*****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:**  | August 10, 2022 |
| **Subject:** | Charter Schools: Delegation of Authority to Commissioner to Approve Proposed Contracts with Education Management Organizations for Community Day Charter Public School, Dudley Street Neighborhood Charter School, Excel Academy Charter School, and Old Sturbridge Academy Charter Public School |

Under the charter school statute, G.L. c. 71, § 89(k)(5), the Board of Elementary and Secondary Education (Board) must approve contracts between charter schools and the entities from which they intend to procure substantially all educational services. The Board can delegate the approval of such contracts to the Commissioner under G.L. c. 15, § 1F, para. 3,[[1]](#footnote-1) and has done so on several occasions. The review and approval typically occur during the summer months. I recommend that the Board vote at the August 15 meeting to delegate to the Commissioner approval of the contracts recently submitted by four charter schools.

The Community Day Charter Public School (CDCPS), Dudley Street Neighborhood Charter School (DSNCS), and Old Sturbridge Academy Charter Public School (OSACPS) are all seeking to update their existing management contracts due to recent renewals or amendments of their charters. All three schools have long-standing management relationships with non-profit organizations that provide substantially all educational services.

Additionally, a fourth school, Excel Academy Charter School, is entering into a new contract for substantially all educational services with the Friends of Excel Academy Charter School, Inc., a non-profit organization. Friends of Excel Academy Charter School, Inc., was originally formed to fundraise on behalf of the school and is now part of a larger strategic plan to expand the Excel Academy model outside of Massachusetts.

Prior to approval, the Department of Elementary and Secondary Education (Department) reviews the technical and legal aspects of each proposed management contract and requires or recommends changes as appropriate. Each contract must include a delineation of the roles and responsibilities of the education management organization and the school; a description of how the board of trustees of the charter school will monitor the academic performance and fiscal activity of the school; performance evaluation measures, including those for student academic performance; the total fees for management services; a description of payment structures; delineation of authority over hiring and firing; and the conditions and procedures for the contract's renewal and termination.

Once provisional approval issues, the board of trustees of the charter school then votes to approve the contract and to submit an executed contract to the Department for final approval.

As in previous years, I recommend that the Board delegate to the Commissioner approval of the contracts following completion of my review. A motion for delegation is attached. If you have any questions or require additional information, please contact Alison Bagg, Director, at 781-338-3218; Cliff Chuang, Senior Associate Commissioner, at 781-338-3222; or me.

1. Section 1F, para. 3, of G.L. c. 15 states as follows.

The board may delegate its authority or any portion thereof to the Commissioner whenever in its judgment such delegation may be necessary or desirable. The Commissioner shall exercise such delegated powers and duties with the full authority of the board. [↑](#footnote-ref-1)