*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeff Wulfson*Acting Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeff Wulfson, Acting Commissioner |
| **Date:**  | July 26, 2017 |
| **Subject:** | Charter Schools – Notification of Intention to Place Conditions on the Charter of Paulo Freire Social Justice Charter School |

I am notifying the Board of Elementary and Secondary Education (Board) that I intend to place conditions related to organizational viability on the charter of the Paulo Freire Social Justice Charter School (PFSJCS). This action is based upon my concern about the viability of this school, particularly in the area of governance.

The charter school regulations state: “The Board or Commissioner may impose conditions on a school's charter for violations of law or failure to make progress with student achievement, failure to adhere to and enhance its recruitment and retention plan, failure to comply with the terms of its charter, or failure to remain viable” 603 CMR 1.12. Please let Courtney Sullivan know by **Friday, August 4**, if you wish to have this proposed action brought to the full Board for review and vote at the Board’s September meeting. Absent any such request, I will move forward with the imposition of these conditions.

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| **Paulo Freire Social Justice Charter School**  |
| **Type of Charter** | Commonwealth | **Location** | Holyoke |
| **Regional or Non-Regional** | Regional | **Districts in Region** | Chicopee, Holyoke, Northampton, South Hadley, West Springfield, and Westfield |
| **Year Opened** | 2013 | **Year(s) Renewed** | N/A |
| **Maximum Enrollment** | 500 | **Current Enrollment** | 328[[1]](#footnote-1) |
| **Chartered Grade Span** | 9-12 | **Current Grade Span** | 9-12 |
| **Students on Waitlist** | 0[[2]](#footnote-2) | **Current Age of school** | 4 years |
| **Mission Statement:** To prepare students for college success while inspiring them to be active and effective citizens. We achieve educational excellence and social responsibility for all our students through high expectations and a rigorous academic and social justice curriculum. Our students graduate with strong intellectual and ethical foundations necessary for future leaders of a global society. |

**School History**

PFSJCS was granted a charter in 2012 and planned to open the subsequent school year. The founding group did not secure a facility in time for the 2012-13 school year. In June 2012, the school requested, and was granted, amendments to its charter to reset its charter term to 2013-18 and to revise its growth plan to enroll grades 9 and 10 during its initial year of operation. The school opened for the 2013-14 school year, serving grades 9 and 10 students, per its revised growth plan. The school graduated its first class of seniors in 2016. During the 2016-2017 school year, the school’s fourth year of operation, 328 students attended the school rather than the 410 envisioned by the growth plan.

Over the past two school years, PFSJCS went through multiple transitions at the leadership and board level. Currently, the school has a new executive director who began in May 2017. School leadership and board member turnover is described below and in the attached site visit report.

The school is about to enter its fifth year of operation. The school intends to submit an application for renewal of a public school charter by August 1, 2017. Based upon the Department’s review, the situation warrants the imposition of conditions immediately so the school has notice of matters that it must address starting in August, rather than waiting for the renewal process.

**Basis for Recommendation**

The Department conducted site visits to PFSJCS in the second and third years of its operation. Because of continuing concerns, the Department added a targeted site visit in year four and conducted the visit in April 2017. The targeted site visit included classroom observations and focus groups with the board, school leadership, teachers, and students. The school’s ratings and a summary of evidence for this site visit follow.

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| **Massachusetts Charter School Performance Criteria** | **Rating** |
| **Faithfulness to Charter** | **Criterion 1: Mission and Key Design Elements**The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its accountability plan goals. | ** Partially Meets** |
| **Criterion 2: Access and Equity**The school ensures program access and equity for all students eligible to attend the school. | ** Meets** |
| **Criterion 3: Compliance**The school compiles a record of compliance with the terms of its charter and applicable state and federal laws and regulations. | N/A |
| **Academic Program Success** | **Criterion 5: Student Performance**The school consistently meets state student performance standards for academic growth, proficiency, and college and career readiness. | Level: N/APercentile: N/A |
| **Criterion 6: Program Delivery**The school delivers a high quality academic program that meets the academic needs of all students.  | 1. Curriculum
 | N/A |
| 2. Instruction | N/A[[3]](#footnote-3) |
| 4. Supports for Diverse Learners | ** Partially Meets** |
| **Criterion 7: Culture and Family Engagement**The school supports students’ social and emotional health in a safe and respectful learning environment that engages families. | 1. Social, Emotional, and Health Needs | ** Partially Meets** |
| 2. Family Engagement | ** Partially Meets** |
| **Organizational Viability** | **Criterion 8: Capacity**The school sustains a well-functioning organizational structure and creates a professional working climate for staff. | 1. School Leadership | ** Partially Meets** |
| 2. Professional Climate | ** Partially Meets** |
| **Criterion 9: Governance**Members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school. | ** Falls Far Below** |

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| **Rating Key** |
| ** Exceeds** | The school fully and consistently meets the criterion and is a potential exemplar in this area. |
| ** Meets** | The school generally meets the criterion and/or minor concern(s) are noted. |
| ** Partially Meets** | The school meets some aspects of the criterion but not others and/or moderate concern(s) are noted. |
| ** Falls Far Below** | The school falls far below the criterion and/or significant concerns are noted. |

Faithfulness to Charter

* In years 3 and 4, concerns were identified in Criterion 1: Mission and Key Design Elements.
* During the year 4 site visit, PFSJCS stakeholders shared a common and consistent understanding of the school’s mission of college preparation; the school operates in a manner that is faithful to the mission.
* In its fourth year, the school has not collected or documented robust evidence demonstrating that the academic program is preparing students for college and providing students with improved academic outcomes.
* The school is out of compliance with program requirements as measured by the Department’s coordinated program review (CPR) process. The school received a CPR visit from the Department’s Office of Public School Monitoring during the 2015-16 school year. PFSJCS did not submit timely documentation for all elements of an approved corrective action plan (CAP) Progress Report as required by May 25, 2017.

Academic Success

* PFSJCS has not yet received an Accountability and Assistance Level due to insufficient data. In 2016, the school administered the MCAS assessment for tenth graders. PFSJCS’s state assessment scores were below state student performance percentages for proficiency but met state standards for student growth.
* During the site visit, school staff reported a general understanding of common instructional practices across classrooms.Site visitors observed these structures in all classrooms and in documented lesson plans.
* Site visitors observed high expectations, student engagement, and environments conducive to learning in the majority of classrooms.
* PFSJCS has systems in place to identify students in need of support and provides supports to meet the needs of all learners. The school provided some evidence of intervention structures, but limited resources/staff for students who are struggling.
* The school has an English as a second language (ESL) curriculum, but it is not aligned to WIDA standards. During the 2016-17 school year, 35 English learners were enrolled at PFSJCS.

Organizational Viability

During the site visits in years 3 and 4, the Department also identified concerns related to Criterion 8: Capacity.

* Over the past two years, the school has experienced multiple transitions in leadership and in the board of trustees.
	+ Composition of the board of trustees has varied from 21 members to a low of 11 board members over the past year. The board of trustees elected a new chairperson in October 2016.
	+ In November 2016, the school’s founding executive director retired, and the board of trustees appointed a “school caretaker” while it began a search for a new executive director.
	+ PFSJCS hired a new executive director, who began on May 9, 2017, after the Department’s site visit.
	+ The school has employed three principals over the past two years. From February 2017 until the end of the school year, the principal position was vacant. A principal has been hired for the 2017-2018 school year.
* During the site visit in April 2017, stakeholders, including teachers, parents, students, and special education and ESL administrators, reported concerns about a lack of communication and transparency from board members and school leaders regarding school leadership transitions, roles and responsibilities, and decision making during the 2016-17 school year.

The Department also documented concerns about Criterion 9: Governance during each site visit of the charter term.

* During the year 4 site visit in April 2017, board members reported that their ability to oversee and govern the school was hampered by a lack of communication and information from prior school leadership. The board plans to create or improve its oversight systems and discuss long-term planning with the newly hired executive director.
* During the year 4 site visit, board members further reported an inability to obtain requested academic data to monitor academic success from school leadership, a lack of academic outcome data to monitor the school’s faithfulness to its charter pertaining to college preparation and success, and a lack of monitoring of financial data and enrollment patterns that led to issues with cash flow and audit findings.
* Board minutes reflect that board practices do not always comply with the Open Meeting Law (OML), specifically regarding posting notices for meetings, keeping minutes of meetings, deliberating and voting without a quorum present, recording attending and absent members, and the use of executive sessions. During the site visit in April 2017, the board reported it has reviewed OML requirements for posting notice of board meetings and has complied with this requirement in recent months.
* The board reported, and the school’s financial dashboard for fiscal year 2016 (FY16) confirms, that the school struggles with cash flow. In November 2016, the school’s financial audit (conducted by an independent auditing firm) identified a significant deficiency regarding credit card procedures. In response to financial concerns, the school instituted a spending and hiring freeze during the winter of 2016-17.
* Based on the school’s fiscal audit for FY16, the Department requested the submission of monthly financial statements. Board minutes show the board now frequently reviews finances during meetings of the finance committee and of the entire board of trustees. Based on monthly financial reports submitted to the Department, the school’s finances appear to have stabilized, the school has addressed findings from the FY16 audit, and the school was on budget for FY17.
* At the time of the year 4 site visit in April 2017, membership of the board of trustees did not comply with its bylaws in terms of membership composition. The school’s bylaws state the board should include two staff representatives, the executive director and principal of the school, two parents, and two students. At the time of the visit, the board included one teacher, one parent, and one student representative on the board.

**Conditions**

Based upon evidence gathered during site visits conducted in years two, three and four of this charter term, as well as through Department communication with the school, I have concerns about the organizational viability of this school. These concerns are further described in the attached site visit report for year four. Of particular concern is the inability of the board of trustees to provide adequate oversight and issues related to school leadership and professional climate. For these reasons, I intend to impose the conditions that follow on the school’s charter.

1. Beginning on August 15, 2017, and until further notice, PFSJCS must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant St., Malden, MA, 02148, board meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school’s board members. Additionally, if board materials do not already include this information, the school must also submit monthly financial statements.
2. By August 25, 2017, and November 3, 2017, PFSJCS will submit complete and comprehensive Coordinated Program Review Progress Reports for special education and civil rights, respectively.
3. By September 30, 2017, the school’s board of trustees must engage in training conducted by an external consultant, acceptable to and approved in advance by the Department, on the roles and responsibilities of a board of trustees for a charter school and on the Open Meeting Law.
4. By October 30, 2017, the school’s board of trustees must have completed a comprehensive self-evaluation of its practices and its capacity.
5. By November 30, the school will integrate World-class Design and Assessment English Language Development (WIDA ELD) into its English as a Second Language curriculum and content area curricula as needed.
6. By December 30, 2017, the school’s board of trustees will revise its bylaws, aligning them with current laws and regulations, and submit them to the Department for approval.
7. By December 30, 2017, the school will submit a plan to the Department to come into compliance with applicable state and federal laws and regulations, including, but not limited to, those related to the Open Meeting Law and ESL curriculum requirements.

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If you have any questions regarding my intended actions or require additional information, please contact Alison Bagg, Director (781-338-3218); Cliff Chuang, Senior Associate Commissioner (781-338-3222); or me.

Attachments: PFJCS Year Four Targeted Site Visit Report

 PFJCS Coordinated Program Review Report 2016:

 <http://www.doe.mass.edu/charter/reports/>

1. Source: Student Information Management System (SIMS) March 2017. [↑](#footnote-ref-1)
2. Source: Student Information Management System (SIMS) March 2017. [↑](#footnote-ref-2)
3. Due to the limited scope of the targeted visit, this targeted site visit report contains a finding but not a rating for Key Indicator 6.2: Instruction. [↑](#footnote-ref-3)