

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. 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. A detailed, side-by-side comparison of the three types will be available on the Department's website. Requirements for 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. The statute and regulations governing Massachusetts charter schools can be found in Appendix A. All charter schools, including Horace Mann charter schools, must complete the Department's opening procedures process prior to opening.

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.

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.

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.

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 and with which an applicant proposes to contract.

Q. What are the qualifications to achieve proven provider status?

A. The regulations, in 603 CMR 1.05(2), 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:
 - i. proficiency levels 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;
 - ii. 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;
 - iii. attendance, retention, and attrition data;
 - iv. graduation and dropout data.

- (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 a proven provider 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)(f) 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 (see Appendix D) set forth in the charter statute, G.L. c. 71, § 89, and the Charter School Regulations, 603 CMR 1.05(1) and as further elaborated in the Application (see Appendix D).

Q. What is the purpose of the prospectus?

A. The founding 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, Charter School Office 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.

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. A charter is granted to the proposed school's board of trustees, an independent body. 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. 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 2012?

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 NSS is or would be exceeded, and Horace Mann II (conversion) charter schools. There are 15 Commonwealth charters available in non-cap lift school districts and 38 Horace Mann I and III charters available to be granted in the 2011-2012 application cycle.

Q. If we miss the July 25 deadline for submission of the prospectus, can we still submit a final application in November?

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. The exception to this rule is Horace Mann II (conversion) charter schools. 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. Final applicants for Horace Mann II charter schools 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.

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, the Application and the criteria for each type are tailored for 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 for a Massachusetts Horace Mann Public Charter School.

Q. Are there additional criteria for existing charter school boards of trustees applying for a new Commonwealth charter?

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 prospectus and/or final application. Additional criteria are noted in many sections of the Application for a Massachusetts Commonwealth Public Charter School.

Q. Are there additional criteria for founding groups intending to build a network of schools?

A. Yes. Additional information is required for founding groups intending to build a network of schools to allow the Department to appropriately evaluate the prospectus and/or final application. Additional criteria are included throughout the application and are noted as such. Also, these founding groups must submit a complete and separate prospectus and/or application for each proposed school in the network, including those for which provisional seats would be required.

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.
- Of the fourteen new Horace Mann III charter schools, not less than four must be located in Boston.
- 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 (NSS), 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 NSS has been raised to 13 percent for 2012, increasing at a rate of one additional percent each year until the new maximum of 18 percent is reached. The board may provisionally award seats to new charter applicants and to existing charter schools that will become available in future years pursuant to the schedule set forth in section 9 of chapter 12 of the acts of 2010, provided, that if a district is no longer in the lowest 10 percent, any remaining provisional seats may not be used. Please review Appendix B for district specific information on enrollment projections. Enrollment projections and districts in the lowest 10 percent of MCAS performance are subject to change.

Currently, several districts are at or approaching their cap for charter tuition spending. More information on this may be found in Appendix B. Please contact the Charter School Office at (781) 338-3227 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 (Appendix D). 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. Who reviews and evaluates charter school applications and the capacity of applicant groups?

A. Each charter school prospectus and final application is evaluated by Charter School Office 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 Charter School Office to discuss the application.

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

A. The Charter School Office 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 Charter School Office 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 Charter School Office and the Board. 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 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 Charter School Office. 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. Applications must be filed by the deadline and meet the submission requirements as described in the Application for a Public Charter School (Application) to be considered. 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 1.05(1) (see Appendix A) and as further elaborated in the Application. The Department's Charter School Office uses the comprehensive criteria in the Application (listed in Appendix D) to identify the strengths and weaknesses of the 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 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 2012 may reapply in the future.

Q. Is preference given to applications for charter schools that plan to open in 2012?

A. No. Applicant groups that propose to open in 2012 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 2013, even if the applicant group applies to open in 2012.

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 2012 or 2013. 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 2012 meeting, with the possible exception of Horace Mann II applications. Founding boards that are awarded charters and elect to open in the fall of 2012 must then submit pre-enrollment 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 2013, report this information in March 2013. This fact, and other requirements surrounding opening procedures, has 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 2013, even if the applicant group applies to open in 2012. 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 Unit. 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. The Department has reapplied for the federally funded Charter School Program (CSP) grant. The funding is not certain. Awards will be announced in June. If we receive the award, the grants allows new charter schools to receive start-up funding in their planning period and first two years of operation. The purpose of the grant is to increase the number of high-quality charter schools in Massachusetts, especially those serving students who are at greatest risk of not meeting state academic standards. If chartered, the submission of a charter application serves as the initial application for the CSP start-up grant funds. A number of charter schools have also applied for and received start-up funding from non-governmental sources.

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

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://finance1.doe.mass.edu/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 1.08 (11) 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 Charter School Office, 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://finance1.doe.mass.edu/grants/> for specific details about each grant program.

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 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 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>.

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>.

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. 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.) 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. What is a Student 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. 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. 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 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. How does the federal No Child Left Behind (NCLB) 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 are highly qualified. See the federal No Child Left Behind Act home page at <http://www.ed.gov/nclb/landing.jhtml?src=pb>, the Department's Technical Advisories, *The Impact of NCLB on Massachusetts Charter Schools*, at http://www.doe.mass.edu/charter/tech_advisory/03_2.html, and *Teacher Qualifications in Massachusetts Charter Schools*, http://www.doe.mass.edu/charter/tech_advisory/07_1.html, and the *Opening Procedures Handbook* at <http://www.doe.mass.edu/charter/guides/ophandbook.doc> for further guidance.

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/tech_advisory/07_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, Transitional Bilingual Education, or English Language Learners license. The school is also required to develop and implement a professional development plan for all staff serving English language learners that includes appropriate sheltered English immersion training.

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. 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. 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 Charter Schools website (<http://www.doe.mass.edu/charter>). The Department is in the process of updating guidance documents on the Charter Schools portion of the website to comply with new statutory and regulatory requirements. Information includes: the *Charter School Administrative and Governance Guide*, the *Opening Procedures Handbook*, the *Common School Performance Criteria*, the *Application for a 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, Charter School Office 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. For additional information see Appendix J for a Resource List.

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 change may be implemented. The areas requiring amendment are described in 603 CMR 1.11. 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.

Q. Are there any circumstances under which a charter must be amended?

A. In addition to the amendment requirements in CMR 603 1.11, 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 may submit a request to amend its charter to reflect actual enrollment patterns, or at renewal, the Board will establish a timeline of not less than five years for the charter school to meet this requirement.

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.