

QUESTIONS AND ANSWERS

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 types of charter schools, Commonwealth charter schools and Horace Mann charter schools. They operate under the same set of rules as described above, with the following exceptions. First, a Horace Mann charter school must have its charter approved by the local school committee and the local teacher's union in addition to the Board. Second, to the extent provided by their charters, Horace Mann charter schools may be exempt from certain provisions in local collective bargaining agreements. Third, employees of a Horace Mann charter school 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. The statute and regulations governing Massachusetts charter schools can be found on the web at <http://www.doe.mass.edu/charter/laws.html>.

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 schools. Typically, charter applicant groups include a mix of parents, teachers, non-profit organizations, and community leaders.

Q. What is the purpose of a final application?

A. The founding 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 a founding 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 1.11.

Q. To whom is the charter granted?

A. Charters are granted to the proposed school's board of trustees. While a founding group may also include individuals who do not intend to serve on the board of trustees, a proposed board must be in place for the charter to be granted.

Q. How many total charters are available to be granted in February of 2010?

A. Not more than 120 charter schools (48 Horace Mann and 72 Commonwealth) may operate in the Commonwealth at any one time. There are 16 Commonwealth charters available and 41 Horace Mann charters available to be granted in the 2009-2010 application cycle. Please keep in mind that only those applications that meet the criteria will be considered for charters; therefore, not all of the charters that are available in a given year will necessarily be granted. For the most up-to-date information, please see the Charter School Fact Sheet for more information:

<http://www.doe.mass.edu/charter/factsheet.pdf>.

Q. If we miss the August 1st deadline for submission of the prospectus, can we still submit a final application in November?

A. No. Only those prospectuses submitted by the August deadline are eligible to receive a possible invitation by the Commissioner to submit a final application in November.

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

A. Notwithstanding the number of total 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 Massachusetts Comprehensive Assessment System (MCAS) was in the top 10% in the preceding year.
- The Board may not approve a Commonwealth charter in any community with a population of less than 30,000 unless it is a regional charter school.
- **No less than three** charters approved in any year must be granted for charter schools located in districts where overall student performance on the MCAS is at or below the statewide average in the preceding year.

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 (NSS). Currently, several districts are at or approaching their cap for charter tuition spending. Please contact the Charter School Office for further information if you have questions in regard to a specific district.

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 Board of Elementary and Secondary Education may also give preference to applications for charter schools located in low-performing districts.

Q. Who will review and evaluate charter school applications and the capacity of applicant groups?

A. Each charter school prospectus and final application will be reviewed by Charter School Office and other Department staff as well as review panels comprised of individuals outside the Department who have education, business, and non-profit, financial, legal, and organizational expertise. The Charter School Office will then interview applicant groups that submitted final applications. The Commissioner makes a final recommendation to the Board of Elementary and Secondary Education regarding the award of charters.

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

A. Charter School Office staff conducts an interview with the applicant group and proposed board of trustees. Comments and questions regarding the final application received from the review teams, public hearings, public comment, and the proposed sending districts serve as a basis for the interview. This is an important opportunity for the Charter School Office staff to determine the capacity of the applicants and board of trustees to establish an effective charter school.

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

A. The role of external reviewers is solely advisory. Teams of reviewers — current and former teachers; researchers; charter school founders; and school, business, and public policy leaders — evaluate the prospectuses and final applications against the stated criteria. The 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 Charter School Office and the Board of Elementary and Secondary Education. The Charter School Office and Board solicit and review comments from the school committees of the school district(s) from which the applicant intends to draw students. All public comment, including written comment from superintendents and school committees, will be 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 will be taken into account and addressed during the applicant group's interview with the Charter School Office. Public hearings on final applications are conducted during December and January.

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. On what grounds may a charter application not receive approval?

A. Applications that are submitted after the deadline or those that do not meet the submission criteria will be immediately rejected. Applications and the capacity of applicant groups to establish a successful charter school are judged on the application materials, the final interview, public comment received, and comment at public hearings. The Commissioner will not recommend that the Board award charters to applicant groups whose applications do not meet the stated criteria found in Appendix H of the application, as corroborated in the final interview of the applicant group by the Charter School Office.

Q. Can the Board of Elementary and Secondary Education's decisions on charter applications be appealed?

A. No. A decision of the Board on a charter application is final. The application process leading up to the Board's decision has been designed to afford applicant groups and others 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 2010 may reapply in the future.

Q. Are preferences given to applications for charter schools that plan to open in 2010?

A. No. Applicant groups that propose to open in 2010 or 2011 will be evaluated using the same criteria. However, the Board of Elementary and Secondary Education may award a charter conditional on the school opening in 2011, even if the applicant group applies to open in 2010.

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

A. Applicants groups may propose to open in 2010 or 2011. The Board decision on the awarding of charters occurs at the February 2010 meeting. Founding boards that are awarded charters and elect to open in the fall of 2010 must then submit data by mid-March, 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 2011 have until March 2011 to report this information. This fact, and other requirements surrounding opening procedures, have lead 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 2011, even if the applicant group applies to open in 2010.

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 Unit. The state then deducts the same amount from the sending district's (school district pertaining to the municipality in which the student resides) state aid account. 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://finance1.doe.mass.edu/charter/>.

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 will 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. The Department has received funding for FY08 through FY10 from the federally funded Charter Schools Program (CSP) grant, through which new charter schools have been provided start-up funding in their planning period and first two years of operation. The availability of start-up funding is contingent upon continued support through this program or new state appropriations. The submission of a charter application also serves as the initial application for the CSP start-up grant funds. A number of charter schools have also received start-up funding from non-governmental sources.

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

A. Yes. The federally funded CSP grant is available to Horace Mann charters.

Q. Are charter schools eligible for 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://finance1.doe.mass.edu/charter/>. 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://finance1.doe.mass.edu/sbuilding/qzab_rfp.html for more information.

Q. How does transportation work for charter schools?

A. Charter school regulations state “school districts shall provide transportation to charter school children on the same basis as it is provided to regular public school children in the district. In providing such transportation, districts shall accommodate the particular school year and school day of the charter school. If a district and charter school cannot reach agreement about the service to be provided, and if the charter school finds an alternative that costs the same as or less than the average cost of transportation per student in the district, the charter school may provide its own transportation...” This can be found online at:

<http://www.doe.mass.edu/lawsregs/603cmr1.html?section=08>. There are two mechanisms in place for charter schools to receive reimbursement for costs associated with transporting children to school. The first reimbursement mechanism applies to the transportation of children residing in the district in which the charter school is located. If a charter school chooses to provide transportation for their students in this category, it is eligible for transportation reimbursement from the local school district only for the students for whom the charter school is accruing transportation costs and who are eligible for transportation according to the local school district's transportation policy. The charter school statute expanded reimbursement eligibility for regional charter schools transporting children that reside outside of the district in which the charter school is located, but within the boundaries of the charter school's regional designations. Schools will be reimbursed by the state, subject to appropriation, in the fiscal year following that in which costs were incurred. For more detailed information about how transportation works for charter schools, please read the Charter School Technical Advisory 07-2 on Transportation at:

http://www.doe.mass.edu/charter/tech_advisory/07_2.html. Also, for more specific information about transportation reimbursement rates and the process for receiving reimbursement, please contact the Charter School Office at (781) 338-3227.

Q. Are charter schools entitled to federal funds?

A. Yes. Commonwealth and Horace Mann charter schools are eligible for federal funds that go to public schools such as Special Education, Title 1, and Safe and Drug Free Schools. Please visit <http://finance1.doe.mass.edu/grants/> for specific details about each grant program, or contact the Charter School Office at (781) 338-3227 if you have questions.

Laws and regulations¹

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 are special needs or English language learners must be appropriately identified, assessed, and served in accordance with federal and state requirements. For special education, this requires a full- or part-time special education administrator and additional staff to meet the needs of a student’s Individual Education

¹The Charter School Statute (at <http://www.mass.gov/legis/laws/mgl/71-89.htm>) and Charter School Regulations (at <http://www.doe.mass.edu/lawsregs/603cmr1.html>) are available on-line and in Appendix A. Please also see the Department of Elementary and Secondary Education *Charter School Administrative and Governance Guide* for a more thorough explanation of the laws and regulations that apply to charter schools. Please visit <http://www.doe.mass.edu/charter/governance/> or contact the Charter School Office at charterschools@doe.mass.edu or (781) 338-3227 for a copy of the Guide.

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 in English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>.

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 schools may request waivers from state regulations.)

Q. How do we know if our proposed charter school should 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, 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 as well as the cities/towns within the region, and a rationale for the proposed region.

Q. May we give our applicants 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 areas of focus or grade levels, but a school's methods for determining eligibility for enrollment — including meetings, interviews, and recommendations — cannot be designed, intended, or used to discriminate on the basis of a child's knowledge or skills. 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 once the students are enrolled and students may then be placed at the appropriate grade level.

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

A. (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. How does the federal No Child Left Behind Act affect Massachusetts charter schools?

A. Because Massachusetts charter schools are public schools, the NCLB requirements are applicable to charter schools in the Commonwealth, including the requirement that teachers be

highly qualified. See the federal No Child Left Behind Act home page at <http://www.ed.gov/nclb/landing.jhtml?src=pb>, the Massachusetts Department of Elementary and Secondary Education's Technical Advisory, *The Impact of NCLB on Massachusetts Charter Schools* at http://www.doe.mass.edu/charter/tech_advisory/03_2.html, and the *Opening Procedures Handbook* at <http://www.doe.mass.edu/charter/guides/ophandbook.doc> for further guidance.

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

A. State law requires 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 or alternative certification, 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/tech_advisory/07_1.html.

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

A. All public schools, including charter schools, must administer the Massachusetts Comprehensive Assessment System (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. Are for-profit/non-profit companies allowed to manage charter schools?

A. Yes. While for-profit education management organizations (EMO) may not apply directly for a charter 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 of Elementary and Secondary Education must approve all contracts between charter school boards of trustees and EMOs for substantially all educational services, prior to the contract taking effect. If any application for a charter proposes a school that would be managed by a non-profit or for-profit contractor, it should describe why the particular entity was selected, describe what due diligence the applicant group has performed in choosing that entity, and provide a draft of a management contract.

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

A. Many guiding documents for charter schools are available on the Department of Elementary and Secondary Education's general website (<http://www.doe.mass.edu/>) and the Charter School Office website (<http://www.doe.mass.edu/charter>), including but not limited to the *Charter School Administrative and Governance Guide*; the *Opening Procedures Handbook*; the *Common School Performance Criteria*, charter school news and headlines; contact information for all Massachusetts charter schools including school and district profiles; application for a public school charter; charter school laws and regulations; technical advisories on specific topics; individual charter school reports; Charter School Office staff contact information; the Massachusetts Curriculum Frameworks; Massachusetts Comprehensive Assessment System statistics and information; school finance; teacher certification; and a calendar of Department of Elementary and Secondary Education events. For additional information see Appendix F for a Resource List. The Department encourages charter schools to visit the Department of Elementary and Secondary Education and Charter School Office websites on a regular basis for updates.

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

A. A school's charter is made up 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 from the Department, through the amendment process, before the changes may be implemented. These material terms are the school's educational philosophy and mission; governance and leadership structure; a contract with an education management organization that is providing or planning to provide substantially all of the school's educational services; curriculum models or whole-school change designs; location of facilities, if such change involves relocating or expanding to another municipality; districts specified in a regional school's charter; bylaws; schedule (e.g., length of school year, school week, or school day); enrollment process; code of conduct; school name; or membership of the board of trustees. The Department of Elementary and Secondary Education's Technical Advisory on *Charter Amendments* is available on-line at http://www.doe.mass.edu/charter/tech_advisory/05_2.html.

Q. Are there any differences in the Horace Mann charter school application process for existing schools?

A. Yes. Additional information is required for applicant groups proposing a Horace Mann charter for an existing school so that the Department of Elementary and Secondary Education can appropriately evaluate an existing school's prospectus and/or final application. Throughout this document there will be particular questions for existing schools, along with the subsequent evaluation criteria.