*****Massachusetts Department of***

***Elementary and Secondary Education***

### 75 Pleasant Street, Malden, Massachusetts 02148-4906 Telephone: (781) 338-3000 TTY: N.E.T. Relay 1-800-439-2370

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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 – Renewal and Report on Probation for Boston Green Academy Horace Mann Charter School |

This month, the Board of Elementary and Secondary Education (Board) will discuss and vote on the charter renewal application for Boston Green Academy Horace Mann Charter School (BGA). I recommend that the Board renew the charter of BGA, remove it from probation, and maintain the condition requiring improved academic performance.

Pursuant to the charter school statute, G.L. c. 71, § 89(ee), and regulations, 603 CMR 1.12(2), the Board may place a charter school on probation[[1]](#footnote-1) and determine conditions the charter school must meet in order to remedy the identified areas of concern. The Department of Elementary and Secondary Education (Department) is monitoring three charter schools currently on probation, one of which is BGA.

My recommendation for BGA is based on evidence collected during the charter term documenting improvements in the school’s organizational viability, academic programming, and faithfulness to the terms of its charter. For the past five years, BGA gained national and state recognition for its environmental sustainability programming, implemented a Chapter 74 Career and Technical Education (CTE) program in environmental sciences, and increased its post-secondary enrollment rates. Additionally, during its first charter term, the Department documented concerns related to BGA’s financial audits and governance practices. In the past five years, BGA remedied all viability concerns and had good fiscal and governance practices. Finally, while the school’s academic performance continues to be of concern, the school carefully implemented an action plan during the current charter term that improved BGA’s academic program and outcomes.

This memorandum includes an overview of the Department’s process for monitoring charter schools on probation and for renewing charters, the history of BGA, a report on the school’s probationary conditions, the evidence for renewing BGA’s charter, and the rationale for my recommendation.

**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 specified 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. Additionally, the Department monitors outcome data related to each condition to assess the degree to which a school has met the condition.

This fall, the Department conducted a renewal inspection visit to BGA. This visit, conducted remotely, allowed the Department to gather further evidence regarding BGA’s application for renewal of its charter and progress toward meeting its probationary conditions.

**Basis of Recommendation Regarding Renewal**

The Department uses the Charter School [Performance Criteria](http://www.doe.mass.edu/charter/acct.html?section=criteria) (Criteria) to report evidence in the three areas of charter school accountability. These areas are faithfulness to the terms of a school’s charter, academic program success, and organizational viability. Renewal decisions for these charter schools are made in accordance with the charter school statute, regulations,[[2]](#footnote-2) and the process outlined in the memorandum dated October 7, 2013, regarding [Considerations for Charter School Renewal.](http://www.doe.mass.edu/news/news.aspx?id=7802)

The Criteria and the Considerations for Charter School Renewal outline performance expectations for charter schools but do not dictate accountability decisions formulaically, including renewal decisions. A charter school must demonstrate affirmative evidence of success in all three areas of charter school accountability, and renewal decisions are made based upon the totality of evidence as indicated in Summaries of Review. Student academic achievement and improvement in student achievement for all student groups are of paramount importance. A rating system is used to communicate how well each school is meeting expectations of the Criteria. Failure to meet individual performance criteria will not necessarily result in a non-renewal; the Criteria set a high standard for performance. Performance relative to the Criteria is considered within the context of the school's performance trends and stage of development. The Commissioner and the Board consider all qualitative and quantitative factors when making these decisions.

The superintendent of the public school district served by BGA, Boston Public Schools (BPS), was invited to submit written comment to the Department regarding the renewal of the school’s charter. No comment was received.

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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** | 509[[3]](#footnote-3) (October 2020) |
| **Chartered Grade Span** | 6-12 | **Current Grade Span** | 6-12 |
| **Students on Waitlist** | 408 (March 2020) | **Current Age of School** | 10 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 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 2014-15 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.

In January 2020, I presented a report on the five probationary conditions to the Board. The report noted that the school met four of the five conditions and partially met the condition requiring significant and sustained academic improvement. I commended the school for meeting a majority of conditions and making progress in its academic outcomes, particularly for the 2019 improved growth scores for students in grades 6 through 8. I was concerned, however, about overall achievement for middle school grades and for the school’s Hispanic/Latinx student group, who comprise 40 percent of the total school population.

Based on evidence presented to the Board in January 2020, I recommended that the Board extend probation for a year, remove the conditions related to the completed comprehensive evaluation and action plan, and extend three existing conditions as part of the school’s probation. What follows is a report on the school’s performance in terms of these three conditions.

**Report on Probation**

Below is a summary of the school’s progress toward meeting the three 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](mailto: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 FY20; 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 collaborated 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 December 31, 2020, the amount held in the separate escrow account was $15,000.

**Condition 3:** By December 31, 2020, the school must demonstrate 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 its newly added middle grades. BGA demonstrated some progress in 2017 through 2019, the last year the statewide assessment was administered, and progress in graduation and post-secondary metrics.

In January 2020, I brought the Board a recommendation to extend the academic condition on the charter of BGA based on a mix of evidence: overall improvement in high school results with lingering concerns about achievement of students in middle school and the Hispanic/Latinx student group. The extension of the academic condition in January 2020 anticipated the administration of the MCAS in 2020; the COVID-19 pandemic and cancellation of the 2020 MCAS administration was unforeseeable at the time. Evidence below presents BGA’s academic data from 2019 and new data with regard to college and career readiness.

According to the statewide accountability system, the school made substantial progress toward meeting targets[[7]](#footnote-7) in 2019, but the school was among the lowest performing 10 percent of schools. Based on 2019 results, BGA was in the 6th percentile compared to other middle/high schools statewide. Additionally, BGA was 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/Latinx student group.

While grade 10 MCAS achievement results remain below state averages, SGP results improved to within the “typical” range in 2019 for all students and for all student groups. MCAS scores for students in grades 6 through 8 demonstrated improvement from 2017 to 2019 in English language arts (ELA) and mathematics. Since 2017, SGPs improved for students in Grade 6 through 8; they were in the “typical” range in 2018 and 2019 for all students and for a majority of all student groups

BGA continues to improve its graduation rates dramatically when compared to the graduation rates of the former Odyssey, which were 55.3 percent for the 4-year rate and 58.1 percent for the 5-year rate in 2011, the year before BGA took over the school. BGA’s 4-year graduation rate for the 2019 cohort was 83.6 percent with an additional 5.5 percent of students still in school, and the 5-year graduation rate was 79.0 percent for the 2017 cohort with an additional 4.8 percent still in school. BGA’s 4- and 5-year graduation rates have continued to improve and have exceeded those of BPS for the past four years.

BGA’s annual dropout rate continues to decline from prior years. In 2019, BGA’s annual dropout rate was 1.7 percent, down from 3.0 percent the prior year. Odyssey’s annual dropout rate was 13.5 percent in 2011.

According to Department data, 76 percent of BGA’s class of 2019 is attending a 2- or 4-year college or university. In 2019-20, 59 percent of BGA’s grade 11 and 12 students completed advanced coursework.

**Renewal of Charter**

BGA’s charter is currently under consideration for renewal. The school’s ratings from the Summary of Review (SOR) follow. Evidence from the attached SOR is also provided below, as context.

| Massachusetts Charter School Performance Criteria | | |
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| Faithfulness to Charter | | Rating[[8]](#footnote-8) |
| **Criterion 1: Mission and Key Design Elements**  The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its Accountability Plan goals. | | ** Partially Meets** |
| **Criterion 2: Access and Equity**  The school ensures access and equity for all students eligible to attend the school. | | ** Meets** |
| **Criterion 4: Dissemination**  The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located. | | ** Meets** |
| Academic Program Success | |  |
| **Criterion 5: Student Performance[[9]](#footnote-9)** | 2019 Overall Classification: | **Requiring assistance or intervention** |
| Cumulative Progress Toward Improvement Targets: | **55%** |
| 2019 Accountability Percentile: | **6** |
| Organizational Viability | |  |
| **Criterion 9: Governance**  Members of the board of trustees uphold their responsibilities under Massachusetts law and regulations to act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school. | | ** Meets** |

**Faithfulness to Charter (Criteria 1, 2, and 4)**

* Aligned with its mission, BGA serves a diverse student population and implements a program that seeks to prepare students for success in college and career and to take active roles in sustainability projects. The school’s academic performance data suggests that the school has achieved limited success in preparing students with the academic skills needed for success in college.
* The school is implementing its four key design elements: prepare students for success in college and career; prepare students to be leaders in the sustainability of their community and world; welcome and enroll a diverse group of students; and provide a trauma-sensitive school environment.
* The school met a majority of its Accountability Plan measures during the charter term.
* BGA ensures access to the program and equity for all students eligible to attend the school. BGA’s in-school suspension rates have been consistently below statewide averages. During the charter term, BGA’s out-of-school suspension rates have been above, or slightly above, statewide averages.
* The school implements its recruitment and retention plan and has been successful in recruiting and retaining a demographically comparable population. BGA enrolls a greater percentage of students with disabilities (31.8 percent), English learners (16.8 percent), and economically disadvantaged students (60.8 percent) than comparison schools in Boston.
* The school has disseminated best practices this charter term to other public schools within its district, across the state, and outside the state.

**Academic Program Success (Criterion 5 and other evidence)**

* As shown above and in the attached SOR, BGA has demonstrated some improvement in academic achievement during the charter term. Data gathered from the 2019-20 school year points to improvements in post-secondary outcomes.
* During the charter term, BGA staff, teachers, and board members have engaged in coordinated efforts to improve academic performance. BGA has implemented an action plan focused on improving the quality and rigor of instruction, evaluating and aligning curricula, implementing Star benchmark assessments, creating an intervention block for all students, increasing teacher professional development, and creating a schoolwide independent reading program.
* During the charter term, BGA developed and implemented a proactive, data-based system to identify all students’ strengths and needs for academic, behavioral, and social-emotional development.
* The school implements a tiered support model to address the strengths and needs of students across all subgroups. School leaders and teachers reported that the school has devoted more resources to serving the needs of Latinx students and students with disabilities because of low achievement in the past by those groups.

**Organizational Viability (Criterion 9 and other evidence)**

* Throughout the charter term, members of the BGA board have developed in their roles as public agents. Board members have strengthened the systems and structures that enable the board to provide competent and appropriate governance and oversight of the school.
* The BGA board of trustees, the BGA head of school, and BPS district administrators all have a clear understanding of their roles and responsibilities under the Memorandum of Understanding (MOU) between the board and BPS.
* The BGA board of trustees and head of school have an effective working relationship with BPS.
* During the charter term, BGA’s fiscal audits were free of findings.

**Recommendation**

Last year, in my January 2020 memorandum to the Board recommending the extension of probation for BGA for one more year, I noted that “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.” During its current charter term, the Department has conducted three visits to monitor BGA’s progress, one of which was a renewal inspection conducted remotely in October 2020. Evidence of the school’s performance during the charter term and from its renewal inspection is presented in the SOR, which is attached to this memorandum.

While we lack another year of MCAS assessment data, BGA’s rates for graduation, dropout, college attendance, and completion of advanced coursework all improved, as presented earlier. Additionally, as noted above, the renewal inspection team found that BGA has improved the academic program over the past few years, including strengthening professional development related to instruction, using benchmark assessments to monitor student learning, adding an intervention block, and revising curriculum to better align with Massachusetts curriculum frameworks.

Evidence gathered during the renewal inspection in October 2020 indicates that BGA has improved its programming and outcomes during its second charter term. Five years ago, the renewal process identified numerous areas for improvement. In its current tenth year of operation, BGA has clear affirmative evidence of organizational viability. Prior concerns related to governance, finances, and clarity of its MOU with BPS have been resolved. Evidence gathered during the Department’s monitoring points to the careful implementation of an action plan to improve academic programming. The school has implemented various mission aligned programs in order to engage students in college, career, and sustainability paths.

Given this evidence, and consistent with the approach we have taken with other schools with similar academic outcomes, I recommend removing the school from probation and extending the condition related to academic performance. This condition follows.

1. By December 31, 2023, the school must demonstrate significant and sustained academic improvement in mathematics, English language arts, and science.

In addition to meeting the terms of this condition, 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 the imposition of further sanctions including, but not limited to, probation.

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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: \*\*\* Boston Green Academy Horace Mann Charter School Summary of Review

Motion for Board Action on Boston Green Academy Horace Mann 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. The charter school regulations, at 603 CMR 1.11(2), provide as follows.

   The decision by the Board to renew a charter shall be based upon the presentation of affirmative 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 in accordance with M.G.L. c. 71, § 89(dd); the success of the school's academic program; and the viability of the school as an organization. The Department will gather evidence regarding these issues from the renewal application and from other information, including but not limited to, a school's annual reports, financial audits, test results, site visit reports, and the renewal inspection report.

   All charter schools will be evaluated on the same performance criteria as provided in the guidelines, provided, however, that the criteria will take into account each school's charter and accountability plan. Evidence of academic success for all students is essential for charter renewal. [↑](#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 what is specified 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. [↑](#footnote-ref-7)
8. Rating Key:

   **Exceeds:** The school fully and consistently meets the criterion and is a potential exemplar in this area.

   **Meets:** The school generally meets the criterion and/or minor concern(s) are noted.

   **Partially Meets:** The school meets some aspects of the criterion but not others and/or moderate concern(s) are noted.

   **Falls Far Below:** The school falls far below the criterion and/or significant concerns are noted. [↑](#footnote-ref-8)
9. The school’s most recent student performance data in the statewide accountability system is for 2019. Statewide assessments were not administered in 2020. [↑](#footnote-ref-9)