**Brief Summary of Public Comment and Department Responses**

**Commonwealth of Massachusetts Virtual Schools (CMVS) Regulations 603 CMR 52.00**

**Amendments to Special Education Regulations 603 CMR 28.00**

**Amendments to Innovation School Regulations 603 CMR 48.00**

**March 25, 2014**

| **Key Comments** | **Department Response to Comments and Recommendations** |
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| Definitions  | Incorporated some of the suggested changes |
| General Provisions – clarify meaning of language | Will address in guidance |
| Waivers – general concerns  | Incorporated some of the suggested changes |
| Application Requirements – professional development plan, research based vs. rigorous requirement for learning time waiver, suspension policy  | Incorporated suggested changes |
| Application Requirements – serving all students, startup funding, opening procedures, Department review of contract  | Some are explicitly addressed by the statute. No change recommended for others |
| Concerns about not requiring Recruitment and Retention Plan  | Applicants are required to explain how they will attract, enroll and retain target populations in the application. Further guidance and oversight occurs prior to opening and through the accountability process. Not currently required by statute, will revisit in the future. No change recommended  |
| Enrollment – clarifications on enrollment preferences and lottery  | Incorporated some of the suggested changes |
| Enrollment – allowing out of state students  | Requires statutory change |
| Individual Online Courses – remove requirement requiring establishing district to pay same fees as other districts to individual course enrollments to count towards cap  | Incorporated suggested changes |
| Education tools – concerns with access to necessary tools for all students | Will address in guidance |
| Boards of Trustees – appointing authority  | Incorporated changes to clarify how members are appointed for statewide virtual schools versus one serving a specific group of school districts |
| Boards of Trustees – request to emphasize fiduciary responsibilities  | Incorporated suggested changes |
| Boards of Trustees – same authority as school committees  | Requires statutory change |
| Educator evaluation – “all educators” | Will address in guidance |
| Funding – how enrollment is calculated and timing of payment  | Will address in guidance |
| Transportation – clarification of “arrange for transportation” | Will address in guidance |
| Reporting – posting annual report on website | Incorporated suggested changes |
| Investigations – what are “significant matters”  | Clarifications recommended with supporting guidance |
| Notification of New Circumstances, overlap with investigations  | No change recommended |
| Notification of New Circumstances – additional circumstances  | Incorporated some of the suggested changes |
| General concerns about the Board’s authority in some areas and delegation of authority from the Board to the Commissioner | No change recommended |
| General concerns regarding the burden the new regulations are placing on schools that receive less funding in comparison to traditional schools in Massachusetts  | No change recommended |
| General concerns that academic success does not take into account the students enrolled (based on preferences) and funding received for virtual schools  | Minor clarifications recommended  |
| General concerns with IEP requirements and specifics around instructional requirements to ensure school can serve all students | Applicants are required to explain in the application how they will serve all students. Further guidance and oversight occurs prior to opening and through the accountability process. No change recommended  |