



**LOWELL PUBLIC SCHOOLS**  
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Commissioner Mitchell D. Chester, Ed.D.  
Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148

Dear Commissioner Chester:

As a large school district we have experienced a good deal of transiency from the Lowell Community Charter School since its opening. Attached please find the transiency report from last year which indicates the overall movement of students out of the Lowell Community Charter School. Although not all of these students transfer to our schools the transition of the greater majority of students to Lowell Public Schools presents a myriad of challenges to the Lowell School district. The transiency in combination with the funding formula for moving students after October first adds additional funding pressures to the organization. We have added over 350 students to the Lowell Public schools since August 15th. The overall influx of students is demanding but the pattern of influx from the charter schools is consistent and impacts our overall systems of support on a regular basis.

A long-term pattern from the Lowell Community Charter School is the transfer of students with Special Needs back to the public school setting. It is documented practice that Individual Educational Programs (IEPs) are amended to include more intensive services before students are transferred to the Lowell Public Schools. Additionally, incoming parents have reported that they are informed at the Charter School that the Special Education Services added to the IEP by the Charter School cannot be implemented in the student's current educational setting. Then a suggestion is made by LCC that the student be transferred to the public schools. Thus, the parents are denied the option of implementing the IEP in the charter school setting to determine appropriateness of the changes, therefore, depriving the parents of their right to the Charter School slot. This message has been articulated for many years and continues to be documented by LPS staff.

Although there has been a significant improvement in the communication between the Lowell Public Schools and the Lowell Community Charter school regarding meetings and attendance there continue to be issues. For example, LCC held a meeting at the end of the 2013 school year. At this meeting, the LCC TEAM wrote an IEP placing a student in a private out of district setting without the LPS being invited to the meeting. This is clearly a violation of 603 CMR 28.00. The Department of Education is clear that in such circumstances, the LPS "shall" be notified and invited to participate in such TEAM meetings. LCC either was unaware, ignored and/or violated this legal requirement and the special education coordinator for LCC has acknowledged this failure. As a result of failure to notify and invite the LPS as required by law, the TEAM was not made aware that the LPS may have had an "in-district program" that could have provided

