

## **Massachusetts Charter School Regulations 603 CMR 1.00**

### **Summary of Proposed Changes – March 3, 2014**

#### **1.02 Definitions:**

This section adds the following terms and definitions: Accountability Plan, Campus, District, Network, Retention (as it relates to Recruitment and Retention plans), and Sibling.

#### **1.03 General Provisions:**

This section adds language authorizing the Commissioner to order immediate closure if any charter school facility has not met the fire, health, and safety laws, or accessibility requirements.

#### **1.04 Charter Application and Procedures for Granting Charters and 1.05 Criteria for Assessment and Approval of Charter Applications, Awarding Charters:**

These sections have been merged to become “**1.04 Applications for and Granting of Charters.**”

- (1) Charter Application Process – Removed the first sentence about a two-stage process. Clarifies that “each applicant submitting application materials for a Commonwealth charter school shall also send a copy of the application to the superintendent of the school districts from which the applicant is expected to enroll students.”  
  
(b) Exemptions – Removed the term “work rules” and replaced with “agreed-upon provisions of the collective bargaining agreement.”  
  
(c) Memorandum of Understanding (MOU) - Requires more specific information for MOUs between Horace Mann Charter Schools and their sponsoring districts regarding services provided by the district, facilities, waivers to applicable collective bargaining agreements, budgets/finances, and dispute resolution procedures.
- (3) Evaluation and Approval of Charter Applications - Language is added that clarifies that an application for a charter must include more specific information regarding bylaws; management structure; and how, if applicable, a board of trustees will oversee a network of charter schools, including the roles and responsibilities of school leaders and administrators. Also clarifies that draft policies submitted during the application process are subject to Department review and approval during the opening procedures process.
- (4) Qualifications to Achieve Proven Provider Status - Added requirement for the submission of growth measures; added requirement that charter schools in Massachusetts looking to be considered for proven provider status, show “effective implementation of recruitment and retention plan.”
- (7) Conditions for Opening New Charter Schools - Clarifies the criteria for opening new charters and separately specifies those requirements and the requirements to renew a charter (see 1.12). This section clarifies the requirement that a school complete the opening procedures process upon receipt of a charter.
- (9) Lowest 10 percent - This section modifies the Department’s determination of the lowest 10 percent as specified in M.G.L. c. 71, § 89(i)(2), and (i)(3). The statute provides that:

The Commissioner shall annually publish a ranking of all districts that are subject to charter school tuition charges, for the purpose of determining the lowest 10 percent as specified in M.G.L. c. 71, § 89(i)(2), and (i)(3). Such ranking shall be calculated by determining the average ranks for each district’s English language arts, mathematics, and science composite performance index; the percentage of students scoring

warning or failing in English language arts, mathematics, and science; the percentage of students scoring advanced in English language arts, mathematics, and science; and student growth percentiles for English language arts and mathematics, for the two school years immediately preceding the current year. These calculations shall use weighting consistent with the Department's approved methodology for the state accountability system. Districts without data for each component of the calculation will not be included. Additional charter school seats resulting from a district's designation in the lowest 10 percent may be awarded by the Board to a new charter applicant, to existing charter schools, or to any combination thereof. 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.

**Formerly “1.06 Charter School Enrollment and Student Recruitment” changed to “1.05 Student Recruitment, Enrollment, and Retention”:**

- (1) Recruitment and Retention Plan - Clarifies what must be contained in the plan and that the plan must be submitted to the Department consistent with any guidelines issued by the Department.
- (3) Enrollment Process and Applications for Admission, (c) Principal Applications deadline - Prohibits deadlines for admission applications and enrollment lotteries prior to January 1 for the subsequent school year; clarifies which subsequent revisions to an application for admission require Department approval.
- (4) Written Notice - Requires charter schools to provide written notice as part of application and enrollment materials regarding the rights of children with diverse learning needs to attend the charter school and to receive accommodations and support services. Notice must be included as part of the school's application and enrollment materials. Requires information regarding the availability of services for students to be made generally available in the school's outreach materials, through the student handbook, and on the school's website.
- (5) Application Deadlines - Requires public notice of at least one month for all application deadlines.
- (6) Enrollment in Commonwealth Charter Schools - Clarifies this section.
- (7) Enrollment in Horace Mann Charter Schools - Clarifies this section.
- (9) Public Lotteries - Permits “neutral” rather than disinterested party draws names; allows lotteries to be conducted electronically; in such cases, the neutral party shall certify that the process is fair and selection is random.
- (10) Waitlist - prohibits the “rolling” of waitlists and requires schools to keep waitlists for only the school year for which the student applies, but allows for grandfathering until waitlist is exhausted; clarifies procedures regarding charter schools' waitlists.
- (10) (c) Backfill requirements are changed to reflect that if “a school has an odd number of grades, more than half the grades offered shall be included.”

**Formerly “1.07 Charter School Staff” changed to “1.06 Charter School Boards of Trustees and Staff”:**

Added sections entitled, “Responsibilities of the Board of Trustees,” “Bylaws”, and “Board of Trustees Training.” Requirements include reasonable limits on successive or total terms for trustees, a minimum membership of least five members, board meetings to be held at least quarterly, and orientation and training for board members.

**Formerly “1:08 Charter School Funding” changed to “1.07 Funding”:**

- (1) Horace Mann Charter Schools - Added language about Horace Mann boards of trustees shall follow the dispute resolution procedures outlined in the MOU.
- (2) Commonwealth Charter Schools - This section changes tuition payments from quarterly to monthly, consistent with corresponding changes for payments to districts that began on July 1, 2013.
- (4) Surplus Determination - Clarifies the language regarding reasonable surplus as working capital for the upcoming fiscal year equal to no more than 25 percent of the prior year’s tuition payments plus 20 percent of the budgeted operating and capital expenses for the upcoming year.

**Formerly “1:09 Ongoing Review of Charter Schools” changed to “1.08 Reporting Requirements and Ongoing Review of Charter Schools”:**

Networks - Allows for consolidated annual reports and audits.

End of Year Financial Reports - Clarifies that each charter school is required to submit these reports to the Department.

Financial Audits – Clarifies expectations for Horace Mann charter schools and school districts

Enrollment and Pre-enrollment - Clarifies the requirements that each charter school must include in enrollment and pre-enrollment reports.

Waitlist Reports - Clarifies the requirement that each charter school must maintain accurate student records that must at least include students’ name (first, middle, last), date of birth, town of residence, and grade for which they applied.

Investigations - Requires that charter schools must notify the Department in writing of all significant matters within two business days, including communications with any government audit, investigative, or law enforcement agency.

Notification of New Circumstances - Requires that charter schools notify the Department of changes in school leadership positions, delay in implementing an amendment, location of the school’s facilities, board resignations, board contact information, and significant decreases in enrollment (more than 10 percent lower than any previously reported figure).

**Formerly “1.10 Complaint Procedures” changed to “1.09 Complaint Procedures”**

Changed the response time by which the board of trustees responds in writing to a complaining party from “no later than 30 days” to “no later than 45 days”.

**Formerly “1.11 Amendments to Charters” changed to “1.10 Amendments to Charters”:**

Amendments now in two classifications designated “Amendments Requiring Board Approval” and “Amendments Requiring Commissioner Approval.”

- (1) Amendments Requiring Board Approval include:
  - (a) Districts specified in the school's charter;
  - (b) Maximum enrollment;

- (c) Grades served; and
  - (d) Contractual relationships with an education management organization providing or planning to provide substantially all the school's educational services.
- (2) Amendments Requiring Commissioner Approval include:
- (a) Mission;
  - (b) Governance or leadership structure;
  - (c) Educational program, curriculum models, or whole-school designs that are inconsistent with those specified in the school's charter;
  - (d) Bylaws;
  - (e) Schedule (length of school year, school week, or school day);
  - (f) Accountability Plan;
  - (g) Enrollment policy and application for admission;
  - (h) Expulsion policy;
  - (i) School name;
  - (j) Membership of the board of trustees;
  - (k) Memoranda of Understanding for Horace Mann charter schools; and
  - (l) Location of facilities, if such change involves relocating to, or adding a facility in, another municipality or school district, in a district already specified in the school's charter.
- (4) Horace Mann Charter Schools - Differentiates requirements for approval of amendments for Horace Mann charter schools by type of charter school.
- (5) Comment - Requires a Commonwealth charter school to send a copy of the amendment materials to the superintendent of the school districts from which the school enrolls or is expected to enroll students if it seeks an amendment to change its maximum enrollment, grades served, the municipality or school district of its location, or the districts specified in its region; the charter school must certify to the Department that it has done so. This section also states that the Department will solicit and review comments on the amendment request from the superintendents of the affected districts.

**Formerly “1.12 Renewal of Charters” changed to “1.11 Renewal of Charters”:**

This section provides more clarity regarding existing criteria for the review and approval of applications for charter renewal.

**Formerly “1.13 Charter Revocation, Probation, Suspension, and Non-Renewal” changed to “1.12 Conditions, Probation, Suspension, Revocation, and Non-Renewal”:**

Small changes are proposed to this section to improve readability.

This section adds a new provision allowing the Department to require a charter school on probation to establish an escrow account to pay for expenses associated with closure should that occur.

This section adds a new provision allowing the Commissioner to appoint an individual or entity to assist with an orderly closure of the charter school.