*****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 Riley, Commissioner |
| **Date:** | February 22, 2023 |
| **Subject:** | Charter Schools – Recommendation for New Charter School |

By statute, the Board of Elementary and Secondary Education (Board) grants charters for new charter schools at its meeting in February. This memorandum summarizes the process for reviewing charter applications and my recommendation with respect to a pending application.

In August 2022, the Department of Elementary and Secondary Education (Department) received one initial application for the proposed Worcester Cultural Academy Charter Public School (WCACPS). The Department also received a request for a proven provider determination from the board of trustees of the Pioneer Valley Chinese Immersion Charter School (PVCICS), relating to its proposal to establish a new school. I invited both applicant groups to submit final applications after the conclusion of my review. In November 2022, the Department received two final charter applications. Only the proposed WCACPS is eligible for charter award and is currently under consideration, as described in my memorandum dated [January 17, 2023](https://www.doe.mass.edu/bese/docs/fy2023/2023-01/item8.docx).

The application for the proposed WCACPS is strong and presents a compelling and coherent vision for a student-centered educational option for Worcester families, with the capacity to deliver the proposed educational program. Based upon the criteria for application approval and for the reasons discussed in this memorandum, I recommend that the Board award a charter to WCACPS.

**High Standards for Charter Recommendations**

Massachusetts has one of the strongest charter school sectors in the nation. The Board holds charter applicants to a high standard for approval. Approximately 267 final charter applications have been submitted and 112 charters awarded since 1994. Over the past 13 years, the Board has granted 35 charters for schools across the Commonwealth with a variety of educational models. The standard for high quality applications sets an expectation that new charter schools authorized by the Board will have a high likelihood of success.

My recommendation is based on the extensive criteria for approval in the statute, in the regulations, and in the charter application. The charter application is designed to ensure that successful applications have not only a strong vision for a school but also exhibit the necessary capacity to ensure faithfulness to the charter, academic program success, and organizational viability. This does not mean, however, that applications must be perfect to be awarded a charter. The application process includes careful assessment of the applicant group’s capacity to develop and deliver a high quality academic program and to respond to new circumstances. In recommending a charter award, I consider the content of the application and the applicant group’s capacity to refine and to adjust as needed, including in response to Department feedback.

**Recommendation for the Worcester Cultural Academy Charter Public School**

The proposed WCACPS seeks to provide Worcester families access to a student-centered education supported by EL Education, a national non-profit organization based in New York, and Old Sturbridge Village (OSV), an education management organization (EMO) based in Massachusetts. EL Education, formerly known as Expeditionary Learning, is a school support organization that has helped schools implement its school design since 1993. EL Education currently supports eight Commonwealth charter schools and five school districts in Massachusetts. OSV has provided management services to the board of trustees of Old Sturbridge Academy Charter Public School (OSACPS) since the school received a charter in 2017. The educational program of OSACPS also uses EL Education.

The proposed board of trustees for WCACPS has the skills and qualifications necessary to oversee the proposed school and its relationships with EL Education and with OSV. The eight individuals identified as the proposed WCACPS board of trustees share a commitment to serve families in Worcester with the proposed educational model. Members of the proposed board include a former Worcester city councilor who is currently general counsel at a Worcester university, former and current charter school trustees, a former charter schoolteacher, a current charter school administrator, a certified public accountant, faculty and administrators at local higher education institutions, and experienced administrators and trustees of non-profit organizations serving Worcester and Massachusetts.

The applicant group also includes the proposed school leader and director of special education. Both proposed employees are experienced educators with over 20 years of experience in public education. The proposed principal is the current and founding principal of OSACPS with prior experience as an educator in Fitchburg Public Schools. The proposed director of special education is the current director of special education and student support services at OSACPS with prior experience as a director at Southern Worcester County Educational Collaborative.

The proposed school design is based upon the [EL Education model](https://eleducation.org/who-we-are/our-approach) that focuses on three aspects of student achievement: mastery of knowledge and skills, character, and high-quality student work. The proposed school will implement all aspects of the EL Education model, including learning expeditions; student-self assessment structures, such as student-led conferences at all grades; and whole school community structures, such as daily advisories and community meetings. The proposed weekly interdisciplinary learning expeditions for grades K-8 will offer a combined 18 hours total of project-based learning outside of the classroom in partnership with local museums and cultural institutions.

The proposed leadership team, EL Education, and OSV support a strong and effective launch of the school for staff and prospective families. EL Education proposes to provide support in implementation of the school design, including program and curriculum design and the development and training of staff. OSV proposes to provide support in school operations and implementation of the school design, including campus startup and opening procedures, faculty and student recruitment, human resources, development, facilities, food services, information technology, and financial services. The draft contract for management services contained within the charter application will be reviewed by the Department and is subject to approval of the Board.[[1]](#footnote-2) All management contracts for substantially all educational services must fully address the Department’s published guidance regarding [required elements of contracts for educational services](http://www.doe.mass.edu/charter/app/Required-EduService-ApplicantUse.docx).

The superintendent of the proposed school's sending district, Worcester Public Schools, was invited to submit public comment on the school's application. Superintendent Dr. Rachel Monárrez, Mayor Joseph Perry, and four members of the Worcester School Committee spoke in opposition at the public hearing on December 9, 2022. The Department also received emails in opposition to the proposed school from State Representatives James J. O’Day, Daniel M. Donahue, John J. Mahoney, David H.A. LeBoeuf, and Mary S. Keefe; Senators Anne Gobi, Robyn Kennedy, and Michael O. Moore; and Worcester City Councilor Etel Haxhiaj. Please see the attached public comment and page 2 of the evidence summary for a complete summary of all comment received about the proposed school.

Based on the Department’s analysis for this charter application cycle, the Worcester Public School District is among school districts performing in the lowest 10 percent of all districts on statewide assessments.[[2]](#footnote-3) There are approximately 478 unused seats under the 9 percent net school spending (NSS) cap in Worcester, with a total of approximately 2,905 unused seats overall under the 18 percent NSS cap.[[3]](#footnote-4) An award of 360 seats to the proposed charter school will not exceed the 9 percent NSS cap and, therefore, does not require a determination of proven provider.

The proposed school would begin serving students in the 2023-2024 school year with 200 students in grades K-4. The school’s opening date is subject to completion of the opening procedures requirements established by the Department.

I recommend that the Board grant a charter to the board of trustees of WCACPS. A motion is attached for your consideration.

**Review Process**

The Department conducted a multi-step review of the charter application. The review process included the components that follow.

* An advisory panel, including both Department staff and external reviewers, reviewed the application. Panel members first reviewed the application on their own using the application criteria. Then the panel met as a group to discuss the strengths and weaknesses of the application and questions for the interview with the applicant group.
* On December 9, 2022, a public hearing was held in Worcester, where the charter school proposes to locate. Board members Mary Ann Stewart, Michael Moriarty, and Vice Chair Matt Hills attended the hearing at Hebert Auditorium, Quinsigamond Community College. The Department recorded the hearing, which can be viewed [here](https://urldefense.com/v3/__https:/youtu.be/SQWfHBaCurw__;!!CUhgQOZqV7M!lZZfhlcMGUpfFEN0XVQqbtVeKdjErXTX2zNyzkS4qnz85k2zGsoqZVLaUFfJ6yBG4-W_5o3DpONGmlRgaDU05fJf$).
* Written comments from the public were solicited at the hearing and through the Department’s website. The superintendent of Worcester Public Schools received the application from the applicant, was informed of the application process by the Department, and was invited to comment. Please see the attached public comment and page 2 of the evidence summary for the summary of comment.
* In January, the Department conducted an interview with the applicant group that focused on the concerns and questions raised in the panel review and the public hearing. The interview is summarized by Department staff; a copy is included with this memorandum. A video and audio recording of the interview is available; please contact the Department at 781-338-3227 if you would like to receive a copy.
* Department staff prepared a summary of the evidence provided in the application and during the interview regarding the applicant group’s capacity to open and operate a high-quality charter school based on the application criteria.
* I held meetings with Department staff to discuss the strengths and weaknesses of the application when judged against the application criteria.

Enclosed with this memorandum are the following materials:

* a memorandum detailing the charter application review process and the application criteria for review, previously shared in my memorandum to the Board dated [January 17, 2023](https://www.doe.mass.edu/bese/docs/fy2023/2023-01/item8.docx);
* a list of the external and internal reviewers who reviewed the initial and final charter applications;
* an executive summary of the Worcester Cultural Academy Charter Public School proposal, written by the applicant group;
* a list of the proposed members of the Worcester Cultural Academy Charter Public School’s board of trustees, proposed employees, and representatives of EL Education and OSV, written by the applicant group;
* a summary of the interview with the applicant group;
* a summary of the final application review, including the evidence identified during the Department’s application review process; and
* written public comment.

Cliff Chuang, Senior Associate Commissioner; Alison Bagg, Director of the Office of Charter Schools and School Redesign; and Alyssa Hopkins, Assistant Director, will be at the February 28 meeting to assist with the discussion. In the meantime, if you need any additional information, please contact Cliff (Cliff.Chuang@mass.gov), Alison (Alison.W.Bagg@mass.gov), Alyssa (Alyssa.K.Hopkins@mass.gov), or me.

Attachments:

Motion for Board Action on Worcester Cultural Academy Charter Public School

Memorandum detailing the charter application review process and the criteria for review

List of the external and internal reviewers who reviewed the initial and final charter applications.

Worcester Cultural Academy Charter Public School

Executive summary of the proposal, written by the applicant group

List of the proposed members of the school’s board of trustees, proposed employees, and representatives of EL Education and OSV, written by the applicant group

Summary of the interview with the applicant group

Summary of the final application review, including the evidence identified during the Department’s application review process)

Written public comment

1. In particular, the Department will be looking for clarity regarding the accuracy of statements made by OSV regarding its relationship with WCACPS and OSACPS. [↑](#footnote-ref-2)
2. Because of the COVID-19 pandemic, special legislation was enacted in 2021 that leaves the lowest 10 percent list from FY20 in place through FY23. The Department will create a new list in FY24 based on results from MCAS tests administered in FY22 and FY23. The legislation provides as follows.

   Notwithstanding section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, due to the COVID-19 pandemic, the list of districts in the lowest 10 per cent of all statewide student performance scores released in fiscal year 2020 shall be maintained as that list for fiscal years 2021, 2022 and 2023.

   Chapter 29, Section 59, of the Acts of 2021. [↑](#footnote-ref-3)
3. 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 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. [↑](#footnote-ref-4)