*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Mitchell D. Chester, Ed.D.*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Mitchell D. Chester, Ed.D., Commissioner |
| **Date:**  | February 16, 2011 |
| **Subject:** | Recommendations on New Charter School Applications and Requests for Major Amendments  |

The 2010-11 application cycle for new charter schools began in earnest last August, when founding groups submitted prospectuses for 42 new schools. I invited final applications for 25 of these proposals, and 23 were ultimately submitted by the November deadline. This memorandum summarizes my recommendations for the approval of:

* 14 new Commonwealth charter schools;
* three new Horace Mann charter schools; and
* two of three requests for expansion from existing Boston schools that were deferred from the fall so that they could be considered in conjunction with the requests for new charters.

This extraordinary interest in the creation and expansion of charter schools is due in large part to the enactment of the Achievement Gap legislation last January (Acts of 2010, c.12). One of the many provisions in this far-reaching reform law was an increase in the charter school cap in the lowest-performing public school districts. The legislation mandated that the additional seats made possible by this cap increase be awarded only to proven providers; i.e., individuals or groups who have a demonstrated record of success in establishing and operating successful schools. The goal is to replicate and to expand the highest performing schools, and in so doing provide additional opportunity and choice for students and their families.

The Review Process

The Department’s Charter School Office conducted a multi-step review of the final applications. The goal in this process is to identify those applicant groups that demonstrate the greatest potential for creating successful, high quality public schools. The review process included the following:

* Each application was reviewed by an advisory panel that included both Department staff and external reviewers. Panel members individually reviewed each application based on the published evaluation criteria, and then the entire panel met to discuss the strengths and weaknesses of each application and suggest questions for the interview with the applicant group.
* Eight public hearings were held in the districts where the proposed charter schools would be located (see enclosed list). There was at least one member of the Board of Elementary and Secondary Education (Board) in attendance at each hearing. Enclosed with this memorandum is a memorandum from Board chair Maura Banta, asking Board members to be prepared to report on the public hearings at the February 28 Board meeting. Audio recordings of the public hearings are available to Board members and others on request.
* Written comments from the public were solicited at each of the hearings and through the Department’s website. The superintendent and school committee in each proposed district also were directed to the application links on the Department’s website and were invited to comment. All written public comments have been compiled onto a CD-ROM, a copy of which is included with this briefing book.
* Interviews were conducted with members of the founding groups and proposed boards of trustees, focusing on the concerns and questions raised in the panel review and public hearings.
* Department staff prepared a comprehensive, criteria-based summary of the primary strengths and weaknesses of each proposed application.

Enclosed with this memorandum is a detailed description of the Charter Application Review Process and Criteria for Review, along with a list of the external and internal reviewers who assisted us in the review process. Under tab A is an explanation of the metrics used to evaluate proven provider status and an updated net school spending cap analysis. On the recommendation of the charter school committee of the Board, we set a high standard in our proven provider evaluations by comparing past performance with the state as a whole and not just with the host district.

Tabs B through R contain the following information specific to each proposal:

* An executive summary of the proposal, written by the founding group;
* A list of the members of the founding group and the proposed members of the school’s board of trustees;
* A summary of the final interview with the founding group;
* Where required, a summary of the applicant’s credentials as a proven provider;
* The Final Application Review, a summary of the application’s primary strengths and weaknesses prepared by the Charter School Office; and
* For schools where I am recommending the award of a new charter or the expansion of an existing charter, a proposed motion for Board action.

Where an applicant group has proposed a network of two or more schools, we have consolidated the evaluation process and summary materials.

As I notified you earlier, the full applications can be accessed on the Department’s website at [http://www.doe.mass.edu/charter/finalists/10/default.html.](http://www.doe.mass.edu/charter/new/)

Implementation of the New Cap and Allocation of Seats

I propose to continue holding back a certain percentage of seats to provide a buffer for the year-to-year variations in the cap calculations. Because the cap is being raised over a seven-year period, from FY11 to FY17, the holdback percentage is graduated to reflect the greater uncertainty of the years farthest in the future.

In accordance with the charter school regulations and on the advice of the Board charter committee, I am proposing to allocate for districts with a cap raise not only the seats available in FY12 but also, on a provisional basis, seats that will become available in FY13 through FY17. The year-to-year usage of seats is difficult to predict in advance, as schools’ growth plans often meet delays or require changes. Therefore, I am recommending that you delegate to me the distribution of actual and provisional seats among the groups to be granted charters, so that we can make adjustments to the proposed schedule on a timely basis as needed.

Even with the new, higher caps, we have more high quality proposals in Boston from qualified applicants than we can accommodate. My primary focus in making recommendations was the strength of the competing proposals. We have also tried to take into consideration both the grade level and geographic distribution of the proposals (see charts under tab A), with the caveat that schools do have the flexibility to locate anywhere within the municipality for which they are chartered.

Concerns have been raised about whether there will be any opportunity to add additional schools in Boston after this year, either by new groups or by expansions of networks. I anticipate that we will not be accepting Boston applications in the 2011-12 application cycle, but I am hopeful that even without legislative action to further increase the cap, enough seats will become available in subsequent years for one or more additional schools. These seats will come from the decline in the buffer for provisional seats, as described earlier, and from increases in spending in the Boston Public Schools. We also plan to closely monitor seats already allocated and reclaim those that are unused.

I am already encountering speculation about the impact on future applicants should the Board allocate all the available Boston seats. I have two aspirations in this regard. First, I would like to see proven providers focusing on cities other than Boston. To this end, in the next application cycle, we will encourage applicants to propose schools in other cities that are currently underserved by high quality charter schools and where seats are available under the current caps. Second, I would like to see school districts and proven providers work together to establish additional high quality school options within the footprint of the school district.

Students with Special Needs and English Language Learners

One of the major goals of the new charter school legislation enacted last year was to encourage charter schools, both new schools and existing schools, to better serve under-represented populations, including English language learners and students with disabilities. In reviewing applications for new schools, we look for capacity to address the particular needs of these students.

As noted in the application evaluations, many of the responses in this area were not as clear or concise as I would have wished. The proven provider analysis did allow us in many cases to identify with more specificity an applicant’s past performance in educating these special populations. We need to do a better job in providing guidance to applicants as to what is expected in their applications, and it is my intent to do so for the next application cycle.

During the coming year we will also be enhancing our training and oversight in these areas to ensure that all charter schools meet not only the minimum legal requirements but also the ambitious goals set by the Legislature. I have asked the Department’s Office of Language Acquisition and Office of Special Education Planning and Policy to assist the Charter School Office in this regard, and we will reach out to the major advocacy groups in each field to advise us on appropriate policies and expectations.

Summary of Commissioner’s Recommendations

While all applications have strengths and weaknesses, the proposals I am recommending meet the Department’s criteria for approval. I have also reviewed these applications through the lens of our charter school accountability framework: the potential success of the academic program; the potential viability of the organization; and the potential faithfulness to the terms of the charter. I believe that the schools being recommended have the potential to help close the achievement gap and to improve public education in Massachusetts. Please refer to the Final Application Review sheet for each school for the detailed description and evaluation.

**Alma del Mar Charter School** (Tab B)

New Bedford

Grades K-8

Maximum enrollment: 360

Anticipated opening: September 2011

This is a proposal for a new Commonwealth charter school using the Expeditionary Learning model. Proven provider status is not required because there are sufficient seats available in New Bedford under the 9% cap. I recommend approval.

**Bridge Boston Charter School** (Tab C)

Boston

Grades K1-8

Maximum enrollment: 335

Anticipated opening: September 2011

This is a proposal for a new Commonwealth charter school based on the model of the Epiphany School, a private, tuition-free middle school in Dorchester affiliated with the Episcopal diocese. The applicant’s request for proven provider status is based on Stanford 10 test scores at the Epiphany School, which, although not completely comparable to MCAS scores, do indicate strong academic performance. The Epiphany School is a long-established school, and there is no reason to believe it would close if this charter were granted, so the statutory prohibition against the conversion of a private school to a charter school would not apply. As an added check, I have included under tab C a chart showing how the conversion criteria in the Board’s charter school regulations would apply in this case. I recommend approval.

**Community Day Network** (Tab D)

**Community Day Charter Public School – Riverside**

Lawrence

Grades K1-8

Maximum enrollment: 400

Anticipated opening: September 2012

**Community Day Charter Public School – South**

Lawrence

Grades K1-8

Maximum enrollment: 400

Anticipated opening: September 2012

The trustees of the existing Community Day School in Lawrence are proposing two additional Commonwealth charter schools in Lawrence, both using substantially the same model as the existing school. The existing school’s academic performance is strong, qualifying it for proven provider status. In addition to these two new schools, Community Day is also assisting the MATCH School with the development of its proposed new school in Boston. However, given that both of these new Lawrence schools are based on the existing Community Day model, and given that they will not be opening until 2012, I am satisfied that the trustees have the organizational capacity to accomplish this expansion. I recommend approval of both proposals.

**Edward W. Brooke Network** (Tab E)

**Edward W. Brooke Charter School 2**

Boston

Grades K-8

Maximum enrollment: 475

Anticipated opening: September 2011

**Edward W. Brooke Charter School 3**

Regional school serving Boston and Chelsea

Grades K-8

Maximum enrollment: 475

Anticipated opening: September 2012

**Edward W. Brooke Charter School 4**

Boston

Grades K-8

Maximum enrollment: 475

Anticipated opening: September 2013

The trustees of the existing Edward W. Brooke Charter School in Boston are proposing three additional Commonwealth charter schools, all using substantially the same model as the existing school. All three would be located in Boston, with one a regional school serving both Boston and Chelsea. The existing school’s academic performance is strong, qualifying it for proven provider status. Because of the limited number of seats available in Boston, I am only recommending approval for the Brooke Charter School 2 and Brooke Charter School 3 proposals.

**Excel Network** (Tab F)

**Excel Academy Charter School – Boston I**

Boston

Grades 5-8

Maximum enrollment: 448

Anticipated opening: September 2012

**Excel Academy Charter School – Boston II**

Boston

Grades 5-12

Maximum enrollment: 448

Anticipated opening: September 2012

**Excel Academy Charter School – Chelsea**

Chelsea

Grades 5-8

Maximum enrollment: 224

Anticipated opening: September 2011

The trustees of the existing Excel Academy Charter School in Boston are proposing three new Commonwealth charter schools. The first would be located in Boston and serve the same grades (5-8) as the existing school, but on a larger scale. The second would also be located in Boston and would serve grades 5-12. The third would be located in Chelsea and would be similar in size and grade span to the existing school. The existing school’s academic performance is strong, qualifying it for proven provider status. Because of the limited number of seats available in Boston, I am only recommending approval for the Boston II (grades 5-12) and Chelsea proposals.

**KIPP Network** (Tab G)

**KIPP Academy Boston Charter School**

Boston

Grades K-8

Maximum enrollment: 588

Anticipated opening: September 2012

The trustees of the existing KIPP Academy Lynn Charter School are proposing a new Commonwealth charter school in Boston. The existing school’s academic performance is strong, qualifying it for proven provider status. The trustees are also in the process of expanding the Lynn school to include high school grades, but given the support available through the national KIPP organization, I am satisfied that they have the organizational capacity to undertake this new school, too. I recommend approval.

**Lynn Preparatory Charter School** (Tab H)

Lynn

**G**rades K-8

Maximum enrollment: 324

Anticipated opening: September 2011

This is a proposal for a new Commonwealth charter school in Lynn. Proven provider status is not required, as there are sufficient seats available in Lynn under the 9% cap. This proposal came before the Board last year, but it was not approved because of concerns regarding whether this was a private school converting to a charter school. This led to the Board’s adoption of regulations clarifying the criteria to be used in evaluating whether proposals violate the prohibition against the conversion of a private school to a charter school. I have included under tab H a chart applying these criteria to this proposal. Representations have been made that the Hathaway School will not close if this charter is granted. Therefore, I am recommending approval of this proposal with the condition that it uses a phased-in enrollment plan, with grades K-3 in its first year. This will ensure that the founding group has the capacity to implement a high quality public school.

**MATCH Network** (Tab I)

**MATCH Community Day Charter Public School**

Boston

Grades K1-12

Maximum enrollment: 700

Anticipated opening: September 2011

The trustees of the MATCH Charter Public School in Boston have proposed a new Commonwealth charter school to be located in Boston. The trustees are partnering with the Community Day Charter School in Lawrence to bring extra focus and capacity with respect to English language learners. The trustees have also submitted an amendment request to add 50 additional seats to the existing school (grades 6-12), to reflect the capacity of new facilities currently being developed for the legacy school. The strong performance of the existing MATCH school and Community Day Charter Public School qualify for proven provider status. I recommend approval of both the new charter application and the amendment request.

**Roxbury Prep Network** (Tab J)

**Dorchester Preparatory Charter School**

Boston

Grades 5-12

Maximum enrollment: 600

Anticipated opening: September 2012

**Grove Hall Preparatory Charter School**

Boston

Grades 5-12

Maximum enrollment: 600

Anticipated opening: September 2011

**Dudley Square Preparatory Charter School**

Boston

Grades 5-12

Maximum enrollment: 600

Anticipated opening: September 2012

The trustees of the existing Roxbury Preparatory Charter School in Boston have proposed three new Commonwealth charter schools in Boston, and have also submitted an amendment request to add 300 seats to the existing school and to expand the existing 6-8 school to include grades 5 and 9-12. These requests would result in a model comprised of four neighborhood-based middle school buildings, each with 300 students in grades 5-8, preparing students to attend a unified 1200-student high school with sufficient size to offer a comprehensive range of services and academic offerings. The existing school’s strong performance, together with its proposed partnership with Uncommon Schools, an experienced charter development organization, qualify for proven provider status. This partnership also provides the organizational capacity for such a major expansion.

Because of the limited number of seats available in Boston, I am not recommending approval of the Dudley Square proposal. I am recommending approval of the Dorchester Prep and Grove Hall Prep proposals, and I am also recommending approval of the school’s amendment request, subject to two conditions. First, I want to establish an enrollment requirement for the 9th grade that requires the admission of some students who have not previously attended the network’s middle schools, while at the same time ensuring opportunity for the grade 8 students to continue into high school. While I appreciate the school’s focus on the importance of good middle school preparation, we must also make an effort to accommodate those students who, for whatever reason, wish to enroll at the high school level. Second, I believe that in this instance the multiple charter structure has some drawbacks in terms of accountability and transparency at the high school level, where operationally the grades 9 -12 component will be a consolidated entity. Therefore, I think this model would be better implemented using a single charter. So I recommend a requirement that, prior to the opening of the high school, the trustees return with an amendment request to consolidate the multiple charters into a single reporting entity.

**Veritas Preparatory Charter School** (Tab K)

Springfield

Grades 5-8

Maximum enrollment: 324

Anticipated opening: September 2012

This is a proposal for a new Commonwealth charter school in Springfield. Proven provider status is not required because there are sufficient seats available under the 9% cap. I recommend approval.

**Boston Green Academy Horace Mann Charter School** (Tab L)

Boston

Grades 6-12

Maximum enrollment: 595

Anticipated opening: September 2011

This is a proposal for a Horace Mann III charter school in Boston, intended to replace the Odyssey High School. Students at the Odyssey will have priority in enrollment. The proposal is supported by the Boston superintendent and school committee, and I recommend approval.

**Salem Community Charter School (Horace Mann)** (Tab M)

Salem

Grades 9-12

Maximum enrollment: 125
Anticipated opening: September 2011

This is a proposal for a Horace Mann III charter school in Salem, with a special focus on students who have dropped out or are at risk of dropping out. The proposal is supported by the Salem superintendent and school committee, and I recommend approval.

**UP Academy Charter School of Boston (Horace Mann)** (Tab N)

Boston

Grades 6-8

Maximum enrollment: 500

Anticipated opening: September 2011

This is a proposal for a Horace Mann III charter school in Boston, intended to replace the Gavin Middle School. Students at the Gavin will have priority in enrollment. The proposal is supported by the Boston superintendent and school committee, and I recommend its approval.

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As a result of the review process, I determined that the following three proposals need further development and revision with respect to a substantial portion of the charter school approval criteria:

* Boston Chinese Immersion Charter School (grades K-8 in Boston) (tab O)
* Collegiate Charter School (grades 6-12, serving Springfield, West Springfield, and Chicopee) (tab P)
* Paulo Freire Social Justice Charter School (grades 5-12, serving Holyoke and 33 surrounding districts) (tab Q)

Finally, I am not recommending approval of the amendment request from the Conservatory Lab Charter School (CLCS) to add 286 seats and three additional grades (6-8) to their existing K1-5 school. CLCS uses an innovative Learning through Music curriculum and has significant support in the community. They have also made significant improvements in recent years, as evidenced by my recommendation (also on this month’s agenda) to remove the conditions previously imposed on their charter. But as the analysis under tab R indicates, their academic performance is still not strong enough to reach the high bar we have set for proven provider status.

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Jeff Wulfson, associate commissioner; Barry Barnett, acting director of the Charter School Office; and Ruth Hersh, coordinator of new school development, will be at the February 28 meeting to assist with the discussion. In the meantime, if you need any additional information, please contact Jeff or me.

Enclosures