*****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:**  | February 12, 2021 |
| **Subject:** | Charter Schools –Amendments for Regional Charter Schools (Holyoke Community Charter School and Marblehead Community Charter Public School) and Maximum Enrollment (Lawrence Family Development Charter School and Lowell Community 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 charter schools. This year, the Department of Elementary and Secondary Education (Department) received requests from five schools to add districts to their charter region or increase their maximum enrollment. Two of these requests were submitted in response to a condition imposed on their charters because they enroll more than 20 percent of their students from outside the district(s) in their charters.

| **Name of Charter School** | **District/ Region** | **Grade Span** | **Maximum Enrollment** | **Proposed Amendment**  |
| --- | --- | --- | --- | --- |
| Holyoke Community Charter School | Holyoke | K-8 | 702 | Become a regional charter school, adding Chicopee |
| Lawrence Family Development Charter School | Lawrence | PK-8 | 800 | Increase enrollment by 200 students |
| Lowell Community Charter Public School | Lowell | PK-8 | 800 | Increase enrollment by 15 students |
| Marblehead Community Charter Public School | Marblehead | 4-8 | 230 | Become a regional charter school, adding Nahant and Swampscott |
| Prospect Hill Academy Charter School | Cambridge, Somerville | PK-12 | 1,200 | Amend charter region to include Chelsea, Everett, Revere, Waltham, Watertown, and Woburn |

This month, I recommend that the Board approve the requests of four of these schools. Two charter schools, Holyoke Community Charter School and Marblehead Community Charter Public School, have requested amendments to become regional schools in accordance with G**.**L. c. 71, § 89(n).[[1]](#footnote-1) Section 89(n) in the charter school statute addresses charter schools that enroll more than 20 percent of their students from outside the district(s) in their charters. Two charter schools, Lawrence Family Development Charter School and Lowell Community Charter Public School, have requested amendments to increase their maximum enrollment.

I decline to recommend the request from Prospect Hill Academy Charter School (PHA) to amend its charter region. PHA submitted its amendment request to comply with G.L. c. 71, § 89(n), but the school’s request does not address the law’s requirements in a manner that can be implemented effectively. I have imposed a condition on the school’s charter and directed it to submit a revised request that takes into consideration all districts from which the school draws students, including those districts where limited seats are available and a proven provider determination is required.

The Department’s assessment of each request is described below in preparation for a discussion and vote at the Board’s meeting on February 23. This memorandum details the Department’s review, including proven provider determinations for the two requests for enrollment increases; each school’s request; public comment, if received; and my recommendation.

**Department Review**

Section 1.10 of the Charter School Regulations contains several criteria to consider in determining whether to grant a school’s request to amend its charter. The Department considers the following factors when reviewing amendment requests:

* 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 request when judged against the criteria outlined in the Department’s Charter Amendment and Notification Guidelines and the Charter School Performance Criteria;
* the eligibility of the board of trustees for proven provider status, if required, based upon the criteria described in 603 CMR 1.04(4); and
* public comment received regarding the request.

**Availability of Seats for Commonwealth Charter Schools**

The charter school statute establishes limits on the amount of charter school tuition that districts can transfer to Commonwealth charter schools in any given year. The limits are expressed as a percentage of the district's net school spending (NSS) for that year. Chapter 70 of the General Laws defines NSS, which represents the district's spending on school operations from state and local funds.[[2]](#footnote-2) The majority of school districts are subject to a 9 percent NSS cap for charter school tuition, with the exception of districts performing in the lowest 10 percent statewide based on two years of MCAS performance. School districts performing in the lowest 10 percent have a higher NSS cap of 18 percent. The 9 and 18 percent NSS caps are described in the charter school statute at G.L. c. 71, § 89(i)(2) and (3).[[3]](#footnote-3)

If the tuition for all students who live in a district and attend Commonwealth charter schools exceeds the district's NSS cap, the Department reduces the tuition to bring the amount under the cap.[[4]](#footnote-4) Any such excess is prorated proportionately across all of the charter schools enrolling students who live in that district. The Department works to avoid such situations, using a variety of regulatory and administrative tools to monitor and control enrollment. Listed below are several of the tools used by the Department.

* Each year, the Department calculates an administrative holdback of five percent of total NSS when projecting seats available for the Board to award to new or existing Commonwealth charter schools.
* In its award of new charters, or amendments to existing charters, the Board establishes maximum enrollment limits as material terms of every charter.[[5]](#footnote-5)
* The Department may establish specific enrollment limits by sending district, known as sub-caps, for individual Commonwealth charter schools.
* The Department permits Commonwealth charter schools to skip over students who live in districts that are near or at NSS caps when enrolling students.

Managing NSS caps is inherently inexact because the calculation of NSS is made based upon several projected variables to inform the award of charter seats and the admission of students by individual Commonwealth charter schools. Final tuition rates, enrollment numbers, and district spending needed to calculate NSS caps and determine actual compliance are not available until well into the school year for which students were already admitted and are attending Commonwealth charter schools.

The situation is further complicated by the fact that a Commonwealth charter school can enroll students from multiple districts, and multiple Commonwealth charter schools can enroll students from a single district. Students who live in the district or districts specified in a school’s charter are given preference in enrollment, but students who live outside those districts[[6]](#footnote-6) may also apply and be admitted to those schools. Enrollment preferences based upon residence may enhance a student's likelihood of admission, but they do not deprive other students of consideration for admission or of inclusion in an admission lottery. Managing the NSS caps requires the Department to estimate and project how many students from a particular district will be attending charter schools in future years and to consider enrollment trends generally. As a result, the Department relies heavily on estimates, projections, and administrative safeguards, when recommendations are made to the Board for the award of new seats to Commonwealth charter schools. My recommendations take these factors into account when considering whether proposed amendments are reasonable in light of current estimates and projections.

**Regional Amendments**

The requests of Holyoke Community Charter School (Holyoke Community) and Marblehead Community Charter Public School (Marblehead Community) to become regional charter schools were prompted by longstanding enrollment trends at these schools and the conditions imposed on their charters. Both schools already enroll residents of the districts they propose adding to their charter and will continue to do so regardless of the decisions on their amendment requests. If enrollment were to increase due to enrollment preferences granted to residents of Chicopee or Swampscott, there are sufficient unused seats under current NSS caps to accommodate those additional students. Based on the enrollment of Chicopee and Swampscott residents in Commonwealth charter schools, we estimate that approximately 372 Chicopee and 151 Swampscott seats remain unused under the 9 percent NSS caps, with an additional five percent buffer.[[7]](#footnote-7) In the case of Nahant, the district was a near cap district in fiscal year 2021,[[8]](#footnote-8) and I recommend including a sub-cap for Nahant.

| **Holyoke Community Charter School** |
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| **Type of Charter** | Commonwealth | **Location** | Holyoke |
| **Regional or Non-Regional** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 2005 | **Year(s) Renewed** | 2010, 2015, 2020 |
| **Maximum Enrollment** | 702 | **Current Enrollment** | 702 (October 2020) |
| **Chartered Grade Span** | K-8 | **Current Grade Span** | K-8 |
| **Students on Initial Waitlist** | 109 (March 2020) | **Current Age of School** | 16 |
| **Mission Statement:** The mission of Holyoke Community Charter School is to promote the joy of learning and to prepare children for success as students, workers, and citizens by providing them with a high quality public education. |

School’s Request

The board of trustees of Holyoke Community submitted a request to become a regional charter school and to include Chicopee in the school’s region. The request to include Chicopee in its region complies with G**.**L. c. 71, § 89(n), requiring a charter school to add a district to its region if more than 20 percent of its student body for two consecutive years is from school districts not included in its charter. Holyoke Community has enrolled more than 20 percent of its student body from outside of Holyoke since 2016-17. On average, 76 percent of the school’s enrollment was from Holyoke for the past five years. Due to these enrollment trends and the requirements in statute, pursuant to my delegated authority, I renewed Holyoke Community’s charter for another five-year term in February 2020 with the condition that follows.

By August 1, 2020, Holyoke Community Charter School will submit for Department approval a plan that ensures that enrollment from outside of Holyoke does not exceed
20 percent of the school’s total population by June 30, 2025, and a corresponding charter amendment request for the school’s maximum enrollment, enrollment policy, and any other relevant material terms. Alternatively, the school may submit an amendment request that reflects the school’s actual enrollment pattern.

The school’s request to add Chicopee to the school’s region complies with this condition and the charter school statute.

The superintendents of Holyoke Public Schools and Chicopee Public Schools were invited to submit comment on the school’s request. Comment was received from the superintendent in Chicopee opposing the addition of Chicopee to the school’s region. The letter is attached.

Granting Holyoke Community’s request provides students who live in Chicopee with the same enrollment preference as that for students who live in Holyoke. The NSS limitations in the charter school statute cap Chicopee enrollment. Holyoke Community has committed to provide transportation services to Chicopee residents and will be eligible for regional transportation reimbursement because of the proposed change to its charter region.

Recommendation

I have reviewed the school’s request, and it is reasonable and consistent with the charter school statute and regulations. Overall, the submitted amendment request, the renewal of the school’s charter in 2020, and the Department’s accountability records indicate that the school’s academic program is a success, that the school is a viable organization, and that it has been faithful to the terms of its charter. I recommend that the Board approve the addition of Chicopee to the school’s region as requested by the school. Chicopee residents currently comprise approximately
8 percent of Holyoke Community’s current enrollment. While there are sufficient seats available to permit an increase in the proportion of Chicopee residents at the school, the school is fully committed to serving Holyoke families. My recommendation includes approval of a sub-cap for Chicopee enrollment to ensure total Chicopee enrollment does not exceed approximately 18 percent of the school’s maximum enrollment (125 students). A motion for approval is attached for your consideration.

| **Marblehead Community Charter Public School** |
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| **Type of Charter** | Commonwealth | **Location** | Marblehead |
| **Regional or Non-Regional** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 1995 | **Year(s) Renewed** | 2000, 2005, 2010, 2015, 2020 |
| **Maximum Enrollment** | 230 | **Current Enrollment** | 208 (October 2020) |
| **Chartered Grade Span** | 4-8 | **Current Grade Span** | 4-8 |
| **Students on Initial Waitlist** | 90 (March 2020) | **Current Age of School** | 26 |
| **Mission Statement:** Marblehead Community Charter Public School fosters a community that empowers children to become capable, self-determining, fully engaged individuals who are critical and creative thinkers committed to achieving their highest intellectual, artistic, social, emotional, and physical potential. We are dedicated to involving, learning from, participating in, and serving our school community and the community at large. |

School’s Request

The board of trustees of Marblehead Community has submitted a request to add Nahant and Swampscott to the school’s region. The request to add Nahant and Swampscott to its region complies with G**.**L. c. 71, § 89(n), requiring a charter school to add a district to its region if more than 20 percent of its student body are from school districts not included in its original charter for two consecutive years. Marblehead Community has enrolled more than 20 percent of its student body from outside of Marblehead since 2017-18. On average, 65 percent of the school’s enrollment was from Marblehead for the past four years. Due to these enrollment trends and the requirements in statute, pursuant to my delegated authority, I renewed Marblehead Community’s charter for another five-year term in February 2020 with the condition that follows.

By August 1, 2020, Marblehead Community Charter Public School will submit for Department approval a plan that ensures that enrollment from outside of Marblehead does not exceed 20 percent of the school’s total population by June 30, 2025, and a corresponding charter amendment request for the school’s maximum enrollment, enrollment policy, and any other relevant material terms. Alternatively, the school may submit an amendment request that reflects the school’s actual enrollment pattern.

The school’s request to add Nahant and Swampscott to the school’s region complies with the above charter condition.

The superintendents of Nahant Public Schools and Swampscott Public Schools were invited to submit comment on the school’s request. No comment was submitted.

Granting Marblehead Community’s request provides students who live in Nahant and Swampscott with the same enrollment preference as that for students who live in Marblehead. The NSS limitations in the charter school statute cap Nahant and Swampscott enrollment. Marblehead Community will not provide transportation services to Nahant and Swampscott residents at this time but would be eligible for regional transportation reimbursement in the future should it provide transportation to these students.

Recommendation

I have reviewed the school’s request, and it is reasonable and consistent with the charter school statute and regulations. Overall, the submitted amendment request, the renewal of the school’s charter in 2020, and the Department’s accountability records indicate that the school’s academic program is a success, that the school is a viable organization, and that it has been faithful to the terms of its charter. I recommend that the Board approve the addition of Nahant and Swampscott to the school’s region as requested by the school. Nahant and Swampscott residents already comprise 24 percent of Marblehead Community’s current enrollment. Because Nahant was identified as a near cap district for the current school year, my recommendation includes a sub-cap for Nahant aligned with enrollment trends at the school and the enrollment possible under its 9 percent NSS cap (20 students). A motion for approval is attached for your consideration.

**Maximum Enrollment Amendments**

Proven Provider Considerations

Proven provider status is required to award additional seats to Lawrence Family Development Charter School (LFDCS) and Lowell Community Charter Public School (LCCPS). LFDCS and LCCPS serve public school districts that performed in the lowest 10 percent of all districts based on MCAS results from 2018 and 2019. Proven provider status is not required for Holyoke Community Charter School (Holyoke Community) or Marblehead Community Charter Public School (Marblehead Community) because the districts that would be added to their respective regions, Chicopee, Nahant, and Swampscott, are not identified as performing in the lowest 10 percent of all districts.

After evaluating the performance of LFDCS and LCCPS against the criteria for proven provider status, I identified the boards of trustees of both schools as proven providers for the purpose of the current amendment requests.[[9]](#footnote-9) 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 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. In addition to demonstrating successful academic student performance, the Department assesses the organizational and financial viability of the charter school and its performance on various indicators such as attrition, attendance, retention, and discipline rates. The basis for these determinations is described in the schools’ performance summaries below.

 Net School Spending Considerations

For both requests to increase enrollment, there are far more estimated seats available under the 18 percent NSS caps for Lawrence and Lowell than are requested by LFDCS and LCCPS. Based on the enrollment of Lawrence and Lowell residents in Commonwealth charter schools, approximately 729 and 672 seats remain in Lawrence and Lowell, respectively, under the 18 percent NSS caps with an additional five percent buffer.

| **Lawrence Family Development Charter School** |
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| **Type of Charter** | Commonwealth | **Location** | Lawrence |
| **Regional or Non-Regional** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 1995 | **Years Renewed** | 2000, 2005, 2010, 2015, 2020  |
| **Maximum Enrollment** | 800 | **Current Enrollment** | 786 (October 2020) |
| **Chartered Grade Span** | PK-8 | **Current Grade Span** | PK-8 |
| **Students on Initial Waitlist** | 449 (March 2020) | **Current Age of School** | 26 |
| **Mission Statement:** Strong families, working in partnership with the school as advocates for academic achievement, will create an environment where every child has the opportunity to acquire the foundation skills and habits of mind that foster life-long learning, citizenship participation, and personal fulfillment. |

School’s Request

The board of trustees of LFDCS requests approval of an amendment to increase enrollment by
200 students, from 800 to 1,000, over eight years beginning in the 2022-23 school year. The school is delaying implementation by a year to prepare classroom space for the 60 additional students to be served in pre-kindergarten, kindergarten, and first grade in the first year of implementation. After the first year of implementation, enrollment will increase by approximately 20 students annually and reach a maximum enrollment of 1,000 students in the 2028-29 school year. By increasing enrollment, the school seeks to serve more Lawrence families and reduce the number of students placed on its waitlist.

LFDCS has demonstrated consistently high levels of demand exhibited by meeting targets for enrollment and maintaining an initial waitlist that averages approximately 448 students annually over the past five years. On average, the school has waitlisted 172 students for its 83 pre-kindergarten spots over the past three years. For the current school year, the school has waitlisted 204 students for pre-kindergarten and 108 students for kindergarten. LFDCS currently admits new students through grade 4, in accordance with statutory requirements for filling vacancies.

LFDCS reports that this proposed expansion was developed by the board of trustees and school leadership team with input from school stakeholders. During the development of the request, the school held a variety of forums to hear from various leadership teams at the school, the school site council, staff, and families to ensure the proposed expansion was both supported by and aligned with the community’s needs.

The Board previously granted the school an enrollment increase of 200 seats in 2010 based on affirmative evidence of the school’s faithfulness to charter, academic program success, and organizational viability. The school’s current request highlights its prior success growing from 600 to 800 students in ten years as evidence of its capacity and readiness to expand again. The school completed its expansion during the current school year.

The superintendent of Lawrence Public Schools did not submit comment. The school received letters of support from two current city councilors, Ana Levy and Jeovanny Rodriguez, and one former city councilor, Brian DePeña. See school correspondence for copies of the letters.

School’s Performance

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

* In alignment with its mission, the school is guided by five key design elements: parent engagement, dual language (English/Spanish), effective teaching, partnerships, and governance and leadership structure.
* The LFDCS charter was renewed in January 2020 pursuant to my delegated authority from the Board. The Department recognized the school for its exemplary work in dissemination 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 assessed performance, including Mission and Key Design Elements.
* LFDCS has administered the Next Generation MCAS assessment since 2017 for grades 3-8. LFDCS students performed above the statewide average for achievement on the Next Generation MCAS assessment for all years in the aggregate, the high needs student subgroup, and Latinx student population and exceeded the performance of its sending district. LFDCS students also performed at or above the statewide average for achievement on the legacy MCAS in 2016 and 2015.
	+ In 2019, 62 percent of LFDCS students in grades 3-8 met or exceeded expectations in English language arts (ELA), in comparison to 52 percent of students in grades 3-8 statewide. Similarly, 55 percent of LFDCS students in grades 3-8 met or exceeded expectations in mathematics, in comparison to 49 percent of students in grades 3-8 statewide.
	+ In 2019, 56 percent of high needs students in grades 3-8 at LFDCS met or exceeded expectations in ELA, in comparison to 32 percent of high needs students in grades 3-8 statewide. Similarly, 48 percent of high needs students in grades 3-8 at LFDCS met or exceeded expectations in mathematics, in comparison to 29 percent of high needs students in grades 3-8 statewide. Approximately 75 percent of LFDCS’s student population was identified as high needs in the 2018-2019 school year.
	+ In 2019, 62 percent of Latinx students in grades 3-8 at LFDCS met or exceeded expectations in ELA, in comparison to 33 percent of Latinx students in grades 3-8 statewide. Similarly, 55 percent of Latinx students in grades 3-8 at LFDCS met or exceeded expectations in mathematics, in comparison to 30 percent of Latinx students in grades 3-8 statewide. LFDCS’s student population is approximately 98-99 percent Latinx.
	+ In 2019, 57 percent of students identified as economically disadvantaged in grades 3-8 at LFDCS met or exceeded expectations in ELA, in comparison to 33 percent of students identified as economically disadvantaged in grades 3-8 statewide. Similarly, 50 percent of students identified as economically disadvantaged in grades 3-8 at LFDCS met or exceeded expectations in mathematics, in comparison to 29 percent of students identified as economically disadvantaged in grades 3-8 statewide. Approximately 55 percent of LFDCS’s student population was identified as economically disadvantaged in the 2018-2019 school year.
* Prior to 2017, the school’s solid academic performance resulted in a Level 1 status from 2012 through 2016.
* LFDCS has demonstrated increasing effectiveness in recruiting a student population comparable to its sending district, including gains in its enrollment of high needs students at its pre-kindergarten and kindergarten entry points.
	+ During the 2019-20 school year, approximately 60 percent of pre-kindergarten students at LFDCS were identified as English learners, in comparison to approximately 53 percent of pre-kindergarten students in Lawrence Public Schools.
	+ Similarly, during the 2019-20 school year, 43 percent of kindergarten students at LFDCS were identified as English learners, in comparison to 40 percent of kindergarten students in Lawrence Public Schools.
	+ During the 2019-20 school year, approximately 65 percent of pre-kindergarten students at LFDCS were identified as economically disadvantaged, in comparison to approximately 67 percent of pre-kindergarten students in Lawrence Public Schools.
	+ Similarly, during the 2019-20 school year, 64 percent of kindergarten students at LFDCS were identified as economically disadvantaged, in comparison to approximately 74 percent of kindergarten students in Lawrence Public Schools.
* Overall enrollment of students in LFDCS identified as economically disadvantaged, English learners, and students with disabilities has continued to increase over time but does not yet meet or exceed its respective comparison indices[[10]](#footnote-10) over the past charter term. The school has received approval of its annual enhancement to its recruitment and retention plan which describes its strategies to increase enrollment of these selected student populations. The school has demonstrated success in retaining students. The school’s attrition rate was 1.6 percent for all students in 2020 and 1.9 percent for students identified as high needs in 2020, far below the sending district and statewide average.
* LFDCS has demonstrated very low rates of chronic absenteeism since the metric was released by the Department in 2009. The school’s rates have been consistently far below statewide rates. In 2019, its chronic absenteeism rate was 1.2, in comparison to the state’s rate of 12.9.
* The in-school and out-of-school suspension rate at LFDCS has been below the statewide average for the past five years. The state’s five-year average for in-school suspension rates was 1.8 percent and out-of-school suspension rates was 2.96 percent. The school’s in-school suspension rate has been 0 percent for the past five years, except for 0.3 percent in 2019. The school’s out-of-school suspension rate has a
six-year average of 2.85 percent with a high of 4.5 percent in 2018 to a low of 1.1 percent in 2020.
* LFDCS operates in a financially sound manner. The school maintains sound and stable finances. As evidenced by [financial dashboards](https://app.powerbigov.us/view?r=eyJrIjoiYjQ1YjdiNmYtYjhiYS00ZmQ1LTg4MGUtMzk1ZjM5ZTUyNDUwIiwidCI6IjNlODYxZDE2LTQ4YjctNGEwZS05ODA2LThjMDRkODFiN2IyYSJ9), the school has received unqualified audits and experienced no findings over the past five years.

Recommendation

I have reviewed the school’s request, and it is reasonable and consistent with the charter school statute and regulations. Overall, the submitted amendment request, the renewal of the school’s charter in 2020, and the Department’s accountability records indicate that the school’s academic program is a success, that the school is a viable organization, and that it has been faithful to the terms of its charter. I recommend that the Board approve the enrollment increase of 200 seats as requested by the school. If the Board votes to grant LFDCS’s request, the school will serve students in grades PK-8 with a maximum enrollment of 1,000 students. A motion for approval is attached for your consideration.

| Lowell Community Charter Public School |
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| **Type of Charter** | Commonwealth | **Location** | Lowell |
| **Regional or Non-Regional** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 2000 | **Year(s) Renewed** | 2005, 2010, 2015, 2020 |
| **Maximum Enrollment** | 800 | **Current Enrollment** | 803 (October 2020) |
| **Chartered Grade Span** | PK-8 | **Current Grade Span** | PK-8 |
| **Students on Initial Waitlist** | 227 (March 2020) | **Current Age of School** | 21 |
| **Mission Statement:** The mission of Lowell Community Charter Public School is to graduate creative, confident, and independent thinkers, global citizens and leaders who give back to their community. We will provide a comprehensive education giving students the knowledge, skills and ways of thinking that ensure their success in high school and preparation for the opportunity to go on to college. We expect our students to strive for excellence in academic achievement and personal conduct within a joyful, supportive culture. The diversity within our students, staff, families and community and the many nations from which we come is a source of strength and an opportunity for learning.  |

School’s Request

The LCCPS board of trustees requests approval of an amendment to increase enrollment by
15 students beginning with the 2021-22 school year. By increasing enrollment, the school seeks to serve more Lowell families and to reduce the number of students placed on its waitlist. The school’s request provides increased access to its educational program in response to significant demand without requiring substantial changes in staffing or facilities.

LCCPS has demonstrated consistently high levels of demand exhibited by meeting targets for enrollment and maintaining an initial waitlist that averages approximately 300 students annually over the past five years. On average, the school has waitlisted 96 students for its 40
pre-kindergarten spots over the past three years. For the current school year, the school has waitlisted 84 students for pre-kindergarten and 39 students for kindergarten. LCCPS currently admits new students through grade 4, in accordance with statutory requirements for filling vacancies.

The school’s history demonstrates the effectiveness of our charter school accountability processes in conjunction with the flexibility of charter school autonomy. At the school’s 2010 renewal, the Board reduced the school’s original maximum enrollment and grade span from 900 students in grades K-8 to 610 students in grades K-4 and placed the school on probation citing several concerns, including academic performance and board governance. After effective implementation of a corrective action plan and improved academic performance, the Board removed the school from probation in February 2013 and restored both grades and additional enrollment during the following school year in response to strong improvement in all accountability areas and the school’s proven provider status.

The school increased enrollment by 160 students and expanded the school’s grade span from K-6 to PK-8 over a two-year period. The school completed its expansion in the 2015-16 school year. After the expansion was completed, the school’s enrollment practices led to over-enrollment by 15-20 students[[11]](#footnote-11) due to lower attrition rates than anticipated. In recent years, the school has made effective changes in its management of enrollment. The school highlights its prior over-enrollment as evidence of its capacity to serve an additional 15 students. Under new school leadership beginning in the 2017-18 school year, the school has continued a strong track record of performance.

The superintendent of Lowell Public Schools was invited to submit comment on the school’s request. Comment was received from the chief operating officer of Lowell Public Schools opposing the enrollment increase. The letter is attached. The Department received comment in support from family members of current and former students, including current and former members of the school’s board of trustees. Comment in support of the school’s request is also attached.

School’s Performance

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

* In alignment with its mission, the school is guided by four key design elements: promotion of student leadership skills and student opportunities to give back to the community; cultivating and sustaining parent engagement; development of global citizens, celebration of diversity and mutual respect; and rigorous curriculum, high quality instruction with high engagement in active learning.
* LCCPS’s charter was renewed in January 2020, pursuant to my delegated authority from the Board. The school received a rating of Meets in all areas of assessed performance, including Mission and Key Design Elements.
* LCCPS has administered the Next Generation MCAS assessment since 2017 for grades 3-8. LCCPS students performed at or above the statewide average for achievement on the Next Generation MCAS assessment in both the aggregate and the high needs student subgroup, apart from ELA in 2017, and exceeded the performance of its sending district. LCCPS students also performed at or above the statewide average for achievement on the legacy MCAS in 2016 and 2015, apart from ELA in 2015.
	+ In 2019, 55 percent of LCCPS students in grades 3-8 met or exceeded expectations in ELA, in comparison to 52 percent of students in grades 3-8 statewide. Similarly, 52 percent of LCCPS students in grades 3-8 met or exceeded expectations in mathematics, in comparison to 49 percent of students in grades 3-8 statewide.
	+ In 2019, 49 percent of high needs students in grades 3-8 at LCCPS met or exceeded expectations in ELA, in comparison to 32 percent of high needs students in grades 3-8 statewide. Similarly, 48 percent of high needs students in grades 3-8 at LCCPS met or exceeded expectations in mathematics, in comparison to 31 percent of high needs students in grades 3-8 statewide. Approximately 79 percent of LCCPS’s student population was identified as high needs in the 2018-2019 school year.
	+ In 2019, 41 percent of students identified as English Learners in grades 3-8 at LCCPS met or exceeded expectations in ELA, in comparison to 19 percent of students identified as English Learners in grades 3-8 statewide. Similarly, 42 percent of students identified as English Learners in grades 3-8 at LCCPS met or exceeded expectations in mathematics, in comparison to 21 percent of students identified as English Learners in grades 3-8 statewide. Approximately 54 percent of LCCPS’s student population was identified as English learners in the 2018-2019 school year.
	+ In 2019, 48 percent of students identified as economically disadvantaged in grades 3-8 at LCCPS met or exceeded expectations in ELA, in comparison to 33 percent of students identified as economically disadvantaged in grades 3-8 statewide. Similarly, 45 percent of students identified as economically disadvantaged in grades 3-8 at LCCPS met or exceeded expectations in mathematics, in comparison to 29 percent of students identified as economically disadvantaged in grades 3-8 statewide. Approximately 47 percent of LCCPS’s student population was identified as economically disadvantaged in the 2018-2019 school year.
* Prior to 2017, the school’s solid academic performance resulted in a Level 1 status from 2012 through 2016.
* LCCPS has demonstrated success in recruiting a student population comparable to its sending district, including enrollment of high needs students at its pre-kindergarten and kindergarten entry points.
	+ During the 2019-20 school year, approximately 65 percent of pre-kindergarten students at LCCPS were identified as English learners, in comparison to approximately 5 percent of pre-kindergarten students in Lowell Public Schools.
	+ Similarly, during the 2019-20 school year, 52 percent of kindergarten students at LCCPS were identified as English learners, in comparison to 28 percent of kindergarten students in Lowell Public Schools.
	+ During the 2019-20 school year, approximately 58 percent of pre-kindergarten students at LCCPS were identified as economically disadvantaged, in comparison to approximately 53 percent of pre-kindergarten students in Lowell Public Schools.
	+ Similarly, during the 2019-20 school year, 50 percent of kindergarten students at LCCPS were identified as economically disadvantaged, in comparison to approximately 60 percent of kindergarten students in Lowell Public Schools.
* Overall enrollment of students in LCCPS identified as English learners, students whose first language is not English, and students with disabilities has increased since 2015. The school has served greater numbers of these selected student subgroups than its respective comparison indices[[12]](#footnote-12) over the past five years. The school’s attrition rate for all students briefly rose to 6.4 percent in 2018, followed by a decline to 3.5 percent. The attrition rate for students identified as high needs was 4.6 percent in 2018, followed by a decline to 3.3 percent in 2020. The school’s attrition rate is consistently below the rates of the state and its sending district in the aggregate and all student subgroups, apart from white students in 2017 and 2018 due to the relatively low n-size (3 percent of student enrollment).
* LCCPS has demonstrated low rates of chronic absenteeism during the previous two charter terms. The school’s rates have been consistently below statewide rates since 2012. In 2019, its chronic absenteeism rate was 4.4, in comparison to the statewide rate of 12.9.
* The out-of-school suspension rate at LCCPS has been at or below the statewide average for the past five years. In 2019, LCCPS reported an in-school suspension rate of 3.9 percent and an out-of-school suspension rate of 2.7 percent. In 2020, LCCPS reported an in-school suspension rate of 1.5 percent and an out-of-school suspension rate of 1.6 percent.
* LCCPS operates in a financially sound manner. The school maintains sound and stable finances. As evidenced by [financial dashboards](https://app.powerbigov.us/view?r=eyJrIjoiYjQ1YjdiNmYtYjhiYS00ZmQ1LTg4MGUtMzk1ZjM5ZTUyNDUwIiwidCI6IjNlODYxZDE2LTQ4YjctNGEwZS05ODA2LThjMDRkODFiN2IyYSJ9), the school has received unqualified audits and has experienced no findings over the past three years. The school had a material weakness finding in fiscal year 2017 related to a deficiency in an internal control that the school corrected. In response to the original finding, the school hired an external consulting company to handle accounting, including monthly presentations and financial reports to the board of trustees’ finance committee. The school did not have any subsequent findings regarding internal controls.

Recommendation

I have reviewed the school’s request, and it is reasonable and consistent with the charter school statute and regulations. Overall, the submitted amendment request, the renewal of the school’s charter in 2020, and the Department’s accountability records indicate that the school’s academic program is a success, that the school is a viable organization, and that it has been faithful to the terms of its charter. I recommend that the Board approve the enrollment increase of 15 seats as requested by the school. If the Board votes to grant LCCPS’s request, the school will serve students in grades PK-8 with a maximum enrollment of 815 students. A motion for approval is attached for your consideration.

If you have any questions regarding these amendments 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.

Attachments\*\*\*:

Holyoke Community Charter School:

Correspondence from Holyoke Community Charter School

Public Comment from Chicopee Public Schools

Motion for Board Action on Holyoke Community Charter School

Marblehead Community Charter Public School:

Correspondence from Marblehead Community Charter Public School

Motion for Board Action on Marblehead Community Charter Public School

Lawrence Family Development Charter School:

Correspondence from Lawrence Family Development Charter School, including letters of support and supplemental evidence provided by the school

Motion for Board Action on Lawrence Family Development Charter School

Lowell Community Charter Public School:

Correspondence from Lowell Community Charter Public School, including supplemental evidence provided by the school

Public Comment, including comment from Lowell Public Schools

Motion for Board Action on Lowell Community Charter Public School

1. Section 89(n) of G.L. c. 71 provides as follows.

In any instance where a charter school approved after January 1, 2011 enrolls more than 20 per cent of its total enrollment from school districts not included in its original charter pursuant to subsection (h) for 2 consecutive years, the charter school shall submit an application to the board for an amendment to its charter that reflects its actual enrollment patterns; provided further that upon renewal of a charter school approved prior to January 1, 2011, the board shall establish a timeline of not less than 5 years for the charter to comply with this requirement. [↑](#footnote-ref-1)
2. NSS does not include spending funded by grants or most spending related to capital facilities, transportation, or adult education. In the case of municipal school districts, NSS can include spending by other municipal departments to support schools. [↑](#footnote-ref-2)
3. Section 89(i)(2) of G.L. c. 71 provides as follows with respect to NSS.

In any fiscal year, no public school district's total charter school tuition payment to commonwealth charter schools shall exceed 9 per cent of the district's net school spending; provided, however, that a public school district's total charter tuition payment to commonwealth charter schools shall not exceed 18 per cent of the district's net school spending if the school district qualifies under paragraph (3).

Section 89(i)(3) of G.L. c. 71, referred to in the language quoted above, provides as follows.

In any fiscal year, if the board determines based on student performance data collected pursuant to section 1I, said district is in the lowest 10 per cent of all statewide student performance scores released in the 2 consecutive school years before the date the charter school application is submitted, the school district's total charter school tuition payment to commonwealth charter schools may exceed 9 per cent of the district's net school spending but shall not exceed 18 per cent. [↑](#footnote-ref-3)
4. The facility component of charter tuition is excluded from this calculation because sending districts are fully reimbursed by the Commonwealth for this amount. [↑](#footnote-ref-4)
5. Charter schools do not receive tuition for students enrolled above the school’s maximum enrollment. [↑](#footnote-ref-5)
6. They must reside in the Commonwealth, however. [↑](#footnote-ref-6)
7. The motion for Holyoke Community Charter School includes a sub-cap for Chicopee as discussed later in this memorandum. [↑](#footnote-ref-7)
8. A near cap district is projected to have very few student seats remaining and may be subject to proration if actual enrollment exceeds projections. A near cap district is projected to have fewer than 10 unoccupied seats remaining. [↑](#footnote-ref-8)
9. My review of qualifications for proven provider status included data displays that can be accessed at [Lawrence Family Development Charter School](https://app.powerbigov.us/view?r=eyJrIjoiMTllNzAwMjQtNzdmZS00MTY5LWEwNTQtODUwZjc0NmMyMDgyIiwidCI6IjNlODYxZDE2LTQ4YjctNGEwZS05ODA2LThjMDRkODFiN2IyYSJ9&pageName=ReportSection) and [Lowell Community Charter Public School](https://app.powerbigov.us/view?r=eyJrIjoiOTgwMDlhNWYtODA5MC00NmUzLTk2YjgtNDNjNTRiOWUzODhhIiwidCI6IjNlODYxZDE2LTQ4YjctNGEwZS05ODA2LThjMDRkODFiN2IyYSJ9&pageName=ReportSection). [↑](#footnote-ref-9)
10. The comparison index provides a comparison figure derived from data of students who reside within the charter school’s sending district(s). The comparison index is a statistically calculated value designed to produce a fairer and more realistic comparison measure that takes into account the charter school’s size and the actual prevalence of student subgroups within only those grades offered by the charter school. [↑](#footnote-ref-10)
11. Charter schools do not receive tuition for students above the school’s maximum enrollment. [↑](#footnote-ref-11)
12. The comparison index provides a comparison figure derived from data of students who reside within the charter school’s sending district(s). The comparison index is a statistically calculated value designed to produce a fairer and more realistic comparison measure that takes into account the charter school’s size and the actual prevalence of student subgroups within only those grades offered by the charter school. [↑](#footnote-ref-12)