*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley  *Commissioner* |  |
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# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:** | Jeffrey C. Riley, Commissioner |
| **Date:** | January 17, 2019 |
| **Subject:** | Charter Schools – Proposed Increase in Enrollment of Alma del Mar Charter School |

Pursuant to the Charter School Regulations, 603 CMR 1.10(1), the Board of Elementary and Secondary Education (Board) must approve changes in the maximum enrollment, grades served, and districts served of Commonwealth and Horace Mann charter schools before the changes are implemented.

This month, I recommend that the Board approve an increase in enrollment for Alma del Mar Charter School (AdM), a K-8 school serving students in New Bedford. The rationale for the proposed increase in enrollment for AdM is described below, in preparation for a discussion and vote at the Board’s meeting on January 22, 2019. The memorandum is organized into the following sections: (1) an update on decisions regarding other amendment requests; (2) an overview of the unique collaboration proposed between AdM and New Bedford Public Schools; (3) the review by the Department of Elementary and Secondary Education (Department); (4) proven provider consideration; (5) public comment; and (6) my recommendation to the Board. The following information is attached to this memorandum for your review:

* the original amendment request and additional materials subsequently submitted by the school, as applicable;
* a summary of the school’s credentials as a proven provider, including a summary of the school’s academic performance, student demographics, attrition rates, and five-year financial summary;
* public comment; and
* the document entitled “New Bedford – Letter of Intent.”

1. **Decisions Regarding Other Amendment Requests**

This year, the Department received amendment requests from a total of six charter schools: four requested an increase in enrollment, one requested to add elementary school grades and sufficient enrollment to accommodate the new grade span, and one requested to decrease its maximum enrollment and change its charter region.

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| **Name of Charter School** | **Current District or Region** | **Current Grade Span** | **Current Maximum Enrollment** | **Proposed Amendment to Charter** |
| Alma del Mar Charter School | New Bedford | K-8 | 450 | Increase maximum enrollment by 1,188 seats |
| Excel Academy Charter School | Boston, Chelsea | 5-12 | 1,344 | Increase maximum enrollment by 56 seats (Chelsea) |
| Global Learning Charter Public School | New Bedford | 5-12 | 500 | Increase maximum enrollment by 100 seats |
| Paulo Freire Social Justice Charter School | Chicopee, Holyoke, Northampton, South Hadley, Westfield, West Springfield | 9-12 | 500 | Remove Westfield and Northampton from current region, add Springfield to current region, and decrease enrollment by 125 seats |
| Pioneer Charter School of Science II | Danvers, Lynn, Peabody, Salem,  Saugus | 7-12 | 360 | Add grades K-6 and increase enrollment by 420 seats |
| Pioneer Valley Chinese Immersion Charter School | 38 districts in Hampshire, Hampden, and Franklin counties[[1]](#footnote-1) | K-12 | 584 | Increase enrollment by 368 seats |

I am declining to recommend the requests of Global Learning Public Charter School, Pioneer Charter School of Science II, and Pioneer Valley Chinese Immersion Charter School to the Board for approval. The Department gives feedback to each school regarding the issues that need to be addressed prior to a recommendation for approval. I will make a decision on the request from Excel Academy Charter School in advance of the Board’s February meeting. I discussed in detail Paulo Freire Social Justice Charter School’s progress towards meeting its conditions, including its charter amendment request, in a separate informational memorandum.

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| **Alma del Mar Charter School (AdM)** | | | |
| **Type of Charter**  (Commonwealth or Horace Mann) | Commonwealth | **Location** | New Bedford |
| **Regional or Non-Regional?** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 2011 | **Year(s) Renewed** | 2016 |
| **Maximum Enrollment** | 450 | **Current Enrollment** | 441[[2]](#footnote-2) |
| **Chartered Grade Span** | K-8 | **Current Grade Span** | K-8 |
| **Students on Waitlist** | 563[[3]](#footnote-3) | **Current Age of School** | 8 years |
| **Mission Statement**  Alma del Mar Charter School is an inclusive, K-8 Expeditionary Learning school that puts New Bedford students on a college trajectory and challenges them to be service-oriented leaders. By engaging in a rigorous academic program with an emphasis on meaningful work, our students will master essential skills and content, take ownership of their learning and think boldly while addressing complex academic and community issues. | | | |

1. **A Unique Collaboration Between Charter and District**

The charter school statute requires “each charter school to collaborate with its sending district on the sharing of innovative practices.” As Commissioner, I am also responsible to facilitate “the dissemination of successful innovation programs of charter schools and to provide technical assistance for other school districts to replicate such programs.” G.L. c. 71, §89(r).

In the spirit of these expectations, I have facilitated a unique proposed collaboration between AdM and New Bedford Public Schools to expand access to high quality educational options for New Bedford families. As I reported to the Board at the special meeting on January 14, 2019, AdM, New Bedford Public Schools, and I signed a letter of intent on January 11, 2019, establishing a unique way forward in their community. The proposed collaboration will result in the establishment of a second campus for AdM that will serve 450 students in grades K-8 at full enrollment. The proposed collaboration includes the development of an enrollment process that is integrated with the district, permits the assignment of students to attend AdM, and identifies a currently unoccupied facility that New Bedford will convey to AdM for use as a second campus.

While the Charter School Regulations permit Commonwealth charter schools to work in collaboration with public school districts through an integrated enrollment process[[4]](#footnote-4) and permit a charter school with multiple campuses to assign students to specific sites,[[5]](#footnote-5) the charter school statute also requires an admissions lottery if the number of applicants exceeds a charter school’s capacity, and provides all eligible residents an equal preference for admission.[[6]](#footnote-6) New Bedford Public Schools and AdM are in discussion regarding the creation of a neighborhood zone that would be used to identify students for enrollment at the second AdM campus. The proposed approach would focus on serving a geographic region within the city rather than permitting enrollment from across the city. Legislative action is required to permit enrollment by neighborhood and enrollment through assignment rather than lottery.

I encourage all Commonwealth charter schools and public school districts to serve their student populations and broader communities through a collaborative approach to public education in the Commonwealth. In the future, I hope the efforts of AdM and New Bedford Public Schools to create high quality educational options for the families in New Bedford will inspire similar collaborations and partnerships in communities where improving student outcomes is of paramount importance.

1. **Department Review**

Section 1.10 of the Charter School Regulations contains several criteria to consider in determining whether to grant an enrollment increase. The Department’s comprehensive review was based upon these criteria.

The Department’s review included the following considerations:

* the charter school’s compliance with applicable state, federal, and local law;
* affirmative, credible evidence regarding the faithfulness of the school to the terms of its charter, including the extent to which the school has followed its recruitment and retention plan and has disseminated best practices;
* affirmative, credible evidence regarding the success of the school's academic program;
* affirmative, credible evidence regarding the viability of the school as an organization;
* the merits of the school’s amendment when judged against the criteria outlined in the Department’s [Charter Amendment and Notification Guidelines](http://www.doe.mass.edu/charter/governance/amendmentguidelines.docx) and the [Charter School Performance Criteria](http://www.doe.mass.edu/charter/guides/PerformanceCriteria.docx);
* the eligibility of the board of trustees for proven provider status based upon the criteria described in 603 CMR 1.04(4); and
* the public comment received regarding the original request.

Overall, the Department’s records indicate that AdM’s academic program is a success, that the school is a viable organization, and that it is faithful to the terms of its charter.

**Plan for Implementation**

* Based upon the letter of intent that Executive Director Will Gardner, Mayor Jon Mitchell, and I signed, the proposed amendment will increase AdM’s maximum enrollment by 450 students to reach a maximum enrollment of 900 students in grades K-8. The proposed increase in enrollment will serve to replicate the current school at a second campus.AdM seeks to grow over four years, with approximately 200 new students added across grades K-2 and grade 6 in the first year of implementation in 2019-2020. AdM has also committed to accept new students in all enrolled grades at both campuses, which exceeds the statutory requirement to fill vacancies.
* AdM reports that current faculty are well-positioned to move into leadership roles at the proposed second campus. AdM states that recent efforts to develop strong classroom teachers into teacher leaders through specialized roles called academic deans have helped to create an adult learning community that will support implementation of a second campus and development of new staff. Additionally, the school has created and filled positions, such as a director of talent, to support the scope and pace of growth over time.
* AdM reports that its strategic plan for growth over time was developed by the board of trustees and school leadership team with facilitation from Bellwether Education Partners and reflects a year-long period of gathering input from stakeholders, as well as planning and preparation for implementation of additional campuses in New Bedford.

**MCAS Performance**

* AdM administered Next-Generation MCAS in 2017 and 2018. MCAS scores are designated by levels of achievement, reported as meeting or exceeding performance standards. The percent of AdM students identified as meeting or exceeding performance standards in English language arts (ELA) increased from 45 percent in 2017 to 50 percent in 2018, above the sending district average in comparable grades in both years and similar to the statewide average. The percent of AdM students identified as meeting or exceeding performance standards in mathematics was 54 percent in 2017 and 2018, exceeding both the sending district and statewide averages in comparable grades.
* AdM administered online PARCC in 2015 and 2016. PARCC scores are designated by Levels, with Levels 4 and 5 meeting or exceeding expectations, respectively. The performance of AdM students increased between its first and second year of administering PARCC. In 2015, 47 percent of AdM students received a Level 4 or 5 in ELA, which increased to 66 percent in 2016. In 2015, 57 percent of students received a Level 4 or 5 in mathematics, which increased to 63 percent in 2016. The school’s performance exceeded the sending district in ELA and mathematics both years and was either similar to or exceeded state averages, with the exception of ELA in 2015.
* AdM administered legacy MCAS in 2013 and 2014. Legacy MCAS scores were designated by levels of proficiency, with proficient and advanced levels meeting or exceeding performance standards, respectively. The percent of AdM students identified as proficient or advanced in ELA increased from 49 percent in 2013 to 56 percent in 2014, above the sending district average in comparable grades in both years and meeting the statewide average in 2014. The percent of AdM students identified as proficient or advanced in mathematics was 79 percent in 2013 and 65 percent in 2014, exceeding both the sending district and statewide averages in comparable grades.

**Student Enrollment and Demographics**

* Overall, AdM has demonstrated success in recruiting a student population comparable to its sending district, including gains in its enrollment of English learners since opening in 2011. See attachments for proven provider credentials. During the 2017-2018 school year, 54 percent of the school’s kindergarten students were identified as English learners in comparison to 35.5 percent of kindergarten students enrolled in New Bedford Public Schools. Seventy-six percent of AdM’s current kindergarten students are identified as high needs relative to 83 percent of kindergarten students in New Bedford Public Schools. In the current school year, 58.5 percent of the school’s kindergarten students were identified as English learners in comparison to 34.2 percent of kindergarten students enrolled in New Bedford Public Schools. In addition, approximately 85 percent of AdM’s current kindergarten students are identified as high needs relative to approximately 81 percent of kindergarten students in New Bedford Public Schools.
* AdM has demonstrated consistently high levels of demand exhibited by meeting targets for enrollment and maintaining an initial waitlist that averages almost 600 students over the past four years. On average, the school has received 131 applications for its 40-50 kindergarten spots. For the current school year, the school received 181 applications for kindergarten. The school reports that it is on track to receive over 1,000 applications for admission for the 2019-20 school year.
* AdM has demonstrated low rates of chronic absenteeism in all years of operation. The school’s rates have been consistently below statewide rates from 2011 through 2018. In 2018, its chronic absenteeism rate was 3.3 in comparison to the state’s rate of 13.5.
* The school has demonstrated low rates of attrition over its first and second charter term. The school’s overall rate of attrition decreased from approximately 8.3 percent in 2013 to approximately 3.4 percent in 2016. The school experienced a slight increase in 2018 to 5.3 percent. Annually, the rate of attrition for high needs students has been below the aggregate rate with the exception of one year, 2017.
* The school recently graduated its first class of eighth graders, with 76 percent (n=28) gaining admission to the local Greater New Bedford Vocational Technical High School. The school hired a Secondary Schools Guidance Counselor to support current seventh and eighth grade students and to support and monitor alumni performance.

**School Culture and Family Engagement**

* AdM implements a variety of systems and structures to support positive school climate and culture. AdM is part of the network of schools supported by EL Education, formerly known as Expeditionary Learning, and implements programming reflecting its five commitments: persistence, integrity, quality, accountability, and service. AdM conducts daily morning meetings in the lower school, crew meetings in the upper grades, and weekly all-school meetings called town hall for the elementary and middle school grade levels. During daily meetings, students engage in curriculum designed to address social-emotional development and build strong peer relationships. During weekly town halls, teachers and students recognize individual students for demonstrating one of the five commitments during the previous week.
* The school demonstrated low rates of discipline over its first charter term with increases in rates during the second charter term. In 2018, the school’s in-school suspension decreased from 7.4 percent to 6 percent while out-of-school suspension increased from 3.1 percent to 9.1 percent. The school has hired an on-site, full-time social worker and expanded its culture team to address this recent challenge. The school monitors student behavior and analyzes historical data to inform its discipline approach for each student. The school reported that it is strengthening its approach to discipline and responding to concerns that families have expressed. The school has an anomaly in its in-school suspension data from 2016 due to incorrectly reporting an in-school suspension rate of 24.1 percent that was not identified by the school prior to the corrections deadline. AdM reported after the corrections period had passed that the school’s in-school suspension rate was 9 percent, not 24.1 percent, in 2016. The school leader stated that the mistake in reporting was due to data entry performed by staff that recorded all interactions with the dean, regardless of the outcome, as suspensions.

**Prior Renewal and Awarded Expansion**

* AdM’s charter was renewed in 2016. The Department recognized the school for its exemplary work in family engagement with a rating of Exceeds in this area of the Charter School Performance Criteria. The school received a rating of Meets in all other areas of performance with two exceptions, Compliance and Student Performance. At the time of the school’s renewal, the Department identified two teachers who had not completed testing requirements for MTEL[[7]](#footnote-7) and the school had not met PPI targets in 2014 and 2015.
* The school was previously granted 90 seats in 2017 based on affirmative evidence on the school’s faithfulness to charter, academic program success, and organizational viability. The school implemented its expansion and increased staffing during this period of limited growth to support student learning and outcomes.

**Organizational Viability**

* As noted in its 2016 renewal and evidenced by the current fiscal dashboard, AdM has maintained sound and stable financial conditions and demonstrated a consistent history of strong performance on key financial metrics. The school received unqualified audit opinions for all years of its first charter term. The school resolved instances of noncompliance in fiscal years 2012 and 2014.

1. **Proven Provider Consideration**

Proven provider status[[8]](#footnote-8) is required to award additional seats to AdM. New Bedford Public Schools performs in the lowest 10 percent of all school districts based on state assessment test scores in 2017 and 2018. As a result, up to 18 percent of net school spending (NSS) of New Bedford Public Schools may be allocated to charter school tuition.[[9]](#footnote-9) The Department has determined that New Bedford Public Schools has approximately 1,125 seats available under the 18 percent NSS cap.

After evaluating the performance of AdM against the criteria for proven provider status, I identified the board of trustees of AdM as a proven provider. Included in your materials are the relevant student achievement and indicator data used to determine that the board of trustees of AdM is eligible for proven provider status. Pursuant to 603 CMR 1.04(4)(b), the award of proven provider status to an existing board of trustees must include successful student academic performance over a three-year period. This is measured by using proficiency/achievement levels and growth measures on the state assessment test or equivalent assessments for English language arts and mathematics in comparable grades for all students and for one or more targeted subgroups. The Department compares the school’s student performance data to statewide averages and to relevant district averages for the grades served by the charter school.

1. **Public Comment**

The Department received a substantial amount of public comment regarding the school’s original request to increase enrollment by 1,144 students. At the time of the school’s submission to the Department, AdM also submitted copies of its request to Superintendent Thomas Anderson of New Bedford Public Schools, pursuant to 603 CMR 1.10(5). Superintendent Anderson submitted comment in opposition to the school’s original proposed expansion. New Bedford School Committee member Joshua Amaral submitted comment in opposition. Superintendent James O’Brien of Greater New Bedford Vocational Technical High School submitted comment in support of an expansion. New Bedford City Councilor Hugh C. Dunn submitted comment in opposition. Representatives William M. Straus, Paul Schmid, Antonio F.D. Cabral, and Chris Hendricks submitted comment in opposition to charter school growth in New Bedford. These comments are attached. In addition, the Department received 880 form letters and postcards, and 80 emails in opposition to charter school growth in New Bedford as well as 44 emails opposed to any charter school growth in Massachusetts. The Department received a petition with 432 signatures in support of an increase in enrollment as well as 143 letters in support of the school’s request from community stakeholders, including current and prospective members of the AdM school community.

1. **Recommendation**

I commend AdM, the city of New Bedford, and New Bedford Public Schools for their creative, thoughtful approach and innovative partnership related to this expansion request. I recommend that the Board approve the request with the following conditions to ensure the proposed collaboration moves forward effectively.

**Condition #1**: The school will participate in good-faith negotiations with New Bedford Public Schools that will result in a memorandum of understanding that supports effective implementation of the proposed collaboration and substantially aligns with the terms of the letter of intent agreed to by both parties and the Commissioner. The memorandum of understanding between Alma del Mar Charter School and New Bedford Public Schools is subject to Commissioner approval prior to execution.

**Condition #2**: As soon as possible, the school shall submit a draft enrollment policy that reflects the negotiated integrated enrollment process with New Bedford Public Schools and the proposed growth plan to reach 900 students, for Commissioner approval.

**Condition #3**: The school will promptly and effectively communicate with the Department regarding any and all significant matters relevant to the suitability and readiness of a second campus location for occupancy at the start of the 2019-2020 school year. These communications shall occur within a reasonable period of time but in any event no later than 96 hours after occurrence.

I am recommending two votes in this unique circumstance. In the first motion, the award of 450 seats is conditioned as described above. If the conditions are not met or necessary legislation has not been enacted, this increase in enrollment of 450 would become null and void. I recommend that we establish a second pathway forward for an enrollment increase if this happens. Therefore, I am asking the Board to also vote on an expansion plan that would take place only if the conditions for the collaboration between AdM and New Bedford Public Schools are not met.

I am hopeful that with the Board’s approval on January 22, the parties will reach a mutually satisfactory memorandum of understanding and continue to move forward with this very promising plan. I will report to the Board at the February 12 regular meeting on progress to date and any necessary next steps.

If you have any questions regarding this amendment or require additional information, please contact Alison Bagg, Director of the Office of Charter Schools and School Redesign (781-338-3218); Cliff Chuang, Senior Associate Commissioner (781-338-3222); or me.

**The following documents are public records and are available upon request.**[**\***](#StartNote)

Attachments: Correspondence from Alma del Mar Charter School, including supplemental evidence provided by the school

Alma del Mar Charter School’s Academic Performance Data, Student Enrollment Demographics, Student Attrition Rates, and Five Year Financial Summary

Public Comment from Public Officials

New Bedford – Letter of Intent

Motion for Board Action on Alma del Mar Charter School

\*Due to the volume of documents, limited web server space, and the Department's commitment to achieving meaningful accessibility to this online environment for all users, but most particularly for users with disabilities (we follow specific [Commonwealth Enterprise Standards](http://www.mass.gov/itd/webaccessibility) designed to meet the needs of our citizens with disabilities), we are unable to post this document on our webpage. Please send an email to [boe@doe.mass.edu](mailto:boe@doe.mass.edu) to request the document and we will respond promptly. Thank you.

1. Agawam, Amherst, Amherst-Pelham, Belchertown, Chesterfield-Goshen, Chicopee, Conway, Deerfield, East Longmeadow, Easthampton, Frontier, Gill-Montague, Granby, Greenfield, Hadley, Hampden-Wilbraham, Hampshire, Hatfield, Hawlemont, Holyoke, Leverett, Longmeadow, Ludlow, Mohawk Trail, Northampton, Pelham, Pioneer Valley, Shutesbury, South Hadley, Southampton, Springfield, Sunderland, West Springfield, Westfield, Westhampton, Whately, Williamsburg, Southwick-Tolland-Granville [↑](#footnote-ref-1)
2. As reported in the Student Information Management System (SIMS) as of October 1, 2018. [↑](#footnote-ref-2)
3. As reported in the Massachusetts Charter School Waitlist Initial Report for 2018-2019 from March 15, 2018. [↑](#footnote-ref-3)
4. 603 CMR 1.05(11) provides as follows. “Integrated Enrollment Process: A school may integrate its enrollment process with that of the school district(s).” [↑](#footnote-ref-4)
5. 603 CMR 1.05(13) provides as follows. “Multiple Campuses Under Single Charter: A charter school that operates multiple campuses under a single charter may assign students, in accordance with the charter school's enrollment policy, to a specific campus for reasons of geographic proximity, student safety, or program delivery.” [↑](#footnote-ref-5)
6. The charter school statute at G.L. c. 71, § 89(n), states as follows:

   Preference for enrollment in a commonwealth charter school shall be given to students who reside in the city or town in which the charter school is located. . . . If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located or are siblings of students already attending said charter school, is greater than the number of spaces available, an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in that school from among the students. If there are more spaces available than eligible applicants from the city or town in which the charter school is located and who are siblings of current students and more eligible applicants than spaces left available, a lottery shall be held to determine which of the applicants shall be admitted . . . . [↑](#footnote-ref-6)
7. The charter school statute, G.L. c. 71, § 89 (ii), states that “[n]o teacher shall be hired by a commonwealth charter school who is not certified pursuant to section 38G unless the teacher has successfully passed the state teacher test as required in said section 38G.” This means that teachers hired by a Commonwealth charter school have through their first year of employment to take and pass the relevant MTELs. If they fail to do so, the charter school may no longer employ them until they have passed the relevant MTELs. [↑](#footnote-ref-7)
8. Proven providers must meet the performance criteria described in 603 CMR 1.04(4) (“evidence, satisfactory to the Commissioner, to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter school”). [↑](#footnote-ref-8)
9. Under the charter school law, no more than 9 percent of a district's net school spending may be allocated to charter school tuition, except for the state's lowest performing districts, including New Bedford Public Schools, in which the cap on charter tuitions is up to 18 percent. [↑](#footnote-ref-9)