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|  | Commonwealth Virtual School Operating Procedures Handbook |
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| The Commonwealth Virtual School Operating Procedures Handbook is a resource to assist virtual school boards of trustees and leaders in meeting their obligations with respect to Massachusetts virtual school law and regulations.  January 2021  **Massachusetts Department of Elementary and Secondary Education**  75 Pleasant Street, Malden, MA 02148-4906  Phone 781-338-3000 TTY: N.E.T. Relay 800-439-2370  [www.doe.mass.edu](http://www.doe.mass.edu) |
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## Section I: Introduction

The Commonwealth Virtual School Operating Procedures Handbook is a resource to assist Commonwealth of Massachusetts Virtual School (CMVS) boards of trustees (board) and administrators in meeting their obligations with respect to Massachusetts virtual school law and regulations. Successful execution of these procedures helps demonstrate to the Board of Elementary and Secondary Education (BESE), the Department of Elementary and Secondary Education (Department), and the public that the CMVS is prepared to serve all students.

This handbook is organized in four sections. Section I offers a general introduction and provides some of the relevant statutes and regulations; Section II addresses general obligations and responsibilities of individual members of the CMVS’s boards of trustees; Section III outlines annual obligations and activities for the CMVS; and Section IV outlines periodic obligations and activities for CMVS.

While the school’s board of trustees is responsible for the overall governance of the school, many of the obligations and activities outlined in Sections III and IV are the joint responsibility of the board of trustees and the school administration. This handbook will help to outline those responsibilities and will indicate when the board of trustees needs to take action on the issue or vote on the matter, in accordance with Open Meeting Law. Although some of the procedures addressed in this handbook apply to all public schools, this handbook prioritizes those elements unique to CMVSs.

### Relevant Statues and Regulations

* [Chapter 379 of the Acts of 2012: An Act Establishing Commonwealth Virtual Schools](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter379)
* [M.G.L. c.71 §94: Commonwealth Virtual Schools](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section94)
* [603 CMR 52.00: Commonwealth of Massachusetts Virtual Schools](http://www.doe.mass.edu/lawsregs/603cmr52.html?section=04)
* [603 CMR 28.00: Special Education](http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all)

## Section II: Obligations and Responsibilities of Individual Members of Boards of Trustees

As public agents authorized by the state, the members of the board of trustees hold the certificate for the school, which is granted by BESE and as stated above, are responsible for the overall governance of the CMVS. Additionally, CMVS board members are considered special state employees and must govern in alignment with expectations for a public body. A strong board defines the mission of the school, develops school policies and changes them when appropriate, hires qualified personnel to manage the school's day-to-day operations and holds them accountable for meeting established goals, formulates long-range plans, establishes a CMVS accountability plan that will support the school's success, and works to safeguard the school’s stability.

Board of Trustees: Beyond its more general responsibilities, the board of trustees as a whole has a number of specific legal duties that every member should keep in mind, many of which are derived from principles of corporate governance. To ensure that CMVS are in compliance with all applicable laws that apply, the Department strongly encourages each board member to become familiar with relevant statutes and regulations. Further, the Department encourages each board of trustees to hire legal counsel familiar with public school law in general, and virtual school law in particular.

Board Members: Each individual board member must always act in the best interests of the school, rather than the interests of any individual. In addition, each is expected to:

* Attend board of trustees’ meetings and actively participate actively.
* Consider every vote made as a board member, make well-informed decisions; raise pertinent questions and discuss issues thoroughly before making decisions.
* Review the school’s certificate, Accountability Plan, budget, code of conduct, financial reports, contracts with outside management organizations (if any), leases for administrative offices, as needed, loan agreements, curriculum, and other significant documents and policies.
* Delegate responsibility to appropriately qualified staff and ensure that staff implements the board of trustees’ decisions as intended.

Upon beginning service on a board and each year thereafter, as special state employees, each individual trustee must meet legal requirements set forth by the Commonwealth. Unless otherwise noted, the Department has developed the online Board Member Management System (BMMS) to distribute, collect, and maintain records of the completion of many of these requirements by active board members. See **Appendix A** – **Board Member Legal Requirements.**

For questions concerning Massachusetts' Open Meeting Law, you may contact the Division of Open Government, within the Office of the Attorney General, at (617) 963-2540 or[openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

For questions concerning Conflict of Interest Law, you may contact the State Ethics Commission at (617) 371-9500 or you may electronically [request an Informal Written Opinion](http://www.mass.gov/ethics/commission-services/request-advice.html).

For more information about the BMMS, see the **Requesting Approval of New Board Members** toward the end of this document.

## Section lll: Annual Administrative Activities

Each year the Department develops a [Superintendent’s Checklist](https://www.doe.mass.edu/commissioner/checklist.html) of tasks for all Massachusetts school districts to be aware of and/or complete throughout the year. Additionally, CMVS must comply with several critical reporting requirements, as well as required processes and protocols, specific to CMVS. Below you will find a list of such annual obligations and activities, most of these tasks will be completed by administrative staff with some items requiring board input and or vote.

|  |  |
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| **Due:** | **Activity:** |
| **May 1 (for next school year)** | **Conclude principal enrollment process** for the upcoming school year (603 CMR 52.08 (6)). Submit **annual (next fiscal year) Pre-Enrollment Report** to the Department (603 CMR 52.08 (5)) |
| **October 1** | Submit enrollment data via **SIMS submission** (603 CMR 52.08 (6)) |
| **January 1** | Submit **Annual Report** (for prior fiscal year) to the Department (M.G.L. c. 71 § 94 (m)) |
| **January 1** | Submit **Independent Financial Audit** (for prior fiscal year) to the Department (M.G.L. c. 71 § 94 (n)) |
| **Mid-January** | Submit **School-Attending Children Report** to the Department |
| **Winter** | Submit form to ensure **state testing adheres to the Department rules** |
| **February 1** | Submit **End-of-Year Financial Report** (for prior fiscal year) to the Department (603 CMR 52,08 (4)) |
| **March 1** | Submit enrollment data via **SIMS** submission (603 CMR 52.08 (6)) |
| **At least, one week prior to an enrollment lottery** | Provide **public notice** and notice to applicant’s parents or guardians, at least one week before a lottery.[[1]](#footnote-1)(603 CMR 52.08 (8)) |
| **Late-April** | Submit **school choice claim** and special education increment forms to finalize tuition payments for the year |
| **June 30 (at least 12 months prior to end of certificate term)** | Submit **Application for Renewal** of a Certificate to Operate a Commonwealth Virtual School (603 CMR 52.11 (1)) |
| **Annually or as needed** | Arrange for **student transportation** and participation in state assessment tests and required school activities (603 CMR 52.07 (5)) |
| **Annually or as needed** | Respond and accommodate the Department **accountability reviews** (603 CMR 52.08 (2)) |
| **Annually** | Determine Schools **Annual Budget** |

### Pre-Enrollment Report

CMVS regulations 603 CMR 52.08(5) require virtual schools to file an annual pre-enrollment report that includes the virtual school's projected total enrollment for the upcoming academic year and the projected number of students, by grade, selected for admission from each sending district for the upcoming academic year. The CMVS Pre-Enrollment Report is used by the Department to collect projected enrollment data by May 1 in order to estimate each virtual school's monthly tuition payments for the upcoming fiscal year.

In addition, 603 CMR 52.07(4) explains that the first five monthly payments in each fiscal year are based on the pre-enrollment report; monthly payments from December through May are based on the October student information management system (SIMS) collection, and the final payment in June is adjusted based on the school choice claim form and special education increment form submissions that are submitted at the end of April. Although each monthly payment is intended to equal approximately one twelfth of the projected annual amount, payments in the later months of each fiscal year (from December through June) include adjustments to correct any over-or under-payments in earlier months, including adjustments for special education increments.

The deadline for submitting the CMVS Pre-Enrollment Report through [the Department’s security portal](https://gateway.edu.state.ma.us/) is May 1. The data is required by number of full-time enrolled students, by grade and by town.

Complete instructions are located within the CMVS Pre-Enrollment web application itself, which will be accessible through the Department’s Security Portal by April 1.

The school leader is required to submit the data, even if someone else enters it into the application. We encourage you to allow enough time prior to submission for a careful check of the data as it cannot be changed once submitted.

**Please note:** *The enrollment numbers submitted must be based on actual enrollment data including, but not limited to, applications for admission, results from the enrollment lottery, and students expected to return in the upcoming school year. It is understood that some specifics will change due to student mobility, normal attrition, and backfilling, but the total number of pre-enrolled students in the May submission and the actual enrollment reported on the October 1 SIMS should be very similar.*

### Enrollment Data Collection

In accordance with the provision of 603 CMR 52.08 (6), each CMVS reports student enrollment data to the Department in October and March, and again in June, via the [Student Information Management System (SIMS) submission](http://www.doe.mass.edu/infoservices/data/sims/). The October enrollment is used to replace pre-enrollment data and update tuition payments for December through May. In December, the Department provides enrollment numbers to districts based on the October 1 SIMS data. The March SIMS submission is another Department data collection point. In April, each CMVS submits a school choice claim form and special education enrollment form to verify each student’s address to finalize the tuition assessments for the June local aid distribution. These data points are used to calculate per pupil tuition for the virtual schools and allow the Department to collect and analyze more accurate and comprehensive information, to meet federal and state reporting requirements, and to inform policy and programmatic decisions.

### Tuition Rate

In December 2017, [BESE voted](http://www.doe.mass.edu/bese/docs/fy2018/2017-12/item5.html) to increase the annual per pupil tuition amount for each CMVS to be $8,265, with $75 per pupil retained by the Department for administration of the CMVS program. Additionally, BESE voted to delegate to the Commissioner of Elementary and Secondary Education (Commissioner) authority to adjust this rate annually for inflation for the remainder of the schools' current certificates and amend their certificates accordingly.

Such annual adjustments will occur by December 31 of the fiscal year preceding the effective date of any increase in the per pupil tuition rate. The BESE-approved CMVS tuition rate does not change over the course of the fiscal year. The cost of special education services is calculated in accordance with [603 CMR 10.07(3)](http://www.doe.mass.edu/lawsregs/603cmr10.html?section=07) and shall be added to the per pupil tuition amount unless such services are provided in kind by the sending district. The updated CMVS per pupil tuition rate will be posted here annually: <http://www.doe.mass.edu/finance/schoolchoice/>.

### Tuition Payments

CMVS regulations [603 CMR 52.07](http://www.doe.mass.edu/lawsregs/603cmr52.html?section=07) outline how funding is operationalized for the CMVS and sending districts. It includes provisions on funding, tuition payments, and monthly payments. The Commonwealth reduces each sending district's M.G.L. c. 70 allocation by an amount necessary to meet its tuition obligations for the month for CMVSs.

As the regulations indicate, pre-enrollment sets the tuition payments for the first five months**.** The October enrollment is used to replace pre-enrollment data and update tuition payments for December through May. This includes an assumed special education increment for students that do not have an increment from the prior year. In April, each CMVS submits a school choice claim form and special education enrollment form to verify each student’s address to finalize the tuition assessments for the June local aid distribution. This information is also captured in the sending and receiving rosters posted in December and June. These data are used to calculate per pupil tuition for the virtual schools and allow the Department to collect and analyze more accurate and comprehensive information, to meet federal and state reporting requirements, and to inform policy and programmatic decisions.

Monthly payments are also corrected based on reports (sending and receiving rosters) from districts and the CMVS. For example, the district reports that the CMVS sending report indicates that the CMVS has three students from the sending district attending the virtual school, however, the district reports that two of those said students do not live in their district. The Department sends these corrections to the Department of Revenue, who intern correct the payments. While these corrections occasionally take place after the December rosters are posted, they primarily take place at the end of the year, in June.

As a result of monthly adjustments, there will be variations in monthly payments and consequently, the CMVS needs to budget conservatively. As a related variable, the CMVS must track monthly enrollment, in order to better understand how these variations may affect tuition. In addition, as CMVS budget for the year ahead and manage finances month to month, understand that tuition rates are based on a unit of measurement called a Full Time Equivalency (FTE) rather than head count. Per the regulations ([603 CMR 52.7(1](http://www.doe.mass.edu/lawsregs/603cmr52.html?section=07))), “for students who attend the virtual school for less than the full year, the tuition payment shall be based upon the number of days of enrollment.” One FTE equals one full school year of instruction provided to a student. Generally, one FTE equals at least 180 days or 900 hours of instruction for grades K-5 or 990 hours of instruction 6-12.

Please see **Appendix B** for an example of how tuition payments are calculated and disbursed.

### Annual Report

M.G.L. c. 71 § 94 (m) requires, and regulations 603 CMR 52.08 reiterates that each CMVS must submit an Annual Report to the Department on or before January 1, and to make the report available to the public on its website. Practically speaking, the school administration writes the annual report, yet the board of trustees is ultimately responsible for the submittal. The annual report provides a clear and concise representation of the prior academic year as it relates to the school’s accountability plan objectives and the guiding areas of CMVS accountability:

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

The report must incorporate input from teachers and administrators at the CMVS and, if the CMVS was established by a consortium of districts or by members of an educational collaborative, input from the administrators of those districts.

In addition, the CMVS must make the report available to every district, parent/guardian of enrolled students, and every parent/guardian who expresses interest in enrolling in the CMVS. While the full report does not need to be disseminated to all parents/guardians, the CMVS must inform the parents/guardians of both enrolled and prospective students that its annual report is available upon request. By statute, the CMVS must also post the report on its website.

The Department has developed guidelines for the Annual Report. Please see the Annual Report Template on the Department’s website. There are a variety of required elements. Among the elements the CMVS must report are course completion data. Information is provided for all grades based on the number of students enrolled in the CMVS as of October 1 of the prior school year, excluding transfers out and transfers in after October 1. This information is used by the Department to complete its annual CMVS Legislative Report. Review all the information contained in these guidelines before you begin the report. Any report that does not conform to these guidelines will be returned to the CMVS for revision.

The annual report will be used by the Department to review the school’s performance and progress for the past academic year, and will serve as one of the primary pieces of evidence that BESE will review when it considers a school’s application for certificate renewal. The format of this report corresponds closely to the format of the CMVS renewal application.

### Independent Financial Audit

Every CMVS must file an independent audit of its accounts annually (not later than January 1st for the previous school year) with the Department and with the State Auditor. Prior to this submission, the board of trustees must vote to accept the independent audit. The State Auditor may investigate the budget and finances of CMVS and their financial dealings, transactions, and relationships and shall have the power to examine the records of CMVSs and to prescribe methods of accounting and the rendering of periodic reports.

The uniform rules and procedures governing the establishment of CMVS are articulated in [603 CMR 52](http://www.doe.mass.edu/lawsregs/603cmr52.html?section=all).08, which is promulgated under the authority of M.G.L. c. 71. § 94. The statute stipulates various requirements for virtual schools and includes a provision that requires the virtual school to keep an accurate account of all its activities and provide for an annual independent audit of its financial statements.

In an effort to support these requirements, the Department developed an [audit guide](https://www.doe.mass.edu/cmvs/cmvs/audit-guide.docx) (Guide) for CMVSs and their independent auditors. The purpose of the Guide is to clearly articulate procedures to properly complete the virtual school's annual audit and provide a uniform approach to the financial statement formats and the related notes to the financial statements. The Guide provides recommendations and requirements that will meet the individual virtual school’s needs to prepare and submit the annual audit report in conformity with laws, regulations and administrative policies governing a CMVS. The Guide also provides detailed information on the financial reporting and audit requirements for the CMVS, including applicable laws and regulations regarding audits of grants awarded by the U.S. Government and other funding sources.

The Guide is to be used in conjunction with current audit standards and accounting principles generally accepted in the United States of America and is not intended to supplant these standards and principles. These standards and principles may have been updated or revised and new guidance may have been issued subsequent the issuance of this Guide. The CMVS and its auditors are required to apply all applicable current standards to the audit performed. The Guide requires the auditor to properly plan and perform the audit and encourages professional judgment in determining the audit steps necessary to accomplish the audit objectives. Any recommendations or suggestions to improve this Guide should be sent to the Department via email: [VirtualSchools@mass.gov](mailto:VirtualSchools@mass.gov).

### School-Attending Children Report

Cities and towns must complete the [School-Attending Children Report](https://www.doe.mass.edu/infoservices/data/samples/sac.docx)each year, in February. This report is required from each city and town under the provisions of Chapter 72, Section 2A of the General Laws.

Each year, in mid-January, via the [Department’s security portal](https://gateway.edu.state.ma.us/), the CMVS provides an Excel file to the Department that contains the first and last name, date of birth, street address, and withdrawal code (if necessary) for each student enrolled in the virtual school between the start of the school year and January 1 of the current fiscal year (any student without a specified withdrawal code is currently enrolled in the CMVS). The withdrawal code key is found in the [SIMS handbook,](https://www.doe.mass.edu/infoservices/data/sims/) and the city/town codes correspond to those provided on the last page of the School-Attending Children Report. The data are then split by district code and deposited in each districts’ SIMS Exchange File in Dropbox Central.

*\*If the CMVS is School Interoperability Framework (SIF) enabled, then this data does not need to be supplied via file upload. The relevant data transmitted via SIF is automatically available to the districts of residence via SIF Report 13 (Preliminary Town Report).*

### Notification of Adherence to State Test Administration Rules

Each winter, in preparation for the spring state test administration, a CMVS must complete a form to assure testing adheres to administration rules established by the Department.

### End-of-Year Financial Report

By February 1 of each year, the CMVS is required to provide the Virtual School End-of-Year Financial Report (VSEOYFR) (603 CMR 52.08 (4)). The VSEOYFR is a comprehensive annual financial report in Microsoft Excel format consisting of five sections, including: statement of net position, statement revenue, expenses, and change in net position, schedule of functional expenses, audit questionnaire, certification statement and comments. The VSEOYFR template is posted to each school's security portal Dropbox each year. VSEOYFR data is used for many reasons, including:

* Populating the Virtual School Financial Dashboard (Dashboard) and other the Department financial reports
* Informing the Department financial monitoring

The Dashboard contains financial data for the current and past 4 fiscal years and is available in Excel format. It is a data tool that provides an easy-to-understand visual snapshot of a school's potential financial risk over a 5-year period using standard financial indicators. The Dashboard has been created to align with the financial criteria to be included as part of the Commonwealth Virtual School Performance Criteria (Criteria). The data in the Dashboard is derived from the VSEOYFR and independent financial audits submitted annually by each CMVS. The Dashboard is updated annually.

### Lottery Notification

Each year, the CMVS determines the number of spaces available by grade level. Prior to each enrollment lottery, the CMVS must give parents/guardians of applicants, as well as the general public, at least a week’s notice of the lottery date. The lottery must be conducted in public, with a neutral party drawing names for the lottery. Such lotteries may be conducted electronically, and the neutral party must certify the process is fair and selection is random. Lottery results must be published online, in a way that protects student identities. The CMVS must give preference for admission to students belonging to groups targeted for enrollment in the CMVS (as specified in their certificate), as long as doing so does not violate the school’s non-discrimination policy.

Whether the school maintains a waitlist or wait pool, depends on the material terms of the school’s certificate and enrollment policy. Students for whom enrollment in the CMVS would cause the state to exceed the two percent statewide CMVS enrollment cap cannot be offered admission, but remain on the waiting list (in the order the names were selected while also considering preference for targeted groups named in the certificate) or in the waiting pool, as the case may be, for the remainder of the current school year. For students from sending districts that vote to restrict enrollment to 1 percent or more, students on the waiting list will remain on the waiting list, or in the waiting pool, until at such time that space becomes available under the cap. If the principal enrollment process fails to produce an adequate number of enrolled students, the lottery process may be repeated if a waiting list or waiting pool does not exist and the required lottery processes are strictly followed, including public notification and deadlines.

In conformance with the virtual school law, a CMVS will conclude its principal enrollment process for the upcoming school year no later than May 1. As indicated earlier, the CMVS Pre-Enrollment Report is used by the Department to collect projected enrollment data by May 1 in order to determine each school's monthly tuition payments for the upcoming fiscal year.

### Annual 1 Percent Discretionary Enrollment Restrictions by Districts

According to statute, “[a] school committee may, by vote, restrict enrollment of its students in commonwealth virtual schools if the total enrollment of its students in commonwealth virtual schools exceeds 1 percent of the total enrollment in its district.” M.G.L. Ch. 71, § 94 (t). School committees can vote to set the cap at any percentage, provided it is not less than 1 percent of the district’s total enrollment. If the school committee does not specify a percentage cap, the Department will set it at 1 percent.

While not required, eligible school committees may vote annually to restrict or not to restrict enrollment to CMVSs. The Department annually publishes the list of districts that enroll more than 1 percent of their total enrollment in CMVS based on October 1 SIMS data. Additionally, the Department publishes a list of school districts where student enrollment in CMVSs is restricted and, if so, at what percentage.

**Key Issues:**

* If a sending district votes to restrict enrollment to 1 percent or more, CMVSs will still receive full tuition for students who were enrolled in the CMVS prior to the vote of the school committee and will continue to receive tuition for these students until they are no longer enrolled at the CMVS.
* The virtual school statute explicitly states that “no student enrolled in a commonwealth virtual school shall be compelled to withdraw as a result of that vote.” Because the vote to restrict cannot require any student to withdraw, the vote to cap student enrollment similarly does not limit tuition for students already enrolled.
* CMVSs must track their student enrollment who reside in districts that have voted to restrict enrollment.
* CMVSs must continue to accept applications from all eligible students that submitted a complete application by the application deadline, regardless of the applicant’s district of residence.
* All applicants who submit a complete application by the application deadline shall be included in an admissions lottery.
* If there are fewer spaces than eligible applicants, students shall be accepted for admission from among applicants by a lottery process. Each applicant will be included the lottery in order to obtain a randomly generated lottery number, which then establishes the initial rank order. After the initial rank order has been established, preferences for admission are applied and offers of admission are made in accordance with the preference priorities stated in the CMVS’s enrollment policy. Applicants who do not receive an offer of admission will be placed on the waitlist in the order their names were drawn, or in a waiting pool, as applicable. If maintaining a waitlist, the order is not static and may fluctuate as preferences for admission change over time. It is important that families inform the school if the student’s situation has change in any way, which may impact the student’s preference for admission.
  + The CMVS must skip over students living in districts that have voted to impose enrollment caps when they are selected during an admission lottery and place such students on its waitlist in the order in which they are selected. The CMVS cannot skip over a student if their district of residence has not voted to restrict enrollment.
  + As a space becomes available, CMVSs shall offer the seat to the next available student on the waitlist, pending cap restrictions and in accordance with preferences for admission.
  + Additionally, CMVSs must communicate accurate information to families regarding the enrollment caps for specific districts. CMVSs must explain admission practices clearly and, where applicable, the constraints related to districts with enrollment caps. CMVSs must inform families if they will be “skipping over” applicants from districts that voted to restrict enrollment and that the school will be placing such applicants on a waitlist.
* CMVSs that seek to maintain a waiting pool must update their enrollment policy to indicate this practice. Please contact the Office of Charter School and School Redesign for additional guidance.

### Application for Renewal of a Certificate to Operate a Commonwealth Virtual School

According to statute, a CMVS must complete the application to renew its certificate in June, 12 months prior to the end of the school's certificate term. While this is not annual, it is cyclical, and thus included in this section. The [renewal application](http://www.doe.mass.edu/cmvs/) presents evidence of the school’s performance during the current certificate period. The renewal process allows the school examine its practices and decisions over the prior certificate term, offer explanations for any performance or operational issues, identify actions taken to correct past problems, and provide information regarding the school’s plans for improvement in the future. By presenting full and accurate information along with a context for the information, the school has the opportunity to make its best case for certificate renewal. The information provided in the school’s renewal application is supplemented by additional information that the school and the Department provide during the certificate renewal process.

### Student Transportation and Participation in State Assessments and Required School Activities

Every CMVS must administer state-required tests to all of its students, either at regional test sites or at schools in the student’s district of residence. For example, the CMVS may arrange for students to participate in testing in their resident district upon parental request and with the agreement of the resident district. Per the regulations, “Commonwealth of Massachusetts virtual schools must arrange for student transportation to state assessment tests” (603 CMR 52.07(5)).

### Accountability Reviews

On an annual or as-needed basis, the Department may conduct accountability reviews of each CMVS. When so doing, the Department is carrying out the requirements of the virtual school regulations (603 CMR 52.00) which outline the ongoing review of CMVS’s.

Accountability review reports, generated by the Department, are important components of the body of evidence used by the Commissioner and BESE in making a renewal determination for each school. Accountability Reports are one of the means by which the Department documents each CMVS’s performance and progress over time, corroborating and augmenting the information reported each year in the school’s annual report which, as explained above, is due January 1 of each year of the certificate term.

The Criteria form the foundation of the accountability review process. During the accountability review, the school will be assessed on the Criteria in its entirety or a subset of the Criteria. The Criteria expand upon and give definition to the three areas of CMVS accountability defined in 603 CMR 52.00:

* Faithfulness to the Certificate
* Academic Program Success
* Organizational Viability

Please work with the Department in preparing for and participating in these accountability reviews. The written reports from these reviews become part of the CMVS’s record, along with any written comments that the school wishes to submit.

### Annual Budget

The CMVS statute, M.G.L. c. 71, § 94 (e)(6) gives the school’s board of trustees the responsibility to develop the school’s annual budget. While the board of trustees may discuss the budget with the school staff and/or its outside contractor, the board of trustees has the ultimate decision-making responsibility in this area. Among a variety of responsibilities, the regulations also highlight the fact that the CMVS board of trustees holds the certificate and governs the CMVS. Further, the regulations explain that board of trustees must fulfill their fiduciary responsibilities including, but not limited to, the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget (603 CMR 52.06(2)).

## Section III: Periodic Activities

This section outlines several periodic obligations and activities, including critical reporting requirements, as well as required intermittent processes and protocols, while several of these obligations are the responsibility of the board, many of the tasks will be completed by administrative staff with some items requiring board input and or vote.

|  |  |
| --- | --- |
| **Due:** | **Activity:** |
| **Immediately** | Submit written notification to the Department of any **change in circumstances** that may have a significant impact on the school's ability to fulfill its goals or mission as stated in its certificate (603 CMR 52.08 (9) |
| **Within 2 business days** | Submit written notification to the Department of all significant **investigative matters** (603 CMR 52.08 (8) |
| **Within 10 days of a student registering for enrollment in the CMVS** | Provide written **notification to resident district of CMVS enrollment** (M.G.L. Ch. 71 § 94 (b)(14)) |
| **No later than 45 days from receipt of the complaint** | Provide a **written response** to parents/guardians or other individuals or groups that file a complaint to the CMVS (603 CMR 52.09) |
| **Within one year of appointment** | Complete **orientation** concerning the responsibilities of their office (603 CMR 52.06 (4)) |
| **As Needed** | Submit requests to **amend CMVS** **certificate** to the Department (603 CMR 52.10) |
| **As Needed** | Request the Commissioner's approval for **appointment of any new proposed trustees** |
| **As Needed** | Hire, evaluate, and remove, if necessary, qualified **personnel to manage the school's day-to-day operations** and holding these administrators accountable for meeting specified goals |
| **As Needed** | Ensure that all **teachers are appropriately licensed**. All teachers hired by Commonwealth of Massachusetts virtual schools must be licensed in Massachusetts in the areas in which they teach or teach under a waiver pursuant to M.G.L. Ch. 71, § 38G |
| **Annually** | Ensure that the school complies with the **Educator Evaluation requirements** |
| **As Needed** | Approve and monitor progress towards meeting the goals of the school's **Accountability Plan** |
| **As Needed** | Adopt and revise relevant **school policies** |
| **As Needed** | Ensure that members of the board receive an **orientation and training** regarding their duties and obligations as members of a board of trustees – |
| **As Needed** | Ensure that the **bylaws** of every board of trustees complies with state and federal laws |

### Changes in Circumstances

The CMVS must notify the Department in writing immediately of any change in circumstances that may have a significant impact on the school's ability to fulfill its goals or mission as stated in its certificate. These include, but are not limited to:

* changes in individuals holding school leadership positions, such as an executive director or principal;
* a delay in implementing an amendment;
* changes in location of the facilities owned or leased by or for the CMVS and documentation of the school's compliance with state and federal laws, including, but not limited to, all fire, health, and safety laws and accessibility requirements for new facilities or renovations to existing facilities owned or leased by or for the virtual school;
* changes in officers of the CMVS board of trustees;
* individuals resigning from the CMVS board of trustees;
* changes in general contact information (phone number, mailing address, and email) for the CMVS and the CMVS board of trustees; and
* significant decreases in enrollment (more than 10 percent lower than any previously reported figure).

As with many of these matters, it is likely that these notifications will be completed by administrative staff. Nevertheless, depending on the actual circumstances, some situations may require board input and or vote.

### Investigative Matters

The CMVS must notify the Department in writing of all significant matters within two business days. Significant matters include, but are not limited to, all communications made or received by or on behalf of the school with any government audit, investigative, or law enforcement agency.

The same holds true as above, it is likely that these notifications will be completed by administrative staff. Nonetheless, some matters may require board input and or vote.

### Enrollment Notifications

Within 10 days of a student registering for enrollment in the CMVS, the CMVS must notify each resident district in writing of the number and grade levels of students who will be attending the school from that district.

### Responses to Complaints

For a complaint that is not resolved at the school level, parents/guardians or other individuals or groups who believe that the CMVS has violated or is violating any provision of the virtual schools law or statute may file a complaint with the CMVS board of trustees, and the board must respond in writing to the complaining party no later than 45 days from receipt of the complaint ([603 CMR 52.09](http://www.doe.mass.edu/lawsregs/603cmr52.html?section=09)). Pursuant to a complaint received under the regulations or on its own initiative, the CMVS board will conduct reviews to ensure compliance with the virtual school’s law or statute. The CMVS and the specific individuals involved must cooperate to the fullest extent with such review.[[2]](#footnote-2)

### CMVS Board Member Orientation

Every member of a CMVS board of trustees must, within one year of appointment, complete orientation concerning the responsibilities of their office and any other training required by other state agencies in accordance with timelines established by those agencies.

### 

### Certificate Amendment Requests

The complete final application to become a CMVS serves as the basis on which a certificate was granted and is kept on file at the Department. Yet more specifically, the material terms of the certificate are specified by BESE with the granting of a certificate. Modification of the terms by a CMVS requires requesting an amendment pursuant to 603 CMR 52.10. These terms include:

(a) School name;

(b) Membership of the board of trustees;

(c) Maximum enrollment;

(d) Grades served;

(e) Enrollment region;

(f) Mission, purpose, and special focus;

(g) Educational programs, instructional methodology, and services for students that are inconsistent with those specified in the virtual school's certificate;

(h) Governance or leadership structure;

(i) Bylaws;

(j) Schedule (length of school year, school week, or school day);

(k) Identity of software or curriculum providers;

(l) Contractual relationships with an individual or entity providing or planning to provide substantially all the virtual school's educational services;

(m) Support and storage of critical data;

(n) Accountability Plan;

(o) Enrollment policy and application for admission;

(p) Expulsion policy; and

(q) Location of facilities, if such change involves relocating to or adding a facility in another municipality or school district.

Amendments to the material terms of a school’s certificate must be approved by the Commissioner and/or BESE. The process for requesting all of the above listed amendments to a school’s certificate is outlined in detail in the CMVS Amendment Guidelines. Generally, the request must include an amendment cover letter, a copy of the current CMVS certificate with proposed final changes clearly marked (e.g., in “track changes”), and evidence that the board voted to request the amendment. See **Appendix C** for a **Template Letter for CMVS Amendment Requests Requiring Commissioner Approval**.

### Requesting Approval of New Board Member(s) [Year-Round]

This section highlights the distinct instructions for the approval of new board members, since it differs markedly from other material terms of the certificate amendment requests.

When a CMVS’s board of trustees votes to accept new members, and before those individuals may take official action, the following steps must be taken through the BMMS to receive approval of the new members from the commissioner:

* All requests for the approval of new board members first require entering the proposed board member’s name and preferred email address, at a minimum, into the BMMS by a system user.
* The system user must upload the request for approval to the individual record of the proposed new member(s) within the BMMS.
* The letter must include a statement that the CMVS's board of trustees voted to accept the new member(s). See **Appendix D** for **A Template Letter to Request Approval of New Board Members.**
* The letter must include the signature of either the chairperson of a CMVS’s board of trustees or an individual authorized by the board of trustees.
* The system user must upload a copy of the proposed board member’s resume to the individual record of the proposed new member(s) within the BMMS with the letter requesting approval.
* System users of the BMMS will be able to monitor the status of the approval request from within the BMMS.
* When a new board member, or a member returning after a period of non-service, is approved, the individual will receive notifications regarding conflict of interest and open meeting law information via the BMMS. In addition, once the trustee is approved, the Department’s ethics liaison enters the new member into the SFI System, and the new member is required to submit the SFI annually. For more information about **Board Member Legal Requirements** see **Appendix A**.

**Please note:** *Board of trustee members who have previously been approved by the Commissioner for service on a specific CMVS board of trustees may be renewed for a concurrent subsequent term on the board in accordance with term limits set in the bylaws of the board of trustees without additional commissioner action for additional terms of service on the same CMVS board of trustees if the terms are concurrent. Individuals who seek to return to board service, after any period of non-service, are required to be approved by the commissioner regardless of prior appointment to a board of trustees. Boards of trustees are required to comply with the term limits described in their board bylaws. Schools are required to notify the Department via the BMMS when individuals occupying officer positions change, and when members leave the school's board of trustees, whether it is a resignation, the expiration of a term, or a removal.*

### Hiring, Evaluating, and Removing Employees

With respect to the hiring, evaluation, and dismissal of the school’s executive director, principal or staff, CMVS must comply with the Commonwealth virtual school statute as well as the laws that apply to traditional public schools, M.G.L. c. 71, §§ 41, 42, for instance.

603 CMVS 52.06 (2) (e) states that it is the responsibly of the CMVS’ board of trustees to (e) hire, evaluate, and remove, if necessary, qualified personnel to manage the school's day-to-day operations and holding these administrators accountable for meeting specified goals.

CMVS teachers must meet the requirements of the Commonwealth virtual school statute and regulations. 603 CMR 52.06 (5) states that “[a]ll teachers hired by Commonwealth of Massachusetts virtual schools must be licensed in Massachusetts in the areas in which they teach or teach under a waiver pursuant to M.G.L. c. 71, § 38G.” For the most up-to-date information please see the [Office of Educator Licensure website](https://www.doe.mass.edu/licensure/).

### Evaluating School Leader, Administrators, and Teachers

Effective systems and criteria for evaluation of school personnel are critical to the success of any school. Before school administrators and teachers begin the daily work of teaching and learning, it is essential that the process and criteria through which their performance will be measured are clearly defined and communicated to them.

While it is the role of school administrators to evaluate teachers, it is the role of the board of trustees to establish a process for the evaluation of the school leader. The development of the evaluation process and the identification of specific performance criteria for each role can be a valuable opportunity for the school community to further articulate the vision of the school and prioritize its values. For the most up-to-date information please see the [Educator Evaluation section](https://www.doe.mass.edu/edeval/) of the Department website.

### Accountability Plan

Like all public schools, a CMVS must comply with applicable laws and regulations in order to operate. To earn renewal of its certificate, however, a CMVS also must demonstrate effectiveness; the school is responsible for *results* rather than relying on plans, methods, or intentions. A CMVS that cannot demonstrate the achievement of the school’s students and the effectiveness of the program faces non-renewal.

One way in which a CMVS demonstrates results is through reporting on selected outcomes using an Accountability Plan. A CMVS creates an Accountability Plan to publicly articulate the goals the school has set to measure its success during its certificate term.

Finalizing an Accountability Plan involves on-going discussion within the school community as well as between the school and the Department. When the school and the Department staff arrive at a draft that is acceptable to both parties, the Department will grant provisional approval and the school’s board of trustees must vote to approve the provisional plan and request an amendment. The final draft is then submitted to the Department as part of an amendment request requiring commissioner approval. Once the Accountability Plan is approved, it is reported on annually in the Annual Report, along with additional criteria required in the annual report. The accountability plan should be written and approved before the commencement of a new certificate term. Except for technical changes, the accountability plan should not be revised for the duration of the certificate term.

### Adopting and Revising School Policies

A standard definition of the distinction between the board and administration is that the board sets policy and the administration carry it out. The Commonwealth virtual school laws explicitly state that boards of trustees should not involve themselves in the day-to-day work of the school. Policy is the collective voice of the board and sets the expectations for standard operating procedures.

Board members should review the school’s certificate on a regular basis, as well as the school’s Accountability Plan, budget, code of conduct, fiscal policies and procedures, financial reports, staff handbook and any other significant documents and practices. Board members are responsible for deliberating issues and policy proposals thoughtfully and are expected to be mindful of the need for new or revised policies. Only certain policies require the Department or Commissioner approval.

### Bylaws

The CMVS board of trustees must develop its own bylaws, the document that governs the activities of the board, In drafting its bylaws, the board of trustees should take the school’s mission and educational philosophy into account, and consult sources such as the Department’s bylaws checklist ([**Appendix E**](#_Appendix_A:_Board)).

***Please note:*** *The Department may revise this checklist from time to time to ensure best practices. CMVS school boards are cautioned that they are entities of the state, and that they must comply with state law and regulations that do not, in general, apply to most non-profit organizations. The Department strongly encourages each board of trustees to review their proposed bylaws with the board’s own legal counsel, as many of the legal responsibilities of the board and its members should be incorporated within the bylaws. As part of the opening procedures and/or certificate amendment process, the Department will review the bylaws and if necessary, require and suggest changes* ***prior*** *to any board vote to accept the bylaws, and prior to Commissioner approval.*

## Section IX: Appendixes

### Appendix A: Individual Board Member Legal Requirements

|  |  |  |
| --- | --- | --- |
| Area | Requirement | Timeline |
| Open Meeting Law | Upon joining a board of trustees, new members must review and complete a certification of receipt of three Open Meeting Law materials:  [Open Meeting Law, G.L. c. 30A, §§18–25](http://www.mass.gov/ago/docs/government/oml/open-meeting-law-gl-c-30a-18-25.pdf)  [Open Meeting regulations, 940 CMR 29.00](http://www.mass.gov/ago/government-resources/open-meeting-law/940-cmr-2900.html)  [The Guide to the Open Meeting Law](https://www.mass.gov/files/documents/2018/11/15/2017%20Guide%20with%20ed%20materials_revised%201-30-18.pdf) | Trustees must certify receipt of Open Meeting Law materials within two weeks of joining the board. |
| Statement of Financial Interest | The State Ethics Commission administers and enforces the provisions of the financial disclosure law. Among other provisions, the law requires elected state and county officials, state and county employees who hold major policy-making positions, and candidates for state and county office, to file a Statement of Financial Interest (SFI).  [File or View Statements of Financial Interest](https://www.mass.gov/file-or-view-statements-of-financial-interests-sfi) | \* NOT generated by BMMS  Once a trustee is approved, the Department’s ethics liaison enters them into the SFI system.  The system will generate an email with the login and information on how to file. After that trustees receive an email once a year on the need to file by May. If the trustee leaves and have served more than 30 days they still must file for that calendar year. |
| Conflict of Interest — Summary | As special state employees, trustees must annually review and provide written acknowledgment of a summary of the Commonwealth's Conflict of Interest Law: [Summary of Conflict of Interest Law for State Employees](http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/state-employees-summary.html)  Statute: M.G.L. c. 268A §27 | Trustees must review and provide written acknowledgment within 30 days of becoming a member of the board and on an annual basis thereafter. |
| Conflict of Interest —Training | Every two years, trustees must complete an online training program on the Commonwealth's Conflict of Interest Law: [Conflict of Interest Law Online Training Program](http://www.stateprog.eth.state.ma.us/)  Statute: M.G.L. c. 268A §28 | Trustees must complete the training within 30 days of becoming a member of the board and every 2 years thereafter. |

### Appendix B: Example of How Tuition Payment Calculations

The following is an example of how tuition payments are calculated and disbursed for a fictitious CMVS over the course of a state fiscal year, which runs from July 1 to the following June 30.

|  | **Virtual School Enrollment** | **Total Annual Tuition** | **Monthly Payments** |
| --- | --- | --- | --- |
| **July 31-November 30** | On May 1, ABC Commonwealth of Massachusetts Virtual School (ABC CMVS) reported a projected enrollment of 550 students for the upcoming school year on its pre-enrollment report filed with the Department. | The established tuition rate for the CMVS is multiplied by the number of students from each district as reported on the May 1 pre-enrollment report. In this example, for fictitious ABC CMVS, we use $8,265 per pupil to calculate a **projected**annual tuition amount for ABC CMVS of $4,545,750 ($8,265 × 550 students). The Department also projects the additional special education increments that the CMVS will receive for returning students based on the special education increment forms submitted for the prior fiscal year. In this example, the total estimated special education increments are $375,000.[[3]](#footnote-3)  The sending districts are charged the full $8,265 per student, but CMVS only receives $8,190 per pupil because the rate includes a $75 per pupil administrative fee that is retained by the Department. The projected total annual tuition amount for ABC CMVS less the administrative fee will be $4,504,500 plus $375,000 in special education increments for a total of $4,879,500 | For the period July 31-November 30, ABC CMVS receives its first five monthly payments, each equal to one twelfth of the **projected**annual tuition payment plus projected special education increments ($4,879,500 ÷ 12 = $406,625). The school will receive a total of $2,033,125 for the first five months. |
| **December 31-May 31** | In October, the ABC CMVS submits a detailed enrollment report via the *Student Information Management System* [*(SIMS)*](http://www.doe.mass.edu/infoservices/data/sims/)to the Department. October 1 SIMS is used as the CMVS’s current enrollment of 600 students (50 additional students when compared to the CMVS’ pre-enrollment). | Using the CMVS’s October 1 SIMS reported enrollment, the Department informs the ABC CMVS of the revised **preliminary** annual tuition amount of $4,959,000 ($8,265 × 600 students) plus projected special education increments for returning students based on prior year reporting and projected special education increments for new students based on SIMS. In this example, the updated special education increment projection is $425,000.  The total updated tuition amount that the CMVS will receive is $4,914,000 ($8,265 per pupil less the $75 per pupil administrative fee) plus $425,000 in special education increments for a total of $5,339,000.  In December, the Department provides sending school districts with information on each of their students reported to be attending the CMVS on October 1 on the school choice rosters that the Department posts to the Security Portal. This roster includes SIMS data and projected tuition amounts, including projected special education increments for each student who is receiving special education services. the Department notifies districts once these rosters are available. | For the December 31 through May 30 tuition payment, ABC CMVS receives the revised**preliminary** annual tuition payment minus what was paid in the first five months, divided by six. Therefore, the sixth through eleventh payment for this CMVS equals $472,268 per month or $2,833,607 in total ($5,339,000 - $2,033,125 = $3,305,875; $3,305,875 ÷ 7 = $472,268 x 6). The school has now received a total of $4,866,732. |
| **May 31 -June 30** | In April, ABC CMVS submits an updated enrollment report *(April 1 CMVS School Choice Claim Form)* that reflects changes in enrollment, special education costs, student addresses and start/leave dates. The Department used this data to calculate full time equivalency (FTE) enrollment by dividing the number of days a student was enrolled in the school by the total number of school days. Fifty (50) of the 600 students who were reported in the October 1 SIMS collection left after attending school for 90 days. This CMVS has a 180-day school year; therefore, each of these 50 students are counted as 0.5 FTE (90 ÷ 180 = 0.5), which translates to 25 students. All the other students are enrolled for the full school year. Hence, the final FTE for ABC CMVS is 575.  In May the school submits its projected enrollments for the next school year. | Given the slight decrease in ABC CMVS’ enrollment, the payment to the CMVS is adjusted once again. Therefore, the **final**annual tuition payment is $4,752,375. ($8,265 x 575). The CMVS also submitted final special education increment amounts, based on the special education increment form, for all of their students that received special education services over the course of the year, bringing the new total for special education increments for the year to $500,000.The total updated tuition amount that the CMVS will receive for the school year is $4,709,250 ($8,265 per pupil less the $75 per pupil administrative fee) plus $500,000 in special education increments for a total of $5,209,250.  The Department provides sending school districts with final information on each student reported to be attending the CMVS as of April 1 on the school choice rosters that the Department posts to the Security Portal in June. This includes SIMS data, student addresses, start and end dates, and final tuition amounts for the year, including special education increments for students who are receiving special education services. The Department notifies districts once these rosters are available. | On June 30, ABC CMVS receives its final (and twelfth) payment of $271,190.48 ($5,209,250 - $4,866,732 = $342,518). The school has now received a **total of $5,209,250 for the fiscal year**.  *Barring error, no adjustments are made to enrollment data provided in the April 1 CMVS School Choice Claim Form or unless requested by the sending district or the virtual school based on new admissions or withdrawals after April 1.* |

### Appendix C: Template Letter for CMVS Amendment Request Requiring Commissioner Approval

*[School Letterhead]*

*[School Address]*

*[Date]*

Commissioner of Elementary and Secondary Education

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street

Malden, MA 02148

Dear Commissioner,

On behalf of the *[insert school name]* Board of Trustees, I respectfully request your approval of an amendment to change our certificate to *[insert the proposed change, making sure to summarize what is in the current certificate and what is proposed – this could be a paragraph or more if a complicated request or multiple requests]*. These changes to our certificate will be effective *[upon the approval of the Commissioner of Elementary and Secondary Education or a later effective date selected by the school]*.

The *[insert school name]* Board of Trustees wishes to make this change because *[insert reasons or explanation; this could be a paragraph or more if a complicated request – and may reference any attachments to further support reasoning]*.

The *[insert school name]* Board of Trustees voted to approve this request on *[insert date]* at a meeting held in compliance with Massachusetts Open Meeting Law G.L. c. 30A, §§ 18-25. At that meeting, the Board of Trustees authorized me to submit this request on their behalf *[only if the undersigned is the school leader or another individual other than the Board chairperson]*.

The *[insert school name]* Board of Trustees also authorized the school to work with the Department to make minor technical changes to the amendment request if such changes are necessary to meet the requirements of statute or regulations, and are codified in the Department guidance that was not followed in our submission. The *[insert school name]* Board of Trustees agrees to permit such minor technical changes to the policy submitted for approval, and to support any additional consultation and coordination with the Department that will be required to align our policy with requirements. *[This above paragraph is only required if the request submitted for approval is related to the board bylaws, accountability plan, enrollment policy and application for admission, or expulsion policy, which all require provisional approval by the Department prior to a vote by the board of trustees. The process for provisional approval can exceed several weeks depending upon the revisions required and the needs of the school. If the revisions to these documents did not receive provisional approval prior to seeking Commissioner approval,* *the Department will likely require additional revisions to the submitted document in order to align with requirements.]*

The *[insert school name]* is an academic success, is a viable organization, and is faithful to the terms of its certificate. *[The following can be a paragraph or more, but should focus on the positive highlights in each of those three areas – examples might include recent renewal without conditions, MCAS absolute and trend performance, strong and stable leadership, financial strength, and achievement of commitments made in its certificate – and can reference any attachments that support these statements]*.

The *[insert school name]* Board of Trustees requests your approval of this amendment as soon as possible. *[Many CMVS amendments are reviewed and considered monthly. More complicated amendments might take longer. Please consider these factors in your planning and consultations with the Department regarding the timing of decisions.]*

Please contact [*insert contact name, email and phone number*] if you have any questions about this request.

Sincerely,

*[Insert individual name and signature]*

C: *[School or Board personnel as appropriate]*

*[Office of Charter Schools and School Redesign]*

Enclosures

### Appendix D: Template Letter to Request Approval of New Board Members

*[School Letterhead]*

*[School Address]*

*[Date]*

Commissioner of Elementary and Secondary Education

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street

Malden, MA 02148

To Whom It May Concern:

On [*date*], the Board of Trustees of [insert school name] voted in accordance with Open Meeting Law to accept [*name of proposed board member*] and [*name of proposed board member*] as members of the [*insert school name*] Board of Trustees, pending approval from the Commissioner of Elementary and Secondary Education.

I have submitted this request and each individual’s current resume via the Board Member Management System for review and approval. I have created a record for each individual within the Board Member Management System, which includes their contact information, specifically their preferred email address at a minimum, in order for the individual to receive the required Disclosure of Financial Interest form for the previous calendar year. I am aware that the individual(s) seeking approval must complete and submit the required Disclosure of Financial Interest form in order for the Commissioner to consider the request for approval. Providing that these members are approved, our Board will then consist of [*total number*} approved members. All Board members, their positions, and current terms are listed below.

**Name Position Current Term**

Thank you and I look forward to hearing from you regarding their status.

Sincerely,

*[Insert individual name and signature]*

C: *[School or Board personnel as appropriate]*

*[Office of Charter Schools and School Redesign]*

### 

### Appendix E: Bylaws Checklist

| *Use this checklist to guide the development of the proposed virtual school’s bylaws.* | |
| --- | --- |
| **Check (X)** | **Criteria** |
|  | 1. State the name and purpose of the CMVS and that it is a public school. |
|  | 1. State that the name of the CMVS must include the words “commonwealth virtual school” as part of its name. |
|  | 1. Cite M.G.L. c. 379 |
|  | 1. State that the board of trustees holds the certificate granted by the Massachusetts Board of Elementary and Secondary Education. |
|  | 1. State that the board of trustees of a virtual school is a public entity, which operates independently of a school committee. |
|  | 1. Remember that the bylaws should not refer to the CMVS as a non-profit corporation, a charitable organization, a 501(c) (3), or use descriptions indicating that the school is anything other than a public entity. |
|  | 1. State that the individual board members are considered special state employees. |
|  | 1. State that the board is a public employer for the purposes of tort liability (M.G.L. Chapter 258) and for collective bargaining purposes (M.G.L. c. 150E). |
|  | 1. State that the board of trustees may not discriminate against potential members on the basis of race, color, national origin, creed, ancestry, ethnicity, age, gender identity, religion, marital status, sexual orientation, or non-disqualifying handicap or mental condition. |
|  | 1. Specify that public notice be given of the date, time and location of all meetings in accordance with the law pertaining to the open meetings of governmental bodies. |
|  | 1. Specify that detailed, accurate records of every meeting be adopted and kept in accordance with the law pertaining to the open meetings of governmental bodies. |
|  | 1. Stipulate the situations under which an executive session may take place. |
|  | 1. State that trustee participation occurs in person for the purpose of a quorum or vote. The board may include language addressing remote participation provided such language is consistent with M.G. L. c. 30A, § 20(d); 940 CMR 29.10; and guidelines issued by the Office of the Attorney General. |
|  | 1. Specify the minimum (at least five) and maximum number of trustees required on the board. |
|  | 1. Specify that action by the board requires a majority vote of a quorum of seated trustees and, to the degree required, specify the situations for which approval may require a special majority. |
|  | 1. Define the number of years that shall constitute a board member’s term. |
|  | 1. Set a specific, reasonable, limit on successive or total terms that a member may serve. |
|  | 1. State that a formal vote of the board of trustees is required to accept all new members. |
|  | 1. Expressly require a voting employee representative in the board’s composition if the school intends to have any paid employee member(s) serve on the board. |
|  | 1. Specify the number and titles of officers (e.g., chair, vice-chair, secretary, and treasurer). |
|  | 1. Describe the responsibilities of each officer. |
|  | 1. Describe a process for electing officers. |
|  | 1. State that the board complies with the state conflict of interest law, M.G.L. c. 268A. |
|  | 1. State that board members must disclose any financial interest or business transactions that they (or any immediate family member) have in any school district in Massachusetts or elsewhere with the State Ethics Commission, the Department, and the city or town clerk within 30 days of joining the board and by September 1 annually, including the year after service is completed (unless service is less than 30 days in that year). |
|  | 1. State that the board of trustees shall request the appointment of a trustee to the board only where the board has no reason to know that the trustee has a financial interest under M.G.L. c. 268A which may preclude a majority of the board from participating in deliberations or voting on certain matters that are expected to come before the board. The board must exercise due diligence prior to determining that a proposed trustee does not have such a financial interest. |
|  | 1. Specify that the school’s fiscal year begins on July 1 (and ends on June 30 of the following calendar year). |
|  | 1. Specify a process for making amendments to the bylaws, subject to the approval of the board of trustees and the Department. |
|  | 1. Describe the procedure for responding to any complaints filed with the board of trustees. |
|  | 1. Prohibit the board of trustees from exercising managerial powers over the day-to-day operations of the CMVS. |
|  | 1. State the ability of the board of trustees to select, appoint, evaluate, and/or remove only the school leader. |
|  | 1. Specify the process through which a trustee may resign and/or be removed from the board. |
|  | 1. Require that the board of trustees meet at least quarterly. |
|  | 1. Require an annual meeting of the board of trustees. |
|  | 1. Describe the process for the formation of committees and/or task forces. |

1. The CMVS maintain a waitlist or wait pool of students not selected in the enrollment lottery only for the school year for which the students applied. [↑](#footnote-ref-1)
2. A complaining party who believes the complaint falling within the regulations has not been adequately addressed by the board of trustees can submit the complaint in writing to the Department, who will investigate such complaint and make a written response. In the event the CMVS is found in non-compliance with the virtual schools law or statute, the Commissioner or BESE may take such action as it deems appropriate including, but not limited to, suspension or revocation of the certificate, or referral of the matter to the District Attorney, the Office of the Attorney General, or any other agency for appropriate legal action. A parent, guardian, or other individuals who believe that a CMVS has violated or is violating any state or federal law or regulation regarding special education, may file a complaint directly with the Department. [↑](#footnote-ref-2)
3. Special education increments are determined for each student by applying annual cost rates to the specific services cited in the student’s IEP. These costs are generated from the same template used for the circuit breaker program for high-cost pupils. For any student with a special education increment, it is the responsibility of the receiving district to keep a record of what services were counted toward the cost. [↑](#footnote-ref-3)