*****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:** | June 11, 2021 |
| **Subject:** | Amendment to Charter School Regulations, 603 CMR 1.00, for Final Adoption |

At the meeting of the Board of Elementary and Secondary Education (Board) on June 22, 2021,   
I will ask the Board to vote to adopt the proposed change to the Regulations on Charter Schools (603 CMR 1.00). On April 20, 2021, the Board voted to solicit public comment on the proposed change to the regulations.

While revising the regulations, the Department of Elementary and Secondary Education (Department) solicited feedback from a wide range of stakeholders, including current leaders of school districts and charter schools, the Massachusetts Charter Public School Association (MCPSA), the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, and the American Federation of Teachers-Massachusetts. The public comment period on the proposed change to the regulation closed on May 28, 2021. The Department received no comments suggesting new or revised language. We received written comments only from the MCPSA in support of the amendment, which is attached. I recommend no changes to the proposed amendment.

The amendment is narrowly tailored and limited to only situations in which statewide student testing does not occur. It adds one sentence to the current regulations that addresses the unprecedented situation resulting from the COVID-19 pandemic. The amendment effectively freezes the calculation of the districts in the lowest 10 percent for this year and allows calculation of the list using results from two school years that are not consecutive. Using this approach, [the current 2020 list of districts in the lowest 10 percent](https://www.doe.mass.edu/charter/enrollment/CapIncrease/sy2021analysis.xlsx) would be maintained for fiscal year 2021. The proposed amendment does not address any other provisions relating to the calculation of districts in the lowest 10 percent. The proposed language to be added to 603 CMR 1.04(9) is as follows.

In the event that all statewide student performance scores were not released in the two consecutive school years immediately preceding the school year in which applications are submitted, such ranking shall be calculated for districts, including those that may lack data for some components, using the two most recent years in which statewide student performance scores were released.

I recommend that the Board vote to adopt the proposed amendment to 603 CMR 1.04(9) as presented. A redlined version of the regulations is attached, along with a motion to adopt the amendment. Associate Commissioner Rob Curtin will join us for the discussion on June 22, 2021.

Attachments:

Correspondence from MCPSA

Redlined version of proposed amendment to 603 CMR 1.00

Motion to adopt revised regulations