



# Massachusetts Department of Elementary and Secondary Education

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75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000  
TTY: N.E.T. Relay 1-800-439-2370

Mitchell D. Chester, Ed.D.  
Commissioner

## MEMORANDUM

**To:** Members of the Board of Elementary and Secondary Education  
**From:** Mitchell D. Chester, Ed.D., Commissioner  
**Date:** January 15, 2016  
**Subject:** Charter Schools – Amendment Requests

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Pursuant to the Charter School Regulations, 603 CMR 1.10(1), the Board of Elementary and Secondary Education (Board) must approve certain changes in the material terms of a school's charter. This year, the Department of Elementary and Secondary Education (Department) received requests from 19 existing schools or networks of schools to change their maximum enrollment or grades served, including 11 requests from Boston schools. This memorandum provides the following information for your review: (1) summary tables describing amendment requests for growth in Boston; (2) summary tables describing amendment requests for growth outside Boston; (3) a description of the Department's review process; (4) a description of the determination of proven provider status; (5) the basis for my recommendation of amendment requests; and (6) my thoughts on opportunities for future growth.

### **1. Boston Amendment Requests**

An overview of the 11 requests for expansions in Boston is provided on the next page, in preparation for a discussion and vote on individual requests at the Board's meeting on February 23, 2016.

## **Boston Amendment Requests**

<b>Charter School</b>	<b>Charter Region</b>	<b>Grade Span</b>	<b>Max. Enroll</b>	<b>Amendment Request</b>
Boston Collegiate Charter School	Boston	5-12	665	Increase enrollment by 30 students to a total of 695
Boston Preparatory Charter Public School	Boston	6-12	400	Increase enrollment by 520 students to a total of 920; add grade 5
Boston Renaissance Charter Public School	Boston	PK-6	944	Increase enrollment by 66 students to a total of 1,010
Bridge Boston Charter School	Boston	PK-8	335	Increase enrollment by 65 to a total of 400
Brooke Charter School Roslindale; Brooke Charter School Mattapan; Brooke Charter School East Boston (Brooke Network in Boston)	Boston, Chelsea	K-8	510 each	Increase enrollment by 659 Boston students and 52 Chelsea students to a total of 2,241; Add grades 9-12; consolidate 3 charters <sup>1</sup>
City on a Hill Charter Public School Circuit Street; City on a Hill Charter Public School Dudley Square (CoaH Network in Boston and New Bedford)	Boston	9-12	280 each	Increase enrollment by 5 students each to a total of 285 each
Codman Academy Charter Public School	Boston	PK-12	345	Increase enrollment by 20 students to a total of 365
Conservatory Lab Charter School	Boston	PK-8	444	Increase enrollment by 40 students to a total of 484
Helen Y. Davis Leadership Academy Charter School	Boston	6-8	216	Increase enrollment by 275 students to a total of 491; Add grades 5 and 9-12
KIPP Academy Boston Public Charter School (KIPP Network in Lynn and Boston)	Boston	K-8	588	Increase enrollment by 588 students to a total of 1,176; Add grades K1 and 9-12
Neighborhood House Charter School	Boston	PK-8	400	Increase enrollment by 428 students to a total of 828; Add grades 9-12

<sup>1</sup> Consolidation permits two or more separate charter schools within a network of charter schools to operate as a single charter school under one charter with multiple campuses. The Board has previously granted consolidation requests of three former networks of charter schools. A charter school network exists when multiple charter schools operate under individual charters and a single board of trustees oversees all of the schools.

**Note regarding net school spending cap in Boston:**

This year, charter schools in Boston have requested to increase their enrollment by a total of 2,701 additional seats, beyond what the Board can award under the statutory net school spending (NSS) cap. Under current estimates for the NSS cap of 18 percent for Boston, the Department estimates that approximately 1,275 are available to be awarded. We estimate that approximately 668 seats remain when taking into account the 5 percent holdback that the Department has administratively imposed to provide a buffer for year-to-year variations, some of which can be significant. In 2013, I lowered the buffer to 4.7 percent in Boston, and I will consider doing so again to accommodate requests and the educational programs proposed.

**2. Amendment Requests Outside of Boston**

In addition to the 11 requests received from charter schools in Boston, the Department received eight additional amendment requests from charter schools in other municipalities. These eight requests and their current status are summarized in the following tables.

<b>Charter School</b>	<b>Charter Region</b>	<b>Grade Span</b>	<b>Max. Enroll</b>	<b>Amendment Request</b>	<b>Status of Request</b>
Alma del Mar Charter School*	New Bedford	K-8	360	Increase enrollment by 90 students to a total of 450	Under Review
Benjamin Banneker Charter Public School	Cambridge	K-6	350	Add grade PK	Recommended for January Board vote
Cape Cod Lighthouse Charter School	Regional <sup>2</sup>	6-12	400	Remove grades 9-12; Decrease enrollment by 140 students to a total of 260	Board granted Dec. 2015
Community Charter School of Cambridge	Cambridge	6-12	360	Increase enrollment by 60 students to a total of 420	Pending School Response
Global Learning Charter Public School*	New Bedford	5-12	500	Increase enrollment by 100 students to a total of 600	Not Recommended
Pioneer Charter of Science*	Chelsea, Everett, and Revere	7-12	360	Increase enrollment by 420 students to a total of 780, add grades K-6	Under Review

*\* Schools which require proven provider status.*

<sup>2</sup> This school's region includes Barnstable, Bourne, Dennis-Yarmouth, Falmouth, Mashpee, Monomoy, Nauset, Provincetown, Sandwich, Truro.

<b>Charter School</b>	<b>Charter Region</b>	<b>Grade Span</b>	<b>Max. Enroll</b>	<b>Amendment Request</b>	<b>Status of Request</b>
Pioneer Valley Performing Arts Charter Public School*	Regional <sup>3</sup>	7-12	400	Increase enrollment by 12 students to a total of 412	Under Review
South Shore Charter Public School*	Regional <sup>4</sup>	K-12	610	Increase enrollment by 890 students to a total of 1,500	Recommended for January Board vote

\* Schools which require proven provider status.

### **3. Review Process**

Pursuant to Section 1.10 of 603 CMR 1.00, the school’s record of performance is considered when reaching a determination on a school’s request to amend its charter. The Department considers the following factors when reviewing amendment requests:

- the school’s compliance with applicable state, federal, and local law;
- affirmative, credible evidence of the existing school’s academic program success;
- affirmative, credible evidence of the existing school’s organizational viability; and
- affirmative, credible evidence of the existing school’s faithfulness to the terms of its charter.

In general, the Department will consider requests for maximum enrollment increases, changes to grades served, and districts specified in the school’s charter only after the school undergoes a comprehensive evaluation by the Department following the school’s first charter renewal.

For districts performing in the lowest 10 percent statewide, a charter school seeking an increase in maximum enrollment must qualify as a proven provider<sup>5</sup> if current charter school enrollment in the district exceeds the 9 percent NSS cap or the cap would be exceeded by the proposed enrollment increase. Most of the amendment requests submitted this year will require proven provider status.<sup>6</sup> More information about determining proven provider status follows in the next section of this memo.

<sup>3</sup>This school’s region includes Agawam, Amherst-Pelham, Athol-Royalston, Belchertown, Central Berkshire, Chicopee, Easthampton, Erving, Frontier, Gateway, Gill-Montague, Granby, Greenfield, Hadley, Hampden-Wilbraham, Hampshire, Hatfield, Holyoke, Longmeadow, Ludlow, Mohawk Trail, Monson, Northampton, Palmer, Pioneer Valley, Quaboag, Ralph C. Mahar, South Hadley, Southwick-Tolland, Springfield, Ware, West Springfield, Westfield.

<sup>4</sup>This school’s region includes Abington, Braintree, Brockton, Cohasset, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Hingham, Holbrook, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Quincy, Randolph, Rockland, Scituate, Weymouth, and Whitman .

<sup>5</sup>Proven providers must meet the performance criteria described in 603 CMR 1.04(4) (“evidence, satisfactory to the Commissioner, to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter school”).

<sup>6</sup>The requests of Benjamin Banneker Charter Public School, Cape Cod Lighthouse Charter School, and Community Charter School of Cambridge do not require proven provider status.

The Department conducts a comprehensive review of amendment requests. The review process includes the following:

- solicitation of written comments from superintendents of districts affected by proposed expansions;
- a review of the evidence regarding each school's performance, including identification of the strengths and weaknesses of each amendment request and potential questions for school leaders and board members;
- interviews of school leaders and board members, if necessary, to address specific concerns or questions; and
- a discussion of the merits of each school's amendment request judged against the criteria outlined in the Department's Amendment Guidelines and the Charter School Performance Criteria and determination of whether the school is eligible for proven provider status based upon the criteria described in 603 CMR 1.04(4).

If the Commissioner denies a charter school's amendment request and does not bring the request to the Board for consideration, the school's board of trustees may seek review of that decision by the Board directly, as provided in 603 CMR 1.10(8).

#### **4. Proven Provider Determination**

In order to determine if a current board of trustees qualifies for proven provider status, as defined in 603 CMR 1.04(4),<sup>7</sup> I consider affirmative, credible evidence of the existing school's success in

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<sup>7</sup> (4) Qualifications to Achieve Proven Provider Status: In school districts performing in the lowest 10% statewide and in which the 9% net school spending cap is or would be exceeded, applications will be considered only from Proven Providers. The Commissioner will determine and grant proven provider status.

Applicants for Proven Provider status must meet the requirements in 603 CMR 1.02. The applicant must submit evidence, satisfactory to the Commissioner, to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter school.

(a) The applicant shall submit a detailed description of role(s) and responsibilities at the successful school(s) or program(s).

(b) The applicant shall submit data demonstrating success in student academic performance and evidence of academic program success, including but not limited to:

1. Proficiency levels and growth measures on the Massachusetts comprehensive assessment system or equivalent assessments for all students and for one or more targeted subgroups as defined in M.G.L. c. 71, § 89(i)(3), which are similar to statewide averages in English Language Arts and mathematics for all students in Massachusetts in comparable grades, over no less than a three-year period for cohorts of students;
2. Student performance on other standardized tests over no less than a three-year period for cohorts of students, if available, which demonstrates student achievement levels that are similar to statewide averages in English Language Arts and mathematics for all students in Massachusetts in comparable grades;
3. attendance, retention, and attrition data;
4. graduation and dropout data, if applicable; and
5. in-school and out-of-school suspension rates.

(c) The applicant shall submit evidence of organizational viability, which shall include but not be limited to effective governance, effective financial management, effective implementation of recruitment and retention plans, if applicable, and compliance with applicable laws and regulations.

each of the three accountability areas: academic program success, organizational viability, and faithfulness to the terms of its charter.

With respect to evaluating a school's academic success under 603 CMR 1.04(4)(b), the Department reviews student academic performance and evidence of overall academic program success. This evidence includes, but is not limited to:

- proficiency levels and growth measures on the MCAS or equivalent assessments for all students and for one or more targeted subgroups, as defined in G.L. c. 71, § 89(i)(3);
- attendance, retention, and attrition data;
- graduation and dropout data, if applicable; and
- in-school and out-of-school suspension rates.

In addition to academic program success, boards of trustees must demonstrate organizational viability, which includes, but is not limited to, effective governance, effective financial management, effective implementation of recruitment and retention plans, and compliance with applicable laws and regulations. The school must also demonstrate faithfulness to the terms of its charter including, but not limited to, faithfulness to its mission, effective implementation of the school's key design elements, substantially meeting its accountability plan goals, and the dissemination of innovative models for replication and best practices to other public schools.

## **5. Basis for Recommendation**

The Department reviews all amendments through the lens of our charter school accountability framework: the success of academic programs; the viability of organizations; and the faithfulness to the terms of the charters. Ultimately, the schools that I recommend in February for charter amendments will meet the Department's criteria for approval and also demonstrate the potential to help close the achievement gap and to improve public education in Massachusetts.

A school's track record of success can be demonstrated with a number of metrics, including the quality of academic programming for students identified as economically disadvantaged, as English language learners, or as receiving special education services. In reviewing each amendment request and whether a school qualifies as a proven provider, we examine overall student performance at each school and the school's past performance in enrolling and serving special student populations.

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(d) The applicant shall provide evidence to demonstrate that the successful school serves student population(s) similar to the population(s) to be served by the proposed charter, and that the program to be offered at the proposed charter is similar to, or represents a reasonable modification of the successful school.

(e) Applicants shall provide any other information as required by the Department.

For applicants with a current or previous relationship to a Massachusetts charter school, the Commissioner may consider all information related to such school's performance, including his evaluation in connection with each renewal of its charter.

The competition for new seats in Boston does not fundamentally change the Department's review process or the standards for recommendation and award of new seats. My primary focus in making recommendations is the relative strength of the competing proposals as measured by applying the Department's criteria for these types of expansion requests.<sup>8</sup> I will consider the performance of the school in relation to the proven provider criteria in all areas<sup>9</sup>, the age of the school or network of schools, the demonstrated capacity of the school leadership and board of trustees to maintain and grow high quality schools, and the proposed timeline for adding new seats.

## **6. Future Growth**

As in prior years, I anticipate that future charter seats in Boston will remain in limited supply with only enough seats available in future years for a limited number of additional expansions. Without legislative action to increase the cap, Commonwealth charter school growth in Boston will be limited for the foreseeable future.

We have communities across the Commonwealth with substantially similar high need student populations who have not benefitted from the attention of high quality charter school operators such as those found in Boston. I encourage the boards of trustees of high performing charter schools in Boston to consider other avenues to help close the achievement gap and to improve public education in Massachusetts. Such possibilities include establishing new charter schools outside of Boston and participating in the development of high quality school options in traditional school districts, including work with turnaround schools.

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If you have any questions regarding these amendments or require additional information, please contact Cliff Chuang, Associate Commissioner (781-338-3222); Jeff Wulfson, Deputy Commissioner (781-338-6500); or me.

Attachments: Description of the Charter Amendment Review Process  
Criteria from Charter Amendment and Notification Guidelines

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<sup>8</sup> These criteria are outlined in the Department's Charter Amendment Guidelines found at <http://www.doe.mass.edu/charter/governance/AmendmentGuidelines.pdf>. The Guidelines are excerpted in Attachment 2.

<sup>9</sup> All requests from Commonwealth charter schools in Boston to increase maximum enrollment require that the board of trustees qualify for proven provider status because charter school enrollment has already exceeded the 9 percent NSS cap in Boston.