



David P. Driscoll
Commissioner of Education

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Commissioner's Update

July 23, 2003

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

I have one important announcement regarding MCAS Performance Appeals and one item in this letter.

MCAS Performance Appeals

To be certain that all students in the Class of 2003 have received every opportunity available to have an MCAS Performance Appeal filed on their behalf, I am offering another MCAS performance appeals review for these students. Appeals submitted by late September will be reviewed in early October.

Submitting a performance appeal for English and/or mathematics requires that you verify two criteria: **eligibility** and **performance**. For students to be eligible, you first need to establish four criteria before I review the student's academic performance. The student needs to have:

1. Taken the MCAS tests at least 3 times
2. Achieved a score of at least 216 on one try
3. Participated in MCAS tutoring and/or mentoring programs
4. Maintained a 95% attendance rate (or met local attendance policy)

I want to remind you that upon your written request and rationale I have the authority to waive any of the eligibility criteria.

Having established eligibility, you will need to take one of two routes showing that the student has demonstrated academic performance that is equivalent to or greater than the passing standard of 220 on the grade 10 English and/or mathematics MCAS test(s): Please provide either:

1. (1) A completed cohort worksheet that compares the student's grades in courses in the area of the appeal to at least 6 other students in the school (a cohort) who took the same sequence of courses and passed the MCAS test; or
2. (2) If the cohort is fewer than 6 other students, a portfolio of the appellant's work in the area of the appeal.

For Class of 2003 students still needing competency determinations, appeals submitted by September 30 will be reviewed early in October. I hope that you will take the opportunity to consider whether to file or re-file appeals for students, based on new or better information, and to include educators, students and their parents in the appeals process.

If you plan on re-submitting an appeal, please include (1) all of the student's eligibility information (even if previously submitted), (2) a written request with justification to waive one or more of the eligibility criteria, if needed and (3) either a new cohort worksheet (which may include completed senior year course grades) or a complete portfolio demonstrating the student's knowledge and skills in each of the learning standards in the subject of the appeal.

For a summary of the filing process, including the application, the cohort worksheet, guidelines for completing portfolio and performance appeals, and the regulations governing the appeals process, go to www.doe.mass.edu/mcasappeals/.

Additional News

For August, there will be just one update, the annual "Back to School" package, that will be posted on or about August 20th. I will notify you when the August update is published.

Here is one item posted at www.doe.mass.edu:

1. **Guidance to Charter Schools Regarding the Charter Amendment Process**



It was great seeing so many of you last week at the MASS Summer Institute. I am encouraged by our open and frank conversations on ways that we can work more closely together, and I pledge to continue working in partnership with you to strengthen our commitment to excellence in public education.

I hope that you find time this summer to relax and enjoy the warm weather with family and friends.

All the best, and

Sincerely,

David P. Driscoll
Commissioner of Education

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Massachusetts Charter Schools

Charter School Technical Advisory 03-3: *Charter Amendments*

To: Charter School Leaders
Chairpersons, Boards of Trustees of Charter Schools

From: David P. Driscoll, Commissioner of Education

Date: July 2003

When a school receives its original charter and any subsequent renewals of that charter from the Board of Education, the state approves the charter school's broad academic and organizational plans for the next five years. Any substantive changes to those plans require the approval of the Commissioner and/or Board of Education for an amendment to the school's charter **before** the changes are effective.

This memorandum has three purposes. First, it provides guidance to charter schools on the changes to their operations, as defined in 603 CMR 1.11, that require approval from the Commissioner and/or Board of Education for an amendment to the school's charter **before** the school can implement the changes. Second, it outlines the process that a charter school must follow in making an amendment request. Third, it informs charter schools of changes at the school level and the Board of Trustees level about which they must notify the Charter School Office in a timely fashion.

A Horace Mann charter school's amendment request for a major or minor change in its operations requires the approval of the local teachers' union and school committee. In the event that a Memorandum of Understanding between a Horace Mann charter school and the local school district is modified due to these changes in a school's operations, the school must submit the modified Memorandum of Understanding to the Commissioner of Education at the time of the amendment request.

Unless stated otherwise, the use of "charter school" in this document refers to both Horace Mann charter schools and Commonwealth charter schools.

I. Major Changes in a Charter School's Operations that Require the Board of Education's Approval for an Amendment to the School's Charter

Under section 1.11 of the Regulations on Charter Schools (603 CMR 1.00), "if a charter school wishes to make a major change in its operations, the school's Board of Trustees shall submit in writing to the Board of Education a request to amend its charter." Major changes in a charter school's operations are defined as those that "fundamentally affect a school's mission, organizational structure, or educational program." Such changes include, but are not limited to, major changes in a school's:

- Educational philosophy or mission;
- Governance or leadership structure;
- Contract with an education management organization that is providing or planning to provide substantially all the school's educational services;
- Curriculum models or whole-school change designs that are inconsistent with those specified in the school's charter;
- Location of facilities, if such change involves relocating or expanding to another municipality (whether or not a school is regional);
- District(s) specified in a regional school's charter;
- Maximum enrollment; or

- Grades served.

II. Minor Changes in a Charter School's Operations that Require the Commissioner of Education's Approval for an Amendment to the School's Charter

Under section 1.11 of the Charter School Regulations (603 CMR 1.00), "if a charter school wishes to make a minor change in its operations, the school's Board of Trustees shall submit in writing to the Commissioner of Education a request to amend its charter." Minor changes in a charter school's operations are defined as those that change the school's design and operations but that "do not fundamentally alter its mission, organizational structure or educational program." Such changes include, but are not limited to, changes to a school's:

- Bylaws;
- Schedule (e.g. length of school year, school week, or school day);
- Enrollment process;
- Code of conduct;
- Corrections and clarifications involving the mission statement or other sections of the charter that do not fundamentally affect the school's mission, organizational structure, or educational program;
- School name; or
- Membership of the Board of Trustees, to be approved before they become voting members (as specified under 603 CMR 1.05(2)(a)).

III. Process for Review of Amendment Requests

The chairperson of a charter school's board of trustees, or an individual authorized by the board of trustees, must submit amendment requests to the Commissioner of Education with a copy to the Associate Commissioner for Charter Schools. The school must submit a cover letter and may attach supporting documents. The Commissioner will determine whether an amendment request requires action by the Board of Education and, if so, whether he/she will recommend approval. The cover letter for an amendment request is submitted under the penalties of perjury and should:

- summarize the request (what currently exists in the charter and what changes are proposed);
- explain the reasons for the requested changes;
- include a statement that the charter school's Board of Trustees voted to request this amendment to its charter on [DATE] at a meeting held in compliance with the Massachusetts Open Meeting Law;
- include a statement that the Board of Trustees authorized the individual sending the letter to make the request on their behalf if the Board Chairperson is not the author; and
- in the case of Horace Mann charter schools, include certification that the local school committee and local teachers' union have approved the request.

The Charter School Office will oversee the process of review for the Commissioner of Education and the Board of Education. In submitting an amendment request, accurately presenting the requested changes in a letter with the above elements enhances a school's credibility and the efficiency with which we can then process the request. A charter school can submit a request to amend its charter at any time. The Charter School Office will work with the school regarding any necessary revisions or additional information. The Commissioner and/or the Board of Education will endeavor to approve or deny complete amendment requests within 60 days after receiving them. If the Commissioner denies a charter school's amendment request, the school's Board of Trustees may seek review of that decision by the Board of Education.

Please note that suggested timelines are subject to the complexity of the issues involved and the schedules of the Commissioner and the Board of Education. Charter schools are strongly encouraged to plan ahead regarding amendment requests, particularly those that are major in nature. For instance, a school's request to increase its maximum enrollment that is received by the DOE in February will likely not receive approval prior to the mid-March deadline for pre-enrollment reports.

If a Commonwealth charter school seeks an amendment to change its maximum student enrollment (including grades served), the municipality of its location, or the districts specified in its region (in the case of regional charters), the Department will provide a copy of the amendment request to the superintendents of the affected school districts and provide them notice of their right to submit written comment to the Commissioner within 15 days.

IV. Criteria for Approval or Denial of an Amendment Request

Section 1.11 of 603 CMR 1.00 contains several criteria that the Commissioner and the Board of Education may consider in reaching a determination regarding a school's request to amend its charter. First, "the Commissioner and the Board of Education may consider a charter school's compliance with applicable state, federal, and local law." Second, the Commissioner and the Board of Education may consider the evidence regarding the success of the school's academic program, the viability of the school as an organization, and the faithfulness of the school to the

terms of its charter.

V. Changes at a School About Which the School Must Notify the Charter School Office

There are also changes at a charter school about which the school must inform the Charter School Office in a timely fashion, but that do not require an amendment request. These include changes in:

- Individuals in school leadership positions (Executive Director/Principal);
- Location of the school's facilities within the same municipality;
- Documentation of the school's compliance with all fire, health and safety laws for a move to new facility or for renovations to the same facility;
- Officers of the school's Board of Trustees;
- General contact information (phone #, mailing address, and email) for the school and the school's Board of Trustees;
- Main contact persons for the school and the school's Board of Trustees.

In addition, like all public school districts and public schools in the state, charter schools are required to provide information to the DOE through the School and District Profiles. Charter schools view, add, update and delete their own information over the web to make sure that the information is as up-to-date and accurate as possible. Schools should contact 781-338-DATA or data@doe.mass.edu with any questions about this process.

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