



RECEIVED

DEC 06 2013

MA DEPARTMENT OF EDUCATION:  
CHARTER SCHOOL OFFICE

December 3, 2013

Mitchell Chester, Commissioner  
Department of Elementary and Secondary Education  
89 Pleasant Street  
Malden, MA 02148

Dear Commissioner Chester:

We are in possession of a draft report on the Conditions of MVRCS received via email on December 2<sup>o</sup>, 2013. As there has been so much confusion and misinformation over the years coming regarding Mystic Valley we believe that our correspondence must go directly to you. The Board therefore is addressing each of the Conditions and your department's comments here:

**Condition 1:** Beginning in March 2013 and until further notice, the Mystic Valley Regional Charter School (MVRCS) will submit to the Department of Elementary and Secondary Education (Department), at [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu) or 75 Pleasant St., Malden, MA, 02148, board meeting agendas, materials, and minutes prior to each board meeting at the same time these items are sent to MVRCS board members. The Department reserves the right to request additional information, such as quarterly or monthly financial statements, if board materials do not already include this information, and MVRCS must provide such additional information within two business days.

**Status: Ongoing**

The Department received MVRCS board packages on March 25, May 9, and September 9, 2013. MVRCS only provided the Department with an agenda for the October 25, 2013 meeting, not a full board package.

**MVRCS response: (met)**

There were no Board packages for either the June annual meeting or for the October 25, 2013 meeting. The DESE was sent prior to the meetings the agenda for those meetings and afterwards, materials distributed at these meetings were sent to the Commissioner and Charter School Office members. (See enclosed copies of emails from Mr. Veilleux dated June 27, 2013 and October 31, 2013.)

Condition 2: By May 31, 2013, the Board of Trustees of MVRCS shall amend its bylaws to set specific, reasonable limits on successive or total terms that a member may serve on the board of trustees. These limits must apply to all current board members.

Status: Not met

The Department received draft bylaws from MVRCS on August 30, 2013. After a review, Department staff concluded that the draft bylaws did not comply with the above condition or with Department guidance regarding bylaws. The Department sent feedback regarding the bylaws on September 27, 2013. On October 21, 2013, MVRCS provided the Department with further revisions to the bylaws. After a review, Department staff determined that the second draft of bylaws did not contain specific, reasonable limits on successive or total terms that a member may serve. The Department sent feedback regarding the second draft of bylaws on October 28, 2013.

MVRCS response: (Met three sets of by-laws submitted that comport with the legally required criteria)

Through our attorney Mr. John Hanify, Mystic Valley provided our by-laws in May to Mr. Jeff Wulfson. We have no evidence of receiving a formal response from Mr. Wulfson. Further, at the Board of Education meeting on May 25" where we appealed the imposed conditions and the denial of our cap increase, we were assured that the Commissioner would be willing to meet with us to discuss our by-laws. Mr. Brennan called twice in May and early June to set up a meeting and Mr. Hanify called once. Your office acknowledged that you had the messages and that you would call back to set up the meeting. We received no call back until early August and the meeting was not scheduled until August 30, 2013, nearly three months later. As such, we were in hold pattern assuming that the purpose of the meeting was to discuss our by-laws.

When the meeting finally took place we were surprised that there was very little discussion about the by-laws but more about "access and equity." We also learned during this meeting that the bylaws that were hand delivered by Mr. Brennan to the DESE office had been misplaced. It then took twenty eight days to receive the Departments comments.

We once again made all the changes that were requested that comported with the requirements of the law and returned them to the DESE on October 21,2013. In an email of October 28" sent from Alison Bagg to Martin Trice and an erroneous emailaddress for Thomas Brennan comments were made on our third set of by-laws sent to the DESE. On December 3, 2013 we hand delivered a new copy with a clean-up of some more administrative issues that were not on the first comments.

It is our belief that we have abided by all the criteria related to M.G.L. law and the regulations to back them up. We have tried repeatedly to seek a compromise with your Department on a

few remaining items in your criteria which are not required by law - namely the term limit issue and also the management issue. The Commonwealth of Massachusetts law is silent on term limits and although we have, under duress, agreed to create term limits for all new Board members we cannot agree to your imposition of these on current members who are governed under existing DESE Board approved by-laws for MVRCS. Further without a major amendment to Mystic Valley's Charter and a change of state law we cannot agree to criteria number twenty-nine and thirty. Our Charter expects us to follow the law and "supervise and control the Charter School and puts us in charge of management. According to the Departments own regulations we cannot agree to the latter.

"CMR 102 Board of Trustees. Public agents authorized by the state to supervise and control the charter school."

M.G.L. Chapter 71 Section 89 c.

(c) A commonwealth charter school shall be a public school, operated under a charter granted by the board, which operates independently of a school committee and is managed by a board of trustees. The board of trustees of a commonwealth charter school, upon receiving a charter from the board, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

aa) Notwithstanding section 59C, the internal form of governance of a charter school shall be determined by the school's charter.

Condition 3: By May 31, 2013, the Board of Trustees of MVRCS will engage in a comprehensive self-evaluation of its own capacity and recruit additional members who have the needed expertise.

Status: Partially Met

MVRCS submitted a board self-evaluation on May 31, 2013. The self-evaluation was conducted internally and concluded that the board is fully accessible, has a diversity of experience, skills, and personalities. MVRCS has not submitted any materials illustrating efforts to recruit additional members with needed expertise.

MVRCS Response:

MVRCS Board has repeatedly stated to the DESE that we cannot recruit additional members to serve on the Board until we have new approved by-laws. Mystic Valley's Board of Trustees cannot put members on to the Board under the current by-laws except to renewable term limited terms and at the annual meeting. It was assumed that a meeting would take place with the Commissioner of Education to discuss and have approved by-laws in June. Due to scheduling conflicts of the Commissioner, we were not scheduled until August 30, 2013, two months after our annual meeting. Reasonable, intelligent people have no interest in coming onto a Board of Trustees in the middle of a potential large legal challenge, in a regulatory environment with arbitrary criteria uniquely applied, with no guarantee that they will be allowed to function as an effective Board or for that matter without approved by-laws providing the rules for which the Board must abide. The Board of Trustees cannot legally put on new Board members unless we do it under the old by-laws in June or under a new set of by-laws which the DESE has not approved.

Condition 4: By July 31, 2013, the Board of Trustees of MVRCS will expand the board membership to at least seven members.

Status: Not Met

As of November 2013, MVRCS board membership remains at five members. Three members have served since the school's founding in 1998, one member has served since 2000, and one member has served since 2002.

MVRCS Response:

MVRCS Board of Trustees has repeatedly stated to the DESE that we cannot recruit additional members to serve on the Board until we have new approved by-laws. Mystic Valley's Board of Trustees cannot put members on to the Board under the current by-laws except to renewable term limited terms and at the annual meeting. As stated before, it was assumed that a meeting would take place with the Commissioner of Education to discuss and have approved by-laws in June, but due to scheduling conflicts of the Commissioner we were not scheduled until August 30, 2013 - two months after our annual meeting. Reasonable, intelligent people have no interest in coming onto a Board of Trustees in the middle of a potential large legal challenge, in a regulatory environment with arbitrary criteria uniquely applied, with no guarantee that they will be allowed to function as an effective Board or for that matter without approved by-laws providing the rules for which the Board must abide. The Board of Trustees cannot legally put on new Board

members unless we do it under the old by-laws in June or under a new set of by-laws which the DESE has not approved.

Condition 5: By September 30, 2013, the Board of Trustees of MVRCS will engage in training, conducted by an external consultant, accepted and approved in advance by the Department, on the roles and responsibilities of a public charter school board of trustees.

Status: Not Met

MVRCS has not submitted any documentation to the Department pertaining to board training.

MVRCS Response:

MVRCS Board of Trustees again has repeatedly stated to the DESE that it cannot schedule training with a legitimate Board Trainer without first having an approved set of by-laws and also a concrete set of criteria that the DESE will follow in any renewal. {We believe the latter exist but given unique criteria were added for MVRCS after the renewal inspection it is difficult to explain this to trainers) Every trainer contacted has stated that they would need the by-law issue resolved prior to training. Also, no current member of the Board will attend training until they understand what the by-laws will say in relation to them as well. It is our belief that no one will attend training if they are going to be forced off the Board shortly thereafter. It is simply an exercise in futility to conduct training if the rules are not known.

Sincerely,

Board of Trustees  
Mystic Valley Regional Charter School

---

**From:** Rick Veilleux

**Sent:** Thursday, June 27, 2013 9:45 AM

**To:** [mchester@doe.mass.edu](mailto:mchester@doe.mass.edu); [jwulfson@doe.mass.edu](mailto:jwulfson@doe.mass.edu); Bagg, Alison (DOE)

**Subject:** Materials from recent Board Meeting

Per the conditions set on our school, enclosed please find a copy of the previous Board minutes that were approved along with a copy of the notice/agenda for our last meeting and a copy of the school budget that was handed out, reviewed and approved by the Board.

Rick Veilleux  
School Business Manager

Mystic Valley Regional Charter School  
781-388-0222 ext. 2005

## Rick Veilleux

---

**From:** Rick Veilleux  
**Sent:** Thursday, October 31, 2013 4:52 PM  
**To:** mchester@doe.mass.edu; Chuang, Cliff; Bagg, Alison (DOE)  
**Subject:** FW: MVRCS items from recent Board Meeting  
**Attachments:** Accountability Plan Draft.pdf; District Profile.pdf; Science MCAS Comparison.pdf; MVRCS Board Minutes Approved 9 9 13.pdf; Ops Report 10 113.xls