***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 12, 2016 |
| **Subject:** | Charter Schools – Amendments for Boston Schools |

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 22 existing schools to change their maximum enrollment or grades served, including 14 requests from charter schools in Boston. This memorandum provides the following information for your review: (1) discussion of seats available for award in Boston; (2) a brief description of the Department’s review process; (3) summary tables describing amendment requests for growth in Boston; (4) the basis for my recommendation of amendment requests in Boston; and (5) my recommendation for amendments to charters of schools in Boston.

As discussed previously, we have more high quality charter amendment requests for Boston from qualified applicants than we can accommodate under the statutory net school spending (NSS) cap. This year, existing schools requested 2,701 new seats in Boston. Of the 14 requests, 7 schools propose substantial expansions of over 200 seats with the addition of one or more new grades, including 6 schools that propose to add high school programs to their existing elementary or middle school programs. The remaining 7 requests for Boston seek to add from 5 to 66 seats to their maximum enrollment with no other changes.

I recommend that the Board grant expansion requests for the network of charter schools comprised of Brooke Charter School Roslindale, Brooke Charter School Mattapan, and Brooke Charter School East Boston (collectively “BCS”) and for Neighborhood House Charter School (NHCS). My recommendation of these four requests is based upon the materials submitted by the schools in support of their requests, their track records of performance in the three areas of accountability for charter schools, and my designation of these two boards of trustees as proven providers. To accommodate each school’s request, I have reduced the buffer for net school spending (NSS) determined administratively by the Department from approximately 5 percent to 4 percent of the maximum seats estimated to be available for Commonwealth charter schools in Boston.

###### Seats Available in Boston

Under the 18 percent NSS cap for Boston, the Department estimates that approximately 1,275 seats remain. It is important to note that the calculation of the number of seats available is always based upon projection of several variables and the best available information. Because of the complicated nature of these projections and their inherently changeable nature, the Department administratively imposed a buffer to protect against year-to-year variations and the possibility that charter school tuition would be pro-rated should total charter tuition for Boston residents exceed 18 percent of NSS. In the past, the Department has generally held back 5 percent of seats, which, based on current projections, would leave approximately 668 seats to award. To accommodate the recommended requests and to maintain the integrity of the educational programs proposed, I recommend lowering the buffer from 5 percent to 4 percent; this increases the estimate of seats available in Boston to approximately 790 with an estimated buffer of 485 seats. This continues to allow for fluctuations in NSS and permits the expansion of existing high quality charter schools.

In addition to the 790 seats available under the 18 percent NSS cap in Boston, an additional 238 seats in Boston are available due to the closure of the Dorchester Collegiate Academy Charter School (DCA). The Board voted its intent to revoke the school's charter in accordance with 603 CMR 1.12(4) at its meeting on January 26, 2016. DCA did not request an administrative hearing within 15 days of receiving notice, as specified in 603 CMR 1.12(5). Therefore, the Board's revocation became final at the end of the 15-day period, on February 11, 2016. Accordingly, an additional 238 seats are available, resulting in a total of approximately 1,028 available to award in Boston.

Lastly, we will monitor seats already allocated and recommend modifications to charters if seats remain unused. Barring any reallocation of unused seats, I anticipate that no additional increases in enrollment in Commonwealth charter schools in Boston will be available in future years under the current statute.

The amendment requests for Boston are summarized in the table on pages 4 and 5.

1. **Review Process**

Section 1.10 of the Charter School Regulations contains several criteria to consider in determining whether to grant a school’s request to amend its charter. The Department’s comprehensive review was based upon these criteria.

The Department’s review included the following considerations:

* the charter school’s compliance with applicable state, federal, and local law;
* affirmative, credible evidence regarding the faithfulness of the school to the terms of its charter, including the extent to which the school has followed its recruitment and retention plan and has disseminated best practices;
* affirmative, credible evidence regarding the success of the school's academic program;
* affirmative, credible evidence regarding the viability of the school as an organization;
* the merits of the school’s amendment request when judged against the criteria outlined in the Department’s [Charter Amendment and Notification Guidelines](http://www.doe.mass.edu/charter/governance/) and the [Charter School Performance Criteria;](http://www.doe.mass.edu/charter/guidance/)
* the eligibility of the board of trustees for proven provider status based upon the criteria described in 603 CMR 1.04(4)[[1]](#footnote-1); and
* the public comment received regarding the request.

In general, the Department considers requests for increases in maximum enrollment, changes to grades served, and changes in the districts specified in a school’s charter only after the school undergoes a comprehensive evaluation by the Department following the school’s first charter renewal. The Department also considers such requests if a school operates under a charter without explicit conditions imposed.

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).

###### Amendment Requests for Boston

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| **Charter School Amendments** | **Current**  **Grade Span** | **Current Max. Enrollment** | **Original Amendment Request** | **Factors Contributing to Recommendation** | **Recommendation** |
| Brooke Charter School Roslindale;  Brooke Charter School Mattapan;  Brooke Charter School East Boston (Boston/Chelsea regional) | K-8 | 510 each | Increase enrollment by  639 Boston students and  52 Chelsea students to a total of 2,221; Add grades  9-12; consolidate 3 charters | Replication efforts are consistent and high quality in all areas; Capacity demonstrated | 691, with new seats in Boston limited to 600;  Add grades 9-12;  Consolidate 3 charters[[2]](#footnote-2) |
| Neighborhood House Charter School | PK-8 | 400 | Increase enrollment by 428 students to a total of 828;  Add grades 9-12 | Performance trends are consistent and high quality in all areas; evidence of capacity provided | 428 Boston;  Add grades 9-12 |
| Boston Collegiate Charter School | 5-12 | 665 | Increase enrollment by 30 students to a total of 695 | Limited impact of proposed award | NA |
| Boston Preparatory Charter Public School | 6-12 | 400 | Increase enrollment by 520 students to a total of 920;  add grade 5 | Building capacity to support program improvements and high quality expansion | NA |
| Boston Renaissance Charter Public School | PK-6 | 944 | Increase enrollment by 66 students to a total of 1,010 | Conditions on charter | NA |

**3**. **Amendment Requests for Boston** (continued)

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| **Charter School Amendments** | **Current**  **Grade Span** | **Current Max. Enrollment** | **Original Amendment Request** | **Factors Contributing to Recommendation** | **Recommendation** |
| Bridge Boston Charter School | PK-8 | 335 | Increase enrollment by 65 to a total of 400 | Insufficient data | NA |
| City on a Hill Charter Public School  Circuit Street;  City on a Hill Charter Public School  Dudley Square | 9-12 | 280 each | Increase enrollment by  5 students each to a  total of 285 each | Limited impact of proposed award | NA |
| Codman Academy Charter Public School | PK-12 | 345 | Increase enrollment by 20 students to a total of 365 | Limited impact of proposed award | NA |
| Conservatory Lab Charter School | PK-8 | 444 | Increase enrollment by 40 students to a total of 484 | Limited impact of proposed award | NA |
| Helen Y. Davis Leadership Academy Charter School | 6-8 | 216 | Increase enrollment by 275 students to a total of 491;  Add grades 5 and 9-12 | Building capacity to support program improvements and high quality expansion | NA |
| KIPP Academy Boston Public Charter School (KIPP Network in Lynn and Boston) | K-8 | 588 | Increase enrollment by 588 students to a total of 1,176;  Add grades K1 and 9-12 | Network currently in period of extensive growth and building capacity; currently largest maximum enrollment for a network | NA |

1. **Basis for Recommendations**

During the Department’s review of expansion requests in Boston, a number of applications came from schools with track records of performance that, if more seats were available in Boston, have the potential to be strong candidates for my recommendation. Of the 7 requests to expand by more than 200 students, which all involve changes to grade spans, I have recommended granting the requests of four schools, including one network of charter schools. I am confident that expansion of these schools and their grade spans will result in excellent educational opportunities for the students who matriculate in the new seats.

Of the remaining three requests of more than 200 seats from Boston Preparatory Charter Public School, Helen Y. Davis Leadership Academy Charter School, and KIPP Academy Boston Public Charter School, each school is currently building capacity to improve specific areas of performance and to meet students’ needs more effectively. In each of the schools’ amendment requests and in their interviews with the Department, all three schools demonstrated the capacity to identify areas for growth and to devise and implement action plans addressing identified concerns. The Department intends to monitor actions by these schools and believes all three schools merit consideration in the future based on the availability of seats in Boston.

Of the 7 requests for fewer than 70 seats, I identified four schools, including a network of charter schools, that would have merited additional consideration if there were more seats available. Those schools are Boston Collegiate Charter School, Conservatory Lab Charter School, City on a Hill Charter Public School Circuit Street, and City on a Hill Charter Public School Dudley Square. The remaining 3 requests for fewer than 70 seats are premature. In the case of Boston Renaissance Charter Public School, the school must meet conditions placed on its charter before further consideration of an expansion request. Similarly, in the case of Codman Academy Charter Public School, the school’s request is premature due to renewal of the school’s charter with conditions, as detailed in a separate memorandum. Finally, in the case of Bridge Boston Charter School, while all metrics point to an early track record of success, the school does not have a sufficient number of years of state assessment test data to be eligible for proven provider status.

The success with which schools addressed the amendment request criteria varied tremendously. In a number of cases, schools omitted or generalized information, thereby failing to provide sufficient evidence regarding the need for expansion. The Department will provide all schools not recommended for expansion with clear feedback regarding the areas of the amendment request that did not adequately address the criteria, the areas of school performance that were identified as areas of concern, and the areas of school performance that will impact future determinations of proven provider status.

1. **Recommendations**

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| ***Brooke Charter Schools – Roslindale, Mattapan, and East Boston (Tab 1)*** | | | |
| **Type of Charter**  (Commonwealth or  Horace Mann) | Commonwealth | **Location** | Boston |
| **Regional or  Non-Regional?** | Brooke Roslindale: Non-Regional Brooke Mattapan: Non-Regional  Brooke East Boston: Regional | **Districts in Region** | Brooke East Boston:  Chelsea & Boston |
| **Year Opened** | Brooke Roslindale: 2002  Brooke Mattapan: 2011  Brooke East Boston: 2012 | **Year(s) Renewed** | Brooke Roslindale: 2007, 2012  Brooke Mattapan: 2016  Brooke East Boston: N/A |
| **Maximum Enrollment** | 510 each | **Grade span** | K-8 |
| **Students on Waitlists** | Brooke Roslindale: 2,183  Brooke Mattapan: 1,941  Brooke East Boston: 1,277 | **Current Age of Schools** | Brooke Roslindale: 14 years  Brooke Mattapan: 5 years  Brooke East Boston: 4 years |
| **Mission Statement**  The mission of Brooke Charter Schools is to provide an academically rigorous public education to students from the cities of Boston and Chelsea that will ensure that they are prepared to enter into and succeed in college. | | | |

Request

The board of trustees of the Brooke Charter School Roslindale (Brooke Roslindale), Brooke Charter School Mattapan (Brooke Mattapan), and Brooke Charter School East Boston (Brooke East Boston) requests to expand each school’s K-8 programs to include a high school program. Because of limited enrollment preferences in the charter school statute and the desired addition of a high school, the board of trustees also requests to consolidate the schools under a single charter to ensure that all eighth graders will have access to the proposed Brooke High School. Lastly, the request seeks 90 additional seats in K-8 and 601 additional seats for the proposed high school.

Schools’ Performance

Overall, the Department’s records indicate that the schools’ academic programs are successful, that the schools are viable organizations, and that the schools are faithful to the terms of their charters.

* Brooke Roslindale has achieved Level 1 status for the past four years, 2012 through 2015. In 2015, the school received a school percentile of 97 and a Progress and Performance Index (PPI) of 100 in the aggregate and 100 for the high needs subgroup. In 2014, the school received a school percentile of 98 and a PPI of 100 in the aggregate and 100 for the high needs subgroup.
* While neither Brooke Mattapan nor Brooke East Boston have been in operation for enough years to be assigned a level, both schools have demonstrated performance similar to Brooke Roslindale. In 2015, Brooke Mattapan received a school percentile of 93 and a PPI of 100 in the aggregate and 100 for the school’s high needs subgroup. In 2014, 89 percent of Brooke East Boston students scored in the Proficient and Advanced categories on the English language arts (ELA) assessment, above the state average. In mathematics, 85 percent of Brooke East Boston students scored Proficient and Advanced, also above the state average. The school’s Student Growth Percentile (SGP) for 2014 was 91.0 in ELA and 93.5 in mathematics, both above the state median of 50.
* The school administered PARCC in 2015. PARCC scores are designated by Levels, with Levels 4 and 5 meeting and exceeding expectations respectively. In 2015, the vast majority of students at all three schools received a Level 4 or 5 in ELA, ranging from 90 percent to 85 percent across the network. A similar trend was found with mathematics: the vast majority of students at each of the Brooke schools received a Level 4 or 5 in mathematics, ranging from 90 to 79 percent across the network. The performance of the three Brooke charter schools on PARCC is among the strongest of all schools in the Commonwealth.

* As noted in the summary of credentials as a proven provider and reported in the amendment request, the schools have made progress over time in decreasing the rate of out-of-school suspensions. Based on the Department’s review of attrition and discipline data and evidence provided by the school, the discipline practices of BCS do not appear to contribute to attrition overall or to result in a pattern of disproportionate attrition of certain subgroups. During the Department’s interview with Brooke leadership, the school shared additional information regarding changes including professional development for teachers on communicating a positive vision for behavior and school culture and a transition from a system of demerits and detentions to a daily “reset” for children to support student success in the classroom. The Department performs an annual review of discipline and attrition data for all schools and will monitor BCS for continued progress in this area.

* The BCS operates in a financially sound and publicly accountable manner. The school has maintained a sound and stable financial condition over the charter term.As evidenced by the fiscal dashboards, BCS has received unqualified audits for the last five fiscal years. In fiscal years 2013 and 2014, there were findings in the audit and instances of non-compliance in fiscal years 2014 and 2015. The school provided additional context within its amendment request and during the interview to explain the audit results, the changes made in response to these findings, and how the operation of a network tied to Brooke Roslindale resulted in the moderate to high risk indicators found on the Brooke Roslindale financial dashboard.
* Brooke Roslindale has undergone two successful charter renewals; Brooke Mattapan is in its fifth year of operation and was recently renewed in January 2016; and Brooke East Boston is in its fourth year of operation. At the time of Brooke Mattapan’s renewal, the Department recognized the school for its exemplary work in dissemination and with curriculum and instruction and gave the school a rating of Exceeds in these two areas of the Charter School Performance Criteria. The school received a rating of Meets in all other areas of performance.

Because of the limited number of seats available in Boston, I recommend a modified version of the original request, which slightly lowers the proposed Boston cap from 1,999 to 1,960 students. Because Brooke East Boston is a regional charter school serving Boston and Chelsea, this proposed Boston cap will preserve access for Chelsea students in the regional K-12 school. If the Board votes to grant this amendment request, BCS will serve students in grades K-12 with a maximum enrollment of 2,221 students, limited to a maximum of 1,960 students from Boston.

In addition to the increase in maximum enrollment and change in grade span, I also recommend that the Board consolidate the charters of the Brooke charter schools under one charter serving 2,221 students in grades K-12 for a region including Boston and Chelsea. The proposed charter consolidation ensures graduating eighth graders have access to a single unified high school. The Board has previously granted charter consolidation to Roxbury Preparatory Charter School, Excel Academy Charter School, and Match Charter Public School.

Enclosed under Tab 1 for your consideration are BCS’s amendment request; a summary of academic performance, student demographics, and attrition rates; a five-year financial summary; a summary of credentials as a proven provider; and a motion for approval.

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| ***Neighborhood House Charter School (Tab 2)*** | | | |
| **Type of Charter**  (Commonwealth or Horace Mann) | Commonwealth | **Location** | Dorchester |
| **Regional or Non-Regional?** | Non-regional | **Districts in Region**  (if applicable) | N/A |
| **Year Opened** | 1995 | **Year(s) Renewed**  (if applicable) | 2000, 2005, 2010, 2015 |
| **Maximum Enrollment** | 400 | **Chartered Grade Span** | PK-8 |
| **Students on Waitlist** | 648 | **Current Age of School** | 21 years |
| **Mission Statement**  Neighborhood House Charter School combines rich and structured learning with extensive social/emotional programming to help all our students succeed in school and in life. We strive to develop scholars who seek knowledge, embrace effort, act thoughtfully, and commit to the common good.  Many children come to us with significant needs. We don’t give up on them. Our goal is that all of our students thrive at Neighborhood House, graduate from high school, and pursue post-secondary education on the path to life success. | | | |

Request

The board of trustees of NHCS requests to add a high school, expanding its grades from PK-8 to PK-12. The board of trustees also requests to increase its enrollment by 428 to a maximum of 828 students. The school requests additional seats for the proposed high school and for additional enrollment in the upper elementary and middle school grades. NHCS provided three permutations of its proposed expansion due to the limited number of seats available in Boston; the three requests were for 428, 390, and 336 additional seats.

School’s Performance

Overall, NHCS’s academic program is a success, the school is a viable organization, and it is faithful to the terms of its charter.

* NHCS achieved Level 1 status in the past four years, 2012 through 2015. In 2015, the school received a school percentile of 76 and a PPI of 76 in the aggregate and 69 for the school’s high needs subgroup. Previously, in 2014, the school received a school percentile of 74 and a PPI of 78 in the aggregate and 82 for the school’s high needs subgroup.
* The school administered PARCC in 2015. PARCC scores are designated by Levels, with Levels 4 and 5 meeting and exceeding expectations, respectively. In 2015, 62 percent of NHCS students received a Level 4 or 5 in English language arts, above the state average of 49 percent. Forty-seven percent of students received a Level 4 or 5 in mathematics, above the state average of 43 percent.

* NHCS operates in a financially sound and publicly accountable manner. The school has maintained a sound and stable financial condition over the charter term.As noted in its 2015 renewal and evidenced by the fiscal dashboard, NHCS has received unqualified audits for the last five fiscal years. All audits have been free of findings. The school has reported that the majority of indicators are moderate risk during fiscal years 2012 and 2013 due to a number of factors, including the financing of the school’s facility, lower than projected tuition revenue, and the costs associated with the programming implemented by the school to meet students’ academic and non-academic needs.
* The school has undergone four successful charter renewals, and at the time of its most recent renewal in January 2015, the Department recognized the school for its exemplary work in dissemination and its support of students’ social, emotional, and health needs. The school received a rating of Exceeds in these two areas of the Charter School Performance Criteria. The school received a rating of Meets in all other areas of performance with one exception, compliance. The school subsequently implemented a corrective action plan to meet Department requirements regarding teacher licensure for English as a Second Language (ESL). Within its amendment request, the school has provided additional updates on its progress in implementing an ESL program that meets state and federal requirements.

Given the school’s academic success; organizational viability; and faithfulness to the terms of its charter, including compliance with applicable state, federal, and local laws, I recommend that the Board grant the requested amendment. With respect to grade span, I recommend that the Board grant the school’s request to expand from PK-8 to PK-12. With respect to maximum enrollment, I recommend that the Board increase the maximum enrollment by 428 seats. If the Board votes to grant NHCS’s request, the school will serve students in grades PK-12 with a maximum enrollment of 828 students.

Enclosed under Tab 2 for your consideration are the school’s amendment request; a summary of the school’s academic performance, student demographics, attrition rates, and a five-year financial summary; a summary of the school’s credentials as a proven provider; and a motion for approval.

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Jeff Wulfson, Deputy Commissioner; Cliff Chuang, Associate Commissioner; and Alyssa Hopkins, Coordinator of New School Development, will be at your meeting on February 23rd to assist with the discussion. In the meantime, if you need any additional information, please contact Jeff (781-338-6500), Cliff (781-338-3222), or me.

Enclosures:

Motion for Board Action on BCS’s amendment request

Motion for Board Action on NHCS’s amendment request

Tab 1: School’s amendment request

Summary of academic performance, student demographics, and attrition rates, and five-

year financial summary

Summary of credentials as a proven provider

Tab 2: School’s amendment request

Summary of the school’s academic performance, student demographics, attrition rates,

and a five-year financial summary

Summary of credentials as a proven provider

1. 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”). [↑](#footnote-ref-1)
2. Consolidation permits two or more separate charter schools within a network of charter schools to operate as a single 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. [↑](#footnote-ref-2)