

December 18, 2015

Massachusetts Board of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148

Dear Members of the Massachusetts Board of Elementary and Secondary Education:

We, the Board of Trustees of UP Academy Charter School of Springfield, are writing to ask that you and the Massachusetts Board of Elementary and Secondary Education consider granting our charter a waiver given the unique circumstances being faced by Springfield Public Schools and the relation of those circumstances to our charter.

As noted in 603 CMR 1.03 (2):

*The Board may waive provisions of 603 CMR 1.00 for good cause. If a charter applicant or charter school board of trustees makes a written request for a waiver, the Board may waive the applicability of one or more provisions of 603 CMR 1.00. These waivers shall be granted only under circumstances the Board deems exceptional and such waivers shall be granted only to the extent allowed by law. All such requests from the charter applicant or a board of trustees must:*

*(a) be in writing, signed by the waiver applicant;*

*(b) specify the provisions of 603 CMR 1.00 to be waived, the duration of the waiver, and the circumstances to which the waiver applies and the specific reason why a waiver is sought;*

*(c) include a certification that the waiver applicant has made a good faith effort to comply with said provisions; and*

*(d) be accompanied by supporting documentation considered sufficient by the Board to support the special circumstances or the need for relief.*

UP Academy Charter School of Springfield, which had its charter originally granted by your Board in February 2015 with the original expectation of an opening date in 2016-2017, is seeking to waive 603 1.04 (6)(c) which requires schools to have students attending the school within 19 months of charter award. This notes that, “A charter granted by the Board shall be effective for five years, beginning July 1st of the first fiscal year in which the charter school enrolls students, unless revoked pursuant to M.G.L. c. 71, § 89, and 603 CMR 1.12. If no students are attending a charter school within 19 months from the date the charter was granted, the charter will be null and void, unless a waiver and extension is granted by the Board according to the process outlined in 603 CMR 1.03 (2).”

Specifically, we are seeking to defer the opening of the Horace Mann charter school by at least one year and if, or until, our Board of Trustees votes to open the school as a Horace Mann charter school. We would propose that the school cannot be opened as a Horace Mann charter school beyond the beginning of the 2021-22 school year, five years after the initially intended opening date of the of the Horace Mann charter school. We propose that after this time, if our Board of Trustees has not voted to open the school as a Horace Mann charter school, the charter would be null and void.

The context for this waiver request is embedded within the Type A MOU agreed to between our Board of Trustees and the Springfield Public Schools School Committee, and more broadly, stems from collaborative conversations between our Board of Trustees, Springfield Public Schools, the Springfield

Empowerment Zone Partnership (SEZP), UP Education Network, and the Massachusetts Department of Elementary and Secondary Education. The MOU, excerpted below, was approved by our Board of Trustees on June 25, 2015, and approved by the Springfield Public Schools School Committee also on June 25, 2015. The MOU states:

*WHEREAS, in 2015, UP intends to apply for a waiver from the Massachusetts Board of Elementary and Secondary Education in accordance with 603 CMR1.03(2), to defer the opening of the charter school by at least one year, and if, or until, the Board votes to open the school; and*

*WHEREAS, the charter will be implemented at a school currently under the managerial and operational control of Springfield Empowerment Zone Partnership, Inc. ("SEZP") pursuant to that certain Memorandum of Understanding effective as of December 4, 2014, by and among the Springfield School Committee on behalf of Springfield Public Schools, the Superintendent of the Springfield Public Schools, SEZP, and Massachusetts DESE, and to be managed by UP Education Network, Inc. ("UPEN") pursuant to a Memorandum of Understanding between UPEN and SEZP;*

*WHEREAS, prior to the Effective Date of this Agreement, UPEN shall operate as a contract middle school serving students in grade 6 through grade 8 within the Springfield Empowerment Zone through a contract with SEZP;*

*WHEREAS, the Board intends to defer voting to open the opening of UP as long as feasibly possible and so long as conditions at the school currently under the managerial and operational control of Springfield Empowerment Zone Partnership, Inc. allow the school to be successful to the fullest extent possible;*

Please note that on December 17, 2015, our Board, in accordance with OML requirements, held a board meeting during which this waiver request was discussed and confirmed, via vote, by the Board.

If you need any additional information, please do not hesitate to contact a member of our Board.

Thank you for your and the Massachusetts Board of Elementary and Secondary Education's consideration of this waiver request.

Sincerely,

Rachel Romano  
Board Member, UP Academy Charter School of Springfield

Cc: Massachusetts Commissioner of Elementary and Secondary Education Mitchell Chester

Enclosures: Type A Memorandum of Understanding between UP Academy Charter School of Springfield Board of Trustees and School Committee of Springfield Public Schools; minutes of 12/17 meeting of the UP Academy Charter School of Springfield Board of Trustees