*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley  *Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:** | Jeffrey C. Riley, Commissioner |
| **Date:** | January 14, 2022 |
| **Subject:** | Charter Schools – Amendment Requests of Abby Kelley Foster Charter Public School (Charter Region) and of Community Day Charter Public School-Prospect, Community Day Charter Public School-Gateway, and Community Day Charter Public School-R. Kingman Webster (Consolidation) |

Pursuant to the Regulations on Charter Schools, 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 seven requests from charter schools seeking to amend the terms of their charters. I provided you with an [overview of the seven amendment requests](https://www.doe.mass.edu/bese/docs/fy2022/2021-12/item9.2-charter-schedule.docx) in a memorandum dated [December 7, 2021](https://www.doe.mass.edu/bese/docs/fy2022/2021-12/item9.docx). This memorandum addresses two of these amendment requests. I recommend approval of the requests of Abby Kelley Foster Charter Public School (AKFCPS) in Worcester to amend its charter region[[1]](#footnote-2) and of the three Community Day Charter Public Schools (collectively CDCPS) in Lawrence to consolidate.[[2]](#footnote-3)

**Amendment Criteria**

Section 1.10 of the Regulations on Charter Schools contains several criteria to consider in determining whether to grant a school’s request to amend its charter. The Department considers the following factors when reviewing amendment requests:

* 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](https://www.doe.mass.edu/charter/governance/board-amendment-guidelines.docx), criteria within the technical advisory on consolidation, and the [Charter School Performance Criteria](https://www.doe.mass.edu/charter/acct.html?section=criteria);
* the eligibility of the board of trustees for proven provider status, if required, based upon the criteria described in 603 CMR 1.04(4);[[3]](#footnote-4) and
* public comment received regarding the request.

**Abby Kelley Foster Public Charter School**

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| **Abby Kelley Foster Charter Public School** | | | |
| **Type of Charter**  (Commonwealth or Horace Mann) | Commonwealth | **Location** | Worcester |
| **Regional or Non-Regional?** | Regional | **Districts in Region** | Auburn, Holden,[[4]](#footnote-5) Leicester, Millbury, Oxford, Shrewsbury, Sutton, West Boylston, and Worcester |
| **Year Opened** | 1998 | **Year(s) Renewed** | 2003, 2008, 2013, 2018 |
| **Maximum Enrollment** | 1,426 | **Grade Span** | K-12 |
| **Students on Waitlist** | 416[[5]](#footnote-6) | **Current Age of School** | 24 years |
| **Mission Statement**  The mission of the Abby Kelley Foster Charter Public School is to assist parents in their role as primary educators of their children by providing a classical liberal arts education grounded in the great works of Western Civilization and aimed at academic excellence, musical competence and character formation. | | | |

School’s Request

The board of trustees of AKFPCS requests approval to add Wachusett Regional School District (WRSD) to the school’s chartered region. The Department recently identified that when AKFPCS received a charter amendment in 2001, it erroneously added the Town of Holden to the school’s charter region rather than WRSD, the regional school district in which Holden is a member. Pursuant to G.L. c. 71, § 89, and 603 CMR 1.00, Commonwealth charter schools provide enrollment preferences and receive tuition funding based upon the school district serving the municipality where a student resides. School districts, rather than municipalities, define the charter region of a Commonwealth charter school. The school’s request seeks to align its charter region with the charter school statute.[[6]](#footnote-7)

AKFCPS has consistently enrolled limited numbers of students who reside in Holden, averaging 14 students annually over the past 16 years. During the same time period, AKFCPS has enrolled an average of 1-2 students annually from Sterling, Paxton, and Rutland, towns also served by WRSD. The school has enrolled no residents of Princeton, the remaining town served by WRSD. The school has reported few students who reside in the towns served by WRSD on its waitlist. The school has reported a high of 9 students waitlisted for the 2021-22 school year with an average of 4 students in the previous four years. The school seeks to maintain access for families who reside in Holden through the proposed correction to the school’s charter region. The school will expand its regional transportation services within WRSD.

Map of AKFCPS and WRSD Regions

The school’s current, approved charter region is highlighted in yellow; the member towns of WRSD are surrounded by the red line.

Map of AKFCPS and WRSD Regions

The school’s current, approved charter region is highlighted in yellow; the member towns of WRSD are surrounded by the red line.

Public Comment

The superintendents of the current and proposed sending districts of AKFCPS were invited to submit comment on the school’s request. Superintendent Darryll McCall from WRSD submitted comment in opposition to the school’s request. The letter is attached. No other comment was received.

Recommendation

Overall, the submitted request, the renewal of the school’s charter in 2018, and the Department’s accountability records indicate that the school’s academic program is a success, that the school is a viable organization, and that it has been faithful to the terms of its charter. Granting AKFCPS’ request will align the school’s charter terms with the charter school statute and regulations while maintaining an enrollment preference for students who live in Holden. I recommend that the Board approve the addition of WRSD to the school’s region as requested by the school. Because the correction to AKFCPS’ charter region seeks to preserve, and not significantly alter, enrollment at the Worcester school, my recommendation includes approval of a sub-cap for WRSD enrollment in alignment with the historical enrollment and waitlist data. A motion for approval is attached.

**Community Day Charter Public Schools**

Pursuant to G.L. c. 71, § 89(d), the Board may authorize "a single board of trustees to oversee more than one charter school provided . . . each school is issued its own charter." Currently, six boards of trustees hold two or more charters and oversee networks of charter schools. Consolidating charter schools under one charter permits them to operate as one school, as opposed to separate schools within a network overseen by a single board of trustees. The Board previously approved the consolidation of charter schools under one charter for Roxbury Preparatory Charter School in December 2011, Excel Academy Charter School in January 2014, Match Charter Public School in February 2014, Brooke Charter School in February 2016, and City on a Hill Charter Public School in February 2020.

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| **Community Day Charter Public Schools** | | | |
| **School  Name** | **Community Day Charter Public School-Prospect** | **Community Day Charter Public School-Gateway** | **Community Day Charter Public School-R. Kingman Webster** |
| **Type of Charter** | Commonwealth | | |
| **Location** | Lawrence | | |
| **Regional/ Non-Regional** | Non-Regional | | |
| **Year Opened** | 1995 | 2012 | 2012 |
| **Year(s) Renewed[[7]](#footnote-8)** | 2000, 2005, 2010,  2015, 2020 | 2017 | 2017 |
| **Grade Span** | PK-8 | PK-8 | PK-8 |
| **Maximum Enrollment** | 400 | 400 | 400 |
| **Age of School (years)** | 27 | 10 | 10 |
| **Students on Waitlist**[[8]](#footnote-9) | 581 | 593 | 593 |
| **Mission Statement** (identical for each school)  The mission of CDCPS is to provide a Kindergarten through grade eight school that will draw upon our considerable experience in working together as a community to develop and implement a curriculum that discovers and supports the special characteristics and unique learning styles of each student. We will engage that student in meaningful learning experiences for the purposes of clearly stated goals in the areas of understandings, knowledge, skills, habits and social competencies. The School will reinforce the positive aspects of our city: its culture, art and economy, its working-class history and strong work ethic. Our educational philosophy, curriculum and teaching methods are informed by an understanding that learning takes place in the context of family and that family must be supported in ways that make learning for the child possible. | | | |

School’s Request

CDCPS is a three-school network of charter schools overseen by a single board of trustees. Each school serves students in grades Pre-K-8. Originally known as Community Day Charter Public School, the Community Day Charter Public School-Prospect, the flagship school, opened in 1995. In 2011, the board of trustees applied to open two additional charter schools, both in Lawrence. The Board granted the two charters in February 2012, and both schools opened in fall 2012. When the board of trustees received the two additional charters, it established some staff to provide services to all three schools and entered into an agreement with The Community Group

for educational and management services.[[9]](#footnote-10)

The board of trustees requests approval to consolidate the three charter schools effective July 1, 2022.[[10]](#footnote-11) The board of trustees reports that by consolidating under a single charter with multiple campuses, the board of trustees can realize efficiencies not currently available and permit shared policies and procedures. The board of trustees reports that consolidation under a single charter would simplify administrative processes, such as enrollment lotteries, preparations for monitoring activities related to charter renewal and coordinated program reviews, financial management and reporting; and would streamline the structures and systems for human resources. The board of trustees also reports that consolidation would permit greater flexibility for general education and specialized support for students.

Public Comment

The superintendent of Lawrence Public Schools was invited to submit comment on the school’s request. No comment was received.

Recommendation

Overall, the submitted request, the renewal of the flagship school’s charter in 2020, and the Department’s accountability records indicate that the schools’ academic programs are a success, that the schools are viable organizations, and that the schools have been faithful to the terms of their charters. The request to consolidate is reasonable and consistent with the charter school statute and regulations and addresses the additional criteria outlined in the technical advisory on consolidation amendments. The Department is confident that the material terms of the charters, including governance and leadership structures, will not change as a result of consolidation. I recommend that the Board vote to consolidate the charters of Community Day Charter Public School-Prospect, Community Day Charter Public School-Gateway, and Community Day Charter Public School-R. Kingman Webster, effective July 1, 2022. A motion for approval is attached.

If you have any questions regarding these amendments or require additional information, please contact Alison Bagg, Director of the Office of Charter Schools and School Redesign (781-338-3218); Cliff Chuang, Senior Associate Commissioner (781-338-3222); or me.

Attachments:

Abby Kelley Foster Charter Public School

Correspondence from AKFCPS

Comment from Wachusett Regional School District

Motion

Community Day Charter Public School-Prospect, Community Day Charter Public School-Gateway, and Community Day Charter Public School-R. Kingman Webster

Correspondence from CDCPS

Motion

1. Pursuant to G.L. c. 71, § 89, and 603 CMR 1.00, Commonwealth charter schools provide enrollment preference and receive tuition funding based upon the school district serving the municipality where a student resides. The school district, rather than municipality, defines the charter region of a Commonwealth charter school. In 2001, Holden was added in error to the charter region of AKFCPS instead of Wachusett Regional School District, the regional school district in which Holden is a member. The school’s request seeks to align its charter region with the requirements of the charter school statute. [↑](#footnote-ref-2)
2. A network of charter schools is multiple charter schools operating under individual charters that a single board of trustees oversees. Consolidation permits two or more separate charter schools within a network to operate as a single charter school under one charter with multiple campuses. The Board has previously granted the consolidation requests of five former networks of charter schools. [↑](#footnote-ref-3)
3. Neither the AKFCPS nor the CDCPS requests require a proven provider determination. [↑](#footnote-ref-4)
4. The Town of Holden does not operate its own school district; it is a member of the Wachusett Regional School District. [↑](#footnote-ref-5)
5. As reported in the Massachusetts Charter School Waitlist Updated Report for 2021-22 from October 1, 2021. [↑](#footnote-ref-6)
6. Alternatively, Holden could be removed from the region of AKFCPS. [↑](#footnote-ref-7)
7. In my memorandum dated January 13, 2022, I notified the Board of my intention to renew unconditionally the charters of Community Day Charter Public School-Gateway and Community Day Charter Public School-R. Kingman-Webster. [↑](#footnote-ref-8)
8. As reported in the Massachusetts Charter School Waitlist Updated Report for 2021-22 from October 1, 2021. CDCPS permits families to apply to all three schools with one application for admission. School personnel encourage families to select all three schools on their application for admission. The school holds three separate admission lotteries for the charter schools. [↑](#footnote-ref-9)
9. Common staff are employees of the flagship school, Community Day Charter Public School-Prospect. The other two charter schools in the network pay a fee to the flagship school based on a percentage of tuition for its administrative/operational support. Pursuant to G.L. c. 71, § 89(d), the board of trustees has an approved management contract in place with The Community Group to provide substantially all education services to the three charter schools. [↑](#footnote-ref-10)
10. If the Board grants the consolidation request, CDCPS will hold one admissions lottery in March 2022 for the 2022-23 school year. The Department is providing technical assistance to support a potential transition from three lotteries to one lottery. [↑](#footnote-ref-11)