*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeffrey C. Riley, Commissioner |
| **Date:**  | January 17, 2020 |
| **Subject:** | Charter Schools – Reports on Probation for Boston Green Academy Horace Mann Charter School, Helen Y. Davis Leadership Academy Charter School, Paulo Freire Social Justice Charter School |

Pursuant to the charter school statute, G.L. c. 71, § 89(ee), and regulations, 603 CMR 1.12(2), the Board of Elementary and Secondary Education (Board) may place a charter school on probation[[1]](#footnote-1) and determine conditions the charter school must meet in order to remedy areas of concern. The Department of Elementary and Secondary Education (Department) is monitoring four charter schools currently operating under probation. These schools are Boston Green Academy Horace Mann Charter School (BGA), City on a Hill Charter Public School New Bedford (CoaH NB), Helen Y. Davis Leadership Academy Charter Public School (HYD), and Paulo Freire Social Justice Charter School (PFSJCS). This memorandum provides a report on the probation of BGA, HYD, and PFSJCS. The Board has received a separate memorandum on CoaH NB.[[2]](#footnote-2)

I recommend that the Board vote to extend the status of probation currently imposed on the charter of BGA. I recommend that the Board vote to remove the status of probation currently imposed on the charter of HYD, but maintain a set of conditions to monitor the school’s governance and improve academic performance. I recommend that the Board vote to maintain the status of probation currently imposed on the charter of PFSJCS. This memorandum includes an overview of the Department’s process for monitoring charter schools on probation, a report on each school’s history and progress toward meeting probationary conditions, and the rationale for each of my recommendations.

**Department Oversight of Charter Schools on Probation**

The charter school statute at G.L. c. 71, § 89(ee), allows the Board to place a charter school on “probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.” Under the charter school regulations at 603 CMR 1.12(2), the Board may impose conditions to address specific areas of concern as part of probation. Each school placed on probation must meet certain conditions by a specific date. Charter schools on probation submit evidence to the Department of the school’s efforts to meet the conditions of probation. The Department reads and evaluates each school’s submission and requests clarification or revision as needed. This fall, the Department conducted a targeted visit to each school currently on probation to speak with administrators and board members and observe the school in operation. These visits allowed the Department to gather further evidence regarding each school’s progress toward meeting its probationary conditions.

**Reports on Probation and Recommendations**

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| **Boston Green Academy Horace Mann Charter School** |
| **Type of Charter**(Commonwealth or Horace Mann) | Horace Mann III | **Location** | Boston |
| **Regional or Non-Regional** | Non-Regional | **Districts in Region** (if applicable) | N/A |
| **Year Opened** | 2011 | **Year(s) Renewed**(if applicable) | 2016 |
| **Maximum Enrollment** | 595 | **Current Enrollment** | 500[[3]](#footnote-3) (as of October 2019) |
| **Chartered Grade Span** | 6-12 | **Current Grade Span** | 6-12 |
| **Students on Waitlist** | 450 (as of March 2019) | **Current Age of School** | 9 years |
| **Mission Statement**Boston Green Academy welcomes diverse students of all abilities, educates and empowers them to succeed in college and career, and prepares them to lead in the sustainability of our community and world. |

School History

BGA is a Horace Mann III[[4]](#footnote-4) charter school in Boston. In its application to become a Horace Mann III charter school, BGA promised to serve students from a Boston high school that was recommended for closure. In its subsequent memorandum of understanding (MOU) with Boston Public Schools (BPS), BGA agreed to open in 2011 with students in grades 9-12; to absorb the student population from Odyssey High School (Odyssey), a Level 3 school; and to occupy Odyssey’s facility in South Boston. While BGA was originally proposed as a 6-12 school, the MOU altered the founding group’s original growth plan and delayed the offering of middle school grades until the 2014-2015 school year.

Until its fourth year of operation, BGA served only grades 9-12 in the South Boston facility. In the fall of 2014, the school moved to the Taft Building in Brighton and began to serve grade 6 students. For two years, the Brighton facility was co-located with Another Course to College, another BPS school. BGA is now the sole occupant of its Brighton facility and currently enrolls students in grades 6 through 12, its full grade span.

Due to persistent concerns, the school received five visits from the Department in the school’s first four years of operation. These visits documented concerns about the school’s faithfulness to its charter, the quality of the academic program, the school’s poor academic results, the quality and amount of support for diverse learners, and the school’s lack of compliance with legal requirements.[[5]](#footnote-5)

In October 2014, the Board voted to put BGA on probation with eight conditions related to finance, governance, and academics. In February 2016, the Board renewed BGA’s charter and continued the school’s probation. The school had met the conditions related to compliance, but conditions related to academic achievement and governance were extended due to ongoing concerns. In January 2017, Commissioner Mitchell D. Chester commended the improved results for BGA’s high school students but stated that BGA must improve the quality of the academic program and outcomes for its middle school students. In January 2017, the Board voted to extend probation and imposed a set of five conditions on the charter to require further improvement in the school’s academic program.

Report on Probation

Below is a summary of the school’s progress toward meeting the five conditions imposed on the school’s charter.

**Condition 1:** Until further notice, Boston Green Academy Horace Mann Charter School must submit to the Department, at charterschools@doe.mass.edu, 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.

**Status: Met/Ongoing**

This condition has been in place since 2014, when the school was first placed on probation. Since that time, the school has regularly submitted the school’s board minutes and related documents, including board agendas, headmaster reports, and financial statements. The school’s audits have been free of findings from fiscal year (FY) 2015 through FY2019; the school’s current [fiscal dashboard](http://www.doe.mass.edu/charter/finance/dashboard/)[[6]](#footnote-6) demonstrates a financially healthy organization.

**Condition 2:** The school must maintain the established escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.

**Status: Met**

The school worked with the Department and BPS to set up this account on August 12, 2015. The board of the school established an escrow account of $15,000, an amount approved by the Department. BGA maintains this escrow account. As of November 30, 2019, the amount held in the separate escrow account was $15,000.

**Condition 3:** By June 30, 2017, BGA must submit to the Department a comprehensive evaluation of the school’s mathematics, English language arts, and science programs including, but not limited to, whether and how such programs effectively create an environment conducive to learning, hold students to high expectations, and foster student engagement. Such comprehensive evaluation must be conducted by an external consultant(s) acceptable to and approved in advance by the Department. The external consultant(s) may be employed by Boston Public Schools if they are not also employees of BGA.

**Status: Met**

On June 28, 2017, BGA submitted a comprehensive evaluation of its mathematics, English language arts (ELA), and science programs. The evaluation was conducted by MassInsight; the Department approved MassInsight in February 2017. The MassInsight evaluation recommended that BGA strengthen systems and structures to establish and share an instructional vision, establish schoolwide data systems to assess student progress and adjust instruction, increase instructional feedback and support of teachers in delivering rigorous instruction, and develop a clear and strong school culture. MassInsight conducted a second evaluation of BGA in April 2019. The second evaluation found that BGA had strengthened areas identified in the prior evaluation but found additional areas for improvement, such as a need for teachers to consistently provide students in all classrooms with rigorous and engaging instruction.

**Condition 4:** By July 31, 2017, BGA must submit an action plan to improve academic performance to the Department for approval. Such action plan must specify the strategies to improve mathematics, English language arts, and science performance for all student groups. The action plan must set clear and specific implementation benchmarks, with a clear timetable and deadlines for completion of key tasks, to allow the school's board of trustees and the Department to monitor implementation.

**Status: Met**

On July 31, 2017, BGA submitted an action plan. After receiving feedback from the Department, BGA submitted a revised action plan on August 16, 2017. The Department approved the revised plan, which was aligned to the requirements of the condition. The action plan specified four priority areas for improvement. These areas were to improve the consistency of rigorous tasks and student engagement across all classrooms; for all teams to use data in a purpose-driven, effective, and efficient manner; to use data to adjust instruction and provide tiered interventions; and to ensure that school culture effectively supports student learning and BGA’s values. The goals of the action plan aligned with areas noted in the evaluation produced by MassInsight.

The Department visited BGA in December 2019 and determined that the school has made progress in meeting the goals outlined in the action plan. School leaders reported that the school has implemented a number of items outlined in the action plan: a system of academic and non-academic supports for students; increased teacher understanding of rigorous instructional tasks; systems to use data to inform student supports, teacher professional development; and a clear, consistent, and positive school culture. School leaders reported that BGA is still working to increase the rigor of academic tasks, to improve MCAS scores, and to increase its 4-year graduation rate.

**Condition 5:** By December 31, 2019, the school must demonstrate continued significant and sustained academic improvement in mathematics, English language arts, and science.

**Status: Partially Met**

The current academic condition was imposed based on BGA’s academic results on the 2016 statewide assessment, with particular concern about the low student growth percentiles (SGP) and achievement in the middle grades. As detailed in the attached data tables, BGA has had mixed academic results over the past three years. According to the statewide accountability system, the school made substantial progress toward meeting targets[[7]](#footnote-7) in 2019, but the school remains among the lowest performing 10 percent of schools. Based on 2019 results, BGA is in the 6th percentile compared to other middle/high schools statewide. Additionally, BGA is identified as “requiring assistance or intervention” in the statewide system of accountability due to its overall low performance and the low performance of its Hispanic/Latino student group.

Grade 10 MCAS achievement results remain below state averages, but SGP results improved to within the “typical” range in 2019. MCAS scores for students in grades 6 through 8 demonstrate some improvement from 2017 to 2019 in ELA and mathematics. Grade 6 through 8 SGPs have improved since 2017; they were in the “typical” range in 2018 and 2019. Since 2017, however, when probation was extended, absolute achievement for all grades remains below statewide averages and below average results in BPS.

BGA has dramatically improved its graduation rates when compared to the graduation rates of the former Odyssey, which were 55.3 percent at 4 years and 58.1 percent at 5 years in 2011, the year before BGA took over the school. BGA’s 4-year graduation rate for the 2018 cohort was 75.8 percent with an additional 8 percent of students still in school, and the 5-year graduation rate was 82.1 percent for the 2017 cohort with an additional 10.4 percent still in school.

BGA’s annual dropout rate continues to decline from prior years. In 2018, BGA’s annual dropout rate was 3.0 percent. Odyssey’s annual dropout rate was 13.5 percent in 2011.

Recommendation

BGA met four of the five conditions imposed; the school partially met the fifth condition requiring significant and sustained academic improvement. I commend the school for making progress in its academic outcomes, particularly for the improved growth scores for students in grades 6 through 8. Overall achievement, however, remains low in grades 6 through 8, and I am concerned about the low overall performance of the school’s Hispanic/Latino students, who compose 40 percent of the school’s enrollment.

BGA will submit an application for renewal of its charter by August 1, 2020, and will undergo an extensive renewal inspection during the fall of 2020. With further evidence gathered during the renewal inspection and another year of MCAS assessment data, I will assess the school’s academic outcomes and make a recommendation regarding BGA’s renewal next year.

Given this evidence, I recommend that the Board extend probation for a year, remove the conditions related to the comprehensive evaluation and action plan, and extend three existing conditions as part of the school’s probation. These conditions follow.

1. Until further notice, Boston Green Academy Horace Mann Charter School must submit to the Department, at charterschools@doe.mass.edu, 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. The school must maintain the established escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.
3. By December 31, 2020, the school must demonstrate significant and sustained academic improvement in mathematics, English language arts, and science.

In addition to meeting the terms of the conditions, BGA, like all charter schools, must comply with the terms of its charter. Failure of BGA to meet the conditions within the timelines specified may result in immediate suspension and revocation of the school’s charter. I will report back to the Board when I made a renewal recommendation regarding BGA in winter of 2021.

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| **Helen Y. Davis Leadership Academy Charter Public School[[8]](#footnote-8)** |
| **Type of Charter**(Commonwealth or Horace Mann) | Commonwealth | **Location** | Boston |
| **Regional or Non-Regional** | Non-Regional  | **Districts in Region** (if applicable) | N/A |
| **Year Opened** | 2003 | **Year(s) Renewed**(if applicable) | 2008, 2013, 2018 |
| **Maximum Enrollment** | 216 | **Current Enrollment** | 207 (as of October 2019) |
| **Chartered Grade Span** | 6-8 | **Current Grade Span** | 6-8 |
| **Students on Waitlist** | 200 (as of March 2019) | **Current Age of School** | 17 years |
| **Mission Statement**Our school develops high-achieving students of good character who use problem solving, communication, and interpersonal skills to inspire others and to catalyze educational, economic, and political advancement within their communities and the broader nation. |

School History

The Board granted a charter to HYD in 2003, and the school opened in fall 2003 and served 78 students in grade 6. The school expanded by one grade each year and served its full grade span, 6-8, starting in the 2005-2006 school year.

In 2013, the school’s charter was renewed with three conditions related to governance. The Department determined that the school met the conditions imposed, and the Commissioner released the school from the conditions in January 2014.

In July 2017, prior to the submission of the school’s application for renewal of its charter, HYD staff and administrators shared concerns with the Department regarding the school’s use and oversight of public funds. Due to the nature of the concerns, the Department referred the matter to the Office of the State Auditor (OSA) and the Office of the Inspector General (OIG).

At the time of the Board’s decision to grant a third renewal of the school’s charter in February 2018, the Board also voted to place the school on probation and impose eight conditions related to governance and academics. The reasons for placing HYD on probation at the time of renewal included the ongoing investigations conducted by the OSA and the OIG as well as declining academic results.

The Department received the [OIG’s report on October 18, 2018](https://www.mass.gov/news/charter-school-board-overpaid-former-executive-director-roughly-100000-failed-to-oversee-her), and the [OSA’s report on November 19, 2018](https://www.mass.gov/news/audit-calls-for-improvement-in-board-oversight-at-helen-y-davis-leadership-academy). In December 2018, HYD submitted an action plan to the Department in response to each of the recommendations contained in the OIG and OSA reports. On December 28, 2018, HYD’s chair of the board of trustees, who had been serving in that capacity since 2010, resigned. Additionally, the school notified the Department that the former executive director, who had taken on a role at the school as a paid consultant, was no longer employed by the school in any capacity.

On January 22, 2019, based on the OIG and OSA reports, the school’s mixed performance on the probationary conditions, and a lack of academic improvement, the Board voted to maintain probation and imposed seven conditions on the school’s charter.

Report on Probation

Below is a summary of the school’s progress toward meeting the seven conditions imposed on the school’s charter.

**Condition 1:** Until further notice, HYD must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant St., Malden, MA 02148, board and committeemeeting 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. The documents must reflect adherence to the Open Meeting Law.

**Status: Met/Ongoing**

The school has provided 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, as required. The school has also provided financial statements as required. Between January 2019 and November 2019, the HYD board of trustees has met nine times.

**Condition 2:** By February 1, 2019, HYD must submit evidence to the Department that it has provided the school community with notice of the school’s status and that the school’s charter has been placed on probation with conditions that the school must meet. The school must inform parents/guardians, teachers, staff, board members, students, and other community members of the school’s current status.

**Status: Met**

HYD provided the Department with an advance draft of communication prior to distributing to the school community to ensure it met the requirements of the condition. On February 1, 2019, HYD’s executive director sent a letter informing the school community that the school had been placed on probation. The school also provided evidence of successful email distribution of the notice.

**Condition 3:** The board of trustees must work with the Department to revise the board’s bylaws according to established criteria and obtain approval of the bylaws by February 15, 2019.

**Status: Met, with concerns noted**

The new chair of the board of trustees submitted an initial draft of the bylaws for Department review on January 23, 2019. The board chair was responsive to feedback from the Department and submitted subsequent drafts. The Department provided provisional approval of the draft bylaws on February 5, 2019. The school’s board of trustees voted approval of the bylaws on March 19, 2019. On May 1, 2019, the Commissioner granted final approval of the bylaws.

In a letter to the chair of the board in August 2019, the Department notified HYD that its board membership had fallen below the minimum required by its bylaws (seven) and by regulation (five); at the time, HYD board of trustees membership totaled three. Subsequently, the board recruited additional members. As of December 2019, board membership includes six approved, voting members with expertise in business, finance, academics, and school operations.[[9]](#footnote-9) During a visit to the school in December 2019, the board chair and executive director reported that they are recruiting additional board members with the goal of having at least seven voting members.

A review of board minutes indicates that members are fulfilling their legal obligations to the school and as special state employees. Over the past 12 months, the HYD board of trustees has reviewed and approved a number of school policies required to improve school operation, such as time and attendance policies; a retirement benefits policy; a student/family handbook; an employee handbook; a monetary gift policy; policies for homeless, military, and students in foster care; and a school dress code policy.

**Condition 4:** By March 1, 2019, HYD must finalize for Department approval an action plan to address each recommendation contained in the reports of the Office of the Inspector General and the Office of the State Auditor.

**Status: Met**

As noted above, HYD created its own action plan in December 2018 in response to the recommendations contained in the reports of the OIG and the OSA. After the Board continued the school’s probation in January 2019, the school’s executive director submitted a revised action plan on January 22, 2019. After two rounds of feedback from the Department, the Department approved the school’s final action plan on March 1, 2019.

**Condition 5:** Beginning March 1, 2019 and until further notice, HYD must provide monthly updates to the Department demonstrating progress toward meeting the goals in its approved action plan and addressing all recommendations contained in the reports of the Office of the Inspector General and the Office of the State Auditor.

**Status: Met**

HYD provided the Department with updates related to its approved action plan beginning in March 2019. Updates were provided monthly, with the exception of July and August 2019 because the board of trustees did not meet in those months. Updates show the school’s progress in implementing new systems and structures related to governance and management of the school. As indicated in minutes and in updates to the action plan, HYD has established systems and structures for the board to oversee the performance, time and attendance, and benefits and compensation of the executive director. The board of trustees has also established systems to monitor the use of credit cards and procurement processes, ensured that HYD staff are following the school’s fiscal policies and procedures, and established better practices to ensure compliance with the Open Meeting Law, transparency and efficiency of board meetings, and appropriate training for all board members. The school’s FY19 audit was free of findings and stated that the school had resolved all significant deficiency and non-compliance findings in the FY2018 audit.

**Condition 6:** ByApril 15, 2019, all members of the board of trustees must participate in training on the Open Meeting Law offered by the Office of the Attorney General. In addition, all members of the board of trustees must participate in training on state ethics offered by the State Ethics Commission.

**Status: Met after Deadline**

HYD requested, and was granted by the Department, an extension of the deadline to May 30, 2019, for board member participation in the two trainings. On May 3, 2019, HYD submitted State Ethics training certificates for all five members of the school’s board of trustees. On May 15, 2019, two members of the school’s board of trustees resigned due to changes in their work obligations. By May 23, 2019, HYD submitted evidence that the remaining three board members completed the required Open Meeting Law trainings.

**Condition 7:** By December 31, 2019, the school must demonstrate that it is an academic success by providing evidence of significant and sustained academic improvement in mathematics, English language arts, and science. If HYD does not demonstrate academic improvement by December 31, 2019, the Commissioner may recommend that the Board of Elementary and Secondary Education revoke the school’s charter.

**Status: Partially Met**

As demonstrated by the attached data tables, HYD has improved academic outcomes over the past two years. The school made substantial progress toward meeting targets[[10]](#footnote-10) established by the statewide accountability system in 2019 and is currently classified as not requiring assistance or intervention. MCAS scores for students in grades 6-8 improved from 2018 to 2019 in ELA and mathematics. Compared to 2017, when conditions were imposed, 2019 mathematics scores have improved and ELA scores have declined slightly. The school’s average student growth percentile improved from 2018 to 2019 in both ELA and mathematics to the “typical range” for growth. Based on 2019 results, HYD is in the 11th percentile compared to schools administering similar MCAS assessments statewide.

As confirmed by school submissions and a Department visit on December 4, 2019, the school has hired new staff to oversee the academic program, is consistently evaluating teachers according to the Massachusetts Educator Evaluation Framework, is providing weekly professional development to teachers, and has developed consistent expectations about classroom instruction.

Recommendation

Over the past year, HYD’s school and board leadership have demonstrated a commitment to and provided evidence of organizational change addressing the concerns outlined during the school’s 2018 renewal and the subsequent reports of the Massachusetts OSA and OIG. Board membership and school staff have substantially improved in the exercise of their duties since the summer of 2017. Evidence collected by the Department and monthly submissions of the school show a board that is now governing with a duty of care and loyalty to the school. I commend HYD and board leadership for their efforts.

While academic outcomes have improved, I remain concerned about the low levels of achievement as measured by MCAS. I would like to see HYD generate higher levels of achievement and sustain its current growth scores. Given this evidence, I recommend that the Board remove the school from probation and remove five of the conditions, but extend two of the current conditions and impose a third condition related to board of trustees membership.

1. Until further notice, Helen Y. Davis Leadership Academy Charter Public School must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant St., Malden, MA 02148, board and committeemeeting 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. The documents must reflect adherence to the Open Meeting Law.
2. By June 30, 2020, membership of the school’s board of trustees must comply with the school’s bylaws related to total number of voting members.
3. By December 31, 2021, the school must demonstrate that it is an academic success by providing evidence of significant and sustained academic improvement in mathematics, English language arts, and science.

In addition to meeting these conditions, HYD, like all charter schools, must comply with the terms of its charter. Failure of HYD to meet the conditions within the timelines specified may result in the imposition of probation or other sanctions. I will report to the Board on HYD’s progress in meeting these conditions.

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| **Paulo Freire Social Justice Charter School** |
| **Type of Charter**(Commonwealth or Horace Mann) | Commonwealth | **Location** | Chicopee |
| **Regional or Non-Regional** | Regional | **Districts in Region** (if applicable) | Chicopee, Holyoke, South Hadley, West Springfield |
| **Year Opened** | 2013 | **Year(s) Renewed**(if applicable) | 2018 |
| **Maximum Enrollment** | 320 | **Current Enrollment** | 278 (as of October 2019) |
| **Chartered Grade Span** | 9-12 | **Current Grade Span** | 9-12 |
| **Students on Waitlist** | 0 (as of March 2019) | **Current Age of School** | 7 years |
| **Mission Statement**The Paulo Freire Social Justice Charter School (PFSJCS) is a public high school preparing 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

The Board granted PFSJCS a charter in 2012. The school planned to open in Holyoke in fall 2012 but was unable to locate a facility in Holyoke in time to open for the 2012-2013 school year. In June 2012, the Board granted an amendment to the school’s charter permitting it to open in the 2013-2014 school year, and the Commissioner granted an amendment permitting the school to enroll grades 9 and 10 during its initial year of operation.

During the school’s first charter term, student enrollment at PFSJCS fell short of the school’s enrollment targets. From the 2014-2015 school year through the 2018-2019 school year, the school pre-enrolled more students than it served and was under-enrolled during the school year when compared to its growth plan, requiring the school to make financial adjustments mid-year based on lower tuition payments. Additionally, from the 2016-2017 through the 2018-2019 school year, PFSJCS’s attrition rates were higher than comparison high schools and the statewide average. This continued under-enrollment compared to pre-enrollment had an ongoing detrimental effect on the financial health of PFSJCS.

On July 26, 2017, the Acting Commissioner imposed conditions on the school’s charter due to concerns about the school’s organizational viability. In January 2018, due to partial progress in meeting the conditions imposed and ongoing concerns related to academic performance and organizational viability, the Board renewed the charter of PFSJCS for a second charter term and placed the school on probation. The Board imposed eleven conditions related to enrollment, governance, and academics.

In July 2018, as required by the conditions, PFSJCS submitted a request to amend the school’s maximum enrollment, districts served, and location. Due to the expiration of its lease in Holyoke, the school requested to locate in Chicopee, a municipality within the region specified in its charter.

In February 2019, the Board extended the school’s probation, amended the conditions imposed on its charter, and approved a modified version of the amendments requested by the school. The Board approved the removal of Westfield and Northampton from the school’s region and a reduction in maximum enrollment from 500 to 320 students. The Commissioner subsequently approved the school’s relocation to Chicopee.

During the school’s first five years of operation, administrative and board leadership positions have turned over multiple times. Leadership has stabilized as of 2017; the board chair, executive director, and principal have all served in their respective roles since 2017.

Report on Probation

Below is a summary of the school’s progress toward meeting the 11 conditions imposed on the school’s charter in 2019.

**Condition 1:** 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 and committee 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. The documents must reflect adherence to the Open Meeting Law. Additionally, if board materials do not already include this information, the school must also submit monthly financial statements (including, but not limited to, statement of revenues and expenses, a balance sheet, bank account statements, and a cash flow statement including actual and projected revenues and expenses).

**Status: Ongoing**

The school has submitted board meeting agendas, materials, minutes for board and committee meetings and monthly financial statements providing the information the condition requires. Towards the end of the 2018-2019 school year, PFSJCS hired a new business manager. The new business manager attends monthly meetings of the finance committee and produces financial statements for the board.

**Condition 2:** By March 15, 2019, PFSJCS must submit evidence to the Department that it has provided the school community with notice of the school’s renewal and that the school’s charter has been placed on probation with conditions that the school must meet. The school must inform parents/guardians, teachers, staff, board members, students, and other community members of the school’s current status.

**Status: Met**

On March 4, 2019, the school’s executive director provided the Department with evidence that the school provided notice to parents/guardians, students, and staff regarding the school’s probationary status. At the request of the Department, the school provided evidence that a more accurate notice was provided to board members and the school community on March 14, 2019.

**Condition 3:** Until further notice, the school must submit weekly enrollment updates to the Department.

**Status: Ongoing**

The school has submitted weekly enrollment updates to the Department since the imposition of this condition. Beginning in September 2018, at the Department’s request, PFSJCS began submitting weekly enrollment and weekly attendance broken out by grade level. The most recent weekly report, dated January 10, 2020 contained enrollment totals and attendance percentages by grade, as noted in the chart that follows, for a total of 280 students. During the site visit, teachers and administrators reported that grade 9 attendance is an area of challenge. The school provides transportation for all students in the districts served and the majority of students reside in Holyoke. Administrators and teachers reported that the new location in Chicopee could be a challenge because it was difficult for students to get from Holyoke to school in Chicopee if they missed the bus.

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|  | Grade 9 | Grade 10 | Grade 11 | Grade 12 |
| Number enrolled | 86 | 74 | 64 | 56 |
| Percent attendance | 62 percent | 59 percent | 65 percent | 72 percent |

**Condition 4:** The school must maintain the current escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.

**Status: Met**

PFSJCS maintains an escrow account. As of October 31, 2019, the amount held in the separate escrow account was $169,433.

**Condition 5:** By April 1, 2019, the school must submit to the Department for approval an updated comprehensive action plan for improving academic performance. Such action plan must include a needs assessment aligned to the 2018 statewide accountability results for PFSJCS. The action plan must also specify the evidence-based strategies the school will use to improve performance in mathematics, English language arts, and science for all student subgroups. The action plan must set clear and specific implementation benchmarks, with a clear timetable and deadlines for completion of key tasks, sufficient to allow the school's board of trustees and the Department to monitor implementation. The school must provide evidence that it has shared its improvement plan with the school’s community including, but not limited to, students, parents, and staff.

**Status: Met**

On April 1, 2019, PFSJCS submitted an updated action plan based upon its action plan for the 2018-2019 school year. The school continues to work with SchoolWorks, the consultant firm hired to conduct a comprehensive evaluation during the 2017-2018 school year. SchoolWorks continues to provide training to staff and assist in monitoring the school’s action plan. On April 11, 2019, the Department requested action plan revisions to include more specific information related to mathematics, ELA, and science curriculum and instruction. After making changes in response to feedback from the Department, the action plan was finalized on May 5, 2019. The school provided evidence that it shared its improvement plan with its school community.

During a targeted site visit, conducted on November 7, 2019, teachers, board members, and administrators reported that the school had made progress in implementing programs and systems to address the four areas of focus of the action plan. These four areas are: teacher support and professional development; systems for student support; systems for administrative communication; and implementation of a common understanding of high academic rigor and socially conscious high expectations for behavior.

**Condition 6:** By April 1, 2019, the school must develop and submit for Department approval a transportation plan to provide transportation services to all of its students in the region it serves.

**Status: Met**

On March 25, 2019, PFSJCS submitted a transportation plan to provide transportation services to all of its students in the region it serves. As noted above, the Board voted to change the regions specified in the district in February 2019, and the Commissioner approved the school’s relocation from Holyoke to Chicopee. Since its founding, PFSJCS has provided transportation for students who resided in its region, the submitted transportation plan takes into account the school’s new location. The transportation plan outlines the use of five buses to transport students who reside in Chicopee, Holyoke, South Hadley, West Springfield, and Springfield. The plan also allows for specialized transportation and the addition of a sixth bus as needed. The Department requested revisions to include the total cost of transportation in FY2020. The plan was resubmitted on April 11, 2019, with the requested revision.

**Condition 7:** By May 1, 2019, the school must demonstrate the readiness of the proposed facility in Chicopee for occupancy including, but not limited to, the completion of all building and safety inspections, submission of certificates of occupancy and inspection, and completion of all tasks and modifications necessary to use the proposed facility as a public school.

**Status: Met**

By May 1, 2019, the school provided most of the certifications and evidence of necessary tasks it had accomplished for school opening. Some of the required permits and certificates were issued during the summer; this is typical for schools moving into a new facility. By August 23, 2019, a week before the first day of school, the school had obtained all remaining required permits and certificates.

**Condition 8:** By June 15, 2019, the school must develop and submit for Department approval a financial management plan that explains how the school will ensure that it has the appropriate capacity to meet Criterion 10: Finance from the Charter School Performance Criteria.

**Status: Met**

The school submitted its financial management plan on June 14, 2019. After a conversation with Department staff, the school revised the plan and resubmitted it on July 16, 2019.

The school took steps to improve its capacity with regard to financial management soon after the extension of conditions in February 2019. As noted above, toward the end of the 2018-2019 school year, PFSJCS ended its contract with the firm providing business management services and hired a new firm. The new business manager and the board’s finance committee assisted the executive director in creating the financial management plan. The plan outlines expectations and processes to assist stakeholders in ensuring fiscal viability including areas such as annual approval of the school budget, expected enrollment for the 2019-2020 school year, and changes to the financial management process to improve internal controls and oversight.

**Condition 9:** By November 1, 2019, the school must demonstrate enrollment sufficient to meet its growth plan, pre-enrollment, and FY2020 budget.

**Status: Met**

On March 15, 2019, PFSJCS submitted a pre-enrollment report to the Department predicting an enrollment of 283 students for the 2019-2020 school year. As envisioned in its revised growth plan for its new maximum enrollment of 320, PFSJCS planned for a total enrollment of 283 during the 2019-2020 school year. The school’s 2019-2020 budget, contained in the Annual Report submitted to the Department on August 1, 2019, planned for tuition revenue based on 280 students. As documented in the Department’s SIMS collection, PFSJCS enrolled 278 students as of October 1, 2019. Based on data submitted by the school, as of November 1, 2019, there were 284 students enrolled at PFSJCS. As of January 10, 2020, there were 280 students enrolled.

**Condition 10:** The school must submit its annual fiscal audit and Charter School End of Year Financial Report by the due dates required in the charter school statute or Department guidelines.

**Status: Met**

The school met both due dates. PFSJCS submitted its FY2019 financial audit on November 1, 2019. Additionally, PFSJCS submitted its Charter School End of Year Financial Report by December 1, 2019. The school’s FY2019 audit stated that the school had resolved two of three findings from the prior year; the audit still contained a material weakness related to internal controls and two non-compliance findings. In the audit, the school responded that the findings were due to the former business manager and that a new finance team with experience working with charter schools was hired in April 2019.

**Condition 11:** By December 31, 2019, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in English language arts, mathematics, and science.

**Status: Partially Met**

As demonstrated by the attached data tables, PFSJCS has had mixed academic results over the past three years. The school made moderate progress toward meeting targets set by the statewide accountability system in 2019 and is currently classified as requiring assistance or intervention because it is among the lowest performing 10 percent of schools. Based on 2019 results, PFSJCS is in the 6th percentile compared to other high schools statewide.

MCAS achievement scores for students in grade 10 declined in ELA and mathematics from 2016 to 2018; science has improved from 2016 to 2019. PFSJCS’s 2019 achievement scores are below state averages and below grade 10 scores in Holyoke Public Schools. The school’s 2019 grade 10 mathematics results were significantly below statewide averages. Additionally, the 2019 average student growth percentile (SGP) scores for ELA and mathematics are in the “low” range for growth. PFSJCS has seen improvement in both its 4- and 5-year graduation rates over the past three years.

Recommendation

Under more stable school and board leadership, PFSJCS has improved systems and structures for board governance as well as for financial management and oversight. The school has met the conditions imposed upon its charter by maintaining enrollment consistent with its budget, by meeting requirements for a location change, and by submitting a plan for financial health. While the FY2019 audit contained findings of material weakness and non-compliance, it was submitted on time and the school has already taken action to address these findings.

School submissions and a visit conducted on November 7, 2019, indicate that the school has made progress in implementing programs and systems in its action plan.

I commend the school on working diligently to remedy areas of prior concern. The school, however, has not yet achieved stability in terms of its academic outcomes, demand for seats, and retention of students in a manner that instills confidence in the school’s long-term viability. While the school met the condition related to enrollment, enrollment has fluctuated this year from a low of 273 to a high of 284. Further, summer attrition rates continue to be higher than desirable with 15.6 percent of grade 9, 10, and 11 students not returning to PFSJCS for the 2019-2020 school year.

PFSJCS is in its first year in a new facility in Chicopee and a majority of the school’s students reside in Holyoke. Based on weekly attendance records, there has been a decline in attendance rates this year across all grades. Additionally, while the school’s chronic absenteeism rate[[11]](#footnote-11) declined from 2018 (58.8 percent) to 2019 (51.8 percent), it is still extremely high. The school was recently awarded a three-year grant to work with the University of Connecticut to reduce absenteeism, and I expect to see results from that partnership. Lastly, while the school’s 2019 academic results demonstrate some improvement, the school is still performing in the lowest 10 percent of high schools statewide, substantially below what we expect of any charter school.

Based on the above evidence, I recommend the Board extend the school’s probation. I further recommend the continuance of some conditions and the imposition of new conditions on the school’s charter. These conditions follow.

1. Until further notice, Paulo Freire Social Justice Charter School must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant St., Malden, MA, 02148, board and committee 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. The documents must reflect adherence to the Open Meeting Law. Additionally, if board materials do not already include this information, the school must also submit monthly financial statements including, but not limited to, statement of revenues and expenses, a balance sheet, bank account statements, and a cash flow statement including actual and projected revenues and expenses.
2. Until further notice, the school must submit weekly enrollment updates to the Department.
3. The school must maintain the current escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.
4. By December 31, 2021, the school demonstrate a significant and sustained reduction in its chronic absenteeism rate.
5. By December 31, 2021, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in English language arts, mathematics, and science.

In addition to meeting the terms of probation, PFSJCS, like all charter schools, must comply with the terms of its charter. Failure of PFSJCS to meet the conditions within the timelines specified may result in immediate suspension and revocation of the school’s charter.

I will review and report to the Board on PFSJCS’s success or lack of success in meeting the terms of probation. Based upon this review, I will recommend that the Board take action as appropriate with respect to the school’s charter including, but not limited to, removal of probation, continuation of conditions, or suspension and revocation of the school’s charter.

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

Attachments: Attachment A: Data tables for Boston Green Academy Horace Mann Charter School, Helen Y. Davis Leadership Academy Charter School, Paulo Freire Social Justice Charter School

Motion for Board Action on Boston Green Academy Horace Mann Charter School

Motion for Board Action on Helen Y. Davis Leadership Academy Charter School

Motion for Board Action on Paulo Freire Social Justice Charter School

1. Pursuant to 603 CMR 1.12(2), the Board

may place a charter school on probation if in its judgment the imposition of a condition alone would be insufficient to remediate the problem. The Board may impose conditions on the school's charter that require the school to address specific areas of concern. Placing a school on probation signals concern about the school's viability and permits the Board to suspend a school's charter immediately if the school fails to remedy the causes of its probation. [↑](#footnote-ref-1)
2. As described in a separate memorandum, sent to the Board on December 6, 2019, City on a Hill Charter Public School New Bedford’s board of trustees voted to surrender its charter effective June 30, 2020. I recommend that the Board vote to accept the surrender of the charter granted to CoaH NB. [↑](#footnote-ref-2)
3. Boston Public Schools set a limit on the number of grade 6, 7, and 8 students that can attend BGA of 60 students per grade level, creating an enrollment limit lower than that in the school’s charter. [↑](#footnote-ref-3)
4. The revision of G.L. c. 71, § 89, in 2010, created three types of Horace Mann charter schools, each with a particular set of requirements. Requirements for the involvement of the collective bargaining unit vary by type. While an application for a Horace Mann III charter school must be submitted with the approval of the school committee, approval from the local collective bargaining unit is not required when the application is submitted. Following the award of a charter, the board of trustees of the charter school must negotiate in good faith with the collective bargaining unit and the school committee regarding any modifications to collective bargaining agreements. Pursuant to 603 CMR 1.10, the local school committee and teachers’ union must approve applications for renewal of all Horace Mann charters and most Horace Mann charter amendments. [↑](#footnote-ref-4)
5. BGA’s lack of compliance prior to 2014 included lack of appropriate licensure for two special education staff, failure to request the Commissioner’s approval of board members prior to service, and failure to submit the 2012 end-of-year financial report or the 2013 financial audit in a timely manner. The school remedied these issues by 2016. [↑](#footnote-ref-5)
6. The fiscal dashboard contains financial data from the most recent five years of operation and is derived from financial reports and independent financial audits submitted by the charter school. The fiscal dashboard aligns with the financial criteria of the Charter School Performance Criteria and provides an overview of the school’s financial health using standard financial indicators, such as the percentage of the program paid by tuition and federal grants, unrestricted days cash, and debt to asset ratio. [↑](#footnote-ref-6)
7. Progress towards improvement targets is reported as the degree to which targets are met, using a criterion-referenced measure of performance. The cumulative criterion-referenced target percentage combines multiple years of data related to achievement, growth, high school completion, English learner (EL) progress, advanced coursework completion, and chronic absenteeism into a single number between 0 and 100. For a group to be considered to be meeting or exceeding targets, it must have a cumulative criterion-referenced target percentage of 75 percent or higher. See the following for more details: <http://www.doe.mass.edu/accountability/lists-tools.html> [↑](#footnote-ref-7)
8. HYD, formerly known as Smith Leadership Academy Charter Public School, amended its charter to change its name, effective FY15. [↑](#footnote-ref-8)
9. The executive director is an ex officio member of the board with non-voting status, per the board’s bylaws, and does not count towards the minimum number of seven trustees. [↑](#footnote-ref-9)
10. Progress towards improvement targets is reported as the degree to which targets are met, using a criterion-referenced measure of performance. The cumulative criterion-referenced target percentage combines multiple years of data related to achievement, growth, high school completion, English learner (EL) progress, advanced coursework completion, and chronic absenteeism into a single number between 0 and 100. For a group to be considered to be meeting or exceeding targets, it must have a cumulative criterion-referenced target percentage of 75 percent or higher. See the following for more details: <http://www.doe.mass.edu/accountability/lists-tools.html> [↑](#footnote-ref-10)
11. Chronic absenteeism is defined as the percentage of students missing 10 percent or more of their days in membership. The chronic absenteeism rate includes both excused and unexcused absences, and is calculated for students in grades 1 through 12. In order to be included in a school’s chronic absenteeism rate, a student must be enrolled in the school for at least 20 days at any point in the school year. [↑](#footnote-ref-11)