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| Massachusetts Department of Elementary and Secondary Education Star Logo | |
|  | **Opening Procedures Handbook:**  A Guide for Boards of Trustees and Leaders of New Charter Schools |
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| Revised May 2018 |
| Massachusetts Department of Elementary and Secondary Education  Office of Charter Schools and School Redesign  75 Pleasant Street, Malden, MA 02148  Phone 781-338-3227 TTY: N.E.T. Relay 800-439-2370  www.doe.mass.edu/charter/ |

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# Introduction

The Office of Charter Schools and School Redesign has created the Opening Procedures Handbook as a tool to assist charter school founding groups prepare for the exciting, yet challenging task of opening a Massachusetts public charter school. The opening procedures process begins with a charter award by the Board of Elementary and Secondary Education (BESE) and concludes in the June of the school’s first year of operation when the school submits a draft accountability plan to the Department of Elementary and Secondary Education (Department).The Handbook summarizes this process, identifies the action items that must be completed prior to the school’s opening, lists documents that must be submitted to the Department as part of the opening procedures process (as well as their due dates), and lists additional resources available to the school founders as they prepare to open the school’s doors to students. Throughout the opening procedures process, the Department provides technical assistance to support the development of the appropriate documentation required from each new charter school. **We require schools to submit opening procedures documentation to the Department for feedback *prior* to any board vote to accept the new policy or procedure.**

The opening procedures process focuses founding groups on further articulating the terms on which the school’s charter was granted. The material terms of the charter become the contract between the charter school and the Commonwealth of Massachusetts, and compose one of the standards against which charter schools will be evaluated during regular site visits and upon the occasion of renewal. For purposes of completing the opening procedures process, new charter schools are required to submit certain documents to the Department. These documents hold a place in the charter school’s permanent file; any changes to the material terms of the charter require that the board of trustees submit a request for a charter amendment to either the BESE or the Commissioner of Elementary and Secondary Education (Commissioner). **Unless otherwise indicated,** **the Department asks schools to submit electronic documents in the following format: ‘School Acronym.Document Name.DATE.’**

In addition, the Opening Procedures Handbook alerts school founders to regulations around the hiring, evaluation, and professional development of staff, as well as ensures that new charter schools are prepared to offer a full range of programs and services to their students, including English language education, special education, transportation, and nutrition services. **The Department works closely with school founders during the opening procedures process to ensure these processes are in place; however, once the opening procedures process is complete, individual schools must update and maintain this information internally, and communicate regularly with the appropriate unit within the Department regarding any changes.**

The Opening Procedures Handbook also provides guidance to ensure that charter schools have the processes in place to perform due diligence in the responsible management of the school’s fiscal affairs. During the opening procedures process, schools are asked to provide a description of their fiscal policies and procedures, an updated copy of their budget, written assurance and evidence that the school is participating in the Massachusetts Teacher’s Retirement System (MTRS), and a copy of all relevant insurance policies.

The Opening Procedures Handbook identifies sources of additional information that may be useful to new charter schools as they grow from proposal to implementation. Icons throughout the document draw your attention to these resources, which range from statutory and regulatory citations to technical assistance and advisories published by the Department, as well as criteria for approval for many of the documents requiring approval by the Department.

Throughout the Handbook, several references are made to the General Laws of Massachusetts (M.G.L.) and the Code of Massachusetts Regulations (CMR). The General Laws are available online at <https://malegislature.gov/Laws/GeneralLaws/>. The state regulations related to education are available at <http://www.doe.mass.edu/lawsregs/stateregs.html>.

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| *Checklist - symbol for related action items checklist* | *The checklist icon denotes that there are action items related to the section. A due date for the action items will appear above and/or below the checklist icon.* |
| *Book - symbol for related sources of information textbox* | *The book icon appears next to additional sources of information related to a section. Related sources of information generally include statutory and/or regulatory citations with additional references to useful websites, documents, and appendix items that may be helpful in completing the related action items.* |
| *Lightbulb - symbol for did you know textbox* | *The light bulb icon highlights "did you know" information. Typically, this information relates to processes a school will encounter in operation or further clarifies laws or regulations.* |

Successful completion of the opening procedures process, which is based on charter school statute and regulations as well as the statutes applying to all public schools, ensures that the charter school has addressed critical elements of building the infrastructure required for operation. This also gives an opportunity for the charter school to demonstrate to BESE, the Department, and the public-at-large that the school is prepared to open and serve public school students. **However, failure to demonstrate preparedness to meet legal obligations prior to the school’s opening can have serious consequences, including refusal of authorization to open, placing the charter on probation, withholding of funds, or revocation of the charter.**

## Deadlines for New Schools Opening In the Calendar Year Chartered

**Within 45 days of charter granting**

| * Draft board bylaws * Board complaint procedures * Draft management contract, if applicable * Memorandum of Understanding, if applicable * Grants/tuition required finance documents | * New board members approval request, if applicable * Financial disclosures by board members (30 days post-charter granting) * Pre-enrollment report (mid-March) * Waitlist report (mid-March) |
| --- | --- |

**Five months prior to opening (April)**

| * Draft enrollment policy and application  for admission | * Annual school calendar * School schedule template * Sample student schedule(s) |
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**Three months prior to opening (June)**

| * Fiscal policies and procedures * Budget (5 year) * Cash flow projection (First year operation) * Contact MTRS employer services * CORI policy * Background check/CHRI policy | * Contact ESE Food and Nutrition Programs office and indicate if school will participate in the National school lunch program (NSLP), as applicable * Projected enrollment data for low income, special education, and English language learners  (early June) |
| --- | --- |

**Two months prior to opening (July)**

| * Special education program plan * Code of conduct and/or student handbook (expulsion policy) * Bullying prevention and intervention plan * Evaluation criteria and professional development plan * District curriculum accommodation plan * Update school profile listing * Substance Use Prevention and Abuse Education Policy | * Health plan and medications plan * School wellness policy * English language education policies and procedures * Special education policies and procedures * Copy of lease or sale agreement * Multi-hazard evacuation plan * Medical emergency response plan * Receive notification from Department and submit initial Title I application (in early July) |
| --- | --- |

**One month prior to opening (August)**

| * Nutrition service contract * Transportation services agreement * School nurse agreement * School physician/medical consultant agreement * Teacher qualification summary * Organizational chart and brief narrative, if applicable | * CORI & Background check assurances * Building permits and certificates * Building accessibility assurance and/or plan * Asbestos inspection report and AHERA management plan, if applicable * Lead inspection certification, if applicable * Insurance coverage |
| --- | --- |

**Post Opening**

* MTRS Evidence (ASAP)

## Deadlines for New Schools with 18 Month Planning Period

**Within 45 days of charter granting**

| * Draft board bylaws * Board complaint procedures * Draft management contract, if applicable * Memorandum of Understanding, if applicable | * Grants/tuition required finance documents * New board members approval request, if applicable * Financial disclosures of board members (30 days post-charter granting) |
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**1 year prior to opening (September)**

* Draft enrollment policy and application for admission

**Six months prior to opening (March)**

| * Pre-enrollment report (mid-March) | * Waitlist report (mid-March) |
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**Five months prior to opening (April)**

| * Annual school calendar | * School schedule template * Sample student schedule(s) |
| --- | --- |

**Three months prior to opening (June)**

| * Fiscal policies and procedures * Budget (5 year) * Cash flow projection (First year of operation) * Contact MTRS employer services * CORI policy * Background check/CHRI policy | * Contact ESE Food and Nutrition Programs office and indicate if school will participate in the National school lunch program (NSLP), as applicable * Projected enrollment data for low income, special education, and English language learners (early June) |
| --- | --- |

**Two months prior to opening (July)**

| * Special education program plan * Code of conduct and/or student handbook (expulsion policy) * Bullying prevention and intervention plan * Evaluation criteria and professional  development plan * District curriculum accommodation plan * Update school profile listing * Substance Use Prevention and Abuse Education Policy | * Health plan and medications plan * School wellness policy * English language education policies and procedures * Special education policies and procedures * Copy of lease or sale agreement * Multi-hazard evacuation plan * Medical emergency response plan * Receive notification from Department and submit initial Title I application (in early July) |
| --- | --- |

**One month prior to opening (August)**

| * Nutrition service contract * Transportation services agreement * School nurse agreement * School physician/medical consultant agreement * Teacher qualification summary * Organizational chart and brief narrative, if applicable | * CORI & Background check assurances * Building permits and certificates * Building accessibility assurance and/or plan * Asbestos inspection report and AHERA management plan, if applicable * Lead inspection and report, if applicable * Insurance coverage |
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**Post Opening**

| * MTRS Evidence (ASAP) |
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## Chapter 1: Material Terms of the Charter

The complete final application for the charter school is kept on file in the Charter School Office (Department). This document serves as the basis on which the charter was granted, and defines the material terms of the school’s charter.

These terms include:

* school name;
* mission;
* governance or leadership structure;
* educational program, curriculum models, or whole-school design;
* bylaws;
* membership of the board of trustees[[1]](#footnote-1);
* Memorandum of Understanding for Horace Mann charter schools;
* schedule (e.g., length of school year, school week, and school day);
* accountability plan;
* enrollment policy and application for admission;
* expulsion policy;
* location of facilities, if such change involves relocating to or adding a facility in another municipality or school district, in a district already specified in the school's charter;
* district(s) specified in a school's charter;
* maximum enrollment;
* grades served; and
* contractual relationships with an education management organization providing or planning to provide substantially all the school's educational services.

Amendments to the material terms of a school’s charter during the life of a charter school (including between the granting of the charter and the school’s first day with students) must be approved by the Commissioner of Elementary and Secondary Education and/or Board of Elementary and Secondary Education (BESE). The process for requesting the above listed amendments to a school’s charter is outlined in the [Charter Amendment Guidelines](http://www.doe.mass.edu/charter/governance/AmendmentGuidelines.pdf).

A number of changes at a charter school may not require an amendment request but **do require** that the school officially inform the Department in a timely fashion. Notification requires an individual authorized by the board, usually the school leader or a member of the school’s administration, to submit a letter to the Office of Charter Schools and School Redesign informing the Department of the change. Letters may be submitted via email to [csamendments@doe.mass.edu](mailto:charterschools@doe.mass.edu).Please refer to the Charter Amendment Guidelines for a list of the changes that require Department notification.

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | [603 CMR 1.00](http://www.doe.mass.edu/lawsregs/603cmr1.html) |
| Archived Administrative and  Governance Guide | | <http://www.doe.mass.edu/charter/governance/?section=all> |
| Charter Amendment Guidelines | | <http://www.doe.mass.edu/charter/governance/?section=all> |

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| Lightbulb - symbol for did you know textbox | Did you know…? that the school committee of each district where a Horace Mann charter school is located is required to develop a plan to disseminate innovative practices of the charter school to other public schools within the district. Additionally, both Commonwealth and Horace Mann charter schools are required to collaborate with other schools in its district on the sharing of innovative practices. |

## Chapter 2: Governance

As entities of the state, charter schools must meet a number of legal requirements set forth by the Commonwealth. Many of these requirements are outlined in [*The Charter School Administrative and Governance Guide*](http://www.doe.mass.edu/charter/governance/?section=all)*: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know.* Upon being chartered, school leaders and members of the board of trustees will find it helpful to review the archived version of the *Administrative and Governance Guide*, online at: <http://www.doe.mass.edu/charter/governance/?section=all>. The *Guide* is has been archived, but will be updated to reflect changes in various laws and regulations.

The archived *Administrative and Governance Guide* addresses the legal and fiscal requirements that a new charter school faces during its nascent phase. The *Guide* also provides the proper guidance to new charter schools as they design and implement systematic processes that set the stage for a healthy and sustainable organization. An additional resource is the[*Superintendents' and Charter School Leaders' Reporting Checklist*](http://www.doe.mass.edu/commissioner/checklist.html) delivered every July in the Commissioner’s Update. The checklist is designed to facilitate school leader use of Department resources and provide notification of different time sensitive tasks for leader completion or review.

### Boards of Trustees

Proposed board members whose resumes are submitted along with the charter application are considered approved by the Department at the time the charter is granted. All new board members will be sent electronic documentation to complete based on their new status as board members of a charter school board of trustees. New schools must also identify **system users** of the [Board Member Management System](https://na16.salesforce.com/secur/login_portal.jsp?orgId=00Dj0000000Ha9B&portalId=060j0000000HIDc) who will be responsible for updating board member information, requesting approval of new board members, and monitoring the compliance of the board with requirements related to charter school law, conflict of interest law, and open meeting law. In addition, schools are required to notify the Department via the Board Member Management System when individuals have been identified for officer positions, and when members leave the school’s Board of Trustees, whether it is a resignation, the expiration of a term, or a removal. The Board Member Management System is set up to automatically notify the Department via email once individual role changes have been saved in the system. This automatic email notification satisfies the school’s requirement to notify the Department.

When additional board members are proposed after the charter is granted, a letter must be submitted to the Department via the Board Member Management System, along with the proposed trustee’s resume, stating that a new trustee has been approved by a vote of the board of trustees during a public meeting in compliance with [open meeting law](http://www.mass.gov/ago/government-resources/open-meeting-law/). A template letter to request approval of new board members can be found online at <http://www.doe.mass.edu/charter/governance/>. Additionally, the proposed trustee will receive a request to submit a financial disclosure, which must be completed before being considered for Commissioner approval. New members of the board of trustees may not vote until approval is received from the Commissioner. Information on how to request board member approval is also provided in the Department’s [Amendment Guidelines](http://www.doe.mass.edu/charter/governance/?section=all).

When recruiting additional board members, founding groups should ensure that proposed members:

* possess the experience and qualifications necessary to implement the proposal outlined in the charter application;
* possess skills and experience in areas such as education, management, finance, development, law, or as determined by the board of trustees;
* demonstrate the capacity to found and sustain an excellent school;
* are able to manage public funds effectively and responsibly;
* represent the communities the school will serve; and
* have tangible ties to those communities.

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| *Lightbulb - symbol for did you know textbox* | Did you know…? Anyone who is covered by the conflict of interest law may [request free legal advice](http://www.mass.gov/ethics/commission-services/request-advice.html) about how the law applies to them in a particular situation from the legal division of the State Ethics Commission. The State Ethics Commission provides additional guidance at  [http://www.mass.gov/ethics/.](http://www.mass.gov/ethics/) |

### Bylaws

Developing bylaws, the document that governs the activities of the board, is one of the activities of a charter school board of trustees. In drafting its bylaws, the board of trustees should take the school’s mission and educational philosophy into account, review examples of board bylaws from other charter schools, and consult sources such as the Department bylaws checklist ([Appendix A](#_Appendix_A:_Board)). Charter school boards are cautioned that they are entities of the state, and that they must comply with state law and regulations that do not, in general, apply to most non-profit organizations. The Department *strongly* encourages each board of trustees to review their proposed bylaws with the board’s own legal counsel, as many of the legal responsibilities of the board and its members should be incorporated within the bylaws. The Department will review the bylaws and if necessary, require and suggest changes **prior** to any board vote to accept the bylaws.

### Complaint Procedure

Any parent, guardian, or other individuals or groups who believe that the charter school has violated any of the provisions of charter school law and/or regulation may file a complaint directly with the school’s board of trustees as described in [603 CMR 1.09](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=09). The complaint procedure includes the procedure for filing complaints with the board of trustees and the board of trustees’ procedure for responding to any complaints filed with them. The complaint procedure should be detailed in a complaint policy disseminated to all school community members (such as the code of conduct and/or student handbook) and made available upon request. The procedure for responding to any complaints filed with the board of trustees must also be described in the board’s bylaws (see [Appendix A](#_Appendix_D:_Guidance) and [Appendix B](#_Appendix_B:_Required)).

### Leadership Structure/Organizational Chart

During the application process, the applicant group provides a description of the leadership structure that is to be implemented at the school. The Department understands changes may occur once the school begins the opening procedures process. If the leadership structure has changed from what was submitted during the application process or will change dramatically within its first charter term, charter schools are required to submit an *updated* organizational chart **and** a narrative explaining the changes. Charter schools that are part of a larger school network must also include an *updated network level* organizational chartin addition to the updated school level organizational chart.

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| *Lightbulb - symbol for did you know textbox* | Did you know…? All charter schools, as public elementary and secondary schools in the Commonwealth, are ***required*** to adhere to the requirements of [M.G.L. c. 71 Section 59C](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section59C) and form a **school council**. Please review the legal advisory on school councils for additional information at <http://www.doe.mass.edu/lawsregs/advisory/schoolcouncils/> |

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| Action Items - Governance | | |
| **Due within  45 days**  **of charter**  **award.**  Checklist - symbol for related action items checklist | ❒ | Complete board recruitment so that minimum membership requirements (as defined by the bylaws) are met. |
| ❒ | All board members must complete the financial disclosure, conflict of interest, and open meeting law requirements via the Board Member Management System. |
| ❒ | Submit to the Department via the Board Member Management System requests **approval** of any *new* member of the board of trustees who were not included in the charter application. |
| ❒ | Submit draft bylaws, *with completed checklist attached* ([Appendix A](#_Appendix_D:_Guidance)), to the Department to begin review process for **Commissioner approval** and ultimately submit final board-approved bylaws. |
| ❒ | Submit a draft complaint procedure to the Department that is aligned with the criteria for approval ([Appendix B](#_Appendix_E:_Required_1)) to begin review process for **approval** and ultimately submit final board-approved complaint procedure. |
| **Due Aug prior to opening.** | ❒ | If applicable, submit updated organizational chart(s) to the Department for review, including the narrative that explains the *changes* to the reporting structure to the board of trustees for **approval**. |
| **Ongoing** | ❒ | From the **date of charter award through the date of preliminary approval of the school’s accountability plan** (typically February of award through June of first year of operation), the school must send to the Department the agendas of board meetings, if they are not posted on the school's website, and the approved minutes of board meetings. The meeting agendas and minutes will serve as records of the board’s approval of policies finalized during the opening procedures process, and serve to support the Department's efforts to provide technical assistance during the first year of operation as needed. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | [603 CMR 1.04(3)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), [603 CMR 1.04(7)(b)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), and [603 CMR 1.09](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=09) |
| Archived Administrative and  Governance Guide | | Responsibilities of the Board of Trustees (Section I and II)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Charter School Governance | | <http://www.doe.mass.edu/charter/governance/> |
| Charter Amendment Guidelines | | <http://www.doe.mass.edu/charter/governance/?section=all> |
| Superintendent and Charter School Leader’s Checklist | | <http://www.doe.mass.edu/commissioner/checklist.html> |
| Commissioner’s Weekly Update | | <http://www.doe.mass.edu/commissioner/updates.html> |
| Open Meeting Law Guide | | <http://www.mass.gov/ago/government-resources/open-meeting-law/> |
| Use of Board Member Management System | | <http://www.doe.mass.edu/charter/governance/?section=bmms> |
| Appendix | | [A: Board of Trustees Bylaws Checklist](#_Appendix_D:_Guidance)  [B: Required Elements of Complaint Procedures](#_Appendix_E:_Required_1) |

## Chapter 3: Enrollment

### Enrollment Policy

A school’s enrollment policy serves as a means through which the school clearly communicates the applicable laws and regulations to its constituents, as well as the public at large. A school’s enrollment policy should be readily understandable by parents and guardians, with the objective of creating a transparent and fair application and enrollment process. As stated in [603 CMR 1.04(3)(o)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), new charter schools are required to submit an enrollment policy as a condition of having been granted a charter.

Both Commonwealth and Horace Mann charter schools are subject to certain restrictions when recruiting and accepting students for admission. Enrollment policies must be consistent with the requirements of [M.G.L. c. 71 Section 89 (m) and (n)](http://www.mass.gov/legis/laws/mgl/71-89.htm) and [603 CMR 1.05](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=05), as well as align to Department guidance. New charter schools are advised to review the Department’s updated guidance: [Charter School Technical Advisory 16-3: Enrollment Processes and FAQ’s](http://www.doe.mass.edu/charter/guidance/2016-3.html). The technical advisory and the [criteria for enrollment policy and application for admission checklist](http://www.doe.mass.edu/charter/governance/?section=amendments) will assist charter schools in the development of their respective enrollment policies. The criterion checklist for the approval of an enrollment policy for both Commonwealth and Horace Mann charter schools is attached as [Appendix C](#_Appendix_C:_Charter).

### Application for Admission

Although a charter school may produce a variety of admission materials that are distributed to potential applicants during the recruitment process, the school’s application for admission is the primary document that families will read most closely. Charter schools are required to submit a copy of the application for admission to the Department for approval to ensure that a charter school’s application for admission is consistent with the charter school law and regulations, the school’s enrollment policy, and the mission of the school. Charter schools are required to obtain from their application for admission the following information for each applicant: student’s name (first, middle, last); date of birth; city or town of residence; anticipated grade level for the upcoming school year, home addresses, and telephone numbers. **Schools may not use an application that has not been approved by the Department.**

### Directions for Accessing the Security Portal | MassEdu Gateway

The Department has created a [Directory Administration](http://www.doe.mass.edu/InfoServices/data/diradmin/) system for charter schools to view, add, update, and delete their own school information over the web. New schools must establish a directory administrator, who can assign the various responsibilities and roles within the system as required. It is important that each role is assigned to an individual so that they may have access to the security portal | MassEdu Gateway and be able to submit several *secure* requirements identified throughout the Opening Procedures Handbook. If you have problems accessing any of the Department’s security portal, you may not have adequate security clearance and need to contact your school’s directory administrator. If you have questions about the security portal and submitting required documents, please contact the Office of Charter Schools and School Redesign at (781) 338 – 3227.

* Go to the Department’s Security Portal | MassEdu Gateway:  <https://gateway.edu.state.ma.us/>
* Login using your user name and password
* Click the Application List found within the menu box on the left-hand side of the page or within the Featured Services box on the center of the page
* Select from the list of applications displayed on the page

For DropBox Submissions

* Go to DropBox Central
* Choose Charter School File Exchange (*security role required*), click next
* Select your school from the Select Organization menu list, click next
* Click on **Browse** and locate your school’s document required for submission on your computer, hard drive, or server
* Select the file to upload
* Click the **Upload File Button**

### Pre-Enrollment Report

The Charter School Pre-Enrollment Report is used by the Department to collect projected enrollment data each March in order to determine each charter school's monthly tuition payments for the upcoming fiscal year. This report represents the **maximum** number of students on which each charter school's tuition calculation will be based for the upcoming fiscal year. It is also used to notify sending school districts by April 1st, as required by law, of the number of students enrolled in charter schools for the upcoming school year. The deadline for submitting the Charter School Pre-Enrollment Report through the [Department’s security portal](https://gateway.edu.state.ma.us/) is set annually each year for mid-March. For more information on how the Department calculates and disburses charter tuition payments, please see our Advisory Memo: Understanding Monthly Tuition Payments at: <http://www.doe.mass.edu/charter/finance/tuition/calculation.html>.

### Significant Expansion Report

In order to ensure that the Department has accurate enrollment numbers from which to calculate allocations for entitlement grants[[2]](#footnote-2), new charter schools must provide projected enrollment of students with disabilities, and English learners in **early June** each year for the upcoming school year. New schools should make every effort to submit accurate projections based on information collected via student enrollment/registration forms after offers of admission have been extended to prospective students or by using data from students' sending districts. The Department will provide you with instructions and a specific deadline for your submission.

### Waitlist Report

Pursuant to [603 CMR 1.05(10)(a)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=05), charter schools must keep accurate records of its waitlist containing students’ names (first, middle, last), dates of birth, cities or towns of residence, grade levels, home addresses, and telephone numbers for students who entered the lottery but were not offered admission in the order their names were selected. The Department currently requires charter schools to submit their waitlist twice a year, based on your initial waitlist in mid-March and an update to your initial waitlist in late fall. Your waitlist submissions should reflect accurate student waitlist information for the upcoming and current school year, respectively. Each charter school must submit their waitlist report through the DropBox Central within the Department’s Security Portal | MassEdu Gateway. The Department will review each submitted waitlist for any errors, inconsistencies, or duplicate student records. The Department will follow-up with schools, as necessary, detailing the identified concerns.

New charter schools are advised to review the Department’s annually updated [Pre-Enrollment, NSS "Near-Cap", Waitlist, and Significant Expansion memorandum](http://www.doe.mass.edu/charter/enrollment/) for additional details about these reports.

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| *Lightbulb - symbol for did you know textbox* | Did you know…? that charter schools must be prepared to report on a range of student demographic data when submitting pre-enrollment information? Charter schools should develop methods of collecting the following information that is separate and distinct from the application process: whether a student has received special education and/or ELL services in the past. Unless your school is identified as an alternative school, charter schools are no longer able to collect information related to a student’s special education status on their application for admission. In addition, the Department strongly recommends not collecting information that may be related to income status or English proficiency on their application for admission.    **Charter schools must make it absolutely clear to parents and guardians that this information will neither be used to discriminate against the child during enrollment, nor will it affect the child’s enrollment status at any time.** |

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| Action Items - Enrollment Policies and Application for Admission | | |
| **Due mid-March**  **Checklist - symbol for related action items checklist** | ❒ | Prepare to file Pre-Enrollment Report, **due in mid-March** of the spring prior to opening. |
| ❒ | Prepare to file Waitlist data to the Security Portal, **due in mid-March** of the spring prior to opening. |
| **Due 5 months prior to opening**  *Checklist - symbol for related action items checklist* | ❒ | If opening immediately, submit the draft enrollment policy and draft application for admission, with appropriate checklist, to the Department to begin the process for **Commissioner** **approval** and ultimately submit final board-approved enrollment policy and application.  (See [Appendix C](#_Appendix_F:_Criteria) for the [charter schools enrollment policy and application for admission checklist](http://www.doe.mass.edu/charter/governance/EnrollmentChecklist.docx).) |
| ❒ | After receiving instructions from the Department, prepare to submit projected enrollment data for the upcoming school year for students with disabilities and English learnersprior to the **early June deadline**. |
| **18 month Planning:**  **Checklist - symbol for related action items checklist**  **Due 1 year prior to opening** | ❒ | If utilizing an extended planning period, submit the draft enrollment policy and draft application for admissions, with appropriate checklist, to the Department to begin the process for **approval** and ultimately submit final board-approved enrollment policy and application 1 year prior to opening. **You must have your enrollment policy and application for admission approved before you can start your enrollment process.**  (See [Appendix C](#_Appendix_F:_Criteria) for the [charter schools enrollment policy and application for admission checklist](http://www.doe.mass.edu/charter/governance/EnrollmentChecklist.docx).) |

### Recruitment and Retention Plans

As defined in [M.G.L. c. 71 Section 89](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89) and [603 CMR 1.00](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=all), Massachusetts charter schools must receive approval from ESE for a recruitment and retention plan which is updated annually. Each new charter school submitted a draft recruitment and retention plan in their final application which schools are expected to utilize during their inaugural enrollment process. In developing the activities to be included in your recruitment plan, please review the regulations governing charter school enrollment and student recruitment, found at [603 CMR 1.05](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=05).

The plan must list deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from which the charter school enrolls students, contains a comparable demographic profile, including special education students, limited English-proficient students, students eligible for free or reduced lunch, as well as students who are sub-proficient on the MCAS test (those students who have scored in the ”needs improvement”, ”warning” or ”failing” categories on the mathematics or English language arts MCAS tests for 2 of the past 3 years), students at risk of dropping out of school, students who have dropped out of school, or other at-risk students who should be targeted to eliminate achievement gaps. BESE will consider the extent to which the school has followed and updated its recruitment and retention plan as one of the factors in making a renewal decision ([M.G.L. c. 71 Section 89(i)(3)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89)).

For purposes of a mailing to prospective students, once each year, a Commonwealth charter school may request from the school district(s) it is chartered to serve, the names and addresses of district students eligible to enroll in the charter school. Likewise, for purposes of a mailing, a school district may request from Commonwealth charter schools, the names and addresses of charter school students who are enrolled in the charter school and reside in the district. Upon receiving such a request, the Commonwealth charter school or the school district must send within 30 days, in an electronic form, the names and addresses of such students to an approved third party mail house as stated in [603 CMR 1.05(6)(e).](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=05) Please view the Commissioner of Elementary and Secondary Education’s February 2015’s technical advisory 15-01 about the use of an approved mail house for charter schools and districts found at <http://www.doe.mass.edu/charter/guidance/>. Additional information can be found in the section “Annual Notifications and Release of Student Directory Information” on p. 31 of this handbook.

In order to comply with the mail house provision of the charter school statute, [M.G.L. c. 71, Section 89(g)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89), all schools must include notice in their student handbook, or the routine information letter the school publishes under the Massachusetts Student Records Regulation, [603 CMR 23.07(4)](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=07), that the school will release the names and addresses of students to a third party mail house, upon request, unless the parent, legal guardian, or eligible student requests that the school withhold that student’s information.

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| Action Items - Recruitment and Retention Plans | | |
| Submission with Annual Report  *Checklist - symbol for related action items checklist* | ❒ | For the purposes of recruitment, consider requesting from the sending school district(s) the names and addresses of district students eligible to enroll in the charter school. Upon receiving such a request, the school district must send within 30 days, in an electronic form, the names and addresses of such students to an approved third party mail house. |
| ❒ | After the 1st year of operation, submit the school’s recruitment and retention plan for approval, and report on its implementation within the school’s annual report. See template in the [Annual Report Guidelines](http://www.doe.mass.edu/charter/acct.html?section=annual) for reference. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89 (m) and (n)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89); [M.G.L. c. 71, Section 89(f)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89) |
| State Regulation | [603 CMR 1.05](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=05); [603 CMR 1.04(7)(b)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04); [603 CMR 23.07(4)](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=07) |
| Archived Administrative and Governance Guide | | <http://www.doe.mass.edu/charter/governance/?section=all> |
| Technical Advisory 15-01:  Use of Approved Mail House for Charter Schools and Districts | | <http://www.doe.mass.edu/charter/guidance/> |
| Technical Advisory 16-03: Enrollment Processes and FAQ’s | | <http://www.doe.mass.edu/charter/guidance/> |
| Pre-enrollment, Waitlist, and Significant Expansion Memo | | <http://www.doe.mass.edu/charter/enrollment/> |
| Advisory Memo: Understanding Monthly Tuition Payments | | <http://www.doe.mass.edu/charter/finance/tuition/> |
| Appendix | | [C: Checklist for Enrollment Policies and Applications for Admission of Massachusetts Charter Schools](#_Appendix_F:_Criteria) |

## Chapter 4: Management Contract

As stated in [603 CMR 1.04(7)(a)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), charter school boards of trustees that intend to procure substantially all educational services with another person or organization must provide a copy of the management contract terms for review and **approval**. Detailed requirements of a contract with an educational management organization (EMO) or charter management organization (CMO) are outlined in the archived *Administrative and Governance Guide*. Charter schools that plan to contract with an EMO or CMO are required to submit a draft of the proposed contract to the Department for BESE approval. The internal Department review process in preparation for a BESE vote is complex and can take several weeks. The process will likely include multiple conversations and drafts between the charter school board of trustees and the Department. **The proposed draft is due 45 days after the charter is granted.** The document *must have final approval* by BESE prior to any aspect of the contract becoming operational.

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| Action Items - Management Contract (if applicable) | | |
| **DRAFT**  **Due 45 days**  **after charter**  **is granted.**  *Checklist - symbol for related action items checklist* | ❒ | Submit the management contract to the Department, after review by legal counsel to the school (not the management or support company counsel) in order **to begin** the process of review. |
| ❒ | Provide to the Department a copy of the management contract with any changes mandated by the Department incorporated into the contract. |
| ❒ | To obtain final **approval**, a *signed* management contract must be submitted (signed by representatives of the management or support organization and the school’s board chair) as well as a signed letter from the board chair detailing the vote to adopt the contract by the board. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [Ch. 71 Section 89(k)(5)](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | [603 CMR 1.04(7)(a)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04) |
| Archived Administrative and  Governance Guide | | Purchasing Services from an Educational Management Organization (EMO), (p. 30)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Appendix | | [D: Required Elements of Contracts for Educational Services](#_Appendix_G:_Criteria) |

## Chapter 5: Memorandum of Understanding (Horace Mann Only)

All applications for Horace Mann charter schools include two Memoranda of Understanding (MOU):

***Type A: Agreements with District***

The first type of MOU is with the school committee of the district in which the charter school is located and the proposed charter school’s board of trustees. A signed final draft copy of this type of MOU is required in the final application for all types of Horace Mann charter schools.

***Type B: Agreements with Staff***

The second type of MOU is with the school committee, the collective bargaining unit, and the proposed charter school board of trustees. Unless otherwise indicated, all final applications include a draft of the Type B MOU. The timeline and potential faculty vote vary by type of Horace Mann charter school.

Once chartered, the Department will review the “Type A” final draft MOU once again to determine if any modifications are required. If modifications are required, the board of trustees and district school committee must sign and adopt the modified “Type A” MOU ***after*** ESE approval. The board of trustees must submit evidence of the vote to adopt the “Type A” MOU during a board meeting, such as meeting minutes or a letter from the board chair.

The agreements with the district must indicate the dates when school district funds will be transferred into the school’s bank account, describe the basis for calculating the district’s payment to the school, and indicate the specific services that will be provided by the local school district and at what cost to the charter school. Review [M.G.L. c. 71 Section 89(w)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89) and [603 CMR 1.07(1)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=07) for complete information. The Memorandum of Understanding should also indicate the facilities that will be provided by the local school district and at what cost to the charter school and whether the school or the district is responsible for securing federal and state entitlement grants for the charter school. We encourage all Horace Mann charter schools to consult their own legal counsel regarding the adoption of the MOU with the district.

The agreements with staff must indicate, based on information included in the application, the details of any relevant waivers to the local collective bargaining agreement.

Refer to [Appendix E](#_Appendix_J:_Elements) for information on the elements of a Memorandum of Understanding.

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| Action Items - Memorandum of Understanding (Horace Mann) | | | | |
| **DRAFT**  **Due 45 days**  **after charter**  **is granted.**  *Checklist - symbol for related action items checklist* | | ❒ | After the charter is granted, the Department will begin the process of **review** of the final draft of the “Type A” MOU. Ultimately, the school will submit the final signed Type A MOU and evidence of the vote to adopt the “Type A” MOU during a board meeting, such as meeting minutes or a letter from the board chair. | |
| ❒ | Submit a signed draft of the “Type B” MOU to the Department for final **Commissioner** **approval**. Once approved by the Department, provide evidence of the vote to adopt the “Type B” MOU during a board meeting, such as meeting minutes or a letter from the board chair. | |
| ❒ | If there are changes to either the “Type A” and/or “Type B” MOUs, new versions need to be submitted to the Department in a timely manner for **Commissioner** **approval**. | |
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| Book - symbol for related sources of information textbox | Related Sources of Information | | | |
| State Law | | | [M.G.L. c. 71 Section 89(w)](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | | | [603 CMR 1.07(1)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=07) |
| Technical Advisory 03-1: Horace Mann Charter Schools | | | | <http://www.doe.mass.edu/charter/guidance/> |
| Appendix | | | | [E: Guidance for Memorandum of Understanding](#_Appendix_E:_Guidance) |

## Chapter 6: Access to Grant and Tuition Payments

### Massachusetts Management Accounting and Reporting System (MMARS) Access

In order to receive money from the Commonwealth of Massachusetts, whether grant or tuition payments, the school **must** obtain a vendor number or vendor code assigned by the Commonwealth and **must** obtain access to the Massachusetts Management and Accounting Reporting System (MMARS).

Along with 5 forms that each school will need to complete in order to get set up in the business office and grants, you will also need an EIN number and a DUNS number; the DUNS number also must be registered.

Before obtaining a DUNS number, which is required to receive federal funds, you must first apply for a federal id number. Here is the link to receive the federal tax id number: <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>. Each school will then need to apply for a DUNS number, which is separate from the federal identification number.  Here is the link to apply for one:  <http://fedgov.dnb.com/webform>. Once a DUNS number is received, it must be registered at <https://www.sam.gov/portal/public/SAM/>.

You must all fill out the MA W-9 with the Federal Tax ID number you have already received; here is the link to receive the federal tax id number: <http://www.ein-gov.us/>

The following 5 forms **are required** to establish the organization as a vendor on the Commonwealth’s accounting system, MMARS:

1. **Request for Taxpayer Identification Number and Certification (**[**MA Substitute W-9 Format**](http://www.mass.gov/osc/docs/forms/vendorcustomer/newmass-w9.pdf)**):**

<http://www.mass.gov/osc/docs/forms/vendorcustomer/newmass-w9.pdf>

This form requests the organization’s Federal Tax ID Number. Only the first page needs to be submitted. After charter granting, the Department will provide you with a copy of this form.

1. **Commonwealth Terms and Conditions:** <http://www.mass.gov/osc/docs/forms/contracts/comm-termsconditions.pdf>

This form establishes a contract between the organization and the Commonwealth and is used by the State Comptroller to create a vendor account that will enable the state to transfer funds to the school’s bank account.

1. **Authorization for Electronic Funds Payment:** <https://massfinance.state.ma.us/VendorWeb/EFT_FORM.pdf>

This form authorizes the Department to transfer payments (grants or tuition) to your organization’s designated bank account electronically. Please be sure to click “Print Form” to generate a printed form that can be signed. Attaching a voided check from the designated bank account will expedite the process.

1. **Contractor Authorized Signatory Listing:**

<http://www.mass.gov/osc/docs/forms/contracts/casl-form.pdf>

This form lists the authorized signers from your organization. You do not have to fill in the section at the top that asks for the vendor code as this code has not been assigned to your school yet.

1. **New Standard Contract Form:**

<http://www.mass.gov/osc/docs/forms/contracts/standard-contract-frm.pdf>

After charter granting, the Department will provide you with a pre-populated New Standard Contract form. For more information please contact the New Schools unit in the Office of Charter Schools and School Redesign (781-338-3227, [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu)).You **do not** have to fill in the sections that ask for the *vendor code* or the *vendor code address id* as these codes have not been assigned to your school yet.

**Please send these forms to:**

**Jenn Ahern, Grants Management (**[jahern@doe.mass.edu](mailto:jahern@doe.mass.edu))

**Massachusetts Department of Elementary and Secondary Education**

**75 Pleasant Street**

**Malden, MA 02148**

### Grants

Beyond the per-pupil tuition payments that charter schools receive from local Chapter 70 state aid distributions, state and federal grant funds represent the largest source of revenue for many charter schools.

#### Grants for Charter Schools Only

Massachusetts has recently been awarded funds available from the federal Charter School Program grant. The Department will provide new schools detailed instructions on how to apply for the [Charter School Program grant](http://www.doe.mass.edu/grants/2017/535/) (<http://www.doe.mass.edu/grants/2017/535/>).

#### Entitlement/Allocation Grants

Charter schools, like all public schools, are entitled to federal funds provided under a formula grant program generally established by law and the U.S. Department of Education. Eligibility for these entitlement/allocation grants (also called “formula grants”) is usually based on a set of demographic criteria such as the proportion of low-income or special education students a school serves.[[3]](#footnote-3) As of January 2000, new U.S. Department of Education regulations ensure that charter schools opening for the first time or significantly expanding their enrollment **will receive funds from the state in a timely manner**. Public notice of how to apply for these federal funds is made available each spring on the Grants homepage located at <http://www.doe.mass.edu/grants/>.

#### Discretionary Grants

A discretionary grant, otherwise known as a competitive grant, is one that the U.S. Department of Education, the Department, or other branches of the government award through a competitive process. These grants require the establishment of criteria for eligibility, for program size and growth, and a mechanism for competition among applicants.

Similar to formula grants, many federal discretionary grants are available only to state Departments of Education, which then award subgrants to schools or districts. In some cases, however, a charter school or district may elect to not participate in a federal program. In these cases, the charter school may choose to apply directly to the federal government to access these funds. Information about competitive grants offered through the Department can be found at the Grants homepage; information about competitive grants offered directly from the federal government can be found through the E-Grants Initiative at <http://www.g5.gov/>. Please be mindful of the requirements all G5 users must meet in order gain access to the Grants Administration System.

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| Action Items – MMARS and Grants | | |
| **Due 45 days**  **after charter**  **is granted.**  *Checklist - symbol for related action items checklist*  **Check**  **ESE Grants homepage.** | ❒ | Submit a W-9 form; a Terms and Conditions form; an EFT authorization form; a Standard Contract Form and a Contractor Authorized Signatory Listing to ESE’s Grants Management Unit.  **All five required forms must have original signatures.** |
| ❒ | Charter school leaders should visit the Grants homepage at <http://www.doe.mass.edu/grants/> for information on grants reserved for Massachusetts charter schools, entitlement grants, and discretionary grants. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| Federal  Non-regulatory  Guidance | <http://www.ed.gov/policy/elsec/guid/cschools/cguidedec2000.pdf> |
| National Charter School Resource Center | <http://www.charterschoolcenter.org/> |
| ESE Grants Homepage | | <http://www.doe.mass.edu/grants/> |
| ESE Grants Management  Procedural Manual | | <http://www.doe.mass.edu/grants/procedure/manual.html> |
| Listing of Federal Discretionary Grants (E-Grants Initiative) | | <http://www2.ed.gov/about/offices/list/ocfo/grants/grants.html> |
| G5 Grants Administration System | | <https://www.g5.gov/ext/wps/portal> |

## Chapter 7: Student Learning Time

The length of school year, school week, and school day are considered a material term of a school’s charter. Accordingly, the Department requires new charter schools to submit a copy of the **annual calendar and complete the school schedule template** (found in [Appendix F](#_Appendix_J:_Student)) as part of the opening procedures process. Schools are also asked to submit a sample student schedule to corroborate the implementation of the educational program as proposed in the charter application.

As a public school, each charter school must schedule the number of instructional days promised in the charter application, meeting or exceeding the state requirement of a school calendar of at least 185 days each year, during which the school must operate for at least 180 days. **For example, a school that proposed a 190-day school year in its charter application must schedule a 195-day school year, which includes the additional 5 days required for snow days and other unexpected school closings, and must operate for at least 190 of those days.**

During the opening procedures process, the Department will review the school’s proposed annual calendar to ensure the school has scheduled the number of days promised in its charter AND 5 snow days. The Department will also review the submitted school schedule to ensure the school has scheduled the length of school day promised in the school’s charter. The length of day refers to the amount of time considered mandatory for all students but does not differentiate structured learning time within the school day.

Elementary schools must offer a minimum of 900 hours of structured learning time per school year, and secondary schools must offer a minimum of 990 hours of structured learning time.[[4]](#footnote-4)

Structured learning time is when students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for the study of the "core subjects" and "other subjects." The Commissioner has issued [policy guidance](http://www.doe.mass.edu/bese/docs/fy2015/2015-02/item3.html) related to the measurement of student learning time in the classroom, and the Department’s support of breakfast in the classroom. *Policy Guidance on "Breakfast in the Classroom" and Student Learning Time Requirements* states that when instruction is provided during the breakfast period, instructional time may satisfy the school’s structured learning time requirement as long as students eat in the classroom or other separate space conducive to learning, a teacher is present and actively leading instructional activities, and that the distribution of breakfast, eating, and cleanup takes no more than 15 minutes.

Time not counted toward the 900/990 hours of structured learning includes time scheduled for school breakfast in the cafeteria or other common space shared with other classes and lunch, passing between classes, homeroom, and recess as well as time in non-directed study, receiving school services, and in optional school programs.

The complete set of definitions and requirements for student learning time are found in [603 CMR 27.00](http://www.doe.mass.edu/lawsregs/603cmr27.html).

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| Action Items - Student Learning Time | | |
| **Due 5 months prior to opening***Checklist - symbol for related action items checklist* | ❒ | Submit the annual school calendar and school schedule template ([Appendix F](#_Appendix_J:_Student)) consistent with [603 CMR 27.00](http://www.doe.mass.edu/lawsregs/603cmr27.html) and the school’s charter application to the Department **for Commissioner approval**. Do not distribute your annual calendar until the Department has reviewed for accuracy. |
| **Due June**  *Checklist - symbol for related action items checklist* | ❒ | Submit sample student schedules consistent with the school’s charter application to the Department **for review**. *If grades have different schedules, submit a sample schedule for each representative schedule. (e.g. kindergarten and 5th grade).* |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
|  | State Law | [M.G.L. c. 69 Section 1(g)](http://www.mass.gov/legis/laws/mgl/69-1g.htm) |
|  | State Regulation | [603 CMR 27.00](http://www.doe.mass.edu/lawsregs/603cmr27.html) |
| Archived Administrative and Governance Guide | | School Schedule and Structured Learning Time  Requirements (p. 51)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Student Learning Time – Regulations Guide | | <http://www.doe.mass.edu/lawsregs/advisories.html> |
| Commissioner Policy Guidance on “Breakfast in the Classroom” and Student Learning Time Requirements | | <http://www.doe.mass.edu/bese/docs/fy2015/2015-02/item3.html> |
| Commissioner Memorandum on “Alternative Structured Learning Day Programs” | | <http://www.doe.mass.edu/redesign/asld-memo.html> |
| Appendix | | [F: School Schedule Template](#_Appendix_J:_Student) |

## Chapter 8: Student-Related School Policies

### Code of Conduct and Student Handbook

Code of conducts and student handbooks are an important point of contact between the school and parents. Codes and handbooks provide community members with notice as to the expectations and requirements of your school. Some elements of these documents are required by law. In particular, the school’s code of conduct must include required language concerning the principal’s authority to expel students under certain circumstances as described in [M.G.L. c. 71 Section 37H](http://www.mass.gov/legis/laws/mgl/71-37h.htm), [M.G.L. c. 71 Section 37H½](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H1~2), and [M.G.L. c. 71 Section 37H¾](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H3~4) and state the school’s specific discipline procedures for students with disabilities, as required by [34 CFR 300.530-537](https://www.gpo.gov/fdsys/granule/CFR-2010-title34-vol2/CFR-2010-title34-vol2-sec300-530). Secondary schools must also include the hazing provision in either their code of conduct or student handbook, as required by [M.G.L. c. 269 Section 17-19.](http://www.mass.gov/legis/laws/mgl/gl-269-toc.htm) In addition to the code of conduct, charter schools with grades 9 thru 12 are required to prepare and distribute a student handbook. A school's code of conduct may be included as part of the student handbook or may be distributed separately. The required elements for student handbooks are outlined in [M.G.L. c. 71 Section 37H](http://www.mass.gov/legis/laws/mgl/71-37h.htm).

As stated in [603 CMR 1.04(7)(c)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), the charter school must submit their “criteria and procedures for suspension and expulsion of students” to the Department. The Department will review your code of conduct and may provide feedback. However, only your code of conduct’s expulsion policy section is required to receive approval. The Department strongly encourages schools to consult with their legal counsel in the creation and adoption of a code of conduct.

**Requirements Regarding Expulsion Policies**

It is important to develop a code of conduct that is clear and consistent and meets all federal and state regulations. The Department has regulatory oversight of the expulsion policy found in the code of conduct. When developing your expulsion policy you must include the required elements that are found in the criterion checklist ([see Appendix H](#_Appendix_M:_Discipline)).

*An Act Relative to Student Access to Educational Services and Exclusion from School*, passed by the Legislature and signed into law on August 6, 2012 as Chapter 222 of the Acts of 2012, contains provisions ensuring that students who are suspended or expelled from school continue to have an opportunity to make academic progress through educational services provided by their district or charter school. For the full text of the law and regulations, please see: <http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter222> and <http://www.doe.mass.edu/lawsregs/603cmr53.html>, respectively. For a highlight summary of the law and regulations ([Appendix G](#_Highlights_of_Massachusetts)), see: <http://www.doe.mass.edu/ssce/discipline/highlights.pdf>.

More information on student codes of conduct is available from the Office of Student Support’s website at <http://www.doe.mass.edu/ssce/discipline/> and in the archived *Administrative and Governance Guide*. For restrictions on a school’s discipline policies and details about information that discipline policies must include, charter school administrators should review the Department’s recently updated [Advisory on Student Discipline under Chapter 222 of the Acts of 2012](http://www.doe.mass.edu/lawsregs/advisory/discipline/StudentDiscipline.html).

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| *Lightbulb - symbol for did you know textbox* | Did you know…? that the [final regulations](https://sites.ed.gov/idea/regs/b) for the reauthorized Individuals with Disabilities Act (IDEA) became effective October 13, 2006? These regulations affect how schools may discipline students with disabilities. Links to additional information on the regulations for school administrators have been provided in the related sources of information table for this section. |

In addition to the above mandatory elements of the code of conduct and student handbook, schools are strongly encouraged to develop a code of conduct and/or student handbook which is comprehensive in regard to student-related policies. These policies should clearly explain expectations for student conduct and the sanctions or range of sanctions that will be imposed in the case of misconduct. Schools are also encouraged to view the development of these policies through an equity lens with appropriate consideration of the potential impact on students and the school’s culture and climate. Schools may also choose to include policies regarding:

* school uniforms or dress code;
* student attendance[[5]](#footnote-5); and
* parent or guardian observation of classroom instruction.

When adopting policies, school leaders and board members should review all pertinent laws and applicable requirements before drafting the policy to ensure consistency.

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| *Lightbulb - symbol for did you know textbox* | Did you know…? that public schools in Massachusetts are required to give annual notice of the school’s sexual harassment policy to staff, students, and parents? The notice should contain the federal definition of sexual harassment and clearly define a process for reporting sexual harassment. See [Title VII of the Civil Rights Act](http://www.eeoc.gov/laws/statutes/titlevii.cfm) and [Title IX of the Educational Amendments of 1972](http://www.dol.gov/oasam/regs/statutes/titleix.htm) for more information. |

### Bullying Prevention and Intervention Plan

[Chapter 86 of the Acts of 2014](https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter86), An Act Relative to Bullying in Schools, requires each charter school to develop and implement a plan to address bullying prevention and intervention. The plan must detail the specific steps your school will take to support students who are “vulnerable” to bullying, as well as to provide the skills, knowledge, and strategies all students need to prevent or respond to bullying or harassment. As described in [M.G.L. c. 71 Section 37O(d),](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O) the local bullying prevention and intervention plan for each charter school must also include a provision for ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying. The Department has created a number of tools for charter schools to use to develop their plan, including the policies, procedures, and protocols required to address bullying prevention and intervention. The tools include a checklist that can be used to track if all required elements are included in the plan, a model plan, a sample reporting form, draft summaries of the new law, and various guidance documents including a technical advisory regarding the specific implications of the new law for students with disabilities. Please review the Bullying Prevention and Intervention Resources at <http://www.doe.mass.edu/bullying/> prior to developing policies, procedures, and protocols within your plan. Develop and self-assess the school’s proposed Bullying Prevention and Intervention Plan using the Required Elements ([Appendix K](#_Appendix_N:_Bullying)) and the [Checklist](http://www.doe.mass.edu/bullying/LocalPlan.pdf) and [Model Plan](http://www.doe.mass.edu/bullying/BPIPHighlighted.pdf) prior to submission. Plans must be submitted via the security web portal’s Bullying Prevention and Intervention Plan Drop Box or via email to [ssca@doe.mass.edu](mailto:ssca@doe.mass.edu). Local [Directory Administrators](http://www.doe.mass.edu/InfoServices/data/diradmin/) must assign the "Bullying Prevention and Invention Plan Drop Box" role in the Security Portal's (MassEdu Gateway’s) Directory Administration area to be able to see the appropriate drop box for submission.

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| *Lightbulb - symbol for did you know textbox* | Did you know…? that public schools in Massachusetts are required to develop and implement written restraint prevention and behavior support policy and procedures consistent with the updated [603 CMR 46.00](http://www.doe.mass.edu/lawsregs/603cmr46.html?section=all) regulation, which took effect on January 1, 2016, regarding appropriate responses to student behavior that may require immediate intervention. Such policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students. |

### Annual Notifications and Release of Student Directory Information

Charter school leaders and board members should carefully review the laws and regulations governing student records. The Massachusetts Student Records Law, [M.G.L. c. 71, Section 34A-H](http://www.mass.gov/legis/laws/mgl/gl-71-toc.htm), and its implementing regulations, [603 CMR 23.00](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=all), are consistent with Family Educational Rights and Privacy Act ([FERPA](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)). Schools should make copies of [603 CMR 23.00](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=all) available to students and their parents upon request. In addition, at least once during every school year, the school should notify students and their parents about any standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year. Federal law governing student records is found in FERPA, [20 U.S.C. Section 1232g](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=0ahUKEwj02_vYt_zSAhVr2IMKHVs_CfUQFgg4MAU&url=https%3A%2F%2Fwww2.ed.gov%2Fpolicy%2Fgen%2Fguid%2Ffpco%2Fpdf%2Fferparegs.pdf&usg=AFQjCNG94hC2-md_wohPyZxMY7xF6irdbA), and its accompanying regulations, [34 C.F.R. Part 99](http://www.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf).

In order to comply with the mail house provision of the charter school statute, [M.G.L. c. 71, Section 89(g)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89), all schools must include notice in their student handbook, or an information letter the school publishes under the Massachusetts Student Records Regulation, [603 CMR 23.07(4)](http://www.doe.mass.edu/lawsregs/603cmr23.html?section=07), that the school will release the names and addresses of students to a third party mail house, upon request, unless the parent or eligible student requests that the school withhold that student’s information.

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| Action Items - Student-Related Policies | | |
| **Due July**  *Checklist - symbol for related action items checklist* | ❒ | Prepare the school’s code of conduct containing your proposed expulsion policy so that it is consistent with the program and school characteristics outlined in your charter application, as well as [M.G.L. c. 71 Section 37H](http://www.mass.gov/legis/laws/mgl/71-37h.htm), [71 Section 37H½](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H1~2), [M.G.L. c. 71 Section 37H¾](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H3~4), [34 CFR 300.530-537](https://www.gpo.gov/fdsys/granule/CFR-2010-title34-vol2/CFR-2010-title34-vol2-sec300-530), and [M.G.L. c. 269 Section 17-19](http://www.mass.gov/legis/laws/mgl/gl-269-toc.htm). |
| ❒ | Submit the draft code of conduct and/or student handbook to the Department for review and **approval of your expulsion policy**.  (See [Appendix H](#_Appendix_H:_Criteria) for the Expulsion Policy Checklist) |
| ❒ | Submit the school’s proposed Bullying Prevention and Intervention Plan for review and **approval** via the security web portal’s Bullying Prevention and Intervention Drop Box or via email to [ssca@doe.mass.edu](mailto:ssca@doe.mass.edu). Submit a copy of the plan to the Department. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| Federal  Law | Family Educational Rights and Privacy Act (FERPA)  20 U.S.C. § 1232g,  <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title20/pdf/USCODE-2010-title20-chap31-subchapIII-part4-sec1232g.pdf> |
| Federal Regulation | Assistance to States for the Education of Children With  Disabilities and Preschool Grants for Children With Disabilities,  [34 CFR 300](https://www.gpo.gov/fdsys/granule/CFR-2010-title34-vol2/CFR-2010-title34-vol2-sec300-530);  Family Educational Rights and Privacy Act Regulations, [34 C.F.R. Part 99](http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf). |
| State  Law | [M.G.L. c. 71 Section 37H](http://www.mass.gov/legis/laws/mgl/71-37h.htm), [71 Section 37H½](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H1~2), [M.G.L. c. 71 Section 37H¾](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H3~4), and [M.G.L. c. 269 Section 17-19](http://www.mass.gov/legis/laws/mgl/gl-269-toc.htm); [M.G.L. c. 71 Section 37O](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O) |
| State  Regulation | [603 CMR 1.04(7)(c)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04); [603 CMR 23.00](http://www.doe.mass.edu/lawsregs/603cmr23.html); [603 CMR 49.00](http://www.doe.mass.edu/lawsregs/603cmr49.html?section=all) |
| Archived Administrative and Governance Guide | | Student Conduct and Records (p. 46)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Advisory on Student Discipline under Chapter 222 of the Acts of 2012 | | <http://www.doe.mass.edu/lawsregs/advisory/discipline/StudentDiscipline.html> |
| Questions and Answers on Student Discipline Laws and Regulations | | <http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html> |
| Reauthorized *IDEA* Statute Discipline | | <https://www2.ed.gov/policy/speced/guid/idea/tb-discipline.pdf> |
| Reauthorized *IDEA* Regulations Discipline | | <https://sites.ed.gov/idea/regs/b> |
| Chart on Disciplinary  Procedures for Individuals with Disabilities | | <http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc> |
| Questions and Answers on Discipline Procedures for Individuals with Disabilities | | <https://sites.ed.gov/idea/files/08-0101_Discipline_FINAL_June_2009-1.pdf> |
| Dear Colleague letter on behavior interventions, supports, and discipline procedures under IDEA for Individuals with Disabilities | | https://sites.ed.gov/idea/files/dcl-on-pbis-in-ieps-08-01-2016.pdf |
| Bully Prevention and Intervention Resources | | <http://www.doe.mass.edu/bullying/> |
| Appendix | | [G: Highlights of Massachusetts Student Discipline Statutes and Regulations](#_Highlights_of_Massachusetts)  [H: Criteria for Expulsion Policy Checklist](#_Appendix_M:_Discipline)  [I: Discipline of Special Education Students under IDEA 2004](#_Appendix_HI:_Discipline)  [J: Hazing Policies Requirements](#_Appendix_IJ:_Hazing)  [K: Bullying Prevention and Intervention Plans Requirements](#_Appendix_JK:_Bullying) |

## Chapter 9: Hiring of Staff

### Highly Qualified Teachers and the Charter School Statute

Charter school teachers must meet the requirements of the Massachusetts charter school statute and regulations. Core academic teachers in Commonwealth charter schools must possess a bachelor’s degree and demonstrate subject matter competence in each of the core academic subjects they teach. The licensure requirement is waived for Massachusetts Commonwealth charter school teachers because it is not a requirement of the state charter school statute. All teachers in Horace Mann charter schools **are required** to hold an appropriate Massachusetts teaching license because employees are, for collective bargaining purposes, employees of a school district. All Commonwealth charter school teachers hired after August 10, 2000 must either take and pass, within their first year of employment at a charter school, the Massachusetts Test for Educator Licensure or be already licensed to teach in Massachusetts.

All charter schools with English Learners (ELs) enrolled, including Commonwealth charter schools, under a provision in [M.G.L. c. 71A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71A), **are required** to employ at least one **licensed** English as a Second Language (ESL) teacher. All English Learners should be assigned to teachers who are endorsed in Sheltered English Immersion (SEI). Teachers who are not SEI endorsed should earn their SEI endorsement in one year.

Any staff implementing specialized instruction included in an Individual Education Plan (IEP) must meet the qualifications for service delivery provider established by the Department pursuant to [IDEA § 34 CFR 300.156(a)](http://www.ecfr.gov/cgi-bin/text-idx?SID=0d2f3b0ff09a5b321cafeda68d3630d1&node=se34.2.300_1156&rgn=div8):

"The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities."

The appropriate qualifications for Commonwealth charter school staff to independently deliver specialized instruction are:

* Hold a valid (in or out-of-state) license or its equivalent as a special education teacher for the appropriate grades and severity level and/or
* Have successfully completed an undergraduate or graduate degree in an approved special education program

Specialized instruction provided by personnel who do not meet the above qualifications must be delivered in consultation with a qualified individual who provides supervision and oversight of the delivery of the specialized instruction. For more information regarding these requirements, please contact the Access and Equity unit in the Office of Charter Schools and School Redesign (781-338-3227, [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu)).

All charter schools must appoint an administrator of special education. The administrator supervises all special education for the charter school and ensures compliance with all federal and state special education laws. The administrator of special education is appropriately licensed or holds a current waiver for an appropriate license or otherwise demonstrates that he or she has the qualifications to perform all of the duties of the administrator. As appropriate, and in accordance with the requirements of [M.G.L. c.71B Section 3A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71B/Section3A), the administrator may designate other school personnel to carry out some of the duties of the administrator.

For more information, please review the [Charter School Technical Advisory 17-1: Educator Qualifications in Commonwealth Charter Schools](http://www.doe.mass.edu/charter/guidance/2017-1.html).

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| Action Items - Summary of Instructional Staff and Administrators | | |
| **Due August**  *Checklist - symbol for related action items checklist* | ❒ | Recruit and hire special education teachers and teachers of English Learners (ELs)*.* |
| ❒ | Establish a relationship with a qualified special education administrator. |
| ❒ | Maintain copies of professional credentials for all staff including: transcripts, current resume, state and/or professional licenses, and evidence of having taken and passed any MTEL exams. Determine if any teachers will need to complete additional federal and or state qualification requirements. |
| ❒ | Prepare and submit a summary of qualifications, including: a determination of whether all teachers have met the state teacher qualification standards, and how all teachers will meet the state teacher qualification requirements within the first year of employment. **Teachers and administrators of ELs and special education, related licensed service providers, and paraprofessionals are to be included.** Refer to [Appendix L](#_Appendix_Q:_) for the expected level of detail and the recommended template. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| Federal Regulation | [IDEA § 34 CFR 300.156](http://www.ecfr.gov/cgi-bin/text-idx?SID=0d2f3b0ff09a5b321cafeda68d3630d1&node=se34.2.300_1156&rgn=div8); [IDEA § 34 CFR 300.18](http://www.ecfr.gov/cgi-bin/text-idx?SID=f5e051836fdfcd4e37a0dfb5e4ea7117&node=se34.2.300_118&rgn=div8) |
| State Law | [M.G.L. c. 71 Section 89(e)(xii)](http://www.mass.gov/legis/laws/mgl/71-89.htm);  [M.G.L. c. 71A](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71A); [M.G.L. c.71B Section 3A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71B/Section3A) |
| State Regulation | [603 CMR 1.06(4)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=06); [603 CMR 28.02(3)](http://www.doe.mass.edu/lawsregs/603cmr28.html?section=02); [603 CMR 28.03(2)](http://www.doe.mass.edu/lawsregs/603cmr28.html?section=03) |
| Archived Administrative and Governance Guide | | Qualifications for Charter School Teachers (pp. 34-35)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Charter School Technical Advisory 17-1: Educator Qualifications in Commonwealth Charter Schools | | <http://www.doe.mass.edu/charter/guidance/> |
| Appendix | | [L: Suggested Worksheet and Template for the Summary of Qualifications](#_Appendix_KL:_) |

### School Nurse and School Physician

Schools must appoint one or more school physicians and registered nurses and provide students with access to at least one physician and one registered nurse. Charter schools may meet this requirement in various ways, including hiring a part-time physician or sharing a physician with other charter schools or with the public school system in their community. School physicians must be a doctor of medicine or hold a license of osteopathy. For the most up-to-date information on School Nurse licensure requirements, please visit the Executive Office of Education’s (EOE) [Educator Licensure website](http://www.doe.mass.edu/licensure/) and [Licensure Requirements Tool](https://gateway.edu.state.ma.us/elar/licensurehelp/LicenseRequirementsCriteriaPageControl.ser).

New charter schools must submit a signed letter of agreement attesting to a formal relationship between a physician and the school as part of the opening procedures process. The school is also required to hire a licensed school nurse and provide a signed letter of agreement attesting to the formal relationship between a nurse and the school. The charter school must provide appropriate facility space in which the physician and nurse can fulfill their duties.

Schools may arrange for the administration of prescription medications during school hours by using either licensed professionals, or by using certain unlicensed personnel to administer medications only if the school is registered with Department of Public Health (DPH) to administer medications in this manner consistent with requirements. If you have questions about school health programming, contact the [School Health Services Unit](http://www.mass.gov/dph/fch/schoolhealth) at the DPH at 617-624-6060.

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| Action Items - School Nurse and School Physician | | |
| **Due**  **August**  *Checklist - symbol for related action items checklist* | ❒ | Recruit a local physician to meet the state school health requirements as the school physician/medical consultant and submit a letter of agreement as evidence of the relationship to the Department. |
| ❒ | Recruit and hire a licensed school nurse and submit a letter of agreement as evidence of the relationship to the Department. |
| ❒ | Maintain copies of all professional credentials on file at the school. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 53](http://www.mass.gov/legis/laws/mgl/71-53.htm) |
| Archived Administrative and Governance Guide | | Health Policy (p. 42)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| DPH’s School Health Services | | <http://www.mass.gov/dph/fch/schoolhealth> |
| DPH’s Template For Massachusetts School Physician/Medical Consultant Role | | <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/publications/template-for-school-physicianmedical-consultant.html> |
| DPH’s Comprehensive School Health Manual | | <http://www.maclearinghouse.com/SCH/SH3001R.html> |
| Executive Office of Education’s Educator Licensure | | <http://www.mass.gov/edu/government/departments-and-boards/ese/programs/educator-effectiveness/licensure/> |

### CORI Policy and Mandatory Criminal Record Checks

[M.G.L. c. 71 Section 38R](http://www.mass.gov/legis/laws/mgl/71-38r.htm) requires schools to adopt and maintain a Criminal Offender Record Information (CORI) policy and a Criminal History Record Information (CHRI) policy. These policies must describe the school’s processes, consistent with law, for performing criminal background checks, including fingerprint-based state and national criminal records checks on current and prospective employees, contractors, and volunteers who may have direct and unmonitored contact with children. School employees include educators, substitutes, maintenance staff, cafeteria workers, and bus drivers. Additionally, employees must continue to submit their state CORI checks at least once every three years. Volunteers at schools will continue to be required to submit to state CORI checks at least once every three years, as currently required by statute, but the decision to require the submission of fingerprints by volunteers for the fingerprint-based state and national checks can be made by the school.

To assist you with developing your school's policies, the Department strongly recommends consulting the [Model CORI Policy](http://www.mass.gov/eopss/docs/chsb/dcjis-model-cori-policy-may-2012.pdf) prepared by the Department of Criminal Justice Information Services (DCJIS) and the Model CHRI Policy prepared by the Department, which are available at <http://www.mass.gov/eopss/agencies/dcjis/> and <http://www.doe.mass.edu/chri/schools.html>, respectively. The Department strongly encourages schools to consult with their legal counsel in the creation and adoption of a CORI Policy and CHRI Policy.

As stated in [603 CMR 1.04(7)(d)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), charter schools must provide written assurance (signed letter from board chair or their designee) that **CORI and national criminal history checks** have been completed for all school personnel and volunteers who come into “direct and unmonitored” contact with the school’s students. These should be completed with all **newly hired** and **prospective** school personnel.

The Department’s [Advisory on CORI Law](http://www.doe.mass.edu/lawsregs/advisory/cori.html) gives detailed information on the steps a school must follow to apply for access to criminal record information from the CORI Support Services Unit, requesting criminal record information, and the fees associated with such requests. If you have any other questions, or require additional information, please contact the DCJIS CORI Unit at (617) 660-4640.

Executive Office of Education’s [Frequently Asked Questions Regarding Background Checks Law](http://www.mass.gov/edu/birth-grade-12/early-education-and-care/background-records-check-resources/frequently-asked-questions-regarding-background-checks.html) provides information on the timeline and process for submitting fingerprints, the fees associated with the process, and the format of the National Criminal History Record Information (CHRI) Reports. For questions specific to the implementation of the fingerprint-based criminal record check at your school, please contact the Department of Elementary and Secondary Education (<http://www.doe.mass.edu/chri/>) at [expandedbackgroundchecks@doe.mass.edu](mailto:expandedbackgroundchecks@doe.mass.edu). For general questions about the fingerprinting law, please call the Executive Office of Education at (617) 979-8340.

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| *Lightbulb - symbol for did you know textbox* | Did you know… that schools must conduct CORI checks on employees of taxicab companies that have contracted to provide transportation to pupils pursuant to M.G.L. c. 71 Section7A? Contracting taxicab companies are required to submit the names of employees who may have direct and unmonitored contact with pupils to the board of trustees prior to transporting any pupil. See the Advisory on CORI Law for more information. |

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| Action Items - CORI Policy and Mandatory Criminal Record Checks | | |
| **Due June**  *Checklist - symbol for related action items checklist* | ❒ | Read [Advisory on CORI Law](http://www.doe.mass.edu/lawsregs/advisory/cori.html) at <http://www.doe.mass.edu/lawsregs/advisory/cori.html>.  Review EOE’s [Frequently Asked Questions Regarding Background Checks Law](http://www.mass.gov/edu/birth-grade-12/early-education-and-care/background-records-check-resources/frequently-asked-questions-regarding-background-checks.html). |
| ❒ | Submit a draft CORI Policy to the Department **for review**. Please ensure that the draft CORI policy reflects elements of the [Model Policy](http://www.mass.gov/eopss/docs/chsb/dcjis-model-cori-policy-may-2012.pdf) published by DCJIS. |
| ❒ | Submit a draft CHRI Policy to the Department **for review**. Please ensure that the draft CHRI policy reflects elements of the [Model Policy](http://www.doe.mass.edu/chri/schools.html) published by the Department. |
| ❒ | Apply for access to Criminal Offender Record Information (CORI) through the [CORI Support Services Unit at the Massachusetts Department of Criminal Justice Information Services.](http://www.mass.gov/eopss/agencies/dcjis/) |
| **Due**  **August**  *Checklist - symbol for related action items checklist* | ❒ | Conduct CORI and fingerprint checks (SAFIS) on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students. |
| ❒ | Submit a signed letter from the board chair or their designee to the Department assuring that CORI and fingerprint checks have been completed on all school staff, contracted employees, and volunteers who come into “direct and unmonitored contact” with the school’s students. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 38R](http://www.mass.gov/legis/laws/mgl/71-38r.htm); [Chapter 459 of the Acts of 2012](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter459) |
| State Regulation | [603 CMR 1.04(7)(d)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04); [603 CMR 51.00](http://www.doe.mass.edu/lawsregs/603cmr51.html) |
| Archived Administrative and  Governance Guide | | Criminal Background Checks (p. 33)  <http://www.doe.mass.edu/charter/governance/adminguide.pdf> |
| ESE Advisory on CORI Law | | <http://www.doe.mass.edu/lawsregs/advisory/cori.html> |
| Department of Criminal Justice Information Services – CORI Services Unit Contact | | 617-660-4600;  <http://www.mass.gov/eopss/agencies/dcjis/> |
| DCJIS iCORI Service | | <https://icori.chs.state.ma.us/icori/ext/global/landing.action?page=1&bod=1430770906264&m=presentLanding> |
| Executive Office of Education – FAQs regarding Background Checks Law | | <http://www.mass.gov/edu/birth-grade-12/early-education-and-care/background-records-check-resources/frequently-asked-questions-regarding-background-checks.html> |
| Statewide Applicant Fingerprint Identification Services (SAFIS) | | <http://www.mass.gov/eopss/agencies/safis/statewide-applicant-fingerprint-identification-services.html>  Registration guide: <http://www.mass.gov/eopss/docs/safis/safis-registration-guide-ese-fv1-0.pdf> |
| Background Check Contact Information | | <http://www.doe.mass.edu/chri/> |

### Participation in the Massachusetts Teachers' Retirement System

Eligible employees of Commonwealth and Horace Mann charter schools are required to participate in a state retirement system, such as the Massachusetts Teachers’ Retirement System (MTRS). Horace Mann charter schools should verify if the municipality where they are located uses MTRS or another retirement system, such as Boston’s use of the Boston Retirement System. New charter schools must first determine the eligibility of each of their employees and then enroll eligible employees in the retirement system. The Massachusetts Teachers’ Retirement Board (MTRB) Employer Services should be contacted directly at 617-679-6895 or [empsup@trb.state.ma.us](mailto:empsup@trb.state.ma.us) for assistance in determining the eligibility of individual charter school employees.

After determining each employee’s eligibility to participate in the system, new charter schools must contact the MTRS’ Employer Reporting Unit to establish a contributing relationship with the MTRB. To find out more information about your responsibilities as an employer and to learn more about the enrollment procedures, please see: <https://mtrs.state.ma.us/employers/>. Payments to the MTRS must be made in a timely fashion. To find out which Employer Services representative is assigned to you charter school, please follow the directions found at the bottom of MTRS Employer Services Contact page (<https://mtrs.state.ma.us/service/contact-employer-services/>). As part of the opening procedures process, new charter schools are **required to submit** evidence of payment to the Department.

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| Action Items - Massachusetts Teachers' Retirement System | | |
| **Due June**  *Checklist - symbol for related action items checklist*  **Due Post Opening ASAP** | ❒ | Read [M.G.L. c. 71 Section 89(y)](http://www.mass.gov/legis/laws/mgl/71-89.htm) and [M.G.L. c. 32](http://www.mass.gov/legis/laws/mgl/gl-32-toc.htm) and visit [the MTRS webpage](https://mtrs.state.ma.us/). |
| ❒ | Contact the MTRS Employer Services **prior to June 1** to determine employee eligibility as well as initiate the process for making contributions. |
| ❒ | Submit, to the Department, a payroll summary statement as evidence of MTRS contributions **after** the first payroll for eligible employees. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89(y)](http://www.mass.gov/legis/laws/mgl/71-89.htm), [M.G.L. c. 32](http://www.mass.gov/legis/laws/mgl/gl-32-toc.htm) |
| State Regulation | [807 CMR 4.00](http://www.mass.gov/mtrs/about-us/regulations/807-cmr-4-00.html) – [807 CMR 5.00](http://www.mass.gov/mtrs/about-us/regulations/807-cmr-5-00-employer-reporting-requirements.html) |
| Archived Administrative and  Governance Guide | | Teacher Retirement System Requirements (pp. 33-34)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| MTRS | | 617-679-6895 or 617-679-6877; [empsup@trb.state.ma.us](mailto:empsup@trb.state.ma.us);  <https://mtrs.state.ma.us/employers/>  <https://mtrs.state.ma.us/service/contact-employer-services/> |
| MTRS online training | | <https://mtrs.state.ma.us/employers/#mtrs-online-training-employers> |

## Chapter 10: Evaluation and Professional Development

### Evaluation of the School Leader, School Administrators, and Teachers

Effective systems and criteria for evaluation of school personnel are critical to the success of any school. Before school administrators and teachers begin the daily work of teaching and learning, it is essential that the process and criteria through which their performance will be measured are clearly defined and communicated to them. Therefore, as part of the opening procedures process, the school must submit a copy of the evaluation plans and performance criteria for the school leader, school administrators, and teachers to the Department.

While it is typically the role of school administrators to evaluate teachers, it is the role of the board of trustees to establish a process for the evaluation of the school leader. The development of the evaluation process and the identification of specific performance criteria for each role can be a valuable opportunity for the school community to further articulate the vision of the school and prioritize its values.

The Board of Elementary and Secondary Education voted in February 2017 to amend the regulations on the evaluation of educators ([603 CMR 35.00](http://www.doe.mass.edu/lawsregs/603cmr35.html)) *apply specifically to Horace Mann charter schools* whom are *required* to employ teachers licensed in Massachusetts. For more information, refer to the Commissioner’s [memo](http://www.doe.mass.edu/news/news.aspx?id=24266), which explains that under the amended regulations, “evaluators do not have to report a separate rating about an educator’s impact on student learning.” Educators and evaluators should continue to incorporate multiple sources of evidence when conducting evaluations. The amended regulations include the new student learning indicator as part of Standard II: Teaching All Students for teachers and Standards I: Instructional Leadership for administrators. Other indicators identified in the amended regulations are included in the model rubrics. The Department supports the characteristics of strong teacher and administrator evaluation plans championed by these regulations and encourage all Commonwealth charter schools to review the regulations when developing their own evaluation systems. Horace Mann charter schools must incorporate these regulatory changes into their systems to evaluate educator. Recommended elements of school leader, school administrator, and teacher evaluation plans incorporating changes from the regulations have been included as [Appendix M](#_Appendix_R:_Recommended). Please note that in December 2015 the Department updated several parts of the [Model System for Education Evaluation](http://www.doe.mass.edu/edeval/model/)..

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| Action Items - Evaluation of School Leader, School Administrators, and Teachers | | |
| **Due**  **July**  *Checklist - symbol for related action items checklist* | ❒ | Determine performance evaluation criteria and design an evaluation plan for the school leader. |
| ❒ | Determine performance evaluation criteria and design an evaluation plan for other school administrators and non-instructional staff. |
| ❒ | Determine performance evaluation criteria and design an evaluation plan for teachers. |
| ❒ | Self-assess evaluation plans against the Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans ([Appendix M](#_Appendix_R:_Recommended)). |
| ❒ | Submit all three sets of performance evaluation criteria and evaluation plans to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89(e)(xiii)](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulations | [603 CMR 35.00](http://www.doe.mass.edu/lawsregs/603cmr35.html) |
| ESE Educator Evaluation Guidance | <http://www.doe.mass.edu/edeval/> |
| Massachusetts Model System for Educator Evaluation | <http://www.doe.mass.edu/edeval/model/> |
| Commissioner Memorandum on “Educator Evaluation – Amendments to the Regulations” | <http://www.doe.mass.edu/news/news.aspx?id=24266> |
| Appendix | [M: Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans](#_Appendix_LM:_Recommended) |

### Professional Development for School Administrators and Teachers

Under [M.G.L. c. 71 Section 38(q)](http://www.mass.gov/legis/laws/mgl/71-38q.htm), it is required that every school district in the Commonwealth (including charter schools as independent districts) adopt and implement a professional development plan for all principals, teachers, other professional staff, professional support teams such as paraprofessionals and teacher assistants as well as school council members. **These professional development plans must be updated annually and include a budget**. This is true of both Horace Mann and Commonwealth charter schools, in accordance with [M.G.L. c. 71 Section 89(e)(xiii).](http://www.mass.gov/legis/laws/mgl/71-89.htm) To access Department Resources and Tools for Educators and PD Leaders, please see: <http://www.doe.mass.edu/pd/standards.pdf>.

The law[[6]](#footnote-6) requires that the professional development plan include the following:

* training in the teaching of new curriculum frameworks and other skills required for the effective implementation of this act, including participatory decision making, and parent and community involvement;
* training in analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles;
* methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate such styles;
* training for teachers in second language acquisition techniques; and
* training for members of school councils, pursuant to [M.G.L. c. 71 Section 59C](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section59C).

The plan may also include:

* training in the provision of curricular accommodation services within regular education; and
* teacher training which addresses the effects of gender bias in the classroom.

In addition to these requirements, the Department recognizes that strong teacher and administrative professional development plans will:

* align with individual and school-wide improvement goals;
* connect individual and school-wide professional development goals and resources with the school mission;
* establish and maintain a professional culture centered on reflection and learning;
* foster communities of practice among the school’s educational professionals;
* demonstrate how the proposed strategies are linked to improving student achievement;
* encourage professionals to document their progress towards stated goals; and
* provide adequate resources and support to individuals throughout the year as they work toward those goals.

For the complete set of Massachusetts Standards for Professional Development, please see: <http://www.doe.mass.edu/pd/standards.html>.

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| Action Items - Professional Development for School Administrators and Teachers | | |
| **Due**  **July**  *Checklist - symbol for related action items checklist* | ❒ | Design a professional development plan for school administrators. |
| ❒ | Design a professional development plan for teachers. |
| ❒ | Submit both proposed professional development plans to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 38(q)](http://www.mass.gov/legis/laws/mgl/71-38q.htm), [M.G.L. c. 71 Section 89(e)(xiii)](http://www.mass.gov/legis/laws/mgl/71-89.htm); [M.G.L. c. 71 Section 59C](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section59C). |
| ESE Professional Development | <http://www.doe.mass.edu/pd/> |
| MA Standards for Professional Development | <http://www.doe.mass.edu/pd/standards.pdf>  <http://www.doe.mass.edu/pd/standards.html> |
| Department Resources and Tools for Educators and PD Leaders | <http://www.doe.mass.edu/pd/leaders.html> |

## Chapter 11: Student Services Delivery

The Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education ACT (ESEA) of 1965, was signed into law on December 10, 2015. The law includes provisions to help ensure improved outcomes for all students receiving elementary and secondary education. For more information on the Commonwealth’s ESSA State Plan, programs implemented under ESSA, and how Massachusetts Transitioned to ESSA, please see: <http://www.doe.mass.edu/titlei/essa/>.

### District Curriculum Accommodation Plan

Pursuant to [M.G.L. c. 71 Section 38Q½](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38Q1~2), charter schools must adopt and implement a District Curriculum Accommodation Plan (DCAP) to ensure that all efforts have been made to meet the needs of diverse learners in the general education program.  The plan must assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning.  The plan must also include provisions encouraging teacher mentoring and collaboration and parental involvement.

The District Curriculum Accommodation Plan *may* also:

* describe how the school schedule will benefit instruction of all students;
* describe how the curriculum meets state learning standards;
* describe how the school’s policies or discipline code enhances instruction;
* discuss how school staff or other consultants will address behavioral issues or literacy development;
* identify after-school options such as homework assistance and peer coaching; and
* identify strategies for using community agencies and volunteers to assist students and teachers.

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| Action Items - District Curriculum Accommodation Plan | | |
| **Due**  **July**  *Checklist - symbol for related action items checklist* | ❒ | Design and adopt a District Curriculum Accommodation Plan in alignment with requirements. |
| ❒ | Submit the DCAP to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 38Q1/2](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38Q1~2) and [M.G.L. c. 71B Section 2](http://www.mass.gov/legis/laws/mgl/71b-2.htm) |
| State Regulation | [603 CMR 28.03(3)(a)](http://www.doe.mass.edu/lawsregs/603cmr28.html?section=03), |
| Archived Administrative and  Governance Guide | | District Curriculum Accommodation Plan (p. 49)  <http://www.doe.mass.edu/charter/governance/?section=all> |

### English Language Education Policies and Procedures

Pursuant to [603 CMR 14.00](http://www.doe.mass.edu/lawsregs/603cmr14.html), charter schools are required to establish procedures, in accordance with Department guidelines, to identify those students who may be English learners and assess their level of English proficiency upon their enrollment in the school. Prior to opening, new schools must submit a detailed description of their policies and program practices for English language learner education. Refer to [Appendix N](#_Appendix_S:_Required) for information on the required elements of this submission. Please note that any core academic teacher that is assigned an English Learner student will have 12 months of that assignment to earn a Sheltered English Immersion (SEI) endorsement. Core academic teachers of English Learners and any school leader who supervises or evaluates such teachers must obtain an SEI endorsement.

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| Action Items – English Language Education Policies and Procedures | | |
| **Due**  **July**  *Checklist - symbol for related action items checklist* | ❒ | Review the Required Elements for English Language Education Policies and Procedures ([Appendix N](#_Appendix_S:_Required)). |
| ❒ | Develop and submit policies and procedures for an English Language Education to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71A](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71A) |
| State Regulation | [603 CMR 14.00](http://www.doe.mass.edu/lawsregs/603cmr14.html) |
| ESE English Learner Guidance | <http://www.doe.mass.edu/ell/guidance/> |
| RETELL (Rethinking Equity and Teaching for ELs) | <http://www.doe.mass.edu/retell/> |
| Appendix | [N: Required Elements for English Language Education Policies and Procedures](#_Appendix_MN:_) |

### Special Education Policies and Procedures

Pursuant to [603 CMR 28.00](http://www.doe.mass.edu/lawsregs/603cmr28.html), charter schools are required to provide or arrange for the provision of special education and related services for eligible students in accordance with state and federal law and regulations. Please note that on March 27, 2018, BESE adopted amendments to 603 CMR 28.10 pertaining to the assignment of school district responsibility for special education services of students in foster care, (<http://www.doe.mass.edu/lawsregs/603cmr28.docx>). Prior to opening, new schools are required to submit a detailed description of their policies and program practices to meet the needs of students. The policies and procedures must address the elements found in [Appendix O](#_Appendix_T:_).

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| Action Items – Special Education Policies and Procedures | | |
| **Due**  **July**  *Checklist - symbol for related action items checklist* | ❒ | Review the Required Elements for Special Education Policies and Procedures ([Appendix O](#_Appendix_T:_)). |
| ❒ | Develop and submit policies and procedures for an Special Education to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71B) |
| State Regulation | [603 CMR 28.00](http://www.doe.mass.edu/lawsregs/603cmr28.html) |
| Primer on Special Education in Charter Schools | <http://www.doe.mass.edu/charter/sped/default.html?section=primer> |
| Appendix | [O: Required Elements for Special Education Policies and Procedures](#_Appendix_T:_) |

### Special Education Program Plan

Prior to opening, and in preparation for each Coordinated Program Review, charter school leaders must read and complete a Program Plan for Special Education. This document provides school leaders with a means of verifying their awareness of the requirements and assuring ESE that all local actions and procedures are completely consistent with these requirements to ensure uninterrupted access to federal special education funds.

An electronic version of the [Special Education Program Plan](http://www.doe.mass.edu/sped/advisories/programplan/), updated September 2017, is available online at <http://www.doe.mass.edu/sped/advisories/programplan/>. To the greatest extent possible, the program plan should be completed electronically prior to printing. Once the electronic information is complete, schools should print the program plan. Each requirement must then be initialed and signed by the *special education administrator* working with the charter school, the *instructional leader* of the school, and the *chairperson* of the board of trustees. **An original document (with original initials and signatures) must be submitted to the Department’s Special Education Planning and Policy Office as part of the opening procedures process.** Subsequent submissions (approximately every three years, coinciding with the Coordinated Program Review process) are submitted to the Special Education Planning and Policy Development Office as per instructions contained within the program plan document.

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| Action Items - Special Education Program Plan | | |
| **Due**  **June**  *Checklist - symbol for related action items checklist* | ❒ | Review the [Massachusetts Primer on Special Education and Charter Schools](http://www.doe.mass.edu/charter/sped/default.html?section=primer), which contains information for charter school operators, at <http://www.doe.mass.edu/charter/sped/default.html?section=primer>. |
| ❒ | Download the [*Special Education Program Plan*](http://www.doe.mass.edu/sped/advisories/programplan/) at <http://www.doe.mass.edu/sped/advisories/programplan/>. |
| ❒ | Thoroughly read all sections, completing school information throughout the document. |
| ❒ | Ensure that the Special Education Administrator, Charter School Leader, and Chairperson of the board of trustees have all read, initialed, and signed the Program Plan. |
| ❒ | **Submit the original completed program plan with original initials and signatures to the Office of Special Education Planning and Policy Development.** |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Regulation | [603 CMR 28.03(4)](http://www.doe.mass.edu/lawsregs/603cmr28.html?section=03) |
| Program Plan | <http://www.doe.mass.edu/sped/advisories/programplan/> |

### Title I Program Plan: Schoolwide or Targeted Assistance

Title I Part A is a federal entitlement grant program that provides funding for supplemental educational opportunities for children who are most at risk of failing to meet the state's challenging content and performance standards. Title I provides districts the opportunity to create one of two types of school-based programs: targeted assistance or schoolwide. You will be contacted by the Department’s School Improvement Grants Program in early July and will be provided with the application and related resources. *It is important to update your school profile to include the contact information of your identified Title I Director in order to receive notifications from the Department.* As a new school, the initial allocation is 25% of your estimated Title I grant allocation. Your full Title I grant allocation will not be available until *winter* when your enrollment has been finalized and low-income data has been determined. At that point, however, you will be able to amend your initial Title I application in order to apply for your full Title I grant allocation. The application for Title I funds is filed through the security web portal.

A targeted assistance program is one in which individual students in a school are targeted to receive Title I services. Students are identified based upon multiple, educationally related objective criteria. Services may be delivered in a number of ways. Title I teachers in targeted assistance schools are responsible for providing these services, coordinating with other school personnel as needed, and involving parents in the planning, implementation, and evaluation of the Title I program.

A schoolwide program permits schools that have at least 40% poverty to use Title I Part A funds in combination with state and local resources, and most other federal education program funds to upgrade the entire educational program of the school to raise the academic achievement of all students. In contrast to targeted assistance programs, schoolwide programs are not required to deliver services to specific students, since every student in the school is involved in the program.

For more information, please access the Title I website at [http://www.mass.gov/ese/titlei](http://www.doe.mass.edu/titlei/) as well as the related sources of information found below. For additional guidance, please contact School Improvement Grants Program at 781-338-6230 or [titlei@doe.mass.edu](mailto:titlei@doe.mass.edu).

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| Action Items – Title I | | |
| Submit initial application in early July. | ❒ | If applying for Title I as a schoolwide program, develop schoolwide program plan and submit schoolwide program plan justification and assurances document with grant application.  See the Schoolwide Programs Program Design section at [Title I website](http://www.doe.mass.edu/titlei/) for program design for guidance and assurances document. (<http://www.doe.mass.edu/titlei/part-a/program-design.html>) |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| Detailed Overview for Title I directors | <http://www.doe.mass.edu/titlei/> |
| Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program | <https://www2.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf>  <https://www2.ed.gov/programs/titleiparta/schoolwideguidance10132015.pdf> |
| Archived Federal Non Regulatory Guidance on Designing Schoolwide Programs | <http://www2.ed.gov/policy/elsec/guid/designingswpguid.doc> |

### Title III: Language Instruction for Limited English Proficient & Immigrant Students Program

Title III is a federal program that assists immigrant and limited English proficient (LEP) students in achieving grade-level and graduation standards, as well as acquiring the English language. The purpose of the program is to assist charter schools and other school districts in teaching English to LEP students. Additionally, the Title III funds are to be used in helping these students meet the same challenging state standards required of all students. All Title III funds must be used to supplement, not supplant, the level of local, state, and federal funds that, in the absence of Title III funding would otherwise be expended for programs for LEP students and immigrant children and youth.

In order to be eligible to receive Title III funding, charter schools must have at least 101 students identified as English language learners in the March SIMS report or experienced a significant growth in immigrant children and youth over time. More information about determining immigrant eligibility and “significant growth” can be found on the [Title III website](http://www.doe.mass.edu/ell/titleIII/). Districts wishing to participate in Title III but not able to enroll the minimum number of ELL students will join a consortium of other districts wishing to receive Title III funding. Charters and districts interested in forming a consortium must submit a letter of intent to the Department in early June and should contact Melanie Manares, Title III Coordinator, ([mmanares@doe.mass.edu](mailto:mmanares@doe.mass.edu) or 781-338-3573) or Beth O’Connell ([eoconnell@doe.mass.edu](mailto:eoconnell@doe.mass.edu) or 781-338-3571) for further information.

For additional guidance, please contact Melanie Manares or Beth O’Connell at the Office of English Language Acquisition and Academic Achievement. Please be sure to check the Department’s grant funding webpage frequently to see which opportunities are currently available (<http://www.doe.mass.edu/grants/current.html>).

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| Action Items – Title III | | |
| **June of 1st year of operation**  *Checklist - symbol for related action items checklist* | ❒ | Determine if the school is eligible to receive Title III funding. Contact Melanie Manares ([mmanares@doe.mass.edu](mailto:mmanares@doe.mass.edu) or 781-338-3573) or Beth O’Connell ([eoconnell@doe.mass.edu](mailto:eoconnell@doe.mass.edu) or 781-338-3571) at the Office of English Language Acquisition and Academic Achievement to pursue funding, if eligible. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| Federal Law | [NCLB: PL 107-110 Title III](http://www2.ed.gov/policy/elsec/leg/esea02/pg39.html) |
| State Law | [M.G.L. c. 71A](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71A) |
| State Regulation | [603 CMR 14.00](http://www.doe.mass.edu/lawsregs/603cmr14.html) |
| Required and Authorized Activities Using Title III | <http://www.doe.mass.edu/grants/2018/184/RequiredAuthorizedActivities.docx;http://www.doe.mass.edu/grants/2018/186/#additionalinformation> |
| OELAAA Title III | <http://www.doe.mass.edu/ell/titleIII/> |
| Current Grant Funding Opportunities | <http://www.doe.mass.edu/grants/current.html> |

### Health Plan and Medications Administration Plan

Each charter school must develop policies and a plan to address health services in accordance with the law. A comprehensive school health program should focus on health risk factors, take into account the diversity of student needs, and use specially trained staff to deliver the program. School leaders should work with the school physician and school nurse to create a School Health Plan and Medications Administration Plan that meets the requirements of [105 CMR 210](http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr210.pdf). Charter schools should visit the School Health Services web page within DPH to review the available sample [Model Policies and Forms](http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/medicine-admin/sample-policies-and-forms.html) to review the requirements and responsibilities before developing their own documents. Schools may decide to adapt some of the forms available for use within their own school health programs.

For additional information, charter schools should consult the [*Comprehensive School Health Manual*](https://massclearinghouse.ehs.state.ma.us/SCH/SH3001R.html) published by DPH’s School Health Services. The manual is a comprehensive resource about school health policy and practice with basic information, guidelines, and recommendations. In addition, charter school leaders may contact the School Health Services (Division of Primary Care and Health Access, MA DPH) at 617-624-6060 as they develop their school health services.

Charter school health policies should include, but are not limited to, the following requirements in accordance with [M.G.L. c. 71 Section 57](http://www.mass.gov/legis/laws/mgl/71-57.htm) and [105 CMR (200, 210 & 220)](http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/100-199cmr/105cmr.html):

* Students must have a physical examination in the six months preceding their entry into the school or during their first year of attendance and every three to four years thereafter. Physical examinations are also required for students who are frequently absent due to unexplained illness, or who have known physical conditions requiring repeated appraisal. In addition, annual physical examinations are required prior to participation in competitive athletics. The child's primary care provider who knows the child's health history best should perform physical examinations. The physician for the charter school may perform the health assessments on students who do not have access to a primary care provider. The results of the examination must be recorded on forms approved by DPH.
* In the absence of a waiver from the DPH, the hearing and vision of every public school child must be screened annually.
* All schools must provide postural screening to all students in grades 5 through 9. If a parent or guardian refuses to have a postural screening done by the school, the parent or guardian must submit written documentation of a postural screening from the child's primary care provider.
* In the absence of a waiver from DPH, school-aged children must be weighed and measured annually. Measurements should be both accurate and plotted on standardized National Center for Health Statistics sex-specific growth charts.
* Schools may arrange for the administration of prescription medications during school hours by using either **licensed professionals**, such as nurses, physicians, and dentists; or by using certain unlicensed personnel to administer medications ***only******if*** the school is registered with DPH to administer medications in this manner.
* DPH requires certain immunizations for students before admission to school.

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| Action Items - School Health Plan and Medications Administration Plan | | |
| **Due June**  *Checklist - symbol for related action items checklist* | ❒ | Read [M.G.L. c. 71 Section 57](http://www.mass.gov/legis/laws/mgl/71-57.htm) and [105 CMR (200, 210 & 220)](http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/100-199cmr/105cmr.html) thoroughly. |
| ❒ | Submit a School Health Plan and Medications Administration Plan consistent with the relevant laws and regulations to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 57](http://www.mass.gov/legis/laws/mgl/71-57.htm), [M.G.L. c. 111 Section 5-7,](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111) [M.G.L. c. 76 Section 15 and 15C.](http://www.mass.gov/legis/laws/mgl/gl-76-toc.htm) |
| State Regulation | [105 CMR 200](https://www.mass.gov/regulations/105-CMR-20000-physical-examination-of-school-children), [105 CMR 210](https://www.mass.gov/regulations/105-CMR-21000-the-administration-of-prescription-medications-in-public-and-private), and [105 CMR 220](https://www.mass.gov/regulations/105-CMR-22000-immunization-of-students-before-admission-to-school) |
| Archived Administrative and  Governance Guide | | Health Policy (p. 42)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| DPH’s Comprehensive School Health Manual | | <http://www.maclearinghouse.com/SCH/SH3001R.html> |
| DPH’s Sample Medication Administration Policies and Forms | | <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/medicine-admin/sample-policies-and-forms.html> |

### School Wellness Policy and Local Wellness Committee

Charter schools that have elected to receive federal nutrition funds are required to develop a School Wellness Policy and a local wellness committee to ensure policy compliance. The wellness policy should guide school efforts to establish a school environment that promotes students’ health, well-being, and ability to learn. Policies must include guidelines for all foods available and include goals for nutrition education, physical activity, and other activities designed to promote student wellness such as nutrition promotion. The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) issued an implementation memo (SP‐42‐2011) (<http://www.fns.usda.gov/tn/local-school-wellness-policy>) to guide LEAs in implementing the school wellness policy provisions in the Healthy, Hunger‐Free Kids Act of 2010, in which the final rule was published in July 2016. For additional resources for developing and implementing a School Wellness Policy, review the websites listed in the Related Sources of Information table below.

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| Action Items - School Wellness Policy | | |
| **Due June***Checklist - symbol for related action items checklist* | ❒ | Read the Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296) at <http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm>. |
| ❒ | Create a School Wellness Policy consistent with federal requirements. |
| ❒ | Submit the School Wellness Policy to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| Federal Regulation | [Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296)](http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm). |
| State Regulation | [105 CMR 225.00](http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr225.pdf) |
| USDA Food and Nutrition Service programs | <http://www.fns.usda.gov/cnd/> |
| School Wellness Policy Toolkit (USDA) | | <https://www.fns.usda.gov/tn/local-school-wellness-policy> |
| USDA Competitive Food Regulations:  Tools for Schools - Smart Snacks | | <http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks> |
| The John C. Stalker Institute for Food and Nutrition at Framingham State College | | Wellness policies resources:  <http://www.johnstalkerinstitute.org/wellness/>  List of snacks that meet the Smart Snack Nutritional Requirements:  <http://www.johnstalkerinstitute.org/alist/> |

### Substance Use Prevention and Abuse Education Policy

In accordance with M.G.L. c. 71 § 96 (as amended by St. 2016, c. 52, § 15), charter schools must develop policies regarding substance use prevention as well as the education of its students about the dangers of substance abuse. Additionally, each school is required to notify the parents or guardians of its students about these policies and to post them on the school’s website. Each school must email the website addresses (URLs) where these policies are posted (or will be posted) to the Department at [ATOD@doe.mass.edu](mailto:ATOD@doe.mass.edu). While not required, you may also attach a copies of these policies to the email. For guidance, additional information, and other resources, please review the [Guidance on School Policies Regarding Substance Use Prevention](http://www.doe.mass.edu/ssce/Guidance-SubstanceUsePrevention.pdf) and the ESE’s [Safe and Supportive Schools](http://www.doe.mass.edu/sfs/safety/?section=vtsa) website. For additional guidance, please contact Anne Gilligan at [agilligan@doe.mass.edu](mailto:agilligan@doe.mass.edu).

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| Action Items – Substance Use Prevention and Abuse Education Policy | | |
| **Due June***Checklist - symbol for related action items checklist* | ❒ | Read the Department’s Guidance on School Policies Regarding Substance Use Prevention at  <http://www.doe.mass.edu/sfs/safety/substance-use-prevention.docx> |
| ❒ | Create a policy/policies regarding substance use prevention and abuse education. |
| ❒ | Email the URLs (or include attachments of the policy/policies) to ATOD@doe.mass.edu. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Laws | <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section96>  <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52> |
| Department Guidance on School Policies Regarding Substance Use Prevention | | <http://www.doe.mass.edu/sfs/safety/substance-use-prevention.docx> |
| Department’s Safe and Supportive Schools | | <http://www.doe.mass.edu/sfs/safety/> |

### Substance Use-Related Screening Tool

In accordance with M.G.L. c. 71 § 97 (as amended by St. 2016, c. 52, § 15), schools are required to verbally screen students at two grade levels for substance use disorders. This initiative can assist school staff with prevention efforts and with identify early risk of substance use and misuse among middle and high school students. Schools are expected to conduct screenings on an annual basis at two different grade levels. The recommended screening grade levels are grades 7 and 9. Schools must notify parents or guardians of the students who will be screened before the screening takes place, and permit a student or the student’s parent or guardian to opt out of the screening at any time by giving written notification. Schools are required to report aggregate screening data to the Department of Public Health (DPH) no later than 90 days after the screenings. Please see the Department’s guidance memo, which explains the new law’s requirements and includes more details around these requirements. Other resources include the Screening, Brief Intervention, and Referral for Treatment in Schools (SBIRT), which includes information about training in the CRAFFT-II verbal substance use screening tool prescribed by the DPH. For more information, please contact [ATOD@doe.mass.edu](mailto:ATOD@doe.mass.edu)

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| Action Items – Screening, Brief Intervention, and Referral to Treatment (SBIRT) | | |
| **Due 90 days after screenings***Checklist - symbol for related action items checklist* | ❒ | Report aggregate screening data to the Department of Public Health. DPH Data Collection Forms are found here: <http://www.masbirt.org/schools>.  Email aggregated data to [schoolSBIRT@state.ma.us](mailto:schoolSBIRT@state.ma.us) |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Laws | <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section97>  <https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52> |
| Provided within the School Policies Regarding Substance Use Prevention Department Guidance document | | <http://www.doe.mass.edu/sfs/safety/substance-use-prevention.docx> |
| Department’s Safe and Supportive Schools | | <http://www.doe.mass.edu/sfs/safety/> |
| Department’s Guidance Memo on the new requirement for schools to implement a substance use-related screening tool | | <http://www.doe.mass.edu/sfs/safety/verbalscreening.html> |
| Screening, Brief Intervention, and Referral for Treatment in Schools (SBIRT) | | <http://www.masbirt.org/schools> |
| SBIRT Training Resources | | <http://www.masbirt.org/schools> |

## Chapter 12: Financial Organization

### Fiscal Policies and Procedures

As an entity of the Commonwealth of Massachusetts, all charter schools must establish fiscal policies and procedures that are consistent with state requirements and the responsible use of public funds. In an effort to provide some guidance, the Department has published a [*Recommended Fiscal Policies and Procedures Guide*](http://www.doe.mass.edu/charter/finance/auditing/), available online at <http://www.doe.mass.edu/charter/finance/auditing/>. The fiscal policies and procedures of any new charter school **are required** to adopt the *Procurement Policies* (Section 700) of the [*Recommended Fiscal Policies and Procedures Guide*](http://www.doe.mass.edu/charter/finance/auditing/)*.* While it is not required that new charter schools adopt all of the fiscal policies and procedures recommended in the *Guide*, the Department strongly encourages charter schools to align their fiscal policies and procedures to those recommended by the *Guide* to the greatest possible extent. Any deviations from the *Guide* should be carefully considered. Charter schools must submit the board of trustee approved Fiscal Policies and Procedures to the Department as part of the opening procedures process.

Since Horace Mann charter school employees are considered, for some purposes, employees of municipal entities, and the schools are funded directly by municipalities, they are by definition subject to the procurement requirements of [M.G.L. c. 30B](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B), the [Uniform Procurement Act](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B). In addition, while the [Uniform Procurement Act](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B) does not apply to Commonwealth charter schools, they are required to follow sound business practices and generally accepted governmental auditing standards as conditions of their charter.

**Please note that both Commonwealth and Horace Mann charter schools must ensure that the procurement officer of the charter school participates in the Massachusetts Certified Public Purchasing Official Program conducted by the Office of the Inspector General in order to earn a Massachusetts public purchasing official certificate.** The Office of the Inspector General has developed training specifically for charter schools. More information can be found at <http://www.mass.gov/ig/mcppo/>.

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| Action Items - Financial Organization | | |
| **Due**  **June**  *Checklist - symbol for related action items checklist* | ❒ | Read [*Recommended Fiscal Policies and Procedures Guide*](http://www.doe.mass.edu/charter/finance/auditing/) *at:* <http://www.doe.mass.edu/charter/finance/auditing/> |
| ❒ | Collaborate with the board of trustees to develop the school’s own fiscal policies and procedures or adopt those recommended by the Department. |
| ❒ | Submit the school’s board of trustees approved fiscal policies and procedures to the Department **for review** of the required procurement policies. |
| ❒ | Ensure that the procurement officer of any charter school participates in the [Massachusetts Certified Public Purchasing Official Program](http://www.mass.gov/ig/mcppo/) at <http://www.mass.gov/ig/mcppo/>. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89(jj)](http://www.mass.gov/legis/laws/mgl/71-89.htm)  [M.G.L. c. 30B](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B); [M.G.L. c. 30 Section 39M](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30/Section39M); [M.G.L. c. 149 Section 44A](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section44A); [M.G.L. c. 149 Section 26-27H](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149); [Section 11 of Chapter 46 of the Acts of 1997](http://www.malegislature.gov/Laws/SessionLaws/Acts/1997/Chapter46) |
| Recommended Fiscal Policies & Procedures Guide | <http://www.doe.mass.edu/charter/finance/auditing/> |
| Massachusetts Certified Public  Purchasing Official Program | | <http://www.mass.gov/ig/mcppo/> |
| Operational Services Division’s Procurement Information Center | | <http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/procurement-information-center.html> |
| Inspector General’s Chapter 30B Procurement Assistance and Enforcement | | <http://www.mass.gov/ig/procurement-assistance/> |
| Office of Management and Business Circular A-110 Sections 40-48 | | <http://www.whitehouse.gov/omb/circulars_a110/> |

### Budget and Cash Flow

The Department recognizes that budget adjustments will often be necessary after chartering due to a number of factors. For that reason, the Department requires that new charter schools submit updated, board-approved budget proposals for the first year of operation, including both **a budget summary** and a **detailed cash flow projection**, and **projected budgets for the subsequent four years of operation** based on the enrollment growth plan. The Department strongly recommends that the board undertake a long-range budget plan for the entire five years of the charter term and encourages new charter schools to create detailed, cash-flow projections as part of their future fiscal practices. For your convenience, the Department provides a [five year budget and first year cash flow projection template](http://www.doe.mass.edu/charter/new/?section=app).

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| Action Items - Action Items - Budget and Cash Flow | | |
| **Due June**  *Checklist - symbol for related action items checklist* | ❒ | Update and revise budget summaries for the first five years after chartering as well as create a detailed cash flow projection for the first year of operation. |
| ❒ | Obtain board of trustee approval of the school’s revised budget for the first year of operation. |
| ❒ | Submit the school’s revised budgets for the first five years of operation and the cash flow projection for the first year of operation to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89(w)](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | [603 CMR 1.08(1)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=08) |
| Archived Administrative and  Governance Guide | | Budget and Curriculum (p. 8)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Annual Report Guidelines | | <http://www.doe.mass.edu/charter/acct.html?section=annual> |
| Budget Template | | <http://www.doe.mass.edu/charter/new/?section=app> |

### Audits

Each charter school must have, as required in [M.G.L. c. 71 Section 89(jj)](http://www.mass.gov/legis/laws/mgl/71-89.htm), an annual independent audit conducted of its accounts to be completed and filed on or before November 1 with the Department and the State Auditor. This applies to all charter schools, even during the planning period—the period between the granting of the charter and the opening of the school to enrolled students. **New charter schools are not permitted to combine the first two fiscal years for the purposes of an audit, whether planning or operational years.** The [Massachusetts Charter School Audit Guide](http://www.doe.mass.edu/charter/finance/auditing/) at <http://www.doe.mass.edu/charter/finance/auditing/> contains specific guidance regarding the requirements for these audits.

During the charter school’s planning period, the charter school may have an independent accountant’s review performed, which is less in scope than an audit, in lieu of an audit when revenue is less than $500,000. The review must be performed by a certified public accountant in accordance with the *Statement on Accounting and Review Services* issued by the American Institute of Certified Public Accountants. If a review is performed, Section 1000 of the Audit Guide is not applicable, and the Acceptance of Board of Trustees (Appendix A of the Audit Guide) must be modified to describe the scope of services provided. Additionally, if a financial review is performed, the school’s auditor will be required to perform the agreed upon procedures described in the [Charter School Audit Guide](http://www.doe.mass.edu/charter/finance/auditing/) to assist in evaluating the school’s assertion to the Department that it has complied with the requirements of the federal Charter Schools Program grant (CSP). If the charter school’s revenue is $500,000 or more during a fiscal year of the planning period, a full audit must be performed in accordance with [OMB Circular A-133](https://obamawhitehouse.archives.gov/omb/circulars/a133_compliance_supplement_2016).

**All new schools must submit by June 1 a written assurance that the board of trustees has selected and hired an auditor for the Department’s re cords. The letter must specify the selected individual/firm and provide their mailing address, email address, and phone number.**

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| Action Items - Audit | | |
| **Assurance Due June 1**  **Due**  **November 1 annually**  *Checklist - symbol for related action items checklist* | ❒ | **Submit a written assurance prior to June 1** of the fiscal year in question that the board of trustees has selected and hired an auditor, including identification of the individual/firm and contact information. |
| ❒ | Review the various options for an audit or financial review of the school’s fiscal year(s) during the planning period. Ensure that the school’s board of trustees submits the completed financial review or audit on or before the November 1 statutory deadline. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71, Section 89 (jj)](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | [603 CMR 1.08(3)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=08) |
| Archived Administrative and  Governance Guide | | Audit (p. 17)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Audit Guide | | <http://www.doe.mass.edu/charter/finance/auditing/> |
| The Office of Management and Budget (OMB) Compliance Supplement | | <https://obamawhitehouse.archives.gov/omb/circulars/a133_compliance_supplement_2016> |

## Chapter 13: Business and Contractual Relationships

### Transportation Services Plan

Prior to securing transportation services for all eligible students, charter school leaders should carefully read [M.G.L. c. 71 Section 89(cc)](http://www.mass.gov/legis/laws/mgl/71-89.htm) and [603 CMR 1.07(3)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=07) and the [Technical Advisory 16-1](http://www.doe.mass.edu/charter/guidance/) (See [Appendix R](#_Appendix_R:_)) to understand their obligations to provide transportation and the reimbursement programs available. When arranging for student transportation, new charter schools should pay particular attention to federal laws governing the privacy of student records and the school’s board-approved student records policy.

If transportation will be provided by the local school district, charter school leaders should identify when and how the district's local school committee sets its budget so that they can proactively inform the committee of the charter school's needs in a timely manner. **The Department strongly encourages school leaders to inform the local district *prior to April 1* if they will require district transportation services.**

Prior to opening, the charter school must submit evidence of adequate transportation services which align with the school’s approved schedule (such as a longer school day or Saturday school). Required evidence includes a copy of the signed services contract or letter of agreement between the entity providing the transportation (bus company or public school district) and the charter school as well as a general description of services to establish alignment with the school’s schedule**. The services contract or letter of agreement is to be signed by the head of the bussing company or the district employee who oversees transportation if receiving transportation services from the local district.** If the school is to open in a temporary facility, the charter school leader must make separate arrangements for student transportation for the duration as well as submit evidence of transportation services for the temporary facility.

If the charter school will provide its own transportation services and will be seeking transportation reimbursement, a description of the transportation services provided for all eligible students, which complies with Technical Advisory 16-1, must be included in the school’s approved enrollment policy.

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| Action Items - Transportation Services Plan | | |
| **Due**  **August**  *Checklist - symbol for related action items checklist* | ❒ | Read [M.G.L. c. 71 Section 89(cc)](http://www.mass.gov/legis/laws/mgl/71-89.htm) and [603 CMR 1.07(3)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=07) thoroughly as well as the Charter School [Technical Advisory on Transportation 16-1](http://www.doe.mass.edu/charter/guidance/) on at: <http://www.doe.mass.edu/charter/guidance/> or [Appendix R](#_Appendix_R:_). |
| ❒ | Arrange for transportation services to be provided to all eligible students. |
| ❒ | Submit a (signed) services contract or letter of agreement to the Department **for review**. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89(cc)](http://www.mass.gov/legis/laws/mgl/71-89.htm) |
| State Regulation | [603 CMR 1.07(3)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=07) |
| Charter School Technical Advisory on Transportation 16-1 | | <http://www.doe.mass.edu/charter/guidance/> |
| Archived Administrative and  Governance Guide | | Transportation (p. 38)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| Appendix | | [R: Transportation Technical Advisory](#_Appendix_QR:_) |

### Nutrition Services Program

All public schools in the Commonwealth are required to make a school lunch available to students, including a free or reduced price lunch for students who meet income eligibility requirements. Under certain circumstances, charter schools must also make breakfast available. Through the [National School Lunch Program](http://www.doe.mass.edu/cnp/nprograms/nslp.html) (NSLP), charter schools are eligible to receive reimbursement for school breakfast and lunch. If an after school snack is provided as a part of an approved, regularly scheduled educational or enrichment activity, it may also be eligible for reimbursement. **Regardless of a school’s participation in the National School Lunch Program, *school lunches must be made available* and under certain circumstances, breakfast as well.** Both breakfast and lunch must meet current USDA meal pattern requirements.

Please review information about the federal and state reimbursement program through the National School Lunch Program at <http://www.doe.mass.edu/cnp/nprograms/nslp.html>. If your school decides to participate in the federal reimbursement program, you must request an application from the Office for Food and Nutrition Programs (formerly the Office of Nutrition, Health, and Safety) and you may begin working with staff in Nutrition Programs once you have obtained a charter. Upon receipt of your complete application, Department staff will work closely with you to ensure successful implementation and reimbursement of your school meal program. Training opportunities will also be available during Summer Institute programming organized by ESE. For additional information, please contact Food and Nutrition Programs at 781-338-6480 or [nutrition@doe.mass.edu](http://www.doe.mass.edu/contact/qanda.aspx?orgcode=SSCE_NUT09).

As part of the opening procedures process, charter schools must submit written assurance (signed letter from board chair or their designee) stating if the school will/will not participate in the National School Lunch Program. If your school chooses to participate, this letter must also provide assurance that school has begun to work with staff in the Food and Nutrition Programs office.

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| Action Items - Nutrition Services Program | | |
| **Contact the ESE Food and Nutrition Programs Office prior to June 1.** | ❒ | Request an application in writing from the Food and Nutrition Office if your school will/will not participate in NSLP. |
| ❒ | Submit a signed letter from the board chair stating whether the school will participate in the NSLP. If yes, assurance must state that the school has begun to work with the Food and Nutrition Programs Office. |
| **Due**  **Aug 1**  *Checklist - symbol for related action items checklist* | ❒ | Read [M.G.L. c. 69 Section 1(c)](http://www.mass.gov/legis/laws/mgl/69-1c.htm) thoroughly. | |
| ❒ | Watch the **Making It Count** training videos for an overview of USDA school nutrition program requirements at <http://makingitcount.info/>. | |
| ❒ | Identify and contract with a food service provider, or determine how nutrition services will be delivered through internal processes. Submit a copy of the signed contract to the Department. | |
| ❒ | Prior to being approved to participate in the USDA School Nutrition Program, the school’s menu must be certified to be compliant with meal pattern standards **and** the school will receive a pre-approval visit by ESE Office for Food and Nutrition Programs staff. | |
| ❒ | Schools should send a minimum of two staff to **The Nuts and Bolts of School Nutrition** training. Register at <http://www.johnstalkerinstitute.org/nb/2018/>. | |
| ❒ | By law, all LEA’s participating in the National School Lunch Program must utilize the direct certification process. Massachusetts requires all LEA’s to conduct all direct certifications using the [Executive Office of Health and Human Services Virtual Gateway](http://www.mass.gov/eohhs/gov/commissions-and-initiatives/vg/). Please contact our office at 800-421-0938 to request the legal documents that must be completed to obtain access to the Virtual Gateway and schedule a training on how to perform the required direct certification process. For more information see: <https://www.mass.gov/virtual-gateway-user-resources> | |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 69 Section 1(c)](http://www.mass.gov/legis/laws/mgl/69-1c.htm) |
| State Regulation | [105 CMR 225](http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr225.pdf) |
| Federal Laws and  Regulations | | [P.L. 111-296](http://www.gpo.gov/fdsys/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf); [7 CFR 210-245](http://www.fns.usda.gov/school-meals/regulations) |
| Archived Administrative and  Governance Guide | | Nutrition Policy (p. 43)  <http://www.doe.mass.edu/charter/governance/?section=all> |
| USDA: Food and Nutrition Service Homepage | | <http://www.fns.usda.gov/cnd> |
| USDA: School Meals Eligibility Manual | | <https://www.fns.usda.gov/2017-edition-eligibility-manual-school-meals> |
| USDA: Nutrition Standards for School Meals | | <http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm> |
| ESE Office of Food and Nutrition Programs | | <http://www.doe.mass.edu/cnp/nprograms/> |
| National School Lunch Program | | <http://www.doe.mass.edu/cnp/nprograms/nslp.html> |

### Insurance Policies

New charter schools must submit evidence of required insurance coverage prior to beginning operation. In particular, the school should seriously consider purchasing adequate liability insurance, as well as directors’ and officers’ insurance. The Department strongly encourages new charter schools to consult with their legal counsel when determining the amount of insurance to ensure adequate coverage.

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| Action Items - Insurance Policies | | |
| **Due**  **Aug 1**  *Checklist - symbol for related action items checklist* | ❒ | Read [603 CMR 1.08(9)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=08); [603 CMR 1.04(7)(h)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04) |
| ❒ | Consult with the school’s legal counsel to determine which insurance is required and how much will be adequate coverage. |
| ❒ | Submit evidence the details that type and amount of insurance coverage to the Department. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Regulation | [603 CMR 1.04(7)(h)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04) and [603 CMR 1.08(9)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=08) |
| Archived Administrative and  Governance Guide | Liability of the School (p. 15)  <http://www.doe.mass.edu/charter/governance/?section=all> |

## Chapter 14: School Facility and Building Safety

Procuring, renovating, and maintaining facilities are significant challenges for charter schools in Massachusetts. Federal and state laws require all public school facilities, including those of charter schools, to pass certain inspections and to be programmatically accessible to persons with physical disabilities. **Additionally, charter schools must comply with state law regarding designer selection, public bidding, and prevailing wage when constructing or renovating a facility.** For these reasons, it is essential that charter school administrators and boards of trustees maintain an open dialogue with the Department during the facility search.

Charter schools may contact the Department to tour prospective facilities to provide a perspective on its programmatic accessibility in addition to the opinion provided by the school's outside legal counsel, architects, and realtors. Please note that new schools unable to submit the required facility and building safety certifications and inspections before the first day of school will be unable to open school as scheduled until requirements are met for the health and safety of students and staff.

### Provision and Location of a School Facility

The particular municipality in which a charter school’s facility is located is a material term of the school’s charter, and must be approved by BESE. When considering the purchase or lease of any facility for school use, school leaders must either locate the school within the municipality stated in the charter application[[7]](#footnote-7), or seek a charter amendment from the Commissioner. A regional charter school must locate in the municipality indicated in the final application or receive approval from BESE if the school wishes to change municipalities. To demonstrate that the charter school has identified and obtained a facility within the municipality stated in the charter application, schools are asked to submit a copy of a **signed** lease or purchase and sale agreement to the Department during the opening procedures process.

When charter schools decide to construct new facilities or renovate existing facilities, there are a number of federal and state laws with which they need to comply. Schools should obtain outside legal counsel familiar with public construction to ensure compliance with all applicable laws and must notify the Department of that compliance.

Please note that charter schools may take out loans to finance the purchase and/or renovations to the school building, but the loan may not extend beyond the term of the charter, pursuant to [M.G.L. c. 71, Section 89(k)(6)](http://www.mass.gov/legis/laws/mgl/71-89.htm) **without** the approval of BESE. For information on approval of loans beyond a charter term, refer to [Technical Advisory 15-2](http://www.doe.mass.edu/charter/guidance/) at: <http://www.doe.mass.edu/charter/guidance/>.

### Accessibility of the Facility to Handicapped Persons

Charter schools must ensure that all educational programs and services offered at each level in the school are available and entirely accessible to students with disabilities. In signing the Statement of Assurances that was submitted as part of the charter school application, the school’s primary founder has provided BESE with written assurance (signed letter from board chair or their designee) that the charter school will “adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990” (*Application for a Massachusetts Public School Charter, Statement of Assurances*). Charter school facilities must not only be accessible to students with disabilities, but also any individual with a disability wishing to access the school.

As a result, charter schools are required to submit written assurance that the specific facility selected for the school will be programmatically accessible to individuals with a physical handicap. **The Department may sanction new charter schools that are not programmatically accessible to physically handicapped persons at opening.** Further review of the accessibility of programs to handicapped and other disabled persons will be performed when the Program Quality Assurance Unit conducts its review of programmatic accessibility during the school’s Coordinated Program Review.

### Multi-Hazard Evacuation Plan

Schools must be prepared and practiced in responding to various threats. Chapter 159, Section 363, of the Acts of 2000[[8]](#footnote-8) requires that each public school in the Commonwealth of Massachusetts have a school specific multi-hazard evacuation plan that is reviewed annually and updated as appropriate. New charter schools must design a building-specific school safety plan, or multi-hazard evacuation plan, in consultation with the fire chief and police chief of the city, town, or district where the school is located and submit the plan to the Department as part of the opening procedures process. The approval criterion for Multi-Hazard Evacuation Plans has been included as [Appendix P](#_Appendix_P:__1).

At the beginning of each school year, students at each school shall be instructed in the different response strategies within the developed plan. Additional information on school safety plans may be found in the archived [*Administrative and Governance Guide*](http://www.doe.mass.edu/charter/governance/?section=all)and in FEMA’s [Multihazard Emergency Planning for Schools Toolkit](https://training.fema.gov/programs/emischool/el361toolkit/start.htm).

### Medical Emergency Response Plan

In the spring of 2012, [*An Act Relative to Medical Emergency Response Plans for Schools,* Chapter 77 of the Acts of 2012](http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter77) (Medical Emergency law) was signed into law. The full text of the law is at: <http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter77>. Under the law, every school committee and charter school board of trustees must ensure that every school under its jurisdiction has a written Medical Emergency Response Plan.  The purpose of the Medical Emergency Response Plan is twofold: 1) “to reduce the incidence of life-threatening emergencies,” and 2) “to promote efficient responses to such emergencies.” The plan shall be in addition to the multi-hazard evacuation plan required under section 363 of chapter 159 of the acts of 2000. Plans shall be developed in consultation with the school nurse, school athletic team physicians, coaches, trainers and the local emergency medical services agency, as appropriate. Schools shall practice the response sequence at the beginning of each school year and periodically throughout the year and evaluate and modify the plan as needed. Plans shall be submitted once every 3 years to the Department. Plans shall be updated in the case of new construction or physical changes to the school campus. The approval criterion for Medical Emergency Response Plans has been included as [Appendix Q](#_Appendix_U:_). See the [Commissioner’s memorandum from August 16, 2012](http://www.doe.mass.edu/ssce/2012-0816MERP.pdf) regarding Medical Emergency Response Plans for Schools: Frequently Asked Questions, a Template, and a [Model for the Plan](http://www.doe.mass.edu/sfs/safety/?section=medical) for more details.

Charter schools are encouraged to use the “MERP” Drop Box in the Security Portal to submit their plan. Similar to the Bullying Prevention and Intervention Plan submission, a district-level Directory Administrator must assign the MERP Drop Box role in order to submit via the drop box. If you have any difficulty using the Drop Box, you may email the plan to the Department at MERP@doe.mass.edu. Before submitting your plan, please name the file with the following name: “*8DigitSchoolCode\_School Name\_Date.”* For example:

“01650003\_BrickandMortarCharter School \_08-28-15.” If you need assistance, please contact the Learning Support Services unit via [MERP@doe.mass.edu](mailto:MERP@doe.mass.edu) or 781-338-3010.

For more information on Medical Emergency Response Plans as well as other programs and protocols to ensure school safety, please visit the Department’s Safe & Supportive Schools website at: <http://www.doe.mass.edu/sfs/safety/>.

### Inspection Certificates and/or Permits

Charter schools must provide copies of current inspection and occupancy certificates during the opening procedures process. Different municipalities may utilize different permit systems and inspection procedures. Schools should be aware of these differences and be mindful that the local inspectional services department and fire department can provide helpful guidance in navigating a potentially complex and time-consuming process. The certificates that are submitted to the Department certify the use of the building as a school; provide occupancy capacity information; demonstrate adherence to the requirements of health, safety, and fire regulations. Please note obtaining inspection certifications and/or permits can be a lengthy process. Once you have secured a facility, school leaders should initiate contact with the Inspectional Services Department of the municipality in which the school facility will be located **as soon as possible** to discuss their inspectional process and arrange for the necessary inspections.

In addition, charter schools are required to adhere to AHERA federal regulations (40 CFR 763.80 – 99) as applicable. AHERA requires that schools identify the presence of asbestos-containing materials through an original inspection on the school facility; develop and maintain a management plan and conduct re-inspections (every three years), as applicable; as well as provide annual written notification to parents, teachers, and staff regarding the availability of the Asbestos Management Plan. In most cases, a full AHERA inspection is required prior to use of the facility as a school. The inspection may only be waived if a certification statement is submitted by the architect, building engineer, or a licensed inspector that they have reviewed facility documentation of the new construction, and can verify that there were no asbestos-containing materials used in the building.

New charter schools that will be located in a building constructed prior to 1978, will serve children under the age of six, and anticipate conducting any renovations, repairs, or painting to common areas must submit a lead inspection report during opening procedures, and comply with Renovation, Repair, and Painting de-leading rule and regulations ([40 CFR 745.80-92](http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol30/pdf/CFR-2010-title40-vol30-part745-subpartE.pdf); [454 CMR 22.00](http://www.mass.gov/courts/docs/lawlib/400-499cmr/454cmr22.pdf)). Additionally, the Department of Environmental Protection (DEP) has notified school administrators of its coordinated statewide effort to “reduce or eliminate lead in drinking water at schools.” The DEP has issued a [2016 Notice to School Administrators](http://www.mass.gov/eea/docs/dep/water/drinking/alpha/i-thru-z/lccaltrdese.pdf) to provide more information regarding lead and copper in school drinking water. School administrators are asked to provide information about lead and copper at their facilities by completing the [online checklist](https://www.mass.gov/lists/lead-and-copper-forms-and-templates) at https://www.mass.gov/lists/lead-and-copper-forms-and-templates.

As stated in [603 CMR 1.04(7)(e)-(h)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), the following types of inspection certificates/permits must be submitted to the Department during the opening procedures process:

* Certificate of Occupancy/ Occupancy Permit/ Certificate of Use and Occupancy
* Fire Inspection Certificate/ Fire Department Field Inspection Report
* Building Safety Inspection/ Certificate of Inspection
* Health Inspection/ Health Permit
* [Flammable Compounds and Liquids Certificate](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter148) (if applicable)
* Asbestos Inspection and Management Plan
* Lead Inspection Certification (for schools that will serve children under the age of six)

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| Action Items - School Facility and Building Safety | | |
| **Due July 1***Checklist - symbol for related action items checklist* | ❒ | Submit a proposed Multi-Hazard Evacuation Plan to the Department that is aligned to the approval criterion found in [Appendix P](#_Appendix_P:__1). |
| ❒ | Submit a proposed Medical Emergency Response Plan to the Department that is aligned to the approval criterion found in [Appendix Q](#_Appendix_U:_). |
| ❒ | Update official contact information for school profile listing on ESE website (school leader, address, phone number, email, and website) via the security web portal. |
| ❒ | Submit a copy of a **signed** lease or purchase and sales agreement to the Department. |
| **Due**  **Aug 1**  *Checklist - symbol for related action items checklist* | ❒ | Initiate contact with the Inspectional Services Department of the municipality in which the school facility will be located as soon as possible to discuss their inspectional process and arrange for the necessary inspections. |
| ❒ | Conduct an assessment of the programmatic accessibility of the school to handicapped persons by using the [ADA facilities checklist](http://www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf) at [www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf](http://www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf) |
| ❒ | Submit signed letter from board chair or their designee that the facility selected for the school is programmatically accessible to physically handicapped individuals. |
| ❒ | Contact the Department of Labor Standards to identify a licensed asbestos inspector and a licensed lead inspector, if necessary, to provide inspectional services. Management plans may be required. |
| ❒ | Submit current Certificate of Occupancy to the Department. |
| ❒ | Submit current Fire Inspection Certificate to the Department. |
| ❒ | Submit current Building Safety Inspection Certificate to the Department. |
| ❒ | Submit current Flammable Compounds and Liquids Certificate to the Department, if applicable. |
| ❒ | Submit current Health Inspection and/or Health Permit to the Department. |
| ❒ | Submit current Asbestos Inspection Report and Management Plan to the Department. |
| ❒ | If applicable, submit de-leading Renovation, Repair, and Painting (RRP) certifications. |
| ❒ | Complete online [Lead and Copper Maintenance Checklist](https://www.mass.gov/lists/lead-and-copper-forms-and-templates) at https://www.mass.gov/lists/lead-and-copper-forms-and-templates |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89(e)(xi)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89); [Chapter 159 of the Acts of 2000, Section 363](http://www.doe.mass.edu/cnp/safe/multi_hazard_plan.html); [M.G.L. c. 148](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter148) |
| State Regulations | [603 CMR 1.04(7)(e)-(h)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04); [603 CMR 28.03(1)(b)(1)](http://www.doe.mass.edu/lawsregs/603cmr28.html);  [527 CMR 10.09](http://www.lawlib.state.ma.us/source/mass/cmr/cmrtext/527CMR10.pdf); [454 CMR 22.00](http://www.mass.gov/lwd/docs/dos/lead-asbestos/rrp-rule/emergency-regulations-4210.pdf) |
| Federal Law and Regulation | [29 U.S.C. Section 794](http://www.law.cornell.edu/uscode/29/usc_sec_29_00000794----000-.html); [34 CFR Part 104.21, and 104.22](http://www.ed.gov/policy/rights/reg/ocr/34cfr104.pdf); [Title II: 42 U.S.C. Section 12132](http://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap126-subchapII-partA-sec12132.pdf); [28 CFR Part 35.149, 35.150](http://www.ed.gov/policy/rights/reg/ocr/edlite-28cfr35.html); [40 CFR 745.80-92](http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol30/pdf/CFR-2010-title40-vol30-part745-subpartE.pdf) |
| Guidance: Approval of Loans Beyond Charter Terms | | <http://www.doe.mass.edu/charter/guidance/> |
| Health, Safety and  Student Support Services | | <http://www.doe.mass.edu/ssce/emp.html> |
| Safe & Supportive Schools | | <http://www.doe.mass.edu/sfs/safety/> |
| Fire Safety Massachusetts  School Regulations | | http://www.mass.gov/eopss/agencies/dfs/osfm/fire-prev/527-cmr-index.html; http://www.mass.gov/eopss/agencies/dfs/osfm/fire-prev/schools/school-fire-reporting.html |
| Americans with  Disabilities Act  Facilities Checklist | | <http://www.usdoj.gov/crt/ada/racheck.pdf> |
| Department of Labor Standards (DLS) Asbestos in Schools | | <https://www.mass.gov/service-details/asbestos-in-schools> |
| Department of Labor Standards (DLS) Lead in Schools | | <https://www.mass.gov/deleading-and-lead-safety> |
| Department of Energy and Environmental Affairs (DEEA) Lead & Copper in Schools | | <http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8>; <https://www.mass.gov/lists/lead-and-copper-forms-and-templates> |
| Appendix | | [P: Criteria for Approval of Multi-Hazard Evacuation Plan](#_Appendix_OP:_)  [Q: Criteria for Approval of Medical Emergency Response Plan](#_Appendix_PQ:_) |

## Chapter 15: Draft Accountability Plan

The increased freedom coupled with increased accountability infuses all aspects of the Department’s oversight of charter schools, began with the rigorous application process that groups must go through to receive a charter. The new charter school has the freedom to organize around the core mission, curriculum, theme, and/or teaching method described in the application. It is allowed to control its own budget and hire (and fire) teachers and staff. In return for this freedom, a charter school must demonstrate good results within five years or risk losing its charter.

BESE is obligated by [Massachusetts General Law, Chapter 71, Section 89](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89), and regulations under [603 CMR 1.00](http://www.doe.mass.edu/lawsregs/603cmr1.html) to conduct an ongoing review of charter schools and, by the fifth year of a school’s operation, decide whether its charter should be renewed. Furthermore, the regulations under [603 CMR 1.04(3)(l)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04) specifically require that the charter school “develop an accountability plan at the end of the first year of the school’s charter, establishing specific five-year performance objectives to help measure the school’s progress and success in raising student achievement, establishing a viable organization and fulfilling the terms of the charter.”

**As the last requirement of the opening procedures we request that all new charter schools submit a draft of this Accountability Plan by May 15 of the first year of operation**. This is the last step in the opening procedures. The draft plan will be submitted to the Charter School Accountability department for review. **The final approved version of the Accountability Plan, by both the Department and school’s board, is due to the Accountability department by August 1 prior to the start of its second year of operation (after the first year of the school’s charter.) The approved Accountability Plan will be reflected in the school’s first annual report (See Chapter 16).**

Evaluation of the school’s success in the areas of academic success, organizational viability, and faithfulness to the terms of the charter is based on a variety of information that is provided by the school and gathered by the Department. One of the key components of this process is the school’s Accountability Plan, which defines the schools internally set performance objectives, and how progress toward these objectives will be measured. Because success will be gauged by a school’s progress over time in relation to its own objectives, The Department requires each charter school to submit an Accountability Plan that is clear, rigorous, and measurable. The Plan must receive approval from the Accountability department of the Department. The plan must also define how progress toward those objectives is measured. A new plan is then submitted with each Application for Renewal for the term of a new charter and must also be approved by the Department.

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| Action Items – Draft Accountability Plan | | |
| **Draft Due May 15 after 1st year of operation**  *Checklist - symbol for related action items checklist*  **Final Due**  **August 1 after 1st year of operation** | ❒ | Carefully read [M.G.L. c. 71 Section 89 (jj)](http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89) and [603 CMR 1.04, 1.08, and 1.11](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=all) and [*Guidelines for Writing Charter School Accountability Plans*](http://www.doe.mass.edu/charter/acct.html?section=guidelines). |
| ❒ | Use the template provided in the [*Guidelines*](http://www.doe.mass.edu/charter/acct.html?section=guidelines) to draft an Accountability Plan. |
| ❒ | Submit a draft Accountability Plan **no later than June 1 of the school's first year of operation** to the Department **for review**. |
| ❒ | Revise and make necessary changes on the proposed Accountability Plan based on Department feedback. |
| ❒ | The school’s board of trustees approves the Accountability Plan and submits the final Accountability Plan **no later than August 1** of the school’s first year of operation. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89 (jj) and (dd)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89) |
| State Regulation | [603 CMR 1.04, 1.08, and 1.11](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=all) |
| Department Accountability Resources | | <http://www.doe.mass.edu/charter/acct.html> |
| Accountability Guide | | <http://www.doe.mass.edu/charter/acct.html?section=guide> |
| Charter School Performance Criteria | | <http://www.doe.mass.edu/charter/acct.html?section=criteria> |

## Chapter 16: Annual Report

Each charter school must submit an annual report to the Department, its local school committee, and publish their annual report publicly (on the school’s website) by August 1 every year. New schools submit their first annual report after their first year of operation. The annual report provides a picture of the recently completed academic year as it relates to the school’s accountability plan objectives and evidence regarding the three areas guiding charter school accountability:

* faithfulness of the school to the terms of its charter,
* success of the academic program, and
* viability of the organization.

The annual report is a critical document in charter school accountability; it is intended to be a clear, concise report regarding school performance and its progress toward meeting accountability plan objectives and areas of the Charter School Performance Criteria. Required elements that must be included in each report are set forth in [Annual Report Guidelines](http://www.doe.mass.edu/charter/acct.html?section=annual). Please note that reports that do not fully and clearly document the required information may be returned for revision.

The annual report will be used by the Department to review the school’s performance and progress for the past academic year, and will serve as one of the primary pieces of evidence that the Board and/or Commissioner of Elementary and Secondary Education will review when it considers a school’s application for charter renewal. Each charter school will be required to submit their annual report through the DropBox Central within the Department’s Security Portal | MassEdu Gateway on or before August 1.

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| Action Items – Annual Report | | |
| **Due**  **August 1 after 1st year of operation**  *Checklist - symbol for related action items checklist* | ❒ | The annual report must be received, through the drop box function in the security portal on the Department’s website, on or before **August 1 after the first year of operation**. The school is no longer required to submit hard copies of the annual report. Electronic copies may be either Word or PDF documents. Waivers or extended deadline requests cannot be granted as this is a statutory deadline.  New regulatory requirements ([603 CMR 1.08](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=08)) state that each charter school must make the annual report available on the school’s website. |

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| Book - symbol for related sources of information textbox | Related Sources of Information | |
| State Law | [M.G.L. c. 71 Section 89 (hh) and (jj)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89) |
| State Regulation | [603 CMR 1.06(1)(c), 1.07(5), 1.08 and 1.11](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=all) |
| Annual Report Guidelines | | <http://www.doe.mass.edu/charter/acct.html?section=annual> |

## Appendix A: Board of Trustees Bylaws Checklist

| **[School Name]**  **Board of Trustees Bylaws Checklist** |
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The bylaws of every board of trustees must comply with state and federal laws and contain certain provisions. Please use the following checklist to guide the creation of your charter school bylaws.

| **The Bylaws must:** | **Location in Bylaws**  **(page and section number)** |
| --- | --- |
| 1. State the name and purpose of the school and that the school is a public school. The name of the school must include the words “charter school”.   Citation: G.L. c. 71, § 89(c) and 89(k)(1) |  |
| 1. Specify that the board of trustees holds the charter granted by the Commonwealth of Massachusetts. Citation: G.L. c. 71, § 89(c) |  |
| 1. Specify that the school’s fiscal year begins on July 1 and ends on June 30 of the following calendar year. |  |
| 1. Specify that the board of trustees of a charter school is a public entity, which operates independently of any school committee. Citation: G.L. c. 71, § 89(c) |  |
| 1. Specify that individual board members are considered special state employees. Citation: G.L. c. 71, § 89(c) |  |
| 1. Specify that members of the board of trustees will comply with the Commonwealth's state ethics requirements including, but not limited to, meeting all training requirements; complying with G.L. c. 268A, the conflict of interest law; filing all required disclosures under G.L. c. 268A; and filing all statements of financial interest in a timely fashion as required by G.L. c. 71, § 89(u). Failure to comply with state ethics requirements may result in removal of individual board members by the board of trustees or by the Commissioner. Citation: G.L. c. 71, § 89(u); 603 CMR 1.06(2)(e) |  |
| 1. Specify the frequency of board meetings, which must be held in Massachusetts, and occur at least quarterly. Citation: 603 CMR 1.06(2)(c) |  |
| 1. Specify that the board of trustees and its committees, irrespective of what the title may be, will comply in all respects with the open meeting law, G.L. c. 30A, §§ 18-25, and the regulations, guidance, and directives of the Office of the Attorney General. This includes, but is not limited to, training, notice of meetings, records of meetings, and executive sessions. Citation: G.L. c. 30A, § 18-25 |  |
| 1. Specify that a member of the board of trustees may participate remotely in a meeting provided that such participation complies with the requirements of 940 CMR 29.10 including, but not limited to, meeting the permissible reasons for remote participation. |  |
| 1. Specify that the board of trustees is a public employer for the purposes of tort liability under Chapter 258 of the General Laws and for collective bargaining purposes under Chapter 150E of the General Laws.     In Horace Mann charter schools, state that the school committee is the public employer for collective bargaining purposes under Chapter 150E of the General Laws.  Citation: G.L. c. 71, § 89(y) |  |
| 1. Specify that board of trustees will not exercise managerial powers over the day-to-day operations of the school. Citation: 603 CMR 1.06(1) |  |
| 1. Specify that the board of trustees will fulfill their fiduciary responsibilities, including but not limited to, the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget. Citation: 603 CMR 1.06(1) |  |
| 1. Specify that the boards of trustees must ensure that school operates in compliance with all applicable state and federal laws including, but not limited to (*please include each component in the school’s bylaws)*:  * Successfully completing the opening procedures process in accordance with G.L. c. 70, § 89; 603 CMR 1.00; and any guidelines issued by the Department; * Requesting the Commissioner's appointment of any new trustees and receiving that approval prior to any new trustees beginning their service as members; * Submitting timely annual reports; * Submitting timely annual independent audits; * Hiring, evaluating, and removing, if necessary, qualified personnel to manage the charter school's day-to-day operations and holding these administrators accountable for meeting specified goals; * Approving and monitoring progress towards meeting the goals of the school's Accountability Plan; * Adopting and revising school policies, including plans for student recruitment and retention; * Responding to complaints in writing as required by 603 CMR 1.09; and * Ensuring that members of the board receive an orientation and training regarding their duties and obligations as members of a board of trustees.   Citation: 603 CMR 1.06(1)(a-i) |  |
| 1. Specify the number of members of the board of trustees; the board of trustees must have a minimum of five members. Citation: 603 CMR 1.06(1) |  |
| 1. If the board of trustees includes one or two employees of the school as members of the board of trustees, explicitly identify these categories of membership by position and identify the numbers of such members. Citation: 603 CMR 1.06(2)(f) |  |
| 1. Specify the number of years that shall constitute a board member’s term and set a specific, reasonable limit on successive and total terms that a board member may serve. Citation: 603 CMR 1.06(2)(a) |  |
| 1. Specify that the board of trustees will exercise due diligence in assessing the suitability of candidates for board membership with respect to potential conflicts of interest and areas of skill and expertise that will be of value to the board of trustees, such due diligence to occur prior to a vote by the board of trustees to request the Commissioner to appoint the proposed member(s). Prior to submitting a candidate to the Commissioner for approval, the board of trustees must determine that no financial interests under G.L. c. 268A exist which may preclude a majority of the board from participating in deliberations or voting on certain matters within the scope of the board’s authority. Citation: 603 CMR 1.06(2)(b) |  |
| 1. Specify the process by which a trustee may resign or be removed from the board. |  |
| 1. Specify that action by the board requires a majority vote of a quorum of trustees and, to the degree required, specify the situations for which approval may require a special majority. Specify that a quorum is a majority of the trustees serving on the board. Absent such a provision defining a quorum, a quorum will be the majority of trustees of the “body as constituted,” irrespective of vacancies.   See Gamache v. Town of Acushnet, 14 Mass. App. Ct. 215, 219 (1982) (noting that a Town bylaw established a board of appeals of five members, and a temporary vacancy did not alter that bylaw). |  |
| 1. Specify the number and titles of board officers, describe the responsibilities of each officer, and describe the process for electing officers. |  |
| 1. Specify the process by which committees are formed. |  |
| 1. Describe the procedure for bringing complaints to the board of trustees and for the board of trustees to respond in writing to any such complaints filed with it.   Citation: G.L. c. 71, § 89(ll); 603 CMR 1.06(1)(h) and 1.09 |  |

## Appendix B: Required Elements of Complaint Procedure[[9]](#footnote-9)

The Complaint Procedure must indicate that:

* A parent, guardian, or other individuals or groups who believe that [insert school name] has violated or is violating any provision of M.G.L. c. 71, § 89, or 603 CMR 1.00 may file a complaint with [insert school name]'s board of trustees.
* The board of trustees shall respond in writing to the complaining party no later than 45 days from receipt of the complaint.
* The board of trustees shall, pursuant to a complaint received under 603 CMR 1.09, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89, and 603 CMR 1.00. [Insert school name] and the specific individuals involved shall cooperate to the fullest extent with such review.
* A complaining party who believes a complaint pursuant to 603 CMR 1.09(1) has not been adequately addressed by [insert school name] board of trustees may submit the complaint in writing to the Commissioner, who shall investigate such complaint and make a written response.
* In the event [insert school name] is found in violation of M.G.L. c. 71, § 89, or 603 CMR 1.00, the Commissioner or Board may take such action deemed appropriate including, but not limited to, suspension or revocation of the charter, or referral of the matter to the District Attorney, the Office of the Attorney General, or other appropriate agencies for action.
* A parent, guardian, or other individuals or groups who believe that [insert school name] has violated or is violating any state or federal law or regulation regarding special education may file a complaint directly with the Department.

## Appendix C: Checklist for Enrollment Policies and Applications for Admission of Massachusetts Charter Schools

Please use the following checklist to guide the creation of your charter school enrollment policy. Please record in the right column the location or page number of each of the required elements within your draft enrollment policy.

|  |  |
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| **1. General Policy Statement(s)** | **Page/Section** |
| **a.** States the entry grades at which the school enrolls or does not enroll new students as well as the grades where vacancies are backfilled. G.L. c. 71, § 89(m). |  |
| **b**. States that “[name of school] does not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement.” G.L. c. 71, § 89(m); 603 CMR 1.05(2). |  |
| **c.** States that the school will develop and implement a student recruitment and retention plan as outlined in G.L. c. 71, § 89(f), and 603 CMR 1.05(1). |  |
| **d.** States whether the school’s application process is integrated with that of the school district(s). 603 CMR 1.05(11). |  |
| **e.** States that all applicants will be notified in writing of the rights of students with diverse learning needs to attend the charter school and to receive accommodations and support services, including students who may have disabilities, require special education, or are English language learners. 603 CMR 1.05(4). |  |
| **f.** States where information regarding the availability of services is presented including, but not limited to, the school’s outreach materials, the student handbook, and on the school’s website. 603 CMR 1.05(4). |  |
| **g.** States that the school does not charge an application fee for admission or use financial incentives to recruit students. 603 CMR 1.05(3)(a). |  |
| **h.** States that the charter school will not admit students in excess of the school’s approved maximum enrollment and, if applicable, growth plan specified as a material term of the school’s initial or amended charter. |  |
| **i.** Provides the charter school’s policy regarding disclosure of student information. G.L. c. 71, § 89(g) and (n). |  |
| **j.** States the process for students and parents to consent to or to opt-out of the disclosure of student information. G.L. c. 71, § 89(g). |  |
| **k.** States that, upon request, the school will provide the names and addresses of students to a third party mail house for mailings unless the parent or legal guardian requests that the school withhold their child’s information. G.L. c. 71, § 89(g); 603 CMR 1.05(6)(e). |  |

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| **l.** **(Regional charter school)** States whether the school intends to provide transportation to all residents of its charter region in accordance with the [Charter School Technical Advisory 16-1: Transportation](http://www.doe.mass.edu/charter/guidance/2016-1.html). A regional charter school’s commitment to provide transportation services to residents of the charter region during the scheduled school year, including those students who reside outside the city or town where the school is located, will establish the school’s eligibility for regional transportation aid.*[Note: This is generally described in the transportation plan included in the school’s final application for a charter school, but it is included in the enrollment policy to facilitate clear communication to families and other stakeholders in a current policy document].* |  |
| **2. Description of the Eligibility Criteria** | **Page/Section** |
| **a.** States that the applicant must be a resident of Massachusetts to apply for admission and to attend a charter school in Massachusetts. |  |
| **b.** Defines requirements for reasonable proof of residency, including addressing unique needs of homeless students. |  |
| **c.** States that the school does not require potential students or their families to attend interviews or informational meetings as a condition of application, admission, and attendance. 603 CMR 1.05(3)(a). |  |
| **d.** States that the school does not administer tests to potential applicants or predicate acceptance for admission on results from any test of ability or achievement. 603 CMR 1.05(3)(a). |  |
| **e.** Specifies age thresholds for kindergarten and age ceilings for high school programs. 603 CMR 1.05(12). Schools may request reasonable proof of age related to these requirements. |  |
| **f.** Each charter school may include a provision in its enrollment policy that requires students to successfully complete the grade prior to the grade for which they seek admission. |  |
| **3. Description of the Application Process** | **Page/Section** |
| **a.** Describes the school’s application processes, including the initial application process and any subsequent application and lottery processes. 603 CMR 1.05(6). |  |
| **b.** States that the school will not set any principal application deadlines or hold any enrollment lotteries for student admission for the upcoming school year until after January 1st and shall conclude its principal enrollment process no later than March 15th of each year. 603 CMR 1.05(3)(c). |  |
| **c.** States that the school will give reasonable public notice, of at least one month, of all application deadlines. 603 CMR 1.05(5). |  |
| **d.** If the charter school operates multiple campuses under a single charter, the policy states that the school may assign students, in accordance with the charter school’s enrollment policy, to a specific campus for reasons of geographic proximity, student safety, or program delivery. 603 CMR 1.05(13). |  |
| **e.** Reasonable proof of current residency or sibling status may be required at the time an offer of admission is made. 603 CMR 1.05(10)(a). |  |

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| **4. Description of Lottery Procedures** | **Page/Section** | |
| **a.** States that the school will determine the number of spaces available each year in each grade. |  | |
| **b.** States that, in cases where there are fewer spaces than eligible applicants, students shall be accepted for admission by a lottery process. 603 CMR 1.05(6)(a) and (c). | |  | |
| **c.** States that reasonable public notice is given at least one week prior to each enrollment lottery. 603 CMR 1.05(9). | |  | |
| **d.** States that each lottery is conducted in public and indicates the location of the lottery. 603 CMR 1.05(9). | |  | |
| **e.** States that a neutral party draws the lottery **or** whether the lottery will be conducted electronically and, if so, that a neutral party shall certify that the process is fair and that the selection is random. 603 CMR 1.05(9). | |  | |
| **f.** Defines a sibling as persons who have a common parent, either biologically or legally through adoption. 603 CMR 1.02. | |  | |
| **g.** States that siblings, residents or non-residents, of students who attend the school at the time an offer of admission is made receive a preference for admission over non-siblings. 603 CMR 1.05(6)(b). **(Commonwealth)** | |  | |
| **h.** States that residents of the city/town(s) indicated in the school’s charter receive a preference for admission over non-resident students. Reasonable proof of current residency is required at the time an offer of admission is made. See G.L. c. 71, § 89(m); 603 CMR 1.05(6)(b). **(Commonwealth)** | |  | |
| **i.** **(Horace Mann)** States that in such cases where there are fewer spaces for admission than eligible applicants, students shall be accepted for admission from among applicants by lottery.   1. for the initial lottery, any students attending said school, or attending school in the school building previously occupied by said school, on the date that the final application is filed with the Board; 2. for the initial lottery, siblings, of any students attending said school, or attending school in the school building previously occupied by said school, on the date that the final application is filed with the Board; 3. in all subsequent lotteries, siblings of students currently attending the school; 4. students who are currently enrolled in the public schools of the district in which the Horace Mann charter school is located; and 5. students who reside in the city or town in which the Horace Mann charter school is located, reasonable proof of current residency is required at the time an offer of admission is made. 603 CMR 1.05 (7). | |  | |
| **j.** States that in cases where offering admission to a student, who is not a sibling of another student who is currently attending the charter school, from the waitlist would exceed the district charter tuition cap, the student should be skipped but kept on the waitlist. In cases where the enrollment of a student who is a sibling of a student already attending a charter school would exceed the district charter school tuition cap, and the school has not admitted other students prior to admitting the sibling, the sibling may be offered admission and the Commonwealth of Massachusetts will provide tuition for the sibling, subject to appropriation. G.L. c. 71, § 89(i); 603 CMR 1.05(10)(b).  **(Commonwealth)** | |  | |
| **k.** States how the school will notify students of an offer of admission and sets a deadline for acceptance of the offer of admission. | |  | |
| **l.** *Suggested:* States when students must begin attending school in accordance with its attendance policy. | |  | |
| **m.** States that the school shall place the names of students not offered admission following a lottery on a waitlist in the order the names are selected. 603 CMR 1.05(10). Schools must remember to take into account sibling and resident preference, both of which may change over time. | |  | |
| **n.** States that if a school chooses to accept additional applications for grades where a waitlist has already been established prior to March 31, 2014 or where a waitlist has been established from the principal lottery, that the charter school must exhaust the initial waitlist prior to holding additional lotteries. | |  | |
| **o.** States that if the principal enrollment process fails to fill available admission spaces, a school may repeat the process more than once providing such process is fair and open and the school gives reasonable public notice at least one month prior to the application deadline. 603 CMR 1.05(8). | |  | |
| **p.** As spaces become available during the school year, a school may repeat the enrollment process to fill these openings and to meet the requirements of G.L. c. 70, § 89(n). 603 CMR 1.05(8). | |  | |
| **5. Description of the Waitlist** | | **Page/Section** | |
| **a**. Specifies the rules for the creation and maintenance of waitlists as well as preferences. | |  | |
| **b.** States that if a student stops attending the charter school or declines admission the next available student on the waitlist for that grade, subject to preferences at the time of admission, will be offered admission until the vacant seat is filled. G.L. Chapter 71, § 89(n). | |  | |
| **c.** States that no student may be admitted ahead of other eligible students who were previously placed on a waitlist during a prior enrollment process, except in cases where enrollment preferences change or as described in 603 CMR 1.05(10)(b). 603 CMR 1.05(8). | |  | |
| **d.** States how students on the waitlist will be informed of an offer of admission and the deadline for acceptance of the offer of admission. | |  | |
| **e.** States the school’s policy for students who have declined an offer of admission must reapply. | |  | |
| **f.** States that the school shall maintain waitlists only for the school year for which the students sought admission. If a charter school maintains any waitlists that were established prior to March 31, 2014 until such waitlists are exhausted, the enrollment policy must clearly articulate such maintenance. 603 CMR 1.05(10)(a). | |  | |
| **g.** States that the school will keep accurate records of its waitlist. Information for students who entered the lottery but did not gain admission must include, but is not limited to, names (first, middle, last); dates of birth; cities or towns of residence; grade levels; home addresses; and telephone numbers. G.L. c. 71, § 89(n); 603 CMR 1.05(10)(a). | |  | |

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| **h.** States that in conformance with G.L. c. 71, § 89, when a student stops attending the school for any reason up to February 15th, charter schools shall fill those vacant seats. The policy should state either the requirement of statute and regulation or the requirement to which the school has agreed or that is a condition of the school’s charter, whichever provides the broadest access to new students. The statute and regulations exclude seats in the last half of the grades offered and grades 10, 11, and 12. If a school has an odd number of grades, more than half of grades offered shall be included in grades for which the school must fill vacant seats. G.L. c. 71, §89(n); 603 CMR 1.05(10)(c). |  |
| **i.** States that a vacancy not filled after February 15th moves into the subsequent grade, to be filled the following September provided such grade is not in the last half of the grades offered and is not in grades 10, 11, or 12 Seats for students who have accepted an offer of admission in the charter school but have never attended are exempt. 603 CMR 1.05(10)(c). |  |
| **j.** States the school’s policy for students who have withdrawn from the school and states that such students would need to reapply for admission. |  |
| **k.** If the school backfills vacancies beyond the statutory requirements, the school must clearly articulate its practice. |  |
| **6. Application for Admission Requirements** | **Page/Section** |
| **a.** The application requires the signature of only one parent/guardian, unless a court order indicates otherwise for an individual applicant. |  |
| **b.** The application does not require submission of the student’s social security number. |  |
| **c.** Application form for admission must be submitted for approval with the draft enrollment policy. 603 CMR 1.05(3)(b). |  |
| **d.** The application form includes all student information required by the charter school statute for the waitlist:   * Students' names (first, middle, last); * Dates of birth; * Cities or towns of residence; * Grades levels; * Home addresses; and * Telephone numbers. |  |
| **e.** States a non-discrimination policy that includes “[name of school] does not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement.” G.L. c. 71, § 89(m); 603 CMR 1.05(2). |  |
| **f**. States that any and all information requested in the application, such as language spoken at home or race/ethnicity, is not intended, and will not be used, to discriminate. G.L. c. 71, § 89(m); 603 CMR 1.05(2). |  |
| **g.** The application includes a written notice with the approximate date of destruction and the right to receive a copy of the documents to be destroyed for applicants who are not admitted. |  |

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| **7. Growth Plan Requirements** | **Page/Section** |
| **a.** If the charter school is new or is expanding grade levels or its maximum enrollment, the policy includes a growth plan for adding those grades or seats that clearly identifies the grades where vacancies are filled. |  |
| **b.** States that the total number of students attending a charter school in a given school year cannot exceed the total number of students reported in the school’s pre-enrollment submission to the Department in the previous spring in accordance with 603 CMR 1.08(5). |  |

## Appendix D: Required Elements of Contracts for Educational Services

* The contract must comply with all applicable laws and regulations. The contract’s choice of law provision, a standard provision in most contracts, must specify that Massachusetts law applies to any legal proceeding arising out of a dispute between the board of trustees and the education management organization (EMO).
* The contract must include a description of the specific services that the EMO will provide and the board of trustees’ responsibilities. Be sure to address those responsibilities required of the charter school by law, such as the development of an annual report.
* The contract must include a description of the relationship between the EMO and the board. For example, the contract should clarify how the parties will hire, evaluate, and dismiss the school leader.
* The board cannot abdicate its legal or fiduciary responsibilities as the entity holding the charter. For example, the contract must provide for sufficient board oversight of the EMO and the school cannot assign to the EMO the board’s responsibilities as defined in [M.G.L. c. 71, Section 89](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89).
* The contract must include a direct reference to the school’s Accountability Plan as approved by the Department, a commitment by the EMO to achieve the goals stated in the plan, and a description of how the board will evaluate the EMO’s progress toward achieving the plan’s goals.
* The contract must include a description of how the parties will develop, approve, and oversee the school’s budget and curriculum and how the board of trustees will monitor and oversee the EMO’s financial and management services.
* The contract should reflect that the board of trustees has the ultimate responsibility for establishing the school’s budget and determining its curriculum pursuant to [M.G.L. c. 71, Section 89(w)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89).
* The contract should include clear methods for determining the EMO’s compensation. Ideally, methods of compensation should create incentives for the EMO that parallel the board’s goals for the school. The method of compensation should indicate all contract payments, lease payments, management fees, administrative fees, licensing fees, expenses, and other amounts payable to the EMO and under what conditions these amounts are payable.
* The contract should indicate upon what sources of revenue the fee is based, especially if it is based upon a percentage of the school’s revenues.
* The contract should include a provision specifying that the board of trustees hires the school’s independent auditor pursuant to [M.G.L. c. 71, Section 89(jj)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89).
* The contract should require that the EMO furnish the charter school with all information deemed necessary by the school for the proper completion of the budget, financial reports and audits.
* Budgets prepared by the charter school should include all revenue anticipated and all actual expenses, as well as anticipated expenses and incidentals, associated with the operation and management of the charter school. The EMO must submit invoices and supporting documentation to justify expenses.
* The contract should indicate that all financial reports provided or prepared by the EMO will follow generally accepted auditing principles and will also comply with ESE’s prescribed format for charter school reporting.
* All loans to, or investments in, the charter school by the EMO must be evidenced by appropriate documentation. In the case of investments, such documentation must explain how the investment will be treated on the books of the charter school and clearly state the EMO’s expected return on equity.
* The contract must include provisions dealing with ownership of physical and intellectual property developed by the ESP or EMO or by the school’s employees. Keep in mind that the charter school has an obligation to disseminate information to other schools in the Commonwealth pursuant to [M.G.L. c. 71, Section 89(dd)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89). All contract provisions must conform to this requirement.
* Boards should pay special attention to the public records law, [M.G.L. c. 66](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66), which requires schools to provide access to certain records to any member of the public upon request.
* The term of the contract with the EMO may not exceed the term of the school’s charter or contain an automatic contract renewal provision.
* The contract must include provisions addressing termination of the contract by the board of trustees and termination of the contract by the EMO. The contract should protect the board of trustees from unwarranted termination by the EMO and give the board an opportunity to terminate the contract if the EMO fails to meet mutually agreed upon goals or standards.

## 

## Appendix E: Guidance for Memorandum of Understanding

***Type A: Agreements with District***

The first type of MOU is with the school committee of the district in which the charter school is located and the proposed charter school’s board of trustees. A final signed copy of this type of MOU is required in the final application for all types of Horace Mann charter schools.

***Type B: Agreements with Staff***

The second type of MOU is with the school committee, the collective bargaining unit, and the proposed charter school board of trustees. The timeline and potential faculty vote vary by type of Horace Mann charter school.

The memoranda of understanding ensure that the proposed charter school, the school committee of the district in which the charter school is located, and the collective bargaining unit understand and agree to the relevant portions of the charter application. Collective bargaining employees continue to be members of the local collective bargaining unit; accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement. Employees may be exempt from specific provisions of the local collective bargaining agreement (including work rules) to the extent provided by the charter and the executed memorandum of understanding.

### Type A: Agreements with District

The Memorandum of Understanding (MOU) between a charter school board of trustees and the school committee **must** include the following elements:

**A. General**

1. Provide the effective date and duration of the MOU.
2. Outline the procedures to be utilized for dispute resolution.
3. Articulate the process for amending the MOU.
4. Clarify the severability clauses, if any.
5. Articulate the structure for official communication between the Horace Mann charter school and the district.
6. Describe the coordination with and/or participation by the Horace Mann charter school in district leadership structures, curricular initiatives, review processes, professional development, or other programs, in accordance with the description of these areas in the charter application.
7. Be approved by the school’s board of trustees and the school committee.
8. Be signed by the chairperson of the school’s board of trustees and the school committee.

**B. Budget/Funding/Budget Development & Management**

1. The required deadline for submission of a budget request by the Horace Mann charter school, ([CMR 603 1.07(1)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=07) requires no later than April 1).
2. The criteria to be used for determining the Horace Mann charter school’s annual budget allocation from the district. Specify the process for negotiating budget disagreements, and any formulas, financial reporting, enrollment and/or other data required to determine the amount.
3. The timeline for disbursement of funds to the Horace Mann charter school. Designation of whether the disbursement will be an annual lump sum deposited into an account controlled by the Horace Mann charter school or quarterly payments.
4. Describe the basis for calculating the district’s payment to the school.
5. Provide the dates when school district funds will be transferred into the school’s bank account.
6. The process for timely completion of the required independent audit for the Horace Mann.
7. Specify which party will apply for grants, particularly federal entitlements and if the district applies for these funds, specify how they will be disbursed to the charter school.
8. The fees or costs, if any, that may be levied against the Horace Mann charter school’s annual budget allocation for *Other Services* (see below) rendered on its behalf by the district.

**C. Other Services**

1. Provide specific information on the following areas and how the Horace Mann charter school’s budget will impacted or charged:
   1. ***Instruction:*** Specify what, if any instructional services will be provided by the district to the charter school.
   2. ***Professional Development:*** Specify what, if any, access to professional development resources of the district will be provided to the charter school.
   3. ***Nutrition:*** Specify what, if any, nutritional services will be provided by the district to the school, such as staffing, school lunch, and snacks. Specify also which party will apply for reimbursements.
   4. ***Special education; English language learners:*** Specify if district staff and services will be shared and the basis on which the Horace Mann charter school expects to provide these services. Describe who will identify, assess, and serve special student populations. Specify if the district can provide potential interim placements. If the district is not providing services, specify if the charter school will contract out for these services.
   5. ***Technology:*** Specify what, if any, district technology will be available to the charter school, including technical support and professional development.
   6. ***Athletics:*** Specify if the Horace Mann charter school students will be allowed to participate in district-sponsored athletic programs.
   7. ***Facilities:*** Specify what facility the district provides or how will it assist the Horace Mann charter school in securing an adequate educational facility for the school. Specify which party will be responsible for maintenance, utilities, capital improvements, etc. Please specify, what costs if any, the district will be responsible for if the charter school locates in a non-district facility.
   8. ***Transportation:*** Specify the basis on which the district will provide transportation to the Horace Mann charter school.

**D. Financial Management**

1. Which party is responsible for the following:
   * Procurement;
   * Administration of payroll and fringe benefits for both staff members who are part of collective bargaining units and those who are not; and
   * Responsibility for general financial management: accounts receivable, payable, etc.

**E. Enrollment & Data Submissions**

1. The basis on which students are enrolled in the school, in alignment with the charter school statute and regulations, the school’s approved enrollment policy, and the maximum enrollment for which the school was chartered.
2. Specify which entity is responsible for submission of SIMS data and other required data submissions to the Department, such as EPIMS.

**F. Employee Status**

1. Define the process that will be used to hire, evaluate, and if necessary, terminate, the Horace Mann charter school’s leader and how the Horace Mann charter school board of trustees and the superintendent of the district will interact in relation to evaluating the performance of the Horace Mann charter school leader.

### Type B: Agreements with Staff

The following requirements apply for the different types of Horace Mann charter schools:

* Horace Mann I applicants must include a signed Type B final draft MOU with the final application.
* Horace Mann II applicants must include a draft of the Type B MOU with the final application and it must be approved by a majority of faculty at the school within 30 days of the submission of the final application. Because it is not clear who must sign an MOU for a Horace Mann II school that modifies provisions of a collective bargaining agreement, we encourage Horace Mann II applicants and school districts to consult their own legal counsel regarding any collective bargaining issues.
* Horace Mann III applicants must include a draft of the Type B MOU with the final application and the charter school’s board of trustees must negotiate with the collective bargaining unit and the school committee in good faith following the award of a charter. If an agreement is not reached at least 30 days before the scheduled opening, the charter school operates under the terms of its charter. We encourage Horace Mann III charter school applicants and school districts to consult their own legal counsel regarding any collective bargaining issues.

The Memorandum of Understanding (MOU) between a charter school board of trustees, the school committee, and the local collective bargaining unit **must** include the following elements:

**A. General**

1. Indicate, based on information included in the application, the details of any relevant waivers to the local collective bargaining agreement.
2. Provide the effective date and duration of the MOU.
3. Outline the procedures to be utilized for dispute resolution.
4. Articulate the process for amending the MOU.
5. Clarify the severability clauses, if any.
6. Must include signatories required to execute the MOU.

**B. Employee Status**

1. Outline the elements of collective bargaining agreements that are waived in accordance with information in the charter application.
2. Clarify the adjustments that will be made to work rules for members of collective bargaining units (processes and procedures for teacher placement, the teacher work schedule: including length of work day and year, expectations for professional development, etc.).
3. Explain the process for transferring existing teachers who do not volunteer to work at the Horace Mann charter school. (The charter school statute stipulates that “Upon approval of a Horace Mann charter school by the board of education, the superintendent of the school district where the Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its charter, any faculty member who wishes to be reassigned to another school located within said district” (MGL c. 71, § 89(x)).
4. Describe the process for evaluating members of the collective bargaining unit, in accordance with the description provided in the charter application.
5. Be clear about non-teaching staff; they are required to be members of the local collective bargaining unit if the positions they hold are covered in a collective bargaining agreement with the district. For example, custodial staff members in a school district are usually covered by a collective bargaining agreement with the school committee that remains in effect and covers staff at the charter school. If the MOU affects the terms of any collective bargaining agreement for non-teaching staff, that collective bargaining unit may need to sign the MOU.

## Appendix F: School Schedule Template

**SCHOOL SCHEDULE TEMPLATE**

[SCHOOL NAME]

[DATE]

[OFFICIAL DEPARTMENT APPROVAL DATE]

*Please see page 2 for guidance on each item.*

| **ITEM 1** | **DAILY/WEEKLY SCHEDULE FOR STUDENTS** | |
| --- | --- | --- |
| **Day** | | **Typical Total Hours** |
| Monday | |  |
| Tuesday | |  |
| Wednesday | |  |
| Thursday | |  |
| Friday | |  |
| Other *(if applicable)* | |  |

| **ITEM 2** | **YEARLY SCHEDULE FOR STUDENTS** | | |  |
| --- | --- | --- | --- | --- |
| **Minimum Number of Days** | | **Scheduled Emergency/Snow Days** | **Total number of scheduled school days** | |
|  | |  |  | |
| Please note below if the schedule includes **mandatory** special programming for **all** students, such as Saturday school or summer school. | | | | |
|  | | | | |

**Schedule Template Guidance**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ITEM 1** | * If the school changes its start and end times without changing the total hours scheduled during the school day (for example a shift from a school day that runs from 7:15-3:15 to a school day that runs from 7:30 to 3:30), please communicate these changes directly to the district by the required deadline of February 1st prior to the start of the school year. No amendment would be required in this scenario. * Elementary school students must receive a minimum of 900 hours per school year of structured learning time, as defined in [603 CMR 27.02](http://www.doe.mass.edu/lawsregs/603cmr27.html?section=02). Secondary schools must receive a minimum of 990 hours per school year of structured learning time, as defined in [603 CMR 27.02](http://www.doe.mass.edu/lawsregs/603cmr27.html?section=02). Please see School Day and Structured Learning Time Requirements for more information. <http://www.doe.mass.edu/news/news.aspx?id=6682> * Small variations in your day of 10 minutes or less to accommodate transportation needs also do not require amendments. * Please note that the total hours should be mandatory hours applicable to **all students**. For example, if after school is optional and not all students are required to attend after school programming, do not include those hours in the total number of hours. * Please note standard scheduled variations. For example, weekly or monthly Friday professional development days where students have an early release, or Saturday school.   **EXAMPLE**   | **Day** | **Typical Total Hours** | | --- | --- | | Monday | 7 hours 5 min | | Tuesday | 7 hours 5 min | | Wednesday | 5 hours 10 min | | Thursday | 7 hours 5 min | | Friday | 7 hours 5 min | | Other *(if applicable* | No other mandatory programming for all students | |
| **ITEM 2** | * Schools are required to schedule at least 5 snow days but operate for **a minimum of 180 days** ([603 CMR 27.03](http://www.doe.mass.edu/lawsregs/603cmr27.html?section=03)) unless the charter promises a longer school year. Please see School Day and Structured Learning Time Requirements for more information <http://www.doe.mass.edu/news/news.aspx?id=6682> * For example, if a school’s charter states the school will operate for 190 days, the school would at a minimum operate for 190 days and schedule 5 additional snow days for a total of 195 scheduled days. * The minimum number of days below is the number of days that the school commits to holding, regardless of snow cancellations or other emergencies. * The school can also note how many snow days it plans to schedule (at minimum 5), but will commit, at minimum, to the number in the proposed minimum number of days.   **EXAMPLE**   | **Minimum Number of Days** | **Scheduled Emergency/Snow Days** | **Total number of scheduled school days** | | --- | --- | --- | | 185  *(the school is chartered to have 185 days)* | 5  *(the school schedules the required 5 additional snow days)* | 190  *(the school schedules 190 days, but if snow days are used, will operate 185 days at minimum)* | |
|  |  |

## Appendix G: Highlights of Massachusetts Student Discipline Statutes and Regulations

This chart is a basic overview of requirements found in state statutes and the Department’s Student Discipline Regulations, [603 CMR 53](http://www.doe.mass.edu/lawsregs/603cmr53.html?section=all) (Regulations), as approved by the Board of Elementary and Secondary Education on April 29, 2014. The Regulations, as well as amended [§37H](https://malegislature.gov/laws/generallaws/parti/titlexii/chapter71/section37h) and [§37H ¾ of chapter 71](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H3~4), and [§21 of G.L. c. 76](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section21), are effective July 1, 2014. School administrators should become familiar with the state statutes and Regulations before responding to student misconduct.. It is also advisable to consult with local counsel on questions involving specific incidents of student misconduct.

| **G.L. Chapter 71, §37H** | **G.L. Chapter 71, §37H ½** | **G.L. Chapter 71, §37H ¾** |
| --- | --- | --- |
| **Offenses:**  On school premises or at school-sponsored events or activities:   * Possession of a dangerous weapon * Possession of a controlled substance * Assault on a member of the educational staff | **Offenses:**  1. A felony charge or felony delinquency complaint against a student.  2. Conviction, adjudication, or admission of guilt with respect to such felony. | **Offenses:**  Any offense that is not addressed in [§37H](https://malegislature.gov/laws/generallaws/parti/titlexii/chapter71/section37h)or [§37H ½](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H1~2). |
| **Consequence:**   * Exclusion for amount of time up to expulsion; * Principal may suspend and not expel as he or she deems appropriate | **Consequence:**  1. Felony charge or felony delinquency complaint: suspension for a period of time deemed appropriate by principal ***if*** the principal determines the student’s continued presence would have a substantial detriment on the general welfare of the school.  2. Felony or felony delinquency conviction or adjudication or admission of guilt with respect to such felony: removal for a period of time up to expulsion (i.e. permanent exclusion) ***if*** the principal determines that the student’s continued presence would have a substantial detriment on the general welfare of the school. | **Consequence:**   * Avoid suspending a student from school long-term (i.e. more than 10 days) until other remedies and consequences have been considered; consider ways to re-engage the student in learning. * Consequences other than suspension may draw from evidence- based strategies and programs such as mediation, conflict resolution, restorative justice, and behavioral interventions and supports. * No student may be suspended for more than 90 school days in a school year. |
| **Due Process:**   * Prior notice to student of charge and written notice of right to hearing prior to expulsion or suspension for more than 10 days; * Right to representation at hearing; and to present evidence and witnesses at hearing. | **Due Process (for either suspension or expulsion):**   * Written notice of the charges and of the reasons before the suspension takes effect; * Principal may determine the appropriate amount of time for suspension; * Written notice of the right to appeal to the superintendent; * Suspension remains in effect pending appeal to the superintendent. | **Due Process:**   * Except for in-school suspension and emergency removals, prior oral and written notice of the charge to the student, and to the student’s parent, and the opportunity for a meeting/hearing with the principal before suspension takes effect. Consult 603 CMR 53:08 for details on notices, which vary for long- and short- term suspensions. * Consult 603 CMR 53:07 for emergency removal process and 603 CMR 53:10 for in-school suspension process * Explicit requirement to translate notice of the charges and the reasons in primary language of the home if other than English, or other means of communication where appropriate. * Principal must make and document reasonable efforts to include the parent in meeting/hearing with the student. * Principal must audiotape the hearing if requested by the parent and all those attending the hearing must be informed of the taping. * Following hearing, principal must provide a written decision; and if a long-term suspension imposed, must inform student and parent in writing of the right to appeal to the superintendent and the process to be followed; translate notice of appeal rights in primary language of the home, or other means of communication where appropriate. * Before any out-of-school suspension of a student in preschool or grades K – 3, principal must notify superintendent in writing of the alleged misconduct and the reasons for suspending the student out-of-school. |
| **G.L. Chapter 71, §37H** | **G.L. Chapter 71, §37H ½** | **G.L. Chapter 71, §37H ¾** |
| **Appeal from Principal’s Decision:**   * Right to appeal **expulsion** decision to superintendent * Timeline for requesting appeal: ten days from date of expulsion * Right to counsel at hearing * Superintendent can make factual determinations as well as determine consequence. | **Appeal from Principal’s Decision to Suspend or to Expel:**   * Timeline for requesting appeal: no later than 5 calendar days following the effective date of the suspension/expulsion * Superintendent must hold hearing within 3 calendar days of receipt of request and issue a decision within 5 calendar days. * Superintendent may overturn or alter the decision.   **A student may appeal a suspension decision and the subsequent expulsion decision (following the conviction, adjudication or admission of guilt) regarding the same offense.** | **Appeal from Principal’s Decision:**   * Timeline for requesting appeal: written request not later than 5 calendar days following effective date of suspension; parent can request extension for up to 7 calendar days, which must be granted. * The superintendent must hold hearing within 3 calendar days of the parent’s request for a hearing. The student or parent may request up to 7 additional calendar days. If so, the superintendent must allow the extension. The superintendent may have the hearing without the parent if the superintendent has made a good faith effort to include the parent. * The student has the right to present oral and written testimony, to cross examine witnesses, and to counsel at his or her expense at the hearing. * The superintendent must audiotape the hearing and notify hearing participants that the hearing will be taped. * The superintendent determines the facts and consequences, if any, but cannot impose a consequence greater than the principal decided. A written decision is due within 5 calendar days of the hearing. |
| **G.L. Chapter 71, §37H** | **G.L. Chapter 71, §37H ½** | **G.L. Chapter 71, §37H ¾** |
| **Provision of Education Services:**  Provide every student an opportunity to  make *academic progress* during the  period of suspension (whether in-school  or out-of-school) or expulsion, to make  up assignments, and earn credits missed.  A district that suspends or expels a  student for *more than 10 consecutive*  *days* must provide the student and the  parent with ***a list*** of alternative  educational services.  **See** [**G.L. c. 76, §21**](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section21) **and** [**603 CMR 53.13**](http://www.doe.mass.edu/lawsregs/603cmr53.html?section=53.13) **for details, including required notice.** | **Provision of Education Services:**  **Same** | **Provision of Education Services:**  **Same** |

| **G.L. Chapter 71, §37H** | **G.L. Chapter 71, §37H ½** | **G.L. Chapter 71, §37H ¾** |
| --- | --- | --- |
| **Discipline Collection and Reporting:**   * Collect and report to the Department data concerning the types and lengths of removals, suspensions, and expulsions, and access to education services * Periodically review discipline data by selected student populations; determine extent of disciplinary removals and the impact on such populations; adjust practice as appropriate * Department will provide assistance to school(s) if Commissioner identifies school(s) in district that have the highest percentage of suspensions or expulsions in Massachusetts for more than 10 cumulative days in a school year. * Create a plan to address disparities if Commissioner determines that school or district discipline data reflect significant disparities by race and ethnicity, or disabilities.   **See** [**603 CMR 53.14**](http://www.doe.mass.edu/lawsregs/603cmr53.html?section=53.14) **for details.** | **Discipline Collection and Reporting:**  **Same** | **Discipline Collection and Reporting:**  **Same** |

## Appendix H: Criteria for Expulsion Policy Checklist

**CHECKLIST FOR EXPULSION POLICY**

Please use the following checklist to guide the creation/revision of your charter school expulsion policy. Schools are required to submit their expulsion policies for Department approval. Please record the page number and location of each of the required elements within your draft policy under the Page/Section column. While these are the minimum rights that must be afforded by law, consult with legal counsel while preparing your expulsion policy, as counsel may suggest additional processes. If revisions are needed, this document will be returned with an **X** under the “revision required” column next to the corresponding section. Revision notes will be provided on your draft expulsion policy.

***Each policy must state or describe the following elements:***

| **Expulsion Policy** | **Page/**  **Section** | **Revision Required** |
| --- | --- | --- |
| 1. **Policy identifies specific discipline offenses subject to expulsion[[10]](#footnote-10)**   Chapter 71, Section 37H (a), (b); Chapter 71, Section 37H ½ (2) |  |  |
| 1. **Standards and procedures assuring due process for expulsion. [[11]](#footnote-11)** 2. Written notice to student of the charges and of the reasons and evidence for expulsion before the expulsion takes effect. |  |  |
| 1. Written notice to student of student’s right to a hearing[[12]](#footnote-12) with the principal before the expulsion takes effect, including date, time and location.[[13]](#footnote-13) Student’s parent or guardian will be present at the hearing[[14]](#footnote-14). |  |  |
| 1. If the principal decides to expel the student after the hearing the principal shall give written notification at the hearing to student and parent of student of the right to appeal, the process for appealing the expulsion and of the opportunity to receive educational services.[[15]](#footnote-15)   Chapter 71, Section 37H; paragraph 2, (c) and 37H½ and 603 CMR 53.08 |  |  |
| 1. **Any student who has been expelled from a school district shall have the right to appeal to the superintendent.**     1. The student or parent of the student shall notify the superintendent in writing of his request for an appeal[[16]](#footnote-16)       1. Per 37H: ten days from date of expulsion.       2. Per 37H½: five days from date of expulsion. |  |  |
| * 1. The superintendent shall hold a hearing with the student and the student’s parent or guardian[[17]](#footnote-17). |  |  |
| * 1. At the hearing, the student shall have the right to present oral and written testimony, the right to counsel and the right to confront and cross examine witnesses presented by the school[[18]](#footnote-18). |  |  |
| * 1. The superintendent shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. That decision shall be the final decision of school district with regard to the expulsion.   Chapter 71, Section 37H (d), 37H ½ (2) and 603 CMR 53.09 |  |  |
| 1. **Description of the educational services that will be made available for a student to make academic progress during the period of expulsion once it is imposed.[[19]](#footnote-19)**    1. The principal shall inform the student and parent of this opportunity in writing to receive education services at the time the student is expelled.[[20]](#footnote-20)   Chapter 76, Section 21; Chapter 71, Section 37H, (e); 603 CMR 53.01 and 53.13(1), (2), (4) |  |  |
| 1. **Disciplinary measures taken in serious cases[[21]](#footnote-21)**   Chapter 71, Section 37H (paragraph 2), 37H ½ |  |  |

**Definitions:**

The **board of trustees** of a charter school shall designate in the school discipline code who will serve as the principal for purposes of 603 CMR 53.00.

**Expulsion** is defined at 603 CMR 53.02 as more than 90 school days. A student may not be expelled for a §37H ¾ offense.

**Parent** means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian. *603 CMR 53.02.*

**Principal** is defined in 603 CMR 53.02 as: the instructional administrative leader or headmaster of a public school or his or her designee for purposes of disciplinary matters.

Superintendent means the chief executive officer employed by a school committee or board of trustees to administer a school system, charter school, or virtual school pursuant to M.G.L. c. 71, §§ 59, 59A, 89, or 94, or his or her designee appointed for purposes of conducting a student disciplinary hearing. The board of trustees of a charter school shall designate in the school's discipline code who will serve as the superintendent for the purposes of 603 CMR 53.00.

## Appendix I: Discipline of Special Education Students under IDEA 2004

The Code of Conduct must describe the discipline procedures that apply to students who have been identified as having special needs including the implementation of potential modifications to the regular code of conduct, as required by their Individualized Education Plans ([34 CFR 300.530-537](http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2CE%2C)), and the need to conduct manifestation determination meetings when a suspension of a special needs students constitutes a change in placement.

* + In general, the discipline of a student who has been identified as having special needs pursuant to the state’s Special Education Regulation (603 CMR 28.00) and the Individuals with Disabilities Education Act (IDEA) is subject to the requirements of the student's Individualized Education Plan (IEP). The IEP for every special needs student should indicate whether the student can meet the requirements of the regular discipline code, or if a modification is necessary.
  + If a modification of the code of conduct is necessary, it must be described in the student IEP.
  + A record must be maintained of all suspensions imposed on students enrolled in special education including the nature of the infraction and the duration of the exclusion.
  + A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, convene within10 days of the decision to suspend to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP – “a manifestation determination.”

## Appendix J: Hazing Policies Requirements

Secondary schools must include the hazing provision in either their Code of Conduct or Student Handbook, as required by [M.G.L. c. 269 Section 19](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section19).

[Section 17 of Chapter 269](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section17) states,

* “Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.”

[Section 18 of Chapter 269](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/Section18) states,

* “Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.”

### 

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## Appendix K: Bullying Prevention and Intervention Plans Requirements[[22]](#footnote-22)

Each plan shall include, but not be limited to:

* as required by [M.G.L. c. 71 § 37O](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O), the Plan must be developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially. The Plan should identify the ways that each of the various constituencies will be involved.
* descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining, and reporting, bullying incident data. The data shall include, but not be limited to:
  1. the number of reported allegations of bullying or retaliation;
  2. the number and nature of substantiated incidents of bullying or retaliation;
  3. the number of students disciplined for engaging in bullying or retaliation; and
  4. any other information required by the department.
* the definition of “bullying”, which includes cyber-bullying, the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:
  1. causes physical or emotional harm to the victim or damage to the victim's property;
  2. places the victim in reasonable fear of harm to himself or of damage to his property;
  3. creates a hostile environment at school for the victim;
  4. infringes on the rights of the victim at school; or
  5. materially and substantially disrupts the education process or the orderly operation of a school.
* clear procedures for students, staff, parents, guardians and others to report bullying or retaliation;
* a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
* clear procedures for promptly responding to and investigating reports of bullying or retaliation;
* the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior;
* clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;
* strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying;
* procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification by the principal, or person who holds a comparable role, to the local law enforcement agency when criminal charges may be pursued against the perpetrator;
* a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and
* a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.
* a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to:
  1. developmentally appropriate strategies to prevent bullying incidents;
  2. developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;
  3. information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying;
  4. research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
  5. information on the incidence and nature of cyber-bullying; and
  6. internet safety issues as they relate to cyber-bullying.
* provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to:
  1. how parents and guardians can reinforce the curriculum at home and support the school district or school plan;
  2. the dynamics of bullying; and
  3. online safety and cyber-bullying.
* each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each charter school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A charter school may establish separate discrimination or harassment policies that include additional categories of students.
* Chapter 86 of the Acts of 2014 amended Section 37O of chapter 71 of the General Laws to include (g) (v): The Plan shall inform parents or guardians of the target about the Department’s problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system. This information will be made available in both hard copy and electronic formats:

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)or individuals can call 781-338-3700. Hard copies of this information is also available at the Superintendent’s office.

## 

## Appendix L: Suggested Worksheet and Template for the Summary of Staff Qualifications

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | **B** | **C** | **D** | **E** | **F** | **G** | **H** | **I** | **J** |
| Staff | Grade | Assignments | Earned Degree(s) | Academic Major | SEI Teacher/ Admin Endorse-ment[[23]](#footnote-23) | MA Licensure (Level and Area) | **C&L MTEL** and Date Passed | **MTEL Subject test** and Date Passed | MA Charter School Law Teacher Requirements Met[[24]](#footnote-24)  (Box G **OR**  H and I) |
| Anton | Pre-K | Pre-K Teacher | Associate Degree | Early Childhood Development | No | No | No | No | No |
| Victoria | K1-8 | EL teacher; EL Coordinator | BA  MS | Spanish;  Bilingual Education | Yes | ESL  PreK-6;  5-12 | C & L (6/11) | ESL  PreK-6;  5-12  (6/11) | Yes |
| Chettina | 4 | Grade 4  Teacher | BA | Elementary  Education | Yes | Elementary  1-6 | C & L  (4/10) | General Curriculum  (4/10)  Foundations of Reading  (4/10) | Yes |
| Steven | 6-8 | Special Education  Teacher; Special Education Coordinator | BA | Special Education | No | No | No | No | No |
| Lisa | 5-12 | ELA teacher | BA | English | No | No | C & L  (9/11) | English  5-8; 8-12 (9/11) | Yes |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | **B** | **C** | **D** | **E** | **F** | **G** | **H** | **I** | **J** |
| Staff | Grade | Assignments | Earned Degree(s) | Academic Major | SEI Teacher/Admin Endorse-ment[[25]](#footnote-25) | MA Licensure (Level and Area) | **C&L MTEL** and Date Passed | **MTEL Subject test** and Date Passed | MA Charter School Law Teacher Requirements Met[[26]](#footnote-26)  (Box G **OR**  H and I) |
| Deidre | 7 | Algebra | BA  MS | History;  Political Science | No | No | No | No | No |
| Purvi | 6-8 | General Science | BS | Chemistry | No | No | C & L  (11/11) | General Science  (11/11) | Yes |
| Lorelei | 5-12 | ESL teacher | BA | Ethnic Studies | Yes | No[[27]](#footnote-27) | C & L  (6/12) | ESL;  5-12  (6/12) | Yes |
| James | 5-12 | Math | BA | History | No | No | No | No | No |
| Josephina | 9-12 | Special Education  Teacher & Coordinator | BA  MA | History;  Special Education | Yes | No | No | No | No |
| Reinaldo | 10 | ELA | BA | English Literature | No | No | C & L  (6/10) | English; 8-12 (6/10) | Yes |
| Susan | 9-12 | Special Education Coordinator | BA | Management | Yes | No | No | No | No |
| Jigisha | 12 | AP Biology | BS | Engineering | No | No | No | No | No |

Note: Clearly identify all ELL/ESL teachers with a Massachusetts ESL teacher license.

## Appendix M: Recommended Elements of School Leader, Administrator, and Teacher Evaluation Plans

The regulations ([603 CMR 35.00](http://www.doe.mass.edu/lawsregs/603cmr35.html)), which apply to the school leader, administrator(s), and teachers, are designed to:

* promote growth and development amongst leaders and teachers,
* place student learning at the center, using multiple measures of student learning, growth, and achievement,
* recognize excellence in teaching and leading,
* set a high bar for professional teaching status, and
* shorten timelines for improvement.

Each of the three types of evaluation plans should:

* identify the purpose(s) for conducting regular teacher, administrator, or school leader evaluations, such as
  + to promote student learning, growth, and achievement by providing educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, and
* to provide a record of facts and assessments for personnel decisions;  
  identify a time-frame for the evaluation system cycle, including the frequency with which formative evaluations of teacher, administrator, and leader performance will be conducted and a date by which summative evaluations will have been completed;

| **For Teachers:**   * identify the specific areas of performance which will be evaluated, such as   + curriculum, planning, and assessment,   + teaching all students,   + family and community engagement, and   + professional culture; | **For School Leader and/or Administrator(s):**   * identify the specific areas of performance which will be evaluated, such as   + instructional leadership,   + management and operations,   + family and community engagement, and   + professional culture; |
| --- | --- |

* identify standard criterion for success in each performance area;
* connect the evaluation system and individual plans to organizational and academic, school improvement, and individual professional development goals;
* identify the methods through which performance data will be collected (e.g. measures of student learning, growth, and achievement, observations of professional practice, pre- and post-observation conferences, self-assessment and other evidence submitted by the educator, student/family/peer evaluations, etc.);
* describe the type and range of performance descriptors to be used, such as exemplary, proficient, needs improvement, and/or unsatisfactory; and
* serve as a basis for individual professional development plans and professional growth.

## Appendix N: Required Elements of English Learner Education Policies and Procedures

To ensure that your school will be prepared to operate programs and services which meet the requirements of law and meet the needs of students, you are required to submit an English Learner Education (ELE) Policies and Procedures document which responds to the items below:

1. Describe the steps that will be followed in your school for identifying students who may be English Learner (EL).

Districts are expected to have policies and procedures in place for accurately identifying ELs in a timely, valid and reliable manner. It is important to define these policies clearly and to maintain the consistency of the practices by providing ample training opportunities to the staff who are in charge of the process. This ensures that districts are in compliance with federal and state laws and regulations. Districts’ policies and procedures will emphasize the following in order to increase the validity and reliability of the process:

* Clearly state the purposes and intended uses of the HLS to those who will administer and those who will complete the survey. Clarify that the HLS does not intend to confirm citizenship status, or predetermine ELE services.
* Establish clear procedures for administering the survey and clarifying responses.
* Establish clear procedures for analyzing survey results.
* Clarify how students’ educational background information will be utilized to determine whether a language proficiency screening test is required.

1. Describe your procedures for the annual assessment of ELs with ACCESS and MCAS/PARCC.
2. Describe the school’s policy concerning the manner in which ELs are required to participate in the annual administration of MCAS/PARCC.
3. Describe the qualified staff and appropriate procedures and assessments you will use to identify students who are ELs and to assess their level of English proficiency in reading, writing, speaking, and listening.
4. Submit the school’s waiver policy consistent with the requirements of [603 CMR 14.04(3)](http://www.doe.mass.edu/lawsregs/603cmr14.html?section=04).
5. Describe the school’s English Learner Education (ELE) program. In most cases, this will be the school’s plan for provision of Sheltered English Immersion (SEI) to all ELs including:
   1. the provision of content by appropriately qualified instructional staff available at all grade levels and in all content areas;
   2. the manner in which the school will ensure that instructional staff are or become qualified at all grade levels and in all content areas;
   3. the provision of ESL instruction by an appropriately licensed teacher in quantities appropriate to the student’s identified English proficiency level;
   4. the manner in which the school will group ELs for English as a Second Language (ESL) instruction;
   5. the qualifications of staff who will provide ESL instruction;
   6. the qualifications of staff who will provide Sheltered Content Instruction (SCI)
   7. the ESL curriculum that will be used for ESL instruction;
   8. the manner in which the school will ensure the provision of follow-up monitoring and support to students who have been exited from the ELE program;
   9. the manner in which the school will ensure that ELs receive grade appropriate content instruction that is based on the Massachusetts Curriculum Frameworks;
   10. the manner in which the school will ensure that the content is made comprehensible and accessible for ELs;
   11. the manner in which the school will ensure that it provided ESL instruction that is based on the WIDA (World-Class Instructional Design and Assessment) ELD standards; and
   12. the manner in which the school will use assessment data to plan and implement educational programs for students at different instructional levels.
6. Describe the procedures you will employ to determine student readiness to be exited from the ELE program (or reclassified from EL to Former English Learner (FEL)).
7. Describe the criteria for reclassification from EL to Former English Learner (FEL).
8. Describe how you will involve parents and guardians of ELs in their children’s education.
9. Describe the manner in which the school will ensure that it provides parents and guardians of ELs, report cards, and progress reports including, but not limited to, progress in becoming proficient in using English language in the same manner and with the same frequency as general education reporting. Include a description of the manner in which the school will ensure that the reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.
10. Describe the school’s policy concerning the appropriate provision of English language support to students whose parents have declined entry into the school’s ELE program and how the school will monitor their progress.
11. Describe how the school will comply with notice requirements described under [603 CMR 14.02](http://www.doe.mass.edu/lawsregs/603cmr14.html?section=02), including the role of staff that will be responsible for implementing this activity.
12. Describe how you will conduct oversight of your program in a manner that ensures all ELs receive equal access to all educational programs and services as described in [603 CMR 26.07(8)](http://www.doe.mass.edu/lawsregs/603cmr26.html?section=07) and [603 CMR 26.06(2)](http://www.doe.mass.edu/lawsregs/603cmr26.html?section=06).
13. Describe how the school will ensure that ELs are provided with facilities, materials and services that are comparable in all respects to those provided to the overall student population.
14. Describe the manner in which the school will ensure that ELs are provided with equal access to all non-academic and extracurricular programs.
15. Describe how information, including but not limited to descriptions of academic and non-academic programs and services will be communicated to ELs and their families in a language they can understand.
16. Describe the school’s plan to support core academic content teachers of ELs in earning an SEI Teacher Endorsement within the prescribed timelines, as well as the building administrator(s) who supervise those teachers.
17. Describe the school’s plan to ensure that ELs, including ELs whose parents opted out of ELE services, are assigned to SEI endorsed core academic teachers.
18. A) For Horace Mann charter schools: Describe the school’s professional development plan to provide all teachers and administrators opportunities to earn 15 Professional Development Points (DPDs) related to SEI or ESL in order to be eligible to renew their licenses.

B) For Commonwealth charter schools (optional): Describe the school’s professional development plan to provide all teachers and administrators opportunities for professional development related to SEI or ESL.

1. Describe the manner in which the school will conduct periodic evaluations of the effectiveness of its ELE program in developing students’ English language skills and increasing their ability to participate meaningfully in the educational program.
2. Describe how the school will document that the program is or is not effective and what steps if will take to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.

## Appendix O: Required Elements of Special Education Policies and Procedures

To ensure that your school will be prepared to operate programs and services which meet the requirements of law and meet the needs of students, you are required to submit a Special Education Policies and Procedures document which responds to the items below:

1. **Evaluations**
2. Describe the process for identification of students who may be in need of special education services (school and parent referrals).
3. Describe the evaluation process, including timelines, for students, including how decisions regarding the choice of optional assessments will be made.
4. Describe the process, including timelines, for three year re-evaluations.
5. Describe the process for end-of-school year assessments.
6. Describe the process for independent education evaluations.
7. Describe how evaluations will be conducted if the student’s primary language is not English.
8. **IEP Development and Placement**
9. Describe the process and procedures for individual education program (IEP) amendments when students enter your school.
10. Describe the school’s timeline for sending home proposed IEPs.
11. Describe the school’s process for communication and meetings to make decisions regarding potential out-of-district placements.
12. **IEP Implementation**
13. If the school serves students ages 14 and older, describe how transition planning will be conducted, and/or who will create written transition plans.
14. Describe the school’s process for developing amendments for any students, including those new students who enter the school on an existing IEP.
15. Describe how IEP progress reports are developed and how often they are sent home.
16. Describe how families will be provided with IEPs, progress reports, and other notices and evaluations if they speak a language other than English.
17. Describe the school’s process for managing instructional group sizes and age span requirements.
18. Describe the school’s policy concerning the manner in which students with disabilities are required to participate in the annual administration of MCAS/PARCC, including information about accommodations.
19. **Student and Parent Rights**
20. Describe the school’s process for obtaining parental consent for educational evaluations and special education services, including the process if a parent waives or requests additional assessments.
21. Describe the school’s process if a parent revokes consent to special education service.
22. Describe the school’s process if a parent rejects or partially rejects an IEP or proposed placement.
23. Describe the process for providing parents with the Notice of Procedural Safeguards, including the timing and frequency with which these will be provided.
24. Describe how the school will provide equal access to educational, nonacademic, extracurricular and ancillary programs for all students.
25. **Confidentiality**
26. Describe the school’s process for releasing student information.
27. Describe the school’s process for the transfer of records from former schools (if applicable) and to new schools (upon request).

## Appendix P: Criteria for Approval of Multi-Hazard Evacuation Plan[[28]](#footnote-28)

The Multi-Hazard Evacuation Plan must:

* contain **a plan for evacuation** of the school building in the case of fire, hurricane, or other hazardous storms or disasters in which bodily injury might occur, shootings and other terrorist activities, and bomb threats;
* identify and establish a **Crisis Response Team**;
* **designate who is in charge** of the Crisis Response Team and **designate substitutes**;
* contain a **plan for communication** during any crisis situation;
* identify crisis **procedures for safe entrance to and exit** **from** the school by students, parents and employees; and
* identify **policies for enforcing school discipline** and maintaining a safe and orderly environment during the crisis.

It is strongly recommended that the Multi-Hazard Evacuation Plan also address the following emergency situations:

* abuse of a child/student;
* accidents, injury, or other medical emergencies;
* assault;
* death of a student or staff member;
* emergency security lockdown;
* field trip accidents;
* hostage situations;
* kidnapping;
* missing child/student;
* rape or suspected rape;
* shootings or stabbings;
* strangers or intruders in the building;
* suicide – threatened or attempted;
* universal precautions to reduce the risk of infection of blood-borne organisms; and
* weapon.

## Appendix Q: Criteria for Approval of Medical Emergency Response Plan[[29]](#footnote-29)

The Medical Emergency Response Plan must include:

* a method for establishing a **rapid communication system** linking all parts of the school campus, including outdoor facilities and practice fields, to the emergency medical services system and protocols to clarify when the emergency medical services system and other emergency contact people shall be called;
* a determination of **emergency medical service response time** to any location on campus;
* a list of relevant **contacts and telephone numbers** with a protocol indicating when each person shall be called, including names of professionals to help with post-emergency support;
* a method to efficiently **direct emergency medical services personnel** to any location on campus, including to the location of available rescue equipment;
* **safety precautions** to prevent injuries in classrooms and on the facilities;
* a method of providing access to **training in cardiopulmonary resuscitation and first aid** for teachers, athletic coaches, trainers, and other school staff, which may include training high school students in cardiopulmonary resuscitation; and
* in the event the school possesses an **automated external defibrillator (AED)**,
* the location of the device;
* whether or not its location is either fixed or portable; and
* those personnel who are trained in its use.

With respect to automated external defibrillators (AEDs), the law further requires information on:

* the total number of AEDs in each school (*note: the law does not require schools to possess AEDs*);
* any volunteers (as well as school personnel) who are trained in the AED use;
* personnel who have access to AEDs during regular school hours and after school; and
* the total estimated number of AEDs necessary to ensure campus-wide access during school hours and in after-school activities and public events *(the estimate is required whether or not the school currently has AEDs*).

## Appendix R: Transportation Technical Advisory

**Charter School Technical Advisory 16-1: Transportation**

|  |  |
| --- | --- |
| To: | Charter School Leaders and Superintendents |
| From: | Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary Education |
| Date: | April 12, 2016 |

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The purpose of this technical advisory is to interpret, clarify, and provide guidance about the obligations to provide transportation to charter school students and the reimbursement programs currently available to charter schools for the provision of transportation services. Charter schools and school districts are strongly encouraged to work cooperatively to ensure that all eligible students receive the appropriate transportation services. Charter school leaders should identify when and how the district’s local school committee sets its budget so that they can proactively inform the superintendent and school committee of the charter school’s needs in a timely manner.

### I. Legal Obligations to Transport Charter School Students

The Massachusetts charter school statute, [M.G.L. c. 71, § 89(cc)](http://www.mass.gov/legis/laws/mgl/71-89.htm), states that the

*“children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district’s school committee on the same terms and conditions as transportation is provided to children attending local district schools. In providing such transportation, said school committee shall accommodate the particular school day and school year of the charter school; provided, however, that in the event that a school committee limits transportation for district school students, the school district shall not be required to provide transportation to any commonwealth charter school beyond said limitations. A charter school and the sending district shall meet to plan bus routes and charter school starting and ending times in order to assist the district with cost effective means of transportation.”*

(Emphasis added). The Department of Elementary and Secondary Education (Department) has consistently interpreted this language to require both municipal and regional school districts to provide transportation to students who reside in the district and who attend a charter school located within the district. In the event that a district is not meeting its obligations to provide transportation for eligible students, a charter school should contact the Department’s Office of Charter School and School Redesign (<http://www.doe.mass.edu/charter/contact.html>) for more information. A charter school may choose voluntarily to provide transportation to some or all of its eligible students in lieu of the district of residence. In these cases, the charter school will receive reimbursement as described below in [*Transportation Reimbursement for Commonwealth Charter Schools*](#_Local_District_Transportation).

The meaning of particular phrases follows.

#### “School district”

# The phrase “school district” refers to the school district within which the charter school is physically located. For a municipal school district, the charter school must be located within the municipality’s boundaries. For a regional school district, the charter school must be located within the boundaries of the regional school district and its member municipalities.

#### “On the same terms and conditions”

The phrases “on the same terms and conditions” and subject to the same limitations means that there should be no significant differences in the transportation services offered to students attending district schools and students attending charter schools. A school district that provides transportation to students attending its own schools beyond what is legally required to provide, it must provide transportation to charter school students on the same basis. If a school district charges a reasonable fee to students attending its own schools that it is not legally required to transport, the school district may charge the same reasonable fee to charter school students who are similarly situated. Drop-off and pick-up distances and riding times to and from the charter school should be comparable to those of students attending district schools.

Districts that utilize neighborhood zones to establish eligibility for transportation services for its students, however, may not impose a geographical zone around a charter school and limit transportation for students attending the charter school to only those students who reside within this zone. See 603 CMR 1.07(3)(a). Charter schools are district-wide schools whose “zone” is the entire school district, such as a single high school or vocational school. The school district’s obligations to transport students who attend a charter school extend to all students who reside within the school district because all students who reside within the school district within which the charter school is located have a similar opportunity to attend the charter school.

#### “Accommodate the particular school year and school day of the charter school”

The schedule of a charter school is a material term of the schools charter as granted by the Board of Elementary and Secondary Education (Board). A charter school can change this term only by requesting, and receiving approval for, an amendment from the Commissioner of Elementary and Secondary Education (Commissioner). Schedules of charter schools may deviate significantly, including early dismissals and extended programming, from that of the districts in which they are located. Nevertheless, the law requires that the school district make arrangements to accommodate the charter school’s schedule, even if that requires scheduling additional bus runs at times when the district normally does not pick-up or drop-off students. The charter school statute requires, and Department strongly encourages, charter schools to work cooperatively with their local school districts. If a change in a school’s schedule as described is desired, the charter school should consider requesting an amendment, as appropriate, to its charter in order to achieve the most cost-efficient transportation, particularly when transporting small numbers of students.

The table that follows summarizes the types of charter school students who are eligible for free transportation services under state and federal law.

| **Eligible Students** | **Statutory/Regulatory Reference** | **Transportation Provider** |
| --- | --- | --- |
| **Charter Schools located in a Municipal School District**: All students in grade K through 6 who live in a municipal school district where the charter school is located and who reside more than two miles from their school and those who would be provided transportation in attending the district’s schools. | Massachusetts public school transportation law: [M.G.L. c. 71, § 68](http://www.mass.gov/legis/laws/mgl/71-68.htm) and [603 CMR 1.07(3).](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=all) | All students in grades K through 6 who reside more than two miles from their school, and those who would be provided transportation in attending the district’s schools, must be provided with transportation to school by their school district, with a bus stop one mile or less from the student’s residence. |
| **Charter Schools located in a Regional School District**: All students in grade K through 12 who live in a regional school district where the charter school is located and who reside more than two miles from their school and those who would be provided transportation in attending the district’s schools. | Massachusetts public school transportation law for regional school districts: [M.G.L. c. 71, § 16C;](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section16C) and [M.G.L. c. 71, § 68](http://www.mass.gov/legis/laws/mgl/71-68.htm). | All students in grades K through 12 who reside more than two miles from their school, and those who would be provided transportation in attending the district’s schools, must be provided with transportation to school by their regional school district, with a bus stop one mile or less from the student’s residence. |
| Disabled students who have transportation specified as a related service in their [Individualized Educational Plans](http://www.doe.mass.edu/sped/iep/) (IEPs) and/or [Section 504 Plans](http://www.mass.gov/eohhs/gov/departments/dph/programs/family-health/directions/chap-8/504-plan.html). | Individuals with Disabilities Education Act: [34 C.F.R. § 300.24(b)(15)](http://www.access.gpo.gov/nara/cfr/waisidx_06/34cfr300_06.html).  Section 504 of the Rehabilitation Act of 1973:  [34 C.F.R. § 104.37](http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html#S37). | For students who reside in the district in which the charter school is located, the school district is obligated to provide transportation to all students irrespective of whether they are “regular education” students or whether they are disabled and require special transportation. For disabled students enrolled in a charter school and who reside outside of the district in which the charter school is located, the charter school is obligated to provide these services. |
| Homeless Students | McKinney-Vento Homeless Education Assistance Act: [*McKinney-Vento Homeless Education Assistance Act Advisory 2002-3: School Selection and Transportation Requirements for Homeless Students*](http://www.doe.mass.edu/mv/haa/02-3.html). | Homeless students, including students who become homeless while enrolled in a charter school, may have additional transportation rights under McKinney-Vento. Such students may have additional rights even if they reside outside the district where the charter school is located. Contact the Department’s Office for the Education of Homeless Children and Youth (<http://www.doe.mass.edu/mv>) for further information. |

### II. Transportation Reimbursement for Charter Schools

Charter schools may seek reimbursement for transportation services through two reimbursement programs. First, if a Commonwealth charter school chooses to transport children who reside in the district in which the school is physically located, it may seek reimbursement as indicated in [*Transportation Reimbursement for Commonwealth Charter Schools*](#_Local_District_Transportation)*.* Second, if a regional charter school transports students who reside outside of the district in which the school is physically located but within the region specified in the school’s charter, it may seek reimbursement as indicated in [*Transportation Reimbursement for Regional Charter Schools*](#_Regional_Transportation_Reimbursement)*.*

#### A. Transportation Reimbursement for Commonwealth Charter Schools

A charter school may choose to transport students who reside in the district in which the school is located and seek reimbursement for the costs incurred if the district and the charter school are unable to reach agreement on the district’s provision of transportation. See 603 CMR 1.07(3)(c). If the charter school receives reimbursement, the amount is determined by multiplying the eligible pupil full-time equivalency (FTE) by a reimbursement rate determined for particular charter school. The eligible pupil FTE is determined by the dates of enrollment for each student who is eligible for transportation, as provided to the Department by the charter school on the *February 15th Charter School Claim Form*. The reimbursement rate is the lesser of the district or charter school’s average transportation cost per student. In general, the data used to generate average cost per student is based on transportation costs for the prior school year as submitted by both the charter school and the district. The charter school provides this data on *Schedule 7C* in the [*Charter School End of Year Financial Report*](http://www.doe.mass.edu/finance/accounting/eoy/). The district provides transportation data on *Schedule 7* of the [*End of Year Pupil and Financial Report*](http://finance1.doe.mass.edu/account/guide_index.html). If a charter school is in its first year of providing new or substantially different transportation services, however, no comparable prior year data may be available. **Under these circumstances, in order to be eligible for reimbursement, the charter school must contact the Office of Charter Schools and School Redesign prior to the provision of transportation for further instructions.**

The Department’s [*Pupil Transportation Guide: A Guide for Massachusetts School Administrators*](http://www.doe.mass.edu/finance/transportation/guide.html) provides guidance regarding the types of costs that are potentially eligible for reimbursement. These costs include the annual cost of leased bus services based on the cost of fuel, operation, and common line maintenance of school buses; salaries of student transportation supervisors, school bus drivers, and bus monitors; employee benefits; insurance programs; and other related expenditures. Schools that own vehicles should refer to the Guidelines when determining their transportation expenditures.

Reimbursement of eligible transportation costs is distributed to charter schools in the same manner as their monthly tuition payments. If in the previous school year a charter school receives reimbursement for local district pupil transportation, the school will receive a proportionate amount of this reimbursement in the first five tuition payments of the fiscal year, paid July through November. No payments are made for transportation in December through May. Once ridership data is received and reviewed, as part of the *February 15th Charter School Claim Form* data collection, the charter school will receive any balance due as part of its final tuition payment in June.

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#### B. Regional Transportation Reimbursement

In order to be eligible to seek reimbursement through the regional transportation reimbursement program, a charter school must:

1. Be designated a regional charter school by the Board of Elementary and Secondary Education; and
2. Have a charter, or approved enrollment policy, that requires the school to provide transportation for all students who live in the school's designated region, more than 1½ miles from the school, and live outside of the district in which the school is located.[[30]](#footnote-30)

Eligibility for regional transportation reimbursement also requires the charter school to provide the transportation free of charge to students who live more than 2 miles from the school. While the charter school may charge a transportation fee to students who live 1½ to 2 miles from the school, the Department discourages doing so, and such fees are removed from the transportation costs claimed for reimbursement.[[31]](#footnote-31) It is uncommon for regional school districts to charge a transportation fee to students who live more than 1½ miles from their school.

A charter school that claims state regional transportation aid reimbursement may maintain a waitlist for buses provided that the school ensures any student who lives more than 2 miles from the school receives transportation.

A regional charter school meeting these conditions may seek reimbursement of the costs of transporting students who reside outside the district in which the charter is located and 1½ miles or more from the charter school. See [M.G.L. c. 71, § 89(cc)](http://www.mass.gov/legis/laws/mgl/71-89.htm), and [M.G.L. c. 71, § 16C](http://www.mass.gov/legis/laws/mgl/71-16c.htm). Reimbursement is made in the year following the school year in which the costs are incurred. For example, eligible costs incurred during the 2015-2016 school year are reimbursed during the 2016-2017 school year.

Please note that this reimbursement program is funded through line item in the state budget and is subject to appropriation. It has been funded at varying levels, from 57 percent to 71 percent of the costs eligible for reimbursement, from FY10 through FY15. If funding is less than 100 percent, reimbursement is determined by multiplying the total allowable claimed costs by the funding percentage permitted by the appropriation. The cost data for this program is also collected on the *Schedule 7C* in the Charter School End of Year Financial Report.

Questions about information contained in this advisory should be directed to the Department’s Office of Charter Schools and School Redesign (<http://www.doe.mass.edu/charter/contact.html>) or the School Finance and District Support Office (<http://www.doe.mass.edu/finance/contactus.html>).

1. Board member *must* be appointed by the Commissioner **before** they become voting members (as specified under [603 CMR 1.04(3)(h)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), [603 CMR 1.04(6)(a)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=04), and [603 CMR 1.10(2)(f)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=10)) [↑](#footnote-ref-1)
2. Please see Chapter 6: Access to Grants and Tuition Payments—Grants and Chapter 11: Student Services Delivery—Title I and Title III, for more information. [↑](#footnote-ref-2)
3. For example, the Title I, Part A program targets low-achieving students in high-poverty school and the Title III program targets immigrant and English Leaner (EL) students. [↑](#footnote-ref-3)
4. An optional student learning time worksheet can be used to calculate the number of hours of student learning time provided by the educational program, and verify that the program meets or exceeds requirements. You may request a copy of the optional student learning time worksheet at any time, please contact the Office of Charter Schools and School Redesign (781-338-3227, charterschools@doe.mass.edu). The Department may require completion of the student learning time worksheet if the program proposed appears to not meet minimum requirements. [↑](#footnote-ref-4)
5. For more information, please see the Department’s Attendance and Dropout Reporting Guidelines: <http://www.doe.mass.edu/infoservices/data/sims/reporting-guidance.docx>. [↑](#footnote-ref-5)
6. M.G.L. c. 71 Section 38(q) [↑](#footnote-ref-6)
7. Changes in location of the school's facilities within the same municipality and documentation of the school's compliance with state and federal laws, including, but not limited to, all fire, health, and safety laws and accessibility requirements for new facilities or renovations to existing facilities. [↑](#footnote-ref-7)
8. See [Appendix 4](http://www.doe.mass.edu/ssce/2012-0816MERP.pdf) of the Medical Emergency Response Plans for Schools: Frequently Asked Questions, a Template, and a Model for the Plan memorandum for statutory language. [↑](#footnote-ref-8)
9. [603 CMR 1.09](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=09) [↑](#footnote-ref-9)
10. Upon a student being convicted of a felony or upon adjudication or admission in court of guilt with respect to such a felony or felony delinquency, possession of a dangerous weapon or an illegal/controlled substance or assault of educational personnel / felony charge or felony offense, the principal of a school in which the student is enrolled may expel the student if such principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. [↑](#footnote-ref-10)
11. At a student hearing, any decision maker (principal, executive director, head of school) deciding the consequence for the student shall exercise discretion. [↑](#footnote-ref-11)
12. At the hearing, students and parents have the right to: bring counsel (at the student’s expense), present evidence (through the student’s own testimony or witnesses and through written evidence) and cross-examine witnesses presented by the school. [↑](#footnote-ref-12)
13. After the hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either Chapter 71, Section 37H, paragraph (a) or (b). The expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent. [↑](#footnote-ref-13)
14. Chapter 71, Section 37H½ [↑](#footnote-ref-14)
15. The expulsion will remain in effect prior to any appeal hearing. For a 37H ½ charge, delinquency complaint, conviction, adjudication or admission of guilt principal may remove student for period of time up to expulsion if principal determines the student’s continued presence would have a substantial detriment on the general welfare of the school. The student has 10 days from the date of the expulsion to notify the superintendent of an appeal. [↑](#footnote-ref-15)
16. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. [↑](#footnote-ref-16)
17. Superintendent holds hearing within 3 days of receipt of request per 37H½. [↑](#footnote-ref-17)
18. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of section 37H. [↑](#footnote-ref-18)
19. If the student moves to another district during the period of expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan. [↑](#footnote-ref-19)
20. Notice shall be provided in English and in the primary language spoken in the student’s home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a specific school district staff member to arrange services. [↑](#footnote-ref-20)
21. Serious case is defined as involving the possession or use of illegal substances or weapons, assault, vandalism, or violation of a student’s civil rights. In practice, the decision to suspend rather than expel in serious cases may depend on whether the principal determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school. [↑](#footnote-ref-21)
22. [Chapter 86 of the Acts of 201](http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92)4, An Act Relative to Bullying in Schools; [M.G.L. c. 71 Section 37O](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O), and [603 CMR 49.00](http://www.doe.mass.edu/lawsregs/603cmr49.html?section=all). [↑](#footnote-ref-22)
23. All English Learners should be assigned to teachers who are endorsed in Sheltered English Immersion (SEI). Teachers who are not SEI endorsed should earn their SEI endorsement in one year. If SEI endorsement requirements are not met, include a narrative plan to describe how the teacher(s) will receive their SEI endorsement. [↑](#footnote-ref-23)
24. If MA Charter School Law Teacher Requirements are not met, include a narrative plan to describe how the teacher will take and pass MTEL tests within the first year of hire. [↑](#footnote-ref-24)
25. All English Learners should be assigned to teachers who are endorsed in Sheltered English Immersion (SEI). Teachers who are not SEI endorsed should earn their SEI endorsement in one year. If SEI endorsement requirements are not met, include a narrative plan to describe how the teacher(s) will receive their SEI endorsement. [↑](#footnote-ref-25)
26. If MA Charter School Law Teacher Requirements are not met, include a narrative plan to describe how the teacher will take and pass MTEL tests within the first year of hire. [↑](#footnote-ref-26)
27. A Massachusetts ESL teacher license is required at hire for all ELL/ESL teachers in BOTH Commonwealth and Horace Mann charter schools. [↑](#footnote-ref-27)
28. From Chapter 159, Section 363, of the Acts of 2000. See [Appendix 4](http://www.doe.mass.edu/ssce/2012-0816MERP.pdf) of the Medical Emergency Response Plans for Schools: Frequently Asked Questions, a Template, and a Model for the Plan memorandum for statutory language. [↑](#footnote-ref-28)
29. [Chapter 77 of the Acts of 2012](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter77). [↑](#footnote-ref-29)
30. A regional charter school that provides transportation to students who reside within the district in which the school is located may seek reimbursement for those students as indicated in [*Transportation Reimbursement for Commonwealth Charter Schools*](#_Local_District_Transportation). [↑](#footnote-ref-30)
31. While a regional charter school may choose to provide transportation to regular education students who live less than 1½ miles from school, it may not seek reimbursement for these transportation costs. It may, however, charge a transportation fee to such students. [↑](#footnote-ref-31)