the academic affairs dean. "As you expand enrollment, you also have to expand your sense of community, your academic support efforts," he says. "And you have to expand and improve your advising effort. You've got to keep that, regardless of the number—I don't care if it's 700, 800, 1,500—if you want to have the same results." 



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Peter Cadden says the State Police got the facts wrong when they blamed his mother for the traffic accident that killed her, but he can't convince law enforcement officials to reopen the case

BY KEVIN SCHWARTZ AND SHWETA KRISHNAN
PHOTOGRAPHS BY SHWETA KRISHNAN

A son seeks answers

Helen Cadden left her bank and walked up toward the Mattapoisett fire station. The 87-year-old grandmother always crossed Route 6 there when she ran errands because there was a crosswalk with a sign saying “State Law: Yield for Pedestrians in Crosswalk.” But on this particular morning, a sunny day in early August 2007, she never made it to the other side of the road. As she ventured across the street, she was hit by a car and thrown 30 feet. She landed with her feet bent painfully under her body. Ron Scott, who was the fire chief at the time, rushed to her side and straightened her legs. “Ronnie, is that you?” Helen asked. “I am very uncomfortable.”

Cadden was airlifted by helicopter to Boston Medical Center and her son, Peter, rushed to her side. Looking at her frail body lying in the hospital bed, Peter knew her injuries were serious, but he nevertheless expected his mother to pull through. “She was one tough gal,” he says. But her injuries turned out to be too severe. She died on Aug. 15, 2007, 12 days after being hit.

Peter Cadden buried his mother and his grief soon gave way to nagging doubts about what happened on Route 6 that day. The police said his mother was to blame for the accident. Relying on a reconstruction of the acci-

dent by state investigators, the police said Helen Cadden stepped out unexpectedly into traffic, making it impossible for 85-year-old Evelyn Pursley to avoid hitting her. Pursley was fined \$100 for failing to yield to a pedestrian, and the case was dismissed.

But something about the case didn’t add up to Peter Cadden. More than three years later, Cadden is still convinced the police made a mistake, and his mother was not at fault. He has laid out his version of events before the Mattapoisett police chief, the Plymouth County district attorney, and the State Police, but none of them have been

willing to reopen the case. He knows that reopening the case won't bring his mother back. Still, he can't let it go. It's as if establishing the truth about what happened that day on Route 6 is his way of dealing with the death of his mother.

"It's important if you make a mistake to own it," he says. "I would like to hear, 'We screwed up, I'm sorry.' It's not going to bring my mother back, but at least then I can move on."

NO STRANGERS

Helen Cadden and the driver of the car that hit her, Evelyn Pursley, were not strangers. They both spent time at the local Council on Aging, where Pursley was a former chairman. They had come to know each other there, but they were not close friends.

Pursley was a woman of some prominence in town. She was a World War II and Korean War veteran, who went on to teach home economics at Fairhaven High School. She was a wife, mother of one child, and grandmother of three. She successfully battled pancreatic cancer in 1978 and retired from teaching in 1985. She then became heavily involved in senior advocacy, a pursuit that earned her the Frank J. Manning award from former Gov. Paul Cellucci for outstanding elder advocacy, as well as being named *The Standard Times* "Mattapoisett Woman of the Year."

Helen Cadden, who everyone called Jean except her grandson, who referred to her as "Caddie," had a lower profile around town. Born in Washington, DC, she was one of four children. Her father was an attorney and her mother an opera singer. During World War II, she worked for Westinghouse on a vacuum tube line, where she witnessed an explosion on a loading dock that killed several people. As a child, her father's law partner ran off with money belonging to their clients, and her father had to replace those funds. It was during the Depression and times were tough. According to Peter Cadden, the experience left his mother with a toughness and a sense of humor she never relinquished, even as she got married, had three kids, and became a nurse. "If I didn't laugh, I'd cry," was what Helen often said.

She moved to Mattapoisett in 1971 to be near friends and, except for a short move to Florida in the late 1970s, lived there on Pearl Street for the rest of her life. She enjoyed her elderly years, traveling to places like Australia, Russia, and the Middle East. She often picked up her grandson



Peter Cadden, holding a picture of his mother, Helen.

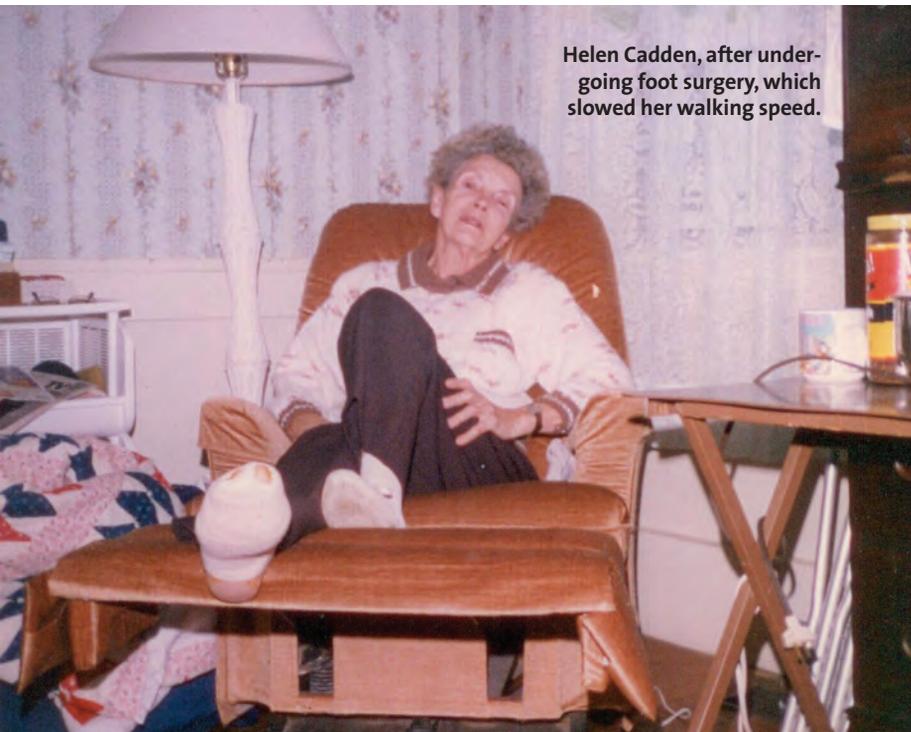
from his elementary school around the corner and volunteered with the elderly. When she turned 80, she wrote a letter to friends and family titled "Life begins at 80" that boasted about the limitless indulgence and reverence people pay you if you live long enough.

"Being 80 is a lot better than being 70," she wrote. "At 70 people are mad at you for everything. At 80 you have a perfect excuse no matter what you do. If you act foolishly, it's your second childhood. Everybody is looking for symptoms of softening of the brain."

Pictures of her reveal a woman with a slight hunch and a mischievous smile, the body beginning to break down, but the spark still alive. While she embraced the liberation of old age, she was also aware of its limitations. At the age of 81, she gave up her driver's license, realizing that she had become a danger on the road.

Steve Clapp was Cadden's next-door neighbor, someone who frequently chatted with her over a glass of wine. As a personal injury lawyer, hired by Peter Cadden, he knew that if she had been hit in the crosswalk there would probably be grounds for a civil suit, so he headed to the crash site the day after the accident. He says he found the spot where Cadden's body ended up, marked with chalk and spattered with blood. He also talked to Ron Scott, who told him he had first rushed to Cadden's side and then tried to comfort the distraught Pursley, afraid she would have a heart attack.

Later that day, Clapp saw Pursley riding in a vehicle full of VFW dignitaries in Mattapoisett's 150th anniversary parade. His life partner, Michele Bernier, a former town



Helen Cadden, after undergoing foot surgery, which slowed her walking speed.

selectman, said she mentioned to Police Chief Mary Lyons that Pursley's appearance in the parade was odd. Bernier said Lyons responded that Pursley had wanted to stay home, but she had convinced her to honor her commitment. Bernier quotes Lyons as saying: "I told her it was just an accident." Lyons declined comment, referring all questions to the DA's office.

DID NOT STOP

Initial police and crash reports indicated Cadden was hit from her left in the near lane of the crosswalk and Pursley's vehicle was traveling below the posted speed limit of 40

An official accident reconstruction wasn't done at the time of the accident, which is unusual.

miles per hour. In his report, Police Officer Anthony M. Days said witnesses told him Pursley did not stop for Cadden, hitting her with the left front of her vehicle. "Mrs. Pursley informed me she thought the victim was clear of her lane, and believed that the victim may have

stepped back into her vehicle," he wrote in his report.

Days cited Pursley for failure to stop for a pedestrian in a crosswalk. When Cadden subsequently died, Days raised the charge to motor vehicle homicide by negligent operation.

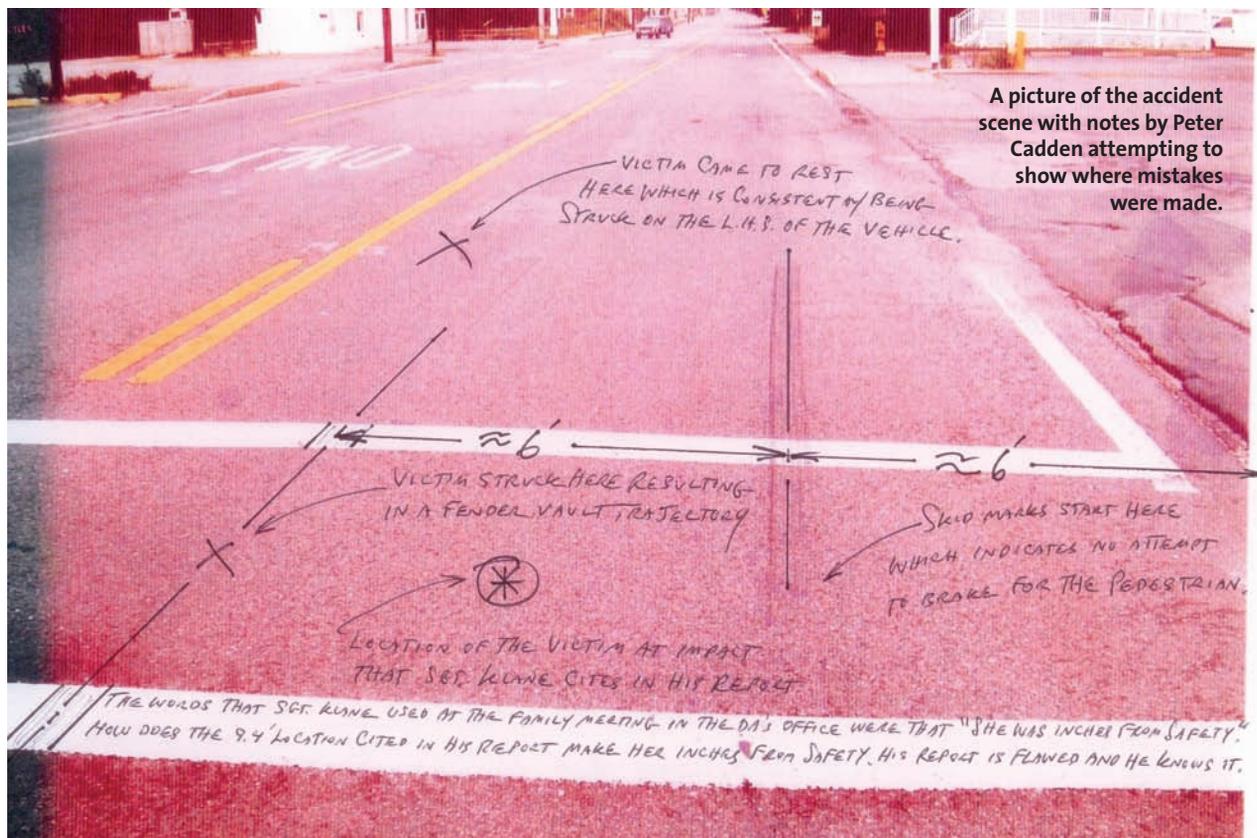
Days's report listed two witnesses, then-Deputy Fire Chief Andrew Murray and a man named Alan Desroches, a Mattapoissett general contractor. Murray estimated Pursley's car was traveling 30 to 35 miles per hour when it struck Cadden in the crosswalk, sending her "10 to 15 feet in the air, flipping several times before landing on the hood of the vehicle." He came to her aid until the paramedics arrived, and then stayed to assist in getting measurements of the accident scene. Desroches told Days that he saw Cadden "look left and right and stepped into the crosswalk." There

was also a crash narrative and a diagram of the accident, but nothing in it to resolve the question of blame.

An official accident reconstruction wasn't done at the time of the accident, which is unusual. Ernest Horn, the police chief in Mendon and the control officer for a central Massachusetts council overseeing collision reconstructions, said best practice is to contact an accident reconstruction team immediately if there's a fatality or someone is airlifted to a hospital with a life-threatening injury. Horn said the team often arrives while emergency personnel are on the scene.

An article published in *The Standard Times* on Aug. 25 caused some confusion. The article reported that Pursley "will not be prosecuted on any serious criminal charges such as negligent homicide." The article said Police Chief Lyons had been told by Pursley that she thought the victim was beyond her vehicle's reach when she drove through the crosswalk. Officials say the story was inaccurate and that Lyons had already charged Pursley with motor vehicular homicide by negligent operation. Three days after the article, Lyons requested help with the investigation from the Plymouth County district attorney's office. A few weeks later, then-Sgt. Andrew Klane, a decorated State Police accident reconstruction expert, was asked to review the accident. He visited the site on Oct. 14, two months after the accident.

Peter Cadden, meanwhile, was starting to investigate himself. He placed an advertisement in *The Standard Times* asking for witnesses to come forward with any information about the incident. Only Desroches contacted him.



A picture of the accident scene with notes by Peter Cadden attempting to show where mistakes were made.

According to Cadden, Desroches said: “Peter, your mother didn’t do anything wrong whatsoever. She looked both ways and stepped into the crosswalk.” Desroches has not returned several phone calls for comment.

THE ACCIDENT RECONSTRUCTION

Klane’s accident reconstruction report is 10 pages of physics equations, calculating things like pedestrian throw distance, perception reaction time, and time/distance analysis, all adding up to an opinion concluding Helen Cadden was at fault. Klane’s report said Cadden was walking at four feet per second, which means she would have been in the crosswalk for 2.35 seconds before being hit. Assuming Pursley’s car was traveling at 25 miles per hour, Klane concluded 2.35 seconds wasn’t enough time for her to stop. Given her age, Klane said she needed 83 to 101 feet to stop but had only 86.

“It is this officer’s opinion that the cause of this collision is that the pedestrian failed to use care in entering the roadway/crosswalk,” Klane wrote. “Vehicle #1 was approximately 86 feet east of the crosswalk when [Cadden] stepped off the curb.”

For most people, a quick glance at the report would tell them just enough to keep them from looking any fur-

ther. But Peter Cadden has a background in mechanical engineering and had worked at Texas Instruments for 20 years, so he was able to understand the math and physics as he took to the Internet to decipher it.

The first thing that concerned him was the figure for his mother’s walking speed. The report contended that his mother was walking at four feet per second, a robust pace for a woman who had undergone foot surgery and a bunionectomy, and whose medical records note that she

“It is this officer’s opinion that the cause of this collision is the pedestrian failed to use care in entering the crosswalk.”

sometimes had to crawl on her hands and knees to maneuver the stairs of her third-floor apartment.

Peter Cadden laid out a tape measure on his living room floor and began testing the walking speeds of his family. It turned out that his wife, who has multiple sclerosis, walked at two feet per second, and says she used to

slow down when she walked with Helen, an indication Klane's estimate of Helen's speed could be cut at least by half. There is no indication in the report that Klane factored Helen's age or medical condition into his calculation, which is standard practice, according to officials who accredit accident reconstruction experts.

Skid marks were another concern. Clapp, developing a civil suit, hired an independent accident reconstructionist, who measured skid marks at the accident scene indicating the point of impact was in the crossing lane 12 feet from the curb. The reconstructionist verified the location of the skid marks with Clapp, who had seen them the day after the accident. Klane's report, by contrast, lists the point of impact at 9.4 feet. His report doesn't explain how he calculated this number.

Finally, Klane said the width of the traffic lanes was 11 feet, a measurement off by three feet. Peter Cadden went to the crash site and filmed a video of himself measuring the lane width at 14 feet.

Cadden says the conclusions reached by Klane would be wrong if his mother's walking speed was reduced to two feet per second, and the point of impact was where Clapp and his reconstructionist said it was. Essentially, it would put Helen in the lane for six seconds, placing Pursley's car 6 seconds, or 219 feet, up the road, well over the 101 foot distance from the crosswalk that she needed to stop.

While the lane-width measurement wouldn't affect these calculations, Klane's error in measuring it led Cadden to question the overall quality of his report.

BROADER DEBATE

In February 2008, six months after the accident, two things happened. First, Pursley and her insurance company paid Helen Cadden's estate \$250,000 to settle potential civil litigation arising out of the accident. Pursley, who stopped driving after the accident, declined comment through her attorney.

Second, Jack Spillane, a columnist for *The Standard-Times*, mentioned the accident in a column on the need for state restrictions on elderly driving. He began sympathetically toward Pursley, writing: "Don't count me as one of the wagging tongues who want to jump all over poor Evelyn Pursley." But, while he never touched on the question of legal blame, he said that elderly driving restrictions "would go a long way to preventing the tragic circumstances that befell both Jean Helen Cadden and Evelyn Pursley."

Pursley's lawyer, Charles A. Murray III, responded with a letter of his own, titled "The blame for fatality rests with pedestrian." In his letter, Murray pointed to Klane's report, quoting from its analysis that "the cause of this collision is that the pedestrian, Helen Cadden, failed to



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use care entering the roadway/crosswalk” and “Evelyn Pursley could not have reasonably avoided this collision.”

On Mother’s Day of 2008, Cadden responded. In a “Your View” column, he challenged Murray’s letter, saying Klane’s accident reconstruction was “based on blatantly false measurements and assumptions.” He concluded: “If the police spent half as much time enforcing the crosswalk law as they did exonerating the ‘prominent’ elderly driver, we would all be safer.”

In late September, Cadden formally asked the district attorney’s office to investigate his allegations. He also hired independent accident reconstructionist Wilson Dobson to review Klane’s report. Dobson, who reviews 50 to 60 police reconstructions a year, corroborated errors in the walking speed, lane measurement, and the distance from the curb to the point of impact. He said he often finds errors in calculations, but rarely in measurements. In the end, he came to a damning conclusion.

“As a result of these errors and omissions, the State Police reconstructionist came to the wrong conclusion,” he wrote. “When viewed in light of the proper values for walking speed and distance covered, it becomes impossible to conclude this accident was unavoidable due to the actions of Ms. Cadden, or that the driver had no responsibility. The errors and omissions that occurred in the investigation of this case raise serious concerns regarding the integrity of the process.”

MAKING A CASE

Cadden and Dobson met with Deputy First Assistant District Attorney John Bradley in early 2009 in Brockton to lay out their case. Bradley said he would review their findings, but he took no action. In an interview, he said he raised Cadden’s concerns with State Police Capt. Steve Vrona, who backed Klane’s report. “The input we got back from them is that it would not change their opinion that the driver is not negligent,” he said.

Bradley emphasized that the district attorney’s office took the investigation very seriously, especially since a fatality was involved. Ultimately, he said he had two experts with conflicting opinions and no eye-witnesses that could verify that Helen Cadden was walking at less than four feet per second. He said it was possible Helen was hustling across the crosswalk to avoid the oncoming car.

In May, Cadden appealed to Attorney General Martha Coakley’s office. Two months later Assistant Attorney General Richard Grundy assured him in a letter that his “points were not lost on me,” but because of the scope of

the office and its limited resources, the office doesn’t often reinvestigate matters under the jurisdiction of other law enforcement agencies. He said his office was limited to “investigations only when there is a conflict with those traditional agencies handling the matter or when there is evidence that the investigation has been corrupted.”

The reconstructionist hired by Peter Cadden found errors and omissions that raised concerns about the integrity of the process.

Cadden then contacted and set up a meeting with him and Klane. When he laid out his case, Peter said he was met with defensiveness. Pressed about the walking speed, Klane claimed that even if Helen were walking at half the speed, it wouldn’t have changed his conclusion. “It was like he had no understanding of the physics,” Cadden said. When he pressured Klane on other aspects of his report and said he believed the case should be prosecuted, Cadden says Klane told him: “I know what it takes to win these cases.”

David Procopio, director of media relations for the Massachusetts State Police, declined to make Klane and Verona available for an interview. “We would not elaborate beyond the report, and Lt. Klane has already presented its findings, in detail, both to the district attorney and to the victim’s family,” Procopio said in a statement. “His explanations would not change or differ in any way from what is detailed in the report. Mrs. Cadden’s death was a terrible tragedy, albeit one that, according to evidence and the expertise and training of an experienced crash reconstruction specialist, did not warrant criminal charges.”

WHAT’S A CITIZEN TO DO?

Peter Cadden, unable to convince law enforcement officials that their conclusions were incorrect, says he thinks there should be some sort of independent board citizens like him can appeal to if they have a disagreement with the police. Such boards do exist in municipalities across the United States, often in bigger cities like Boston. Their focus is typically cases of police misconduct. Experts said they were not aware of any boards that would handle a case like Cadden’s. Because of the technical expertise necessary to assess reconstruction reports, as well as the relatively small impact such cases would have, the

experts said it would be very difficult to create such a board.

“It’s hard enough to get a civilian review board that has any teeth when it comes to police misconduct,” said Barbara Dougan, a lawyer speaking on behalf of the Massachusetts chapter of the National Lawyer’s Guild. “I can’t imagine that you’d have any success at all to have a body that would reassess more technical reports.”

There is no civilian review board in Mattapoisett and nothing like it in Plymouth County. Bradley said district attorney policy when a citizen has a complaint about a report is to check back with the supervisor of the agency that authored it, which his office did in the Cadden case. “There’s not a whole lot they can do if [the reconstructionist] refuses to admit it’s wrong,” Bradley said. “I’m not saying it’s impossible, but it’s difficult to prove [a report] is botched if you have an experienced trooper giving an opinion that was approved by his experienced supervisor.”

According to Dobson, the accident reconstructionist hired by Cadden, the State Police are usually reluctant to revisit a case once a report is filed unless litigation is involved. “[Reports are corrected] almost never,” he said. “It goes into the hands of the attorney, who brings it to life only in the trial.”

Kevin Reddington, a Brockton attorney who handles accident reconstruction cases, said the motive for not changing reports is probably fear of punishment, rather than malicious intent. “Unless there’s some sort of relationship—it’s probably just an overwhelmed guy who mixed up his numbers,” he said. “What happens is they take an adversarial approach. They don’t want to end up in front of a jury, where he’s going to have his head handed to him.”

Over the past year, Cadden has appealed again to the district attorney’s office and the attorney general’s office and met with Police Chief Lyons. The officials have listened and even re-interviewed a witness, but they did not reopen the case. Cadden is frustrated and still insists the State Police report reached the wrong conclusion, but he is out of options.

“I almost feel like this is an irreversible process from their perspective,” he said of law enforcement officials. “You can’t put Humpty Dumpty back together again.” **CW**

Kevin Schwartz and Shweta Krishnan are Boston University journalism students who began working on this story as part of their coursework. Katie Ryan, a fellow student, contributed research for this story.

Sometimes financing involves bears and bulls.

OTHER TIMES DOGS AND CATS.



Jennifer Durkin of the Friends of Scituate Animal Shelter, MassDevelopment’s Lou Texeira, with Diane St. Ours and Ellen Goldenson from the Friends of Scituate Animal Shelter. (Left to Right)

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Grade expectations

Brockton High School would seem to have every reason to be an academic also-ran. But its recent gains on the MCAS English exam outpaced more than 95 percent of all Bay State schools. Principal Susan Szachowicz, a high-energy mix of passion and determination — and a proud class of '71 alum — has a lot to do with that.

To judge by its demographics, Brockton High School looks like lots of urban high schools that have failure written all over them. The sprawling complex is the largest public school in Massachusetts, with more than 4,100 students navigating its maze of hallways. Nearly 70 percent of them, more than twice the statewide average, come from low-income homes, and two-thirds are black or Hispanic, the two groups that sit at the lower end of the achievement gap. One-third of the school's students don't speak English as their first language, also more than double the statewide average.

All too often those indicators point to dismal student achievement levels, and that was certainly true at Brockton High School in the late 1990s. Nearly half its students were failing the English portion of the state's high-stakes MCAS exam and 75 percent were failing math.

PHOTOGRAPHS BY FRANK CURRAN



That's when Sue Szachowicz and a handful of her colleagues, alarmed by the prospect of thousands of Brockton students being denied diplomas when the MCAS exam's high-stakes graduation requirement took effect in 2003, began a highly focused effort to turn things around. The results have been extraordinary, with the school now tracking the statewide average for MCAS in English, and recording among the largest achievement gains of any school in Massachusetts.

Szachowicz was head of the history department in the late 1990s when she served on a committee that restructured the school day into fewer periods of longer length. But it soon became clear that the exercise was a bit like rearranging deck chairs on the Titanic. "If you have 66 minutes of not a good thing instead of 45, you're no further ahead than you were before," she says. In the end, she and her colleagues concluded, it wasn't the structure of the day but the quality and rigor of classroom instruction that was at the heart of why a school thrived—or failed. They set their sights on an ambitious literacy initiative, recognizing that reading, writing, and reasoning skills were the underpinnings of success not only in English class, but in every discipline across the curriculum.

The initiative they developed called for intensive use of a very prescribed and structured teaching blueprint—used in every subject in the school—designed to boost skills in reading, writing, reasoning, and speaking. The program involves relentless review of student work by department heads and other administrators. "What gets monitored is what gets done" is a favorite Szachowicz saying. That monitoring allows school leaders to make sure all teachers are following the literacy charts, which hang in every classroom in the school. But it also lets them compare student performance in different classrooms, a window into which teachers are providing the most effective instruction and which need help or mentoring to get the most out of their students.

Just 6 percent of Brockton 10th-graders failed the English portion of the MCAS test last year, and 71 percent scored in the top two categories, advanced and proficient, nearly matching the statewide rate of 78 percent. Even more impressive, when measured in terms of growth in English scores from 8th grade, the year before entering Brockton High, and 10th grade, Brockton students showed greater gains in 2009 than 98 percent of all Massachusetts schools. Meanwhile, the achievement gap in English separating black and Hispanic students in Brockton from white students statewide has been cut in half.

Brockton High was included in a recent report directed by Harvard researcher Ron Ferguson, which spotlighted 15 "exemplary" US high schools that were raising achievement levels and narrowing achievement gaps through improved instruction. The report helped land the school

on the front page of the *New York Times* in September, with PBS and CNN crews soon beating a path to the school's doors.

Some of the interest in Brockton's impressive gains comes because the school seems to stand apart from even the small universe of urban schools that have broken through the demographic expectations and shown high achievement among low-income minority students. Its mammoth size undercuts arguments that only small schools can give these students the attention necessary to succeed. Szachowicz and her colleagues have had to work within a traditional six-hour school day that ends at 2 o'clock, and a strong union contract gives her none of the unilateral control over staffing that leaders of many high-achieving charter schools say is key to their success.

What Szachowicz has mastered as well as any leader of a large urban high school is the art of the possible. She'd love reforms like a longer school day or more autonomy in personnel decisions, but says the approach at Brockton High has been to seize opportunities to make big change that are possible within the structure you are handed—and go at that with all you have.

It's about an intense, tenacious focus on our literacy objectives. We don't veer from that focus, and that is in every discipline, every day.

"Well-behaved women rarely make history," reads a bumper sticker on the wall above Szachowicz's desk. The 57-year-old Brockton native is hardly ill-mannered. But she has little tolerance for excuse-making—among staff or students—and unyielding expectations for what students at her alma mater, regardless of their background, can achieve.

The restructuring committee that first devised the literacy project a decade ago is still going strong, meeting once a month on Saturday mornings, an approach that puts teachers at the center of reform efforts. The committee is now turning its attention to math, where Brockton has made gains but lags well behind state averages. When the restructuring group started, Szachowicz says she had to beg to get 20 teachers to join. Now she has to turn away faculty who want to serve on the 32-member panel, whose members she calls "the think tank power brokers of the school."

Ferguson, the Harvard researcher, says the initiative



has been so well baked into the culture at Brockton High, and is so fully embraced by the school's leadership team, that it wouldn't lose its force at this point even if Szachowicz left. That said, her continued presence surely doesn't hurt. "She's a powerhouse," says Ferguson. "She's determined, she's smart, and she's totally dedicated to that school and that community."

I sat down with Szachowicz in her office at Brockton High. What follows is an edited transcript of our conversation.

—MICHAEL JONAS

COMMONWEALTH: With all the attention Brockton has received for its impressive achievement gains, the \$64,000 question, of course, is, how did you do it?

SZACHOWICZ: That is the first question everyone asks and the first answer I always give is: hard work, hard work, hard work. On the part of everybody—the teachers, the administrators, the students. It really has been a concerted effort. But that's sort of the simple version. The heart and soul of what has happened at Brockton High School has been the literacy initiative that you've heard about. It's about an intense, tenacious focus on the literacy objectives we have here, which are reading, writing, speaking, and reasoning. We don't veer from that focus and that is in every discipline, every day, every subject.

CW: Just to back up a little bit, start the story back in the late 1990s.

SZACHOWICZ: When everybody was failing.

CW: Right. Can you describe what set in motion what has really been a decade-long effort.

SZACHOWICZ: I'm glad you said it's been a decade long. The attention has come recently, and we kind of smile among ourselves because we're being talked about as a turnaround school. This was no fast pirouette. This was a slow progression of change. The group that led this change was a group of teachers and administrators that were on our restructuring committee. And it started after the [MCAS] scores came out in 1998 and we had a 44 percent failure rate in English and a 75 percent failure rate in math. And then the scores didn't get better. In fact, they actually got worse in math.

CW: You've referred to what the school was facing as "massive failure."

SZACHOWICZ: It was. What else to do you call it when we were looking at 75 percent of the kids not getting a diploma? I'm a graduate of this school, so it really hurt. It would have been one thing if 75 percent of the kids in the entire state were failing, and then you'd say this was a horrible test. But guess what? That wasn't the case.

CW: You were bringing up the rear.

SZACHOWICZ: We sure were, and we really needed to look in the mirror. There was nothing else you could do.

CW: So your focus initially was on driving up the MCAS scores and passing rate?

SZACHOWICZ: We did try to attack the test first. And I'll tell

CONVERSATION

you a funny story. We didn't know what to do. I was a history teacher and my buddy that co-chaired the committee with me was an English teacher. We get this pile of numbers back and we're looking at them. We saw that, for two years in a row, there were Shakespearian sonnets on the MCAS. So guess what we did first? We did this big work on Shakespearian sonnets. Guess what wasn't on the test the next year? We realized the hard way that it wasn't going to work to try to outguess the test. And was that really what we wanted anyway? So we broadened the discussion to, what are the skills that kids needed for the test? And what do our kids need to know and be able to do to be successful graduates?

CW: And so it broadened fast from the idea of learning Shakespearian sonnets.

SZACHOWICZ: To reading, writing, speaking, and reasoning—and there isn't even a speaking component on the MCAS. We happened to feel like we needed that in the school because we couldn't stand how they spoke. When you look at our literacy skills, they are those skills that adults use and need in the world all the time.

CW: So you came to the broad conclusion that literacy skills were what you needed to try to tackle. But how did you put this into place?

SZACHOWICZ: The angle that we took was people are going to support literacy but you need to define it for them, and then teach the teachers how to teach it to the kids. The real success story here is not just about students learning, it's about adult learning. It's about us then teaching ourselves—teaching the teachers, who then taught the students—because we, the restructuring committee, did all the training. So what does literacy and reading mean? It means that you know how to do pre-reading and use vocabulary and read for content and generate a response to what you've read. What does writing literacy mean? It means that you can also generate a response to what you've read, viewed, or heard. You can write an open response. You can debate an issue. You can compare and contrast. In speaking, it means you speak in complete sentences. We drafted these skills. Every one of them has a set of definitions. We wanted every teacher that looked at them to say, "Yes, a kid ought to be able to do that in my class."

So, starting in the 2000-2001 school year, we tackled writing first. We felt out of all of them, that was the key to a kid's success. Test-wise, writing was over 50 percent of the MCAS test. But, as I said, we had learned our lesson—it wasn't just about test prep because we failed at that one. But writing is thinking, so if we could get our students writing differently, they were going to be thinking well

and they were going to be reading more intensely. So we trained every teacher in the school on a format of writing instruction.

CW: And then the results of the MCAS came in.

SZACHOWICZ: I was the associate principal by then. My buddy, Paul Laurino, and I had been co-chairing the restructuring committee, and we felt it important to put a very confident front forward. "This will work. This will work," we'd tell all the teachers. People weren't buying it. They were following the initiative because we were pushing it. Behind the scenes we would say to each other, "Oh my God, if we don't see some improvement, we are just dead in the water." But we thought we were onto something good. We had gone hard at writing for a whole year, no exceptions. We had fought a lot of battles. Then I got a call from the [state education] commissioner's office. I

We had buy-in
when we had results.
You cannot wait for
everyone to buy-in,
because that day isn't
going to happen.

immediately thought that someone had cheated or I had miscounted the test booklets or some God-awful thing that happens in MCAS administration.

CW: A scandal was coming.

SZACHOWICZ: Yes, a scandal is coming. My secretary said it's the commissioner, and I assumed she meant it's the commissioner's office, having not been called usually by the commissioner himself. So I picked up the phone, and he said, "Szachowicz, Commissioner [David] Driscoll here." At which point my heart sank like you wouldn't believe. I had a knot in my stomach that was beyond measurement. And he said, "What did you do down there anyway? You are the most improved school in the Commonwealth of Massachusetts." I don't think I could speak for five seconds—which is a miracle. And he said, "I'm coming to Brockton High to tell everybody."

We had this big assembly in the auditorium. It was a very powerful moment because we had never been recognized for anything academically. He said, "You are a school of champions in your city of champions." And then he looked at the faculty and he said, "and that is because you

taught them better than any other faculty in this Commonwealth. Thank you very much.” And that’s when we had buy-in. We had buy-in when we had results. I always say, whenever I’m working with other schools or principals, you cannot wait for everybody to buy-in. Because that day isn’t going to happen. There are always going to be people who are going to hold back and say, “You need to prove it to me.”

CW: So, initially, you didn’t have really widespread support for the initiative?

SZACHOWICZ: No, we did not. We had people cooperating. We had some people who went really above and beyond, but I think most people had been through an awful lot of ed reforms.

CW: There’s always a new thing coming around that corner.

SZACHOWICZ: There was always a new thing, and they thought, we’ll wait this out, too. But this time something worked. And you saw immediate results. In that first year we cut our failure rate in half, and then the following year, in half again. So in English we went in two years from a 44 percent failure rate to 13. And in math, from a 75 per-

cent failure rate to 36.

CW: Talk a little bit about this idea that with the literacy program you decided this has to be something that is done across the board, in every discipline, phys ed, art, everything.

SZACHOWICZ: I felt strongly that if you start exempting people it diminishes the value of what the exercise is. I think that’s been a key to the success. Everybody can do this. In phys ed, it wasn’t like they’re reading Shakespeare in the gym. But there are great non-fiction pieces on wellness, fitness, cardio issues.

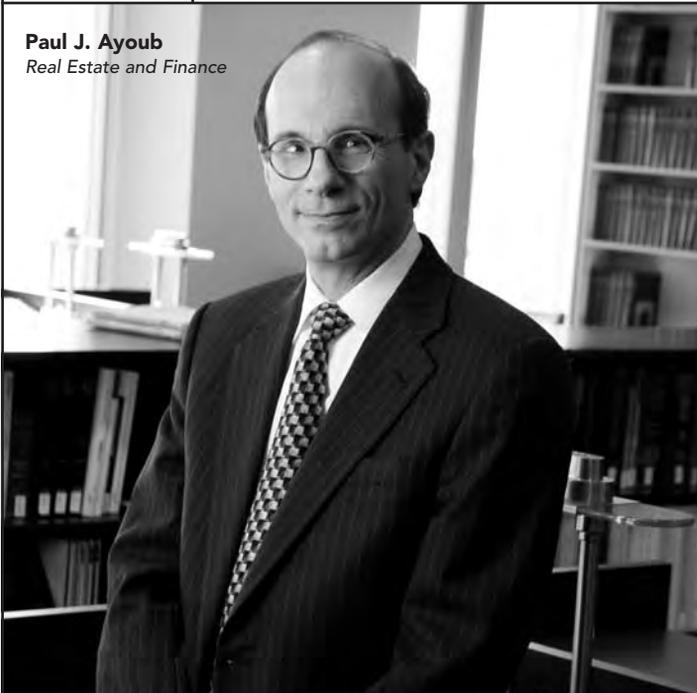
CW: You are also unapologetic about the idea that, across the board with almost 300 teachers, they are doing the identical thing using the literacy rubrics that have been developed. Some people would say, what a mind-numbing way to approach things.

SZACHOWICZ: Yes. I’ve heard that. When people say, “That’s so formulaic,” my answer to that is, you’re right. We say, it’s a formula for success. How does anyone really learn something? Any musician or coach knows this: practice, practice, practice. And you can’t complicate the matter by saying,



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CONVERSATION

depending on what classroom you're in the standards are different.

CW: Do you subscribe to this idea that we hear so often today that effective teachers are really the whole ball of wax.

SZACHOWICZ: I do.

CW: Can you talk a little bit about how you evaluate teachers? Because that's also something that's getting a lot of attention now with talk about remaking evaluation systems—across the state, across the country. It's a big part of the Race to the Top initiative.

SZACHOWICZ: The evaluation instrument is contractual. And it's horrible. It's just check boxes. It's broken. However, we're pretty good here about saying, what can we control and what can't we control, and what do we have that we can use differently? Well, beside the check boxes it says, "comments." So we had an opportunity. I called Research for Better Teaching [an Acton-based consulting organization run by noted education leader Jon Saphier, which specializes in teacher development and teacher evaluation] and said we need some help, but you can't change our instru-

Raising expectations costs nothing. It costs hard work. It makes us roll up our sleeves and it's about doing things differently.

ment. They helped us use it much better and that has changed all of the evaluations. We train every new administrator in how to do this and it's now a pretty powerful evaluation tool.

CW: Another thing that you do that's very concrete is, because you have these common assessments and common rubrics, you look at how students are faring under different teachers and take a really hard look at disparities in the progress of students.

SZACHOWICZ: And we've gotten much better at looking at it. At first we had teachers submit student work to department heads mostly because we wanted to make sure it was being done. It was more about monitoring the process, but when we looked at it, we learned so much. We were sort of stumbling onto things. We would go in that conference room [motioning to a room adjoining her office]

and we had the work spread out, and what became clear to us was the simple data question we now always ask: What do you notice? We were so unsophisticated. But it was the best question we could have asked because when we laid out the work on the table, we noticed that the rigor and consistency and how it was being graded was all over the place, even though we had a rubric. There was great disparity between what the expectations were from one classroom to another.

And we're looking at work from one class and we said, "Look at the results Ms. Nelson is getting. Geez. How come her kids are getting this and this and others are not?" We started pairing teachers up, so that if you're getting really high level writing in your class and I'm teaching the same group of kids and I'm not, we put the two teachers together—not to beat anybody up, but to say, what do you notice about the work produced here?

CW: There's a lot of concern expressed these days that it's threatening to teachers or it's been a sticking point for teachers unions. Do you feel that we need to be looking at the relative performance of students under different instructors?

SZACHOWICZ: It's part of moving the improvement agenda forward.

CW: How have you gotten that to be seen as something that can really improve things here, as opposed to something that's sort of ominous or threatening to teachers?

SZACHOWICZ: It is not ominous. I think if you ask people, they wouldn't find it that way at all. It's a dialogue. What's not happening here, and of course it's sort of the elephant in the room, is there's no pay for performance, so this is about school improvement and kids being held to the same standard.

CW: And with the teachers contract governing how evaluations are done, student performance is not a formal part of how teachers are evaluated.

SZACHOWICZ: That's absolutely correct.

CW: Do you think it should be?

SZACHOWICZ: I don't know yet. I think we've been onto some improvement strategies here. How that plays out with evaluation tools, I don't know. I don't know where all of that debate is going to go. We sort of have always worked within the system here, and there may be things that I don't like—and there are plenty—but I feel like I can either choose to work within the system and make it

successful or you look for a different route altogether.

CW: In a lot of ways isn't that the Brockton High story—that you've managed to achieve what you all have accomplished—

SZACHOWICZ: Within the box.

CW: Yes, exactly. You're a large school, the largest in the state. You don't have a longer school day. You don't have the sort of hiring autonomy that, say, a charter school has.

SZACHOWICZ: Right. Yes.

CW: You made a decision to not do what some schools have done whose students are struggling to gain proficiency in basic skills, which is "double block"—devote twice as much time to English and math, which often comes at the expense of art or music or things like that.

SZACHOWICZ: No. We don't do that. We never went that route of taking that away because my belief is that's the hook. Our kids would follow the band director off a cliff, or the football coach, or the choral director. There are kids who will bury themselves in fine arts. So we went the route of embedding literacy into those areas they love. In chorus, they were doing a piece for the Handel and Haydn Society. I found a reading about the times that this piece was about that they were singing. It was about the French Revolution period. The people were miserable and they were all angry. [The chorus instructor] had them read it and do a writing piece. Then she looked at me and she said, "And then they sang it differently."

CW: Even though there is so much talk in education about these big kind of reforms that we need to have, some of which you're a believer in, is the Brockton High lesson that there is a lot that can be done even without those sorts of big transformations?

SZACHOWICZ: Yes, there is a lot. I am a fan of most of those big transformations. I find it absurd that I as a principal can't call a teacher's meeting without having a grievance. But I'm not going to use that as an excuse and do nothing and say, poor me, poor me, and guess what, kids aren't graduating. I just think far too often that's used as an excuse. The literacy initiative costs nothing. It was about changing instruction in a building and changing the focus in a building.

CW: So it's really about the mission and the culture of the school.

SZACHOWICZ: Right. Raising expectations costs nothing. It

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costs hard work. It makes us roll up our sleeves and it's about doing things differently. That doesn't mean that I'm not going to keep fighting for a longer day and a longer year, because I hate that kids walk out at two o'clock.

CW: Did you think 10 years ago that you'd be sitting here having someone come to talk to you about the really noteworthy progress at Brockton High?

SZACHOWICZ: Not in a million years. I could not have imagined it. Nor were we even aiming for that. We were really just focused on kids graduating, which sounds like such a low standard. But we were in such trouble that they weren't going to get their diploma.

CW: With Brockton's MCAS scores, you certainly aren't leading the state; you are more or less now tracking the statewide averages. What makes it so impressive is you're doing that with more than twice as many low-income kids.

SZACHOWICZ: Yes, and English language learners are increasing here hugely.

CW: Boxing has a big history in Brockton, so maybe the

best way to describe it is to say you're punching above your weight class.

SZACHOWICZ: Oh, I like that. We get kids here from everywhere. In fact, it's not uncommon for us to get kids who haven't been to school for some time. Our largest percentage of students is from Cape Verde, where you don't have to go to school after the sixth grade. So it's not uncommon for us to get a student who's 18, 19, or even 20 years old, who has not been to school for six or eight years. We welcome them to Brockton High—and get them invested in literacy right away, because they have to pass that test, too, like anybody else.

CW: How do you view MCAS? Because it seems like it was the introduction of it and the high-stakes graduation requirement that lit a fire here, when push was going to come to shove. Is that the case?

SZACHOWICZ: Yes. Totally. I am totally in favor of the high-stakes test. Totally. And I get so angry when the suburban principals say, "Oh, this is so bad for the poor urban children." No, it isn't. People had very low expectations of our kids. The high standards aim to get kids to a place that is

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— *Brigham and Women's Hospital*

1962 First successful surgical reattachment of severed limb
— *Massachusetts General Hospital*

1984 First heart transplant performed in New England
— *Brigham and Women's Hospital*

1993 Discovery of genes responsible for Huntington's disease and inherited ALS
— *Massachusetts General Hospital*



1998 First successful transplant of kidney with bone marrow, removing long-term need for anti-rejection drugs
— *Massachusetts General Hospital*

2003 Development of CRP test to predict risk of heart attack and stroke
— *Brigham and Women's Hospital*

2004 First quintuple lung transplant performed in the U.S.
— *Brigham and Women's Hospital*

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— *Massachusetts General Hospital*

2009 Partial face transplant, only the second ever in U.S.
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CW: Your scores are not nearly as good in math. But you're now working on an initiative around that?

SZACHOWICZ: Yes, because we made great inroads at first and then we plateaued. And we don't like plateaus here. We've stayed at this 15 percent failure and about 60 to 65 percent proficiency [in math] and we've soared in ELA [English language arts], which doesn't make sense, because most of our kids are bilingual and they should be doing better in math and struggling in English.

CW: All these impressive gains in the numbers in a way don't really mean anything if they don't represent something about the trajectory that kids are on when they leave here. What do you know about that? How they are doing? What have you been able to measure?

SZACHOWICZ: A greater percentage of our kids are going to college now. Of the class of 2010, 48 percent went off to four-year schools and 89 percent overall were planning some form of post-secondary education.

CW: And how are they doing there?

SZACHOWICZ: That's what we can't get our hands around yet, and we need to. It's very hard for us to track even our own students. Where do they go? I really do want to track them in college and see what happens.

CW: There's nothing simple about this—it's involved so much hard work and dedication. On the other hand, do you feel like the ability to really have an impact in urban schools is right there in front of us.

SZACHOWICZ: I think it is. Are we ever going to match the scores of the highest-flying district in Massachusetts? Unlikely. But it doesn't mean we won't aim for that.

CW: Looking around your office, I notice that you have that very famous Margaret Mead quote about how to make change in the world not just in one spot but in two places.

SZACHOWICZ: Yes, I do—because I really do believe that: "Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." I really believe it. **CW**

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Job action

A decade after the first call to action, it's time to get our workforce development house in order BY JERRY RUBIN AND JOHN SCHNEIDER

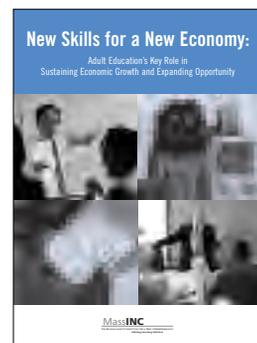
JANUARY 2011 MARKS the tenth anniversary of MassINC's *New Skills for a New Economy* report. The report's main finding that 1.1 million workers in Massachusetts—a third of the state's workforce—lacked skills essential to the “new economy” was broadcast far and wide. In one fell swoop, an issue that previously generated very little attention was pushed to the top of the public agenda. Ten years later, however, many of the problems identified in the 2001 report remain.

Despite our best efforts, too many adults still lack the skills needed to succeed in the state's economy. Long waiting lists for programs remain and too many adults are struggling in post-secondary education. We accomplished incremental progress toward improving our adult education and workforce development programs. But we did not achieve significant reform. And while the issue has largely fallen off the public agenda, recent reports indicate that the economic and labor market trends that spurred the 2001 study have only intensified. In fact, the state's economic recovery may well stall because we don't have enough skilled workers. We can't afford to let that happen.

The *New Skills for a New Economy* report identified three education challenges facing workers. The first was the “language challenge.” At the time, nearly 200,000 immigrants were identified with limited English-speaking skills. The second was the “education credential challenge,” or finding that 280,000 working-age adults, 9 percent of the state's workforce, lacked a high school diploma. Finally, we identified 667,000 workers with a high school degree but limited workplace skills and little or no college education, who faced the “new literacy challenge.” These workers were most disrupted by the transformation of the state's economy from manufacturing-based to knowledge-based. Simply

put, for this share of the workforce, representing the vast majority of the 1.1 million workers lacking new economy skills, their education was no longer adequate.

The report sparked a genuine reform effort, led by then-Gov. Jane Swift, to dramatically improve how the state delivers education and workforce development programs, aimed at ensuring the state



had enough skilled workers for an economy that was producing more higher-skilled jobs. It also sparked new interest in innovation among adult education providers and a substantial increase in employer-sponsored efforts to increase workplace literacy and basic skills. For a moment, it seemed possible that Massachusetts would have an adult education and workforce development system that was more effective, more accountable, and better funded. But the complicated governance and financing system of the state's workforce development programs, as well as the lack of consensus about mission and outcomes, were too much for well-intentioned reformers to overcome. Rube Goldberg won.

Several recent economic studies strongly suggest that Massachusetts faces a future that will see a growing schism between the education and skills required by new jobs, and the education and skills of our residents. Recently, the Federal Reserve Bank of Boston projected that the working-age population in New England will stagnate or shrink over the next two decades, and that its composition

Several recent economic studies strongly suggest that Massachusetts faces a future that will see a growing schism between the education and skills required by new jobs, and the education and skills of our residents. Recently, the Federal Reserve Bank of Boston projected that the working-age population in New England will stagnate or shrink over the next two decades, and that its composition

will include an even greater percentage of immigrants and minorities, many lacking higher-level literacy skills. Recent job vacancy projections by the Massachusetts Executive Office of Labor and Workforce Development suggest that nearly all job growth in the coming decade will be in occupations requiring some post-secondary education; the Federal Reserve Bank study projects that New England's growth rate for jobs requiring post-secondary education will be nearly twice the national average.

At the same time, the Fed study reports that the number of working age adults in New England with post-secondary education has been growing more slowly than other regions of the country. Although we can hope to import more workers in the future, we also need to get serious about investing in the skills of our current workforce.

What are we to do? We suggest four steps to tackle this challenge.

Make educational attainment for low-literate adults a priority Adult education is overshadowed by the important, but almost exclusive, focus on K-12 education reform. Yet, with one-third of the Commonwealth's workforce lacking the education and skills they need for the growing occupations, it needs to come out of the shadows. Gov. Deval Patrick, through his Massachusetts New Americans Agenda, has publicly committed to ending the 16,000-person waiting list for classes in English for Speakers of Other Languages (ESOL). He should make good on that promise. The Commonwealth stands out among other states for its level of funding of adult education, but given the disproportionately high educational requirements of our labor market, and our dependence on immigrants in our adult workforce, we have little choice but to increase support for programs that better prepare adults for college while strengthening program outcomes.

The secretary of education should establish a high-level task force to recommend the governance, funding, and accountability structures needed to align the state's adult education and higher education systems. At a minimum, the administration should seriously consider options for integrating adult education and higher education, including placing responsibility for adult education under the state's Board of Higher Education.

Change the goal of adult education to support post-secondary success Adult education has traditionally set the bar for success at the completion of a high-school equivalency degree (GED), or high level ESOL. While these are important steps in educational attainment, the bar for

success in adult education needs to be post-secondary education. Several actions should be undertaken to make this dramatic shift in focus and outcomes a reality.

Post-secondary attainment should serve as a primary goal for state funded adult education programs. Shifting the focus to post-secondary education will require significant improvement in the capacity of adult education providers to deliver high-quality, effective post-secondary preparation. State adult education funding has traditionally contracted with a wide network of providers, some with limited capacity and questionable outcomes. Shifting to a focus on post-secondary preparation may require a new funding model that supports a network of larger providers, or partnerships of providers, that have greater capacity to meet the post-secondary challenge for their students. There will also need to be a new emphasis on curricula and instructional innovation as well as the utilization of new educational technologies.

This shift will not be successful unless the state explicitly aligns adult education completion and college entry. Currently, adult students typically complete their GED or ESOL program and are far from ready to test into college-level classes. If they do go to their local community college and take the required "Accuplacer" entrance exam, they will likely be placed in developmental education, or remedial classes.

Sixty-one percent of the state's community college students are required to enroll in at least one developmental education course. Nationally, drop-out rates from

The bar for success in adult education needs to be a post-secondary credential.

developmental education programs can be upwards of 50 percent as unprepared students find themselves exhausting their federal financial aid long before they get to take a credit-bearing class. Adult education programs should be preparing students to enter credit-bearing classes directly, or with no more than one or two remedial requirements. Community colleges should partner with adult education programs so that students are prepared to directly enter college. This type of alignment, which has occurred in several other states, will require more coordination from adult education, workforce development, and higher education bureaucracies in order to forge new partnerships.

Create pathways for working adults to succeed in college Once adult students enter community colleges, they face the challenges of an educational system that is not typically designed to meet their needs. Many com-

munity colleges have made enormous progress in delivering night-time and weekend classes, and making other adjustments for older, working students on campus. But much more needs to be done to help working adults succeed in college. Financial aid, which is more typically available for full-time students, will need to be restructured for part-time students. More colleges will need to create “stackable” certificate and degree programs that allow working students to attain valuable credentials that add up to degrees as their time allows. And colleges will need to be much more consistent in their class and program entry requirements across programs and campuses, so that working adults don’t waste their precious time repeating classes in order to progress to a degree.

Support employers’ efforts to increase the educational level of their employees State-supported adult education is unlikely to meet fully the demand or need in the Commonwealth. But thousands of employees annually attend workplace-based adult education classes because they are convenient, low-cost, and often directly related to the requirements of their jobs. The Commonwealth already has incentives for workplace learning through several programs available to employers, and these should

be supported and expanded, but more could be done to fully tap the enormous potential for employers to invest in the education and skills of their employees. One approach that has been utilized by several major employers and states is life-long learning accounts. These are matched savings accounts, through which employees save for their education, and are matched by employer contributions. State tax credits, for both the employer and employee contribution, could go a long way to encourage more workplace education, and at the same time, create a new market for high-quality adult educational services.

Since the 2001 skills report, leaders have worked together to improve the system, while fighting to protect resources to help educate adults. But a decade of incremental change has not yielded results to the scale to match the challenge. Helping more working adults get a college degree generates economic opportunity and keeps the state competitive. Not only is it a goal worth pursuing, it must be the basis for the reform so urgently needed. **CW**

Jerry Rubin is president and CEO of Jewish Vocational Service, a Boston-based provider of workforce development services. John Schneider is executive vice president of MassINC and directs the organization’s New Skills for a New Economy program.



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A call to reason

Despite the urge to clamp down hard on all sexual offenders, evidence supports a more nuanced approach **BY ANDREW CROUCH**

SINCE THE MID-1990S, legislatures around the country have pursued a continuing and escalating course of action, from registration and community notification laws to civil commitment procedures, targeting individuals who have been convicted of sex-related offenses. From Capitol Hill to Beacon Hill, the sex offender registration laws are enacted with great fervor.

Despite the political popularity of these laws, however, there remains little evidence of their efficacy in reducing sexual crimes or in meaningfully increasing public safety.

In 1994, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which required states to create and maintain a registry of sex offenders' addresses. In 1996, Congress added a provision in the so-called Megan's Law allowing for the public disclosure of an individual's registry information.

Originally passed in 1996, the Massachusetts Sex Offender Registration Law classifies individuals into three levels depending upon the Sex Offender Registry Board's determination of their risk of reoffending and the degree of dangerousness they pose to the public. The lowest level offenders, Level 1, must register with the board annually by mail, with no public dissemination of their registration information. Level 2 offenders must register at their police departments, while information on Level 3 offenders is made publicly available, including on the board's website.

More recently, the federal Adam Walsh Child Protection and Safety Act in 2006 set minimum national standards for state sex offender registries and notification laws. Only three states have achieved substantial compliance with the federal law, with the rest, including Massachusetts, having secured compliance extensions until mid-2011. While the present Massachusetts registration law complies in some ways with the Adam Walsh Act, the Legislature will soon have to address a number of additional provisions, ranging from more frequent registration requirements for offenders to including Level 2 and perhaps even

Level 1 offenders on the state's Internet registry.

In updating the state's sex offender registration law, legislators should avoid the temptation to further exacerbate the public perception that former sex offenders pose the preeminent public safety threat of our time, making city streets unsafe for children, as the reality does not reflect such risk.



Proponents of tougher restrictions on sex offenders often highlight high profile cases, especially ones that involve the sexual assault and killing of a child victim. While these cases remain among the most horrible crimes imaginable, and cast a long shadow over the legislative process, they remain exceedingly rare.

In contrast to public perception, re-offense rates for individuals previously convicted of a sexually-related offense remain quite low. Published rates of recidivism across all categories of sexual offenders vary from 5.3 percent in a report by the US Department of Justice to 14 percent in a longer follow-up. The overall sex offender re-offense rate is actually lower than that of the general criminal population.

Fear of stranger sexual assaults also remains high among the public despite research demonstrating that sexual offenses are overwhelmingly committed by someone the victim knows. The National Crime Victimization Survey in 2009 showed that nearly 80 percent of sexual assault victims knew their perpetrator, and 93 percent of minor victims of sex crimes knew the offender, according to the Bureau of Justice Statistics. According to a 2008 report prepared by the Massachusetts Executive Office of Public Safety and Security (EOPSS), 71 percent of sexual assault victims reported knowing their assailants. The report concluded that “[t]he image of the rapist as a masked stranger prevails. Unfortunately, the reality is far more concerning.”

The reality, according to the report and other

similar efforts, is that whether the offender is a spouse, friend, or relative—or a babysitter or other person of authority in the case of a child—the public’s risk from unknown predators is nothing compared with that from individuals they already know.

Whether fueled by intense media coverage of isolated cases or political grandstanding, public concern over a perceived increase in the rate of sexual assaults is also unfounded. According to US Department of Justice statistics, reported rapes in the country have dropped from a high of 2.8 per 1,000 people in 1979 to .3 per 1,000 in 2009. From 1998 to 2008, the rate of reported rapes in Massachusetts decreased 6 percent, according to an EOPSS report.

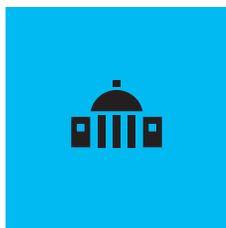
The view of the monolithic sex offender, with each individual posing the same level and type of risk to the public, also remains an enduring myth. The public policy response to date largely mimics this misconception. Offenders are grouped into a single, restrictive, and unbending cluster, which ignores a crucial, identifiable verity: sex offenders are not all the same.

In crafting a new registration law, the highest classification level should be reserved for individuals who actually pose the greatest risk of reoffending so that scarce resources can be directed most effectively. Individuals

who commit offenses against their own children, for example, pose different and substantially lower risks to the general public than do child molesters whose offenses target extra-familial victims. Yet such offenders routinely receive Level 3 classifications due to the particularly disturbing nature of intra-familial offenses.

Researchers and practitioners working with offender communities also agree that much remains to be learned about how to identify and manage potential recidivists. Despite significant recent advances in our understanding of sexual offenses, the registry board has not meaningfully updated the regulations it uses to classify offenders since their promulgation in 2002. In fact, many of the studies the board relied upon to craft its original regulations date back to the 1980s and early 1990s.

The legal community has for several years urged the board to update these regulations, with no success. The board’s assessment factors fail to address, for example, the widely accepted and crucial risk assessment factor of age, which across all offense categories is highly correlated with an offender’s recidivism risk. As offenders grow older, even beginning at age 40, their re-offense rates start to decline, with substantial decreases by age 50. After years of inaction by the board, a Supreme Judicial Court decision last



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year finally required the consideration of this factor, which nearly all researchers agree is key to accurately classifying sex offenders and protecting the public.

It remains vital, both for the benefit of the public safety and for the former offender in his or her reintegration into society, that the board regularly update its regulations to reflect advances in risk assessment research.

The Legislature should focus on improving the registration and classification system to target the highest risk offenders and direct resources towards them in order to decrease the risk to the public. While it is certain that no politician ever lost a vote while decrying sex offenders, some recent legislative enactments and proposed laws call into question the focus of the present approach to managing sexually related offenders. Banning all former offenders from public libraries, as the city of Boston did in 2005, or passing laws preventing them from working on ice cream trucks, as the Legislature recently did, suggests politically popular measures that have little basis in actually protecting the public.

Moreover, efforts to ban former offenders from living within a certain distance of schools and licensed day care facilities remain more troublesome, both in their demonstrated inefficacy and their result in destabilizing individuals who are attempting to reintegrate back into society. These laws frequently require offenders to move further away from supportive family members, necessary social services, and treatment. The restrictions often cause them to lose jobs due to transportation issues. In many jurisdictions with such laws, one unintended consequence has been to drive offenders further underground, with many failing to maintain their registration. As one Iowa sheriff characterized his state's sex offender residency restrictions to the Associated Press in 2006, "It's just absolutely absurd what these laws have done, and the communities are at greater risk because of it."

Such proposals fundamentally misconstrue the risks posed by different offender communities by treating all offenders, including those whose prior offenses involved adults, as posing a viable and legitimate threat to children, when the research clearly contradicts such a position.

While legislators cannot be immune from public concern over sensationalized accounts of individual crimes, governing from an emotional response rather than one based in research and scientific reality does not protect the public. Having a system that focuses resources on the individuals most likely to reoffend rather than cultivating a false sense of security is the only way to effectively protect the public from the true risks posed by sex offenders. **CW**

Andrew Crouch is a Cambridge-based attorney practicing in the areas of criminal defense and sex offender registration.

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Robin Hood mayors

Under Ray Flynn and Harold Washington, local pursuit of income redistribution thrived

Activists in City Hall: The Progressive Response to the Reagan Era in Boston and Chicago

By Pierre Clavel

New York, Cornell University Press, 225 pages

REVIEWED BY DON GILLIS

BOSTON'S RAY FLYNN and Chicago's Harold Washington both rode into office as mayor in the early 1980s on the waves of grass-roots neighborhood movements. At a time of federal retreat from city concerns, both leaders pledged to pursue a progressive municipal agenda focused on the plight of the urban poor and working class. More than 20 years later, Cornell University professor Pierre Clavel, in *Activists in City Hall: The Progressive Response to the Reagan Era in Boston and Chicago*, has offered an appraisal of their efforts to achieve greater economic equity by using the tools of city government to deal with problems of poverty, inadequate housing, low-wage jobs, and disenfranchised neighborhoods.

Both Flynn, who served from 1984 to 1993, and Washington, in office from 1983 to 1987, were mayors a time when the federal government under President Reagan was slashing aid to urban areas, leaving local governments to go it alone. Clavel examines what Flynn and Washington were able to achieve against enormous odds, not just by evaluating the policies they adopted, but also by looking at the political dynamics that shaped their administrations.

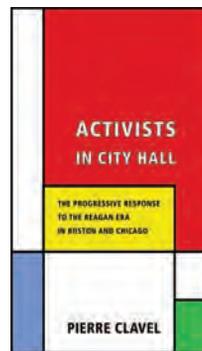
On the surface, Boston and Chicago seemed to have little in common at the time. Chicago was America's second-largest city, with just over 3 million residents, while Boston had just 560,000 people, ranking 20th. The cities were linked, however, by mayors promoting a local agenda of income redistribution that was highly unusual. Both were elected in response to widespread dissatisfaction with the urban policies of their predecessors. The recent past in both cities was marked by racial and ethnic conflict and support for a business-backed growth coalition, which promoted down-

town development while ignoring the needs of deteriorating neighborhoods. In different ways, Flynn and Washington challenged that corporate agenda and set their cities on a new course.

Flynn, a self-styled populist and maverick City Council member, was catapulted into the mayor's office by a coalition of labor, community, tenant, and former civil rights activists, many of whom joined the fledging administration in 1984. Clavel details some of the major policy initiatives Flynn undertook with a particular emphasis on the redistributive "linkage" plan under which downtown developers were required to contribute to a neighborhood housing trust to receive approval for their projects.

The results were substantial, allowing Flynn to use more than \$70 million in linkage funds to support local community development corporations and private developers in building thousands of affordable homes in city neighborhoods as the downtown skyline boomed. Flynn could only do this because he was not controlled by the powerful leaders of the downtown real estate industry, who realized that in order to make money they would need to play ball with the mayor's agenda. Linkage became a symbol of Flynn's economic-justice populism, helping him realize his vision of shared prosperity at a time when the federal government abandoned cities.

While Clavel provides an interesting analysis of Flynn's economic agenda, he falls short in his



BOOK REVIEW

analysis of Boston on two fronts. First, Clavel overstates the extent to which racial politics played a role in policy disagreements and neighborhood conflicts, and in Flynn's response to such conflicts. Although the Irish-American Flynn hailed from South Boston, the anti-busing stronghold which resisted a 1974 federal court order to desegregate the public schools—and Flynn had himself played a leading role in the anti-busing movement—as mayor he placed a high priority on being a racial healer, and focused on economic opportunity issues for all Bostonians. Once in office, he peacefully integrated public housing projects in several neighborhoods and incidents of racial violence decreased significantly citywide. Secondly, Clavel's book focuses exclusively on "activists" and their role, ignoring the fact that Flynn built a broad-based coalition that included not only left-leaning activists, but also more conservative neighborhood, labor, and religious leaders. I can attest to the vociferous policy debates that took place among those factions, give-and-takes that, in the end, enabled Flynn to govern effectively.

In Chicago, Harold Washington took a different path. As a congressman from the South Side he was an early part of Mayor Richard J. Daley's political machine, and later benefited from the civil rights struggles in Chicago

neighborhoods, which by 1980 were 40 percent non-white. Washington's cadre of activists, comprised mainly of urban planners, community organizers, and academics, helped lead the neighborhood movements of the 1960s and '70s. They joined him in city hall and ran a campaign focused on "jobs, not real estate," in contrast to past policies. Their goal was to preserve the dwindling manufacturing based in Chicago's neighborhoods by focusing on the creation of planned manufacturing districts, which gave zoning protection to manufacturers who were pressed by neighboring residents and real estate developers who would otherwise transform the districts to upscale residential or commercial uses.

When Washington took office, manufacturing jobs in Chicago had reached an all-time low, falling from 688,000 in 1947 to 277,000 in 1982, a decline of 59 percent. Washington also initiated a capital spending plan and distributed resources and decision making to hundreds of neighborhood groups as "delegate agencies" in an effort to unify the racially divided city, policies never before heard of in Chicago's machine politics. Washington was initially hampered by opposition from the former Daley machine and its remaining allies on the City Council, resulting in what Clavel describes as the prolonged "Council Wars"

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fueled by racial antagonism.

Clavel's analysis lacks a clear explanation for why Flynn focused on housing production while Washington emphasized protecting manufacturing jobs. Though the affordable housing production that resulted from Boston's linkage program is documented, the book is unclear on the most crucial question regarding Washington's initiative: whether Chicago ultimately succeeded in saving manufacturing jobs in the face of global competition and outsourcing which were (and continue to be) national challenges. Clavel laments that while there were indirect effects and anecdotal reports on the jobs saved, "no evaluations, or measurement, have been done."

Clavel artfully weaves stories of various policy initiatives together with detailed accounts of civic engagement in each city. He accurately credits both mayors for having clear visions for social justice and forging alliances with neighborhood leaders. Both mayors implemented redistributive policies and neighborhood empowerment and planning initiatives that changed the way business was done at city hall. With cadres of former community organizers on their staffs, they pursued a new type of economic development relying on local neighborhood-based community development corporations, which were emerging nationally.

Flynn left office in 1993, when he was named US ambassador to the Vatican. Washington died of a heart attack at his desk in 1987, only months into his second term. The successors to Flynn and Washington did not sustain all of their progressive initiatives, but their legacies were institutionalized in terms of linkage and jobs policies in Boston and planned manufacturing districts in Chicago, while the community organizing that launched their mayoralties has largely faded from view.

So why did their successors, Boston's Thomas M. Menino and Richard M. Daley in Chicago, return to the growth coalition model favored by downtown real estate interests?

Clavel argues that the community activists that helped Flynn and Washington get to city hall initially pursued an oppositional approach to government, but later became either part of the administration or the community institutions that each mayor supported—such as community development corporations and grassroots community organizing groups. At the same time, each city faced larger social and economic challenges, including the loss of jobs due to deindustrialization and the flight of the middle classes to the suburbs. Both Daley (now in his sixth term), and Menino (now in his fifth term) have presided over an expansion of downtown real estate development while not effectively building upon their predecessors "redistributive" policies aimed at slowing the staggering growth of income inequality in each city.

Efforts to retain the middle class by improving public education led to successful efforts in both cities for mayoral control of the school systems. Both Flynn and Washington developed an education reform agenda, with Flynn winning control of the schools in 1991 and Washington forming parent community councils, which were enacted into state legislation a year after his death. In 1995, under Daley, Chicago, too, moved to full mayoral control of the schools.

The jury is still out as to whether mayoral control of schools has had an impact beyond gains realized through federal and state-mandated standardized testing. The education challenges ahead are to improve teacher quality and accountability coupled with longer school days and more school-based decision making so that more lower-income urban dwellers complete post-secondary education and are able to compete for the jobs of the 21st century.

The August US Census report showed that 43.6 million Americans, or one out of every seven, are poor, with 50.7 million lacking health insurance. As the very rich get even richer, the report indicated that median family income has continued to decline. Joblessness continues, with more than 15 million Americans out of work. The hardship reflected in these numbers is felt sharply in cities. With growing income inequality in Boston, Chicago, and cities across America, mayors would be well advised to adopt redistributive policies to address these issues rather than leave it up to the private marketplace.

The key lesson of *Activists in City Hall* is that progressive mayoral administrations can have some success in providing a measure of equity in policies that most directly affect low-to-moderate income families in both affordable housing and securing jobs for city residents. They can support the rebuilding of neighborhoods by the residents and their organizations. They can balance the interests of downtown business leaders and neighborhood activists. And they can most certainly promote healthy civic engagement. But they don't last forever and can't fix everything.

Clavel suggests that progressive cities can serve as national models for an urban policy that addresses growing wealth inequality. With urban areas home to more than 80 percent of the nation's population, political leaders, students, and scholars can learn valuable lessons from this tale of two cities. **CW**

Don Gillis is a senior teaching fellow and lecturer on the sociology of Boston's people and neighborhoods at Boston University. From 1984 to 1993 he served in the Flynn administration as director of the Office of Neighborhood Services and, subsequently, as director of the Economic Development and Industrial Corporation.



Measurement error

Convention center pushes ‘place-making’ over heads on beds

THE PROCESS CURRENTLY underway to determine how—not whether—to expand the Boston Convention and Exhibition Center (BCEC) offers yet another example of the need for real public sector accountability.

Last year, the Massachusetts Convention Center Authority (MCCA) assembled the Convention Partnership to consider expanding what is already New England’s biggest building. Heavy with tourism industry officials and other potential beneficiaries, the group will soon recommend expansion and publicly owned or heavily subsidized hotel development that would cost more than \$1 billion.

Quite a conclusion for a facility that has had less than half the impact projected in the 1997 feasibility study that persuaded lawmakers to build it.

A convention center’s economic impact is measured by the hotel business that events generate. The feasibility study projected the BCEC would generate 794,000 hotel room nights annually. In 2008 and 2009, it averaged 333,000.

In a wildly over-built convention market, even that is a testament to the job done by the convention center’s executive director, James Rooney, and his team. But it’s hardly an air-tight case for expansion.

At a Convention Partnership panel last summer, I was among those warning against a publicly owned convention hotel. St. Louis’s publicly owned hotel is in foreclosure. Bond ratings for similar hotels in Austin and Phoenix have been downgraded and Baltimore’s convention hotel rating has been revised downward.

The warnings did little to change the Convention Partnership’s inevitable conclusions, but it sure affected the messaging. Consultants subsequently described the Austin, Phoenix, and Baltimore hotels as “paying [their] debt service,” a classic example of putting lipstick on a pig.

The consultants are even defending the 1997 feasibility study. During my 2003-2004 tenure on the MCCA board of directors, eyes rolled at the mere mention of the report, which was conducted under an earlier regime.

But in a presentation to the Convention Partnership, the same consultants that prettied up the hotel pig noted that the BCEC projections were based on the assumption that 3,800 new hotel rooms would be developed nearby—failing to mention that the feasibility study said the facility’s very presence would generate development of

those rooms.

The absence of hotel room nights from the consultants’ list of measures by which the BCEC has outperformed the feasibility study lays bare a dirty little secret: Many more convention attendees than the industry cares to admit are local and therefore don’t inject new money into the area economy.

Attempting to sidestep the room-night issue, Rooney said in September the BCEC’s economic impact can’t just be measured by “heads on beds.” He talked about the importance of “place-making,” a nebulous concept whose greatest value to expansionistas is that it isn’t measurable.

Rooney stepped up the “intangible benefits” campaign at the Partnership’s November meeting. An academic from England extolled business-focused events and cautioned against “grossly” underestimating their true economic value by measuring them based on what he called “tourism impacts.”

Without objective benchmarks, defining success is left to the convention consultants who never recommend against building or expanding and, in every case, dramatically overestimate performance.

The BCEC’s consultants also work for some of Boston’s biggest competitors. In 2003, they projected that expanding Philadelphia’s convention center would generate nearly 60 percent more hotel room nights. Post-expansion, room nights are down 40 percent.

Convention consultants also conduct the studies that prop up their earlier projections, like one that pegs the BCEC’s economic impact at an inflated \$2.4 billion.

Despite the facts, expansion is likely this time around. But any plan should be accompanied by objective performance goals and the date by which they are to be achieved. That means a specific number of hotel room nights for the BCEC as well as occupancy rates and revenues for publicly owned or subsidized hotels.

Without objective accountability, it won’t be long before another stacked commission recommends expansion, citing a consultant-backed case that boils down to little more than “trust us.” **CW**

Charles Chieppo is the principal of Chieppo Strategies LLC, a public policy writing and advocacy firm.

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