

QUESTIONS AND ANSWERS ABOUT CHARTER SCHOOLS

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Definitions

Q. What is a charter school in Massachusetts?

A. A charter school is a public school that is governed by a board of trustees and operates independently of any school committee under a five year charter granted by the Board of Elementary and Secondary Education (Board). It has the freedom to organize around a core mission, curriculum, theme, and/or teaching method and to control its own budget and hire (and fire) teachers and staff. In return for this freedom, a charter school must attract students and produce positive results within five years or its charter will not be renewed. There are two categories of charter schools, Commonwealth charter schools and Horace Mann charter schools. Horace Mann and Commonwealth charter schools differ in that a Horace Mann charter school must have its charter approved by the local school committee and, in some cases, the local teacher's union in addition to the Board.

In addition, the revision of M.G.L. c. 71, § 89, in 2010 created three types of Horace Mann charter schools, each with a particular set of requirements. Requirements for the involvement of the collective bargaining unit vary by type. To the extent provided by their charters and as agreed to in a memoranda of understanding (MOU) with the school committee, as well as the faculty and relevant collective bargaining units, Horace Mann charter schools may be exempt from certain provisions in local collective bargaining agreements. Employees of a Horace Mann charter school, however, remain members of the local collective bargaining unit; continue to accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement. All charter schools, including Horace Mann charter schools, must complete the Department's opening procedures process prior to opening.

Q. What is the purpose of establishing a charter school?

A. The statute, in G.L. c. 71, § 89 (b), asserts that charter schools are to be established (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs; (6) to hold teachers and school administrators accountable for students' educational outcomes; and (7) to provide models for replication in other public schools.

Q. What is a charter, and how does a school amend its charter?

A. A school's charter is comprised of certain material terms that are described in the charter application. The charter is granted to the school's board of trustees. If these terms are modified significantly by a charter school's board of trustees, they must request approval of the change through the amendment process, before the change may be implemented. The areas requiring amendment are described in 603 CMR 1.10. These material terms are the districts specified in the school's charter; grade span; maximum enrollment; a contract with an education management organization that is providing or planning to provide substantially all of the school's educational services; school name; mission; governance or leadership structure; educational programs, curriculum models or whole-school designs; bylaws; membership of the board of trustees; memorandum of understanding for Horace Mann charter schools; location of school, if such change involves relocating to or adding a facility in another municipality; schedule (e.g., length of school year, school week, or school day); enrollment policy and application for

admission; or expulsion policy. The Department's *Charter Amendment Guidelines* is available online at <http://www.doe.mass.edu/charter/governance/>.

In addition, pursuant to CMR 603 1.10(7), if a charter school enrolls more than 20 percent of its students from districts not specified in its charter for two consecutive years, the school must submit a request to amend its charter to reflect actual enrollment patterns.

Q. What are the three types of Horace Mann charter schools?

A. The three types are:

Horace Mann I: Open to any district for a new school. The application must be submitted with the approval of the local collective bargaining unit and the school committee in the district in which it is located. Any MOU modifying provisions of a collective bargaining agreement must be approved by the school committee and collective bargaining unit and is submitted with the application. Pursuant 603 CMR 1.10 and 1.11, all Horace Mann charter renewals and certain charter amendments must be approved by the local school committee and teachers' union.

Horace Mann II: Open to any district for conversion of an existing school. Horace Mann II applications may be submitted at any time however, the process for review remains the same as that for all other Horace Mann and Commonwealth applications, with similar periods of time for review of the prospectus and final application, and charter granting. The application to convert an existing school is submitted with the approval of the school committee. Any MOU modifying provisions of a collective bargaining agreement must be approved by a majority of faculty at the school, with the vote to be held within 30 days of submission of the application. While the Division of Labor Relations has not yet ruled on who must sign an MOU for a Horace Mann II school, it is our understanding that the school committee and the collective bargaining unit(s) must agree to any changes in the relevant collective bargaining agreements. We encourage Horace Mann II charter school applicants to consult their own legal counsel regarding these issues. Pursuant 603 CMR 1.10 and 1.11, all Horace Mann charter renewals and certain charter amendments must be approved by the local school committee and teachers' union.

Horace Mann III: Open to any district for a new school. Not less than four must be located in Boston. The application must be submitted with the approval of the school committee. An agreement with the local collective bargaining unit is not required prior to Board approval, however, the charter school's board of trustees must negotiate with the collective bargaining unit and the school committee in good faith regarding any modifications to collective bargaining agreements following the award of a charter. While the Division of Labor Relations has not yet ruled on whether changes in collective bargaining agreements required by a charter may be implemented without the agreement of the relevant collective bargaining unit(s) for Horace Mann III charter schools, it is our understanding that the charter may be fully implemented if an agreement on such an MOU is not reached at least 30 days before the school's scheduled opening. We encourage Horace Mann III charter school applicants to consult their own legal counsel regarding these issues. Pursuant 603 CMR 1.10, all Horace Mann charter renewals and certain charter amendments must be approved by the local school committee and teachers' union.

Q. What is a Proven Provider?

A. Applicants in districts that have performed on the Massachusetts Comprehensive Assessment System (MCAS) in the lowest 10 percent statewide for two consecutive previous years and where the 9 percent net school spending cap has been or is expected to be raised, must meet the definition of Proven Provider in 603 CMR 1.02:

- (a) two or more persons who had primary or significant responsibility serving, for at least five years, in a leadership role in a school or similar program that has a record of academic success and organizational viability;

- (b) a non-profit education management organization or non-profit charter management organization, in operation for at least five years, that has a record of academic success and organizational viability;
- (c) the board of trustees of an existing charter school that has a record of academic success and organizational viability; or
- (d) an education management organization or charter management organization that has a record of academic success and organizational viability in operating or starting public schools and with which an applicant proposes to contract.

Q. What are the qualifications to achieve Proven Provider status?

A. The regulations, in 603 CMR 1.04(4), define the qualifications of a Proven Provider as follows:

The applicant must submit evidence satisfactory to the Commissioner to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter.

- (a) The applicant shall submit a detailed description of role(s) and responsibilities at the successful school(s) or program(s).
- (b) The applicant shall submit data demonstrating success in student academic performance and evidence of academic program success, including but not limited to:
 - a. proficiency levels and growth measures on the Massachusetts comprehensive assessment system or equivalent assessments for all students and for one or more targeted subgroups as defined in M.G.L. c.71, § 89(i)(3) which are similar to statewide averages in English language arts and Mathematics for all students in Massachusetts in comparable grades, over no less than a three-year period for cohorts of students;
 - b. student performance on other standardized tests over no less than a three-year period for cohorts of students, if available, which demonstrates student achievement levels that are similar to statewide averages in English language arts and Mathematics for all students in Massachusetts in comparable grades;
 - c. attendance, retention, and attrition data;
 - d. graduation and dropout data, if applicable; and
 - e. in-school and out-of-school suspension rates.
- (c) The applicant shall submit evidence of organizational viability, which shall include but not be limited to effective governance, effective financial management, and compliance with applicable laws and regulations.
- (d) The applicant shall provide evidence to demonstrate that the successful school serves a student population similar to the population to be served by the proposed charter, and that the program to be offered at the proposed charter is similar to, or represents a reasonable modification of, the successful school.
- (e) Applicants shall provide any other information as required by the Commissioner.

For applicants with a current or previous relationship to a Massachusetts charter school, the Commissioner may consider all information related to such school’s performance, including his evaluation in connection with each renewal of its charter.

Q. When is a Proven Provider required?

A. As stated above, a Proven Provider is required for a Commonwealth charter school that is to be located in a district that performed in the lowest 10 percent of districts statewide on the MCAS in the two previous consecutive years and where the 9 percent net school spending cap has been or is expected to be raised. Applicants proposing a charter school in a district in the lowest 10 percent should carefully consider whether to apply as a Proven Provider, even if the 9 percent net school spending cap has not

been reached because of the potential for multiple applicants within the district, triggering an increase in the net school spending cap.

Q. If the applicant group is proposing a regional charter school, when is Proven Provider status required?

A. A Proven Provider is required if any district in a proposed region performed in the lowest 10 percent of districts statewide on the MCAS in the two previous consecutive years and where the 9 percent net school spending cap has been or is expected to be raised.

Application Process

Q. Who may apply for a charter?

A. Any group or entity may apply for a public school charter, with the exception of for-profit companies and private/parochial schools. Typically, charter applicant groups include a mix of parents, teachers, non-profit organizations, and community leaders. The application for a charter school may be filed in conjunction with a college, university, museum, other similar non-profit entity, or any combination of these individuals and groups. An existing charter school board of trustees may apply to hold more than one charter.

Q. Can employees from private or parochial schools apply for a charter?

A. The regulations, in 603 CMR 1.04 (6)(g) states that “Private and parochial schools shall not be eligible for charter school status. If members of a charter applicant group are on the governing board or management of a private or parochial school that plans to close or closes around the time of receiving a charter, it creates a rebuttable presumption that the private or parochial school is seeking charter status for the purpose of securing public funding. To rebut this presumption, the applicant group must establish facts sufficient for the Department to determine that funding is not the primary reason they are seeking a charter as the private or parochial school is closing. In making a determination, the Department will compare the governance, management, and other characteristics of the private or parochial school and the governance, management, and other characteristics of the charter school, including but not limited to curriculum, student body, staff, leadership, location, and the financial plan for the school.”

Q. What is the application review process?

A. The objective of the charter application review process is to award charters to applicants who show the greatest probability of creating public schools of the highest quality. The Department conducts a process that includes a prospectus and a final application phase, participation by internal and external reviewers for both phases, opportunities for written public comment, public hearings, and an interview with each applicant group and proposed board of trustees in the final application phase. Prospectuses and final applications are each reviewed against extensive criteria set forth in the charter statute, G.L. c. 71, § 89, and the charter school regulations, 603 CMR 1.04 and as further elaborated in the Application for a Massachusetts Charter Public School.

Q. Are there categories of applicants that participate in a charter application process that consists of only one stage?

A. The Department institutes a required one stage process for current charter school boards of trustees who intend to apply for a new charter and operate a charter school network. In the one stage process, current charter school boards of trustees are exempt from submitting a prospectus but must still meet Proven Provider requirements, if applicable, and submit a complete final application addressing the criteria that is set forth in the charter statute, G.L. c. 71, § 89, and the charter school regulations, 603 CMR 1.04(3) and further elaborated in the Application for a Massachusetts Charter Public School for Current Boards of Trustees. The final application review process for current boards of trustees is virtually identical to other categories of applicants.

Q. What is the purpose of the prospectus?

A. The applicant group writes the prospectus in order to communicate plans for a potential charter school and demonstrate that they have the potential to create a high quality public charter school. At the prospectus phase, Office of Charter Schools and School Redesign staff present a synopsis of the information to the Commissioner and, based upon the information presented, the Commissioner determines which applicant groups will be invited to move into the final application stage. Questions and concerns raised are communicated in writing to all applicants after the prospectus phase. If a Proven Provider determination is required, the applicant group must submit evidence satisfactory to the Commissioner to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter at the same time as prospectus submission through a Proven Provider request.

Q. What is the purpose of a final application?

A. The applicant group writes the final application in order to communicate plans for a potential charter school and demonstrate that they have a strong probability of creating a high quality public charter school. If an applicant group's board of trustees is granted a charter, the final application serves to define the material terms of the charter to which the school is held accountable, along with any approved amendments, as required in 603 CMR 1.10.

Q. To whom is the charter granted?

A. A charter is granted to the proposed school's board of trustees, an independent state public body. While an applicant group may also include individuals who do not intend to serve on the board of trustees, a proposed board of five individuals must be in place for the charter to be granted. An existing charter school board of trustees may apply for and be authorized to hold more than one charter.

Q. How many total charters are available to be granted in February of 2016?

A. Not more than 120 charter schools (48 Horace Mann and 72 Commonwealth) may operate in the Commonwealth at any one time, with the exception of schools located in the lowest 10 percent statewide in districts in which the 9 percent net school spending cap has been or would be exceeded, and Horace Mann II (conversion) charter schools. There are 15 Commonwealth charters available in school districts subject to the 9 percent net school spending cap, and 38 Horace Mann I and III charters, of which 7 can be Horace Mann III charters, available to be granted in the 2015-2016 application cycle.

Q. If we miss the deadline for submission of the prospectus, can we still submit a final application?

A. No. Only those prospectuses submitted by the July deadline are eligible to receive an invitation by the Commissioner to submit a final application in November. There are only two exceptions to this rule - Horace Mann II (conversion) charter schools and Massachusetts charter school boards of trustees.

Horace Mann II applicants are encouraged to adhere to the standard schedule, but may submit prospectuses at any time. If the Horace Mann II prospectus receives an invitation by the Commissioner to submit a final application, the due date for the final application is based on the original submission date of the prospectus. Applicants for Horace Mann II charters that choose not to adhere to the standard schedule are subject to the same process for review as for all other Horace Mann and Commonwealth applicants, and similar periods of time for review of the prospectus and final application, and charter granting.

Massachusetts charter school boards of trustees who apply for a new charter and intend to operate a charter school network are exempt from submitting a prospectus. Boards of trustees must still meet Proven Provider requirements, if applicable, and submit a complete final application addressing the criteria that is set forth in the charter statute, G.L. c. 71, § 89, and the charter school regulations, 603 CMR 1.04(3) and further elaborated in the Application for a Massachusetts Charter Public School for Current Boards of Trustees. Boards of trustees that currently hold the charter(s) of school(s) that have

undergone one successful renewal; are not presently under conditions or probation; are identified as Level 1 or Level 2, with school percentiles of 45 percent or higher under the Commonwealth's accountability system; and are identified as in compliance with federal and state laws and regulations are eligible to participate in the one stage cycle. Charter schools that do not meet all of these parameters may consult with the Department regarding their unique circumstances. The final application review process for current boards of trustees is virtually identical to other categories of applicants.

Q. Are there additional criteria for current charter school boards of trustees applying for a new Commonwealth charter and intending to build a network of schools?

A. Yes. Additional information is required for existing charter school boards of trustees applying for a new charter to allow the Department to appropriately evaluate the final application. The Application for a Massachusetts Commonwealth and Horace Mann Public Charter School for Current Boards of Trustees is for use **only** by current boards of trustees applying for additional charter(s). Current boards of trustees must submit a complete and separate application for each proposed school in the network, including those for which provisional seats would be required.

Q. Are there differences in the application for proposed Commonwealth and Horace Mann charter schools?

A. Yes. While the review and approval process is the same for Commonwealth and Horace Mann charter schools, there are select criteria and requirements within the Application targeted for each type based on particular statutory and regulatory requirements.

Q. Are there differences between the application for proposed conversion Horace Mann charter schools and new Horace Mann charter schools?

A. Yes. Additional information is required for applicant groups from existing schools proposing a conversion Horace Mann charter school to allow the Department to appropriately evaluate the prospectus and/or final application. Additional criteria are noted in many sections of the Application.

Q. What are the limits on the number of charter schools that can be established in a given city or town?

A. Notwithstanding the total number of charters available, state law limits the number of charters by type and location that the Board can grant as follows:

- In any one year, the Board may approve **only one** regional Commonwealth charter school application to be located in a district where overall student performance on the MCAS was in the top 10 percent in the preceding year.
- The Board may not approve a Commonwealth charter in any community with a population of less than 30,000, as determined by the most recent United States Census estimate, unless it is a regional charter school.
- **At least two charters approved in any year must be granted for charter schools located in districts where overall student performance on the MCAS is in the lowest 10 percent statewide in the two years prior to the charter application.**

There is also a statutory limit on the amount of funds that can be transferred to charter schools from any one district for the purpose of charter school tuition. A district's total charter school tuition payment to Commonwealth charter schools cannot exceed 9 percent of that district's net school spending, unless that district has performed in the lowest 10 percent statewide on the MCAS for the previous two years. If the district is in the lowest 10 percent, the cap on net school spending has been raised to 17 percent for 2015 (fiscal year 2016), and the maximum of 18 percent will be reached in fiscal year 2017. The board may provisionally award seats to new charter applicants and to existing charter schools that will become available in future years provided, that if a district is no longer in the lowest 10 percent, any remaining provisional seats may not be used. Enrollment projections and districts in the lowest 10 percent of MCAS

performance are subject to change. Please contact the Office of Charter Schools and School Redesign at (781) 338-3227 if you have questions in regarding net school spending caps and seat availability.

Q. Should our proposed charter school serve a region?

A. If the charter school intends to enroll students from a number of school districts or be located in a small and/or rural town of less than 30,000 in population according to the most recent United States census estimate, applying for regional status is appropriate. A regional charter school is authorized to serve, and give preference in enrollment to, students residing within a specified region of more than one district. In applying for a regional charter, applicants should specify all of the school districts, including regional districts, that comprise the geographic region to be served and a rationale for the proposed region.

Q. Will the Board of Elementary and Secondary Education give preference to certain kinds of applications and applicant groups?

A. The Board will give preference to those applications and applicant groups that demonstrate the greatest probability of creating public schools of the highest quality by meeting the comprehensive criteria of the rigorous application process. The statute also gives preference to applicants proposing to build networks in more than one municipality in which the district is approaching its net school spending cap and have performed in the lowest 10 percent statewide on the MCAS.

Q. Is preference given to applications for charter schools that plan to open in 2016?

A. No. Applicant groups that propose to open in 2016 or beyond are evaluated using the same criteria. However, the Board of Elementary and Secondary Education may award a charter conditional on the school opening in 2017, even if the applicant group applies to open in 2016.

Q. Who reviews and evaluates charter school applications and the capacity of applicant groups?

A. Each charter school prospectus and final application is evaluated by Office of Charter Schools and School Redesign and other Department staff, as well as individuals outside the Department who have education, business, non-profit, financial, legal, or organizational expertise. The reviewer's role is advisory and provides information on the strengths and weaknesses of the prospectus or application against the application criteria. In the final application stage, reviewers are also asked to pose questions for use in the interview with the applicant group and proposed board of trustees. At the prospectus stage, reviewers submit an evaluation form based upon the application criteria. At the final application stage, reviewers meet with staff from the Office of Charter Schools and School Redesign to discuss the application.

Q. What is the basis of the interview with the applicant group and proposed board of trustees?

A. The Office of Charter Schools and School Redesign conducts an interview with the applicant group and proposed board of trustees as a part of the final application process. Comments and questions raised through the application review process, public hearings, and public comment serve as the basis for the interview. The interview serves as an opportunity for the Office of Charter Schools and School Redesign staff to assess the capacity of the applicant group and proposed board of trustees to establish an effective charter school. The Department maintains a written, detailed summary of interviews with final charter applicants and includes that summary in the materials that are provided to local school officials, the public, and the Board.

Q. What role do external reviewers play in the application process?

A. The role of external reviewers is solely advisory. Teams of reviewers, including current and former teachers; researchers; charter school founders; and school, business, and public policy leaders, as well as Department staff members, evaluate the strengths and weaknesses of prospectuses and final applications

against the stated criteria. The information regarding strengths and weaknesses, along with questions raised by review panels regarding final applications serve as the basis of the applicant group interviews.

Q. How much weight will be given to written comments from superintendents and testimony at public hearings?

A. Public hearings are a critical component of the application review process. They are an opportunity for applicants to demonstrate broad community support, and for opponents to demonstrate opposition in public and in the presence of members of the Office of Charter Schools and School Redesign and the Board. The Office of Charter Schools and School Redesign and Board solicit and review comments from the school committees of the school district(s) from which the applicant intends to draw students and any contiguous districts. All public comment, including written comment from superintendents and school committees, is considered in the review process. Written or oral opposition alone is not reasonable grounds for denial of a charter. Similarly, strong public support alone does not constitute reasonable grounds for granting a charter. Any substantial issues raised in public comment that demonstrate weaknesses in a specific final application as measured against the stated criteria is taken into account and addressed during the applicant group's interview with the Office of Charter Schools and School Redesign. The public hearing on a final application is held in the school district in which the proposed charter school intends to locate.

Q. By what point in the application process should an applicant secure a facility?

A. During the application process, applicant groups must describe a process for identifying a potential facility for the proposed charter school. Applicants who enter into lease or purchase agreements in advance of receiving a charter from the Board, however, do so at their own risk.

Q. What is the basis for the decision to award a charter?

A. Final applications must be filed by the deadline and meet the submission requirements as described in the Application for a Massachusetts Public Charter School (Application) to be considered. Final applications that are timely filed and meet the submission requirements are evaluated to determine whether the applicant group has demonstrated the capacity and ability to establish and operate a successful charter school, in accordance with the criteria set forth in the charter statute, G.L. c. 71, § 89, and the charter school regulations, 603 CMR 1.04 and as further elaborated in the Application. The Department's Office of Charter Schools and School Redesign uses the comprehensive criteria in the Application to identify the strengths and weaknesses of the final application. The Department also conducts an interview with the applicant group, receives and reviews public comment, and holds a public hearing in the district in which the school proposes to be located. The Commissioner receives and reviews the results of this process and presents his recommendation to the Board, along with a comprehensive written summary of all materials prepared by the Department evaluating or recommending approval or disapproval of the final application. The Department sends a copy of the comprehensive summary to the applicant as well. The Board makes the final decision on the award of charters.

Q. Can the Board of Elementary and Secondary Education's decisions on charter applications be appealed by the applicant group or other members of the public?

A. No. A decision of the Board on a charter application is final. The application process leading up to the Board's decision is designed to afford applicant groups and members of the public several opportunities to clarify the proposal made in an application and to make the case for, or against, the award of a charter. Applicants who are not awarded a charter in 2016 may reapply in the future.

Q. How soon after a charter is granted can a school be opened?

A. Applicant groups may propose to open in the fall of either 2016 or 2017. It is important to note that if no students are attending a charter school within **19 months** from the date the charter was granted, the charter will be null and void, unless an extension is granted by the Commissioner. The next Board

decision on the awarding of charters may occur at the February 2016 meeting, with the possible exception of Horace Mann II applications. Founding boards that are awarded charters and elect to open in the fall of 2016 must then submit pre-enrollment data by mid-March 2016, approximately two weeks later, on the number of students who have been admitted to the school through the charter school enrollment process. Schools that elect to open in 2017, report this information in March 2017. **This fact, and other requirements surrounding opening procedures, has led many applicant groups to take a planning year and open the year after receiving a charter.**

As previously noted, the Board may award a charter conditional on the school opening in 2017, even if the applicant group applies to open in 2016. All schools must successfully complete the opening procedures process before opening. If a new school fails to comply with any specified condition prior to the opening of the school, the Commissioner may recommend to the Board that the school be placed on probation or that the charter be revoked. A charter school must open within nineteen months of charter granting or lose its charter, unless an extension is granted by the Commissioner.

In the case of Horace Mann II (conversion) charter schools that choose not to adhere to the deadlines required of applicants for other types of charter schools, the Board decision on awarding charters may occur four months after the final application is submitted, and the school may re-open as a Horace Mann II charter school after the successful completion of the opening procedures process.

Funding

Q. How are Commonwealth charter schools funded?

A. For each child that a Commonwealth charter school enrolls, it receives a tuition amount from the state equal to a per-pupil amount calculated by the Department's school finance office. The state then deducts the same amount from the sending district's state aid account (the sending district being the school district in which the student resides). Like other public schools, Commonwealth charter schools are eligible to receive federal and state grant funds. Commonwealth charter schools may apply for private grants and receive contributions. For more detailed information about how the state calculates tuition payments for Commonwealth charter schools, visit <http://www.doe.mass.edu/charter/finance/tuition/>.

Q. How are Horace Mann charter schools funded?

A. Funding for a Horace Mann charter school comes directly from the school district in which the school is located, through a memorandum of understanding with the district. An application for a Horace Mann charter school may specify a total budget allocation that the school committee has approved for the charter school's first year. Each year thereafter, the board of trustees of a Horace Mann charter school will submit a budget request for the following fiscal year to the superintendent and school committee of the district. Under the law, a Horace Mann charter school cannot receive less than it would have under the district's standard budgetary allocation rules. A school may appeal a disproportionately small budget allocation to the Commissioner. Depending upon the terms of its charter and the memorandum of understanding, a Horace Mann charter school may receive its share of federal and state grant funds from the district or receive the funds directly. Horace Mann charter schools may apply for private grants and receive individual contributions.

Q. Will charter recipients be given start-up funding?

A. Currently, Massachusetts does not have the federal Charter Schools Program (CSP) grant available for future charter schools. The USED has yet to announce a new Request for Proposal (RFP) for the CSP but we hope it will be offered this year. If the Department receives funding from the federally funded CSP grant, this *grant allows new Commonwealth and Horace Mann charter schools to receive start-up funds to support the development and implementation of the school's instructional program during their planning period and first two years of operation.* The submission of a charter application serves as the

initial application for the CSP start-up grant funds. Additional details about these grants will be shared at information sessions and questions can be forwarded to the Department of Elementary and Secondary Education's Office of Charter Schools and School Redesign at (781) 338-3227.

Q. Do Horace Mann charter schools qualify for start-up funding, if available, through the Office of Charter Schools and School Redesign?

A. Yes, Horace Mann charter schools have access to the federally funded CSP grant, if available.

Q. Are charter schools eligible for state school building assistance funds?

A. The charter school statute states, "no school building assistance funds shall be awarded to a Commonwealth charter school for the purpose of constructing, reconstructing, or improving said school." The Massachusetts Legislature, however, has included a facilities component as part of the tuition paid to charter schools. For more detailed information about how the state calculates tuition payments for Commonwealth charter schools, visit <http://www.doe.mass.edu/charter/finance/>. Some charter schools may be eligible to apply for qualified zone academy bonds. The qualified zone academy bond (QZAB) program allows school districts and charter schools to obtain interest-free financing for the purpose of establishing "qualified zone academies." Qualified zone academies are schools, or programs within a school, which are located in economically distressed areas and whose curriculum is designed through school/business partnerships. See http://www.doe.mass.edu/finance/sbuilding/qzab_rfp.html for more information.

Q. How does transportation work for charter schools?

A. Charter school regulations state "All students who reside in the school district in which a charter school is located shall be provided transportation by the district, provided that either (i) transportation is provided to district students in the same grade, or (ii) transportation is required by the student's individualized education program.... A district may not limit transportation to charter school students based on attendance zones or other geographic subdivisions of the district....The district shall accommodate the school day and school year specified in the school's charter, provided that the charter school shall make reasonable accommodations in setting its daily starting and ending times to foster cost-efficient transportation arrangements." Please see 603 CMR 1.07 (3) for the transportation section of the regulation in its entirety. Applicants for regional charter schools must indicate in the application whether or not the school will be providing transportation to qualify for reimbursement. For additional information, call the Office of Charter Schools and School Redesign, 781-338-3227.

Q. Are charter schools entitled to federal funds?

A. Yes, Commonwealth and Horace Mann charter schools are eligible for federal entitlement funds on the same basis as all public schools, including those for Special Education, Title 1, and Safe and Drug Free Schools. Please visit <http://www.doe.mass.edu/grants/> for specific details about each grant program.

Laws and regulations¹

Q. Are laws and regulations waived for charter schools?

A. Charter schools must follow the same state educational standards, administer the same state tests, and abide by almost all the same state and federal laws and regulations as other public schools in the Commonwealth. Commonwealth charter schools however, are not subject to local school district rules and may operate without collective bargaining agreements. Horace Mann charter schools, depending on the terms of their charters, may be exempt from some local school district rules and some provisions of the local collective bargaining agreement and regulations. (As is the case for other public schools, charter

¹The charter school statute is available at <http://www.mass.gov/legis/laws/mgl/71-89.htm>. The charter school regulations are available at <http://www.doe.mass.edu/lawsregs/603cmr1.html>.

schools may request waivers from state regulations.) When a waiver is requested by a Commonwealth charter school, the Commissioner will provide notice and opportunity to comment to the superintendent of each district served by the charter, if the granting of the waiver would have an impact on the district.

Q. Are for-profit/non-profit companies allowed to manage charter schools?

A. Yes. While for-profit education management organizations (EMO) may not hold the charter for a charter school in Massachusetts, state law explicitly allows charter school boards of trustees to procure education management services from non-profit and for-profit entities. The Board must approve all contracts between charter school boards of trustees and EMOs for substantially all educational services, prior to the contract taking effect. The application for a charter contains criteria that require the applicant to describe why the particular entity was selected, what due diligence the applicant group performed in choosing the entity, and to provide a draft of a management contract.

Q. Are Horace Mann charter schools considered a local education agency (LEA)?

A. Yes. Horace Mann charter schools are considered an LEA except for purposes of state aid, certain grant programs, collective bargaining, and any other purposes where such designation would conflict with law and regulation.

Q. What do the state curriculum frameworks and state tests mean for charter schools?

A. All public schools, including charter schools, must administer the MCAS tests. These tests are based on the curriculum frameworks adopted by the Board of Elementary and Secondary Education. Charter schools must also administer any other assessment the Board of Elementary and Secondary Education may require. MCAS results are used in the charter school accountability process and are central in evaluating whether a school is an academic success.

Q. Do charter schools serve students with special needs and students who are English language learners?

A. Yes. Charter schools cannot discriminate in admissions on the basis of special need or English language proficiency. Once admitted, students who have special needs or are English language learners must be appropriately identified, assessed, and served in accordance with federal and state requirements. For special education, this requires a qualified full- or part-time special education administrator and additional staff to meet the needs of a student's individualized education program. The number of staff required varies by level of services required and by the size of the school. For information on special education and charter schools, please see the Massachusetts Primer on Special Education and Charter Schools found at <http://www.doe.mass.edu/charter/sped/default.html>. For more information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. English language learners must be identified and supported in their acquisition of the English language through a program of sheltered English immersion and instructed by appropriately qualified staff. For more information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>.

Q. What is a Recruitment and Retention Plan?

A. Existing Massachusetts charter schools are required to have a student recruitment and retention plan that includes 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 academic and demographic profile as stated in G.L. c. 71, § 89(e-f).

The statute also requires that the plan include a detailed description of deliberate, specific strategies the school will use to maximize the number of students who successfully complete all school requirements and prevent students from dropping out. The student recruitment and retention plan is reported on and

updated annually through the charter school accountability process, including consideration at renewal of how well the charter school has implemented its recruitment and retention plan and met its retention goal as stated in G.L. c. 71, § 89 (i)(3).

Q. May applicants be given an entrance exam?

A. No. State law prohibits a charter school from discriminating in its enrollment process on the basis of academic achievement. Charter schools may create eligibility thresholds for enrollment that are consistent with their grade levels. For instance, a charter high school may deny admission to students who have not completed the 8th grade based on the sending school's determination of grade completion, but it may not deny admission to students on the basis of their inability to do 8th grade level work. Diagnostic exams may be given to all students once the students are enrolled and students may then be placed at the appropriate grade level.

Q. May applicants and their families be required to attend interviews or informational meetings as a condition of enrollment?

A. No. State regulations prohibit a charter school from requiring potential students and their families to attend interviews or informational meetings as a condition of enrollment.

Q. What are the licensure/training requirements for charter school teachers?

A. The charter school regulations, in 603 CMR 1.07, require that all Massachusetts charter school teachers hired after August 10, 2000 must *either* be certified *OR* pass the appropriate Massachusetts Test(s) for Educator Licensure (MTEL) within one year of their date of employment. For more information on this requirement, please contact the Department's Office of Educator Quality at (781) 338-6600. Information on charter school teacher qualifications can be found at <http://www.doe.mass.edu/charter/guidance/2007-1.html>.

Q. What are the licensure/training requirements for teachers regarding English language learner education in charter schools?

A. Every district, including charter schools who serve English language learners, are required to have at least one teacher who has an English as a Second Language license. The school is also required to develop and implement a professional development plan involving appropriate sheltered English immersion (SEI) training for all staff, including core academic teachers, serving English language learners. Keep in mind that all core academic teachers of English language learners, including those at charter schools, are required to obtain SEI endorsement.

Q. What are the licensure/training requirements for teachers regarding special education in Commonwealth charter schools?

A. Except for teachers of English as a second language, teachers in Commonwealth charter schools, including special education teachers, are not required to be licensed. 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):

"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 a Commonwealth charter school staff to independently deliver specialized instruction are:

1. They 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
2. They 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.

Q. How does a charter school know about annual reporting requirements?

A. The Department annually provides a list of major reporting requirements of all districts, including those that are relevant to charter schools, including the pre-enrollment report, annual reports, and annual audits.

Q. What types of resources are available on the Massachusetts Department of Elementary and Secondary Education's website?

A. Many guidance documents for charter schools are currently available on the Department of Elementary and Secondary Education's general website (<http://www.doe.mass.edu/>) and the Office of Charter Schools and School Redesign website (<http://www.doe.mass.edu/charter>). Information includes: the *Charter School Administrative and Governance Guide*, the *Opening Procedures Handbook*, the *Common School Performance Criteria*, the *Application for a Massachusetts Public Charter School*, charter school news and headlines, contact information for all Massachusetts charter schools, including school and district profiles, charter school laws and regulations, technical advisories on specific topics, Office of Charter Schools and School Redesign staff contact information, the Massachusetts Curriculum Frameworks, MCAS statistics and information, school finance, teacher licensure, and a calendar of Department of Elementary and Secondary Education events.