**Summary of Public Comments Concerning Proposed 603 CMR 52.00: Commonwealth of Massachusetts Virtual Schools**

**May 2023**

Unless otherwise indicated, “regulations” refer to these proposed regulations on virtual schools, 603 CMR 52.00, as released for public comment on January 9, 2023. References to “the statute” are to G.L. Chapter 71, § 94. Positive comments and technical changes are not included in this summary.

The Department of Elementary and Secondary Education (Department) received two written responses to the request for public comment, one from public school personnel and the other from a person at large. Comments were carefully reviewed and are reflected in this chart. This chart follows the organization of 603 CMR 52.00, the regulations on virtual schools. Copies of each respondent’s written comments are available upon request. In the “DESE Response and Recommendations” column, additional changes to the proposed amendments in response to public comment are indicated by underline (new language) or ~~strikethrough~~ (deleted language).

Additionally, some comments recommended changes in regulatory language that is mandated by statutory requirements. In cases where the statute controls the regulatory language, the suggested regulatory change was not adopted. We also note where comments will result in additional guidance.

| **Commentor** | **Summary of Comments** | **DESE Response and Recommendations** |
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| **52.05: Student Recruitment, Enrollment, and Retention** | | |
|  | **52.05: Student Recruitment, Enrollment, and Retention (8) Public Lotteries** |  |
| Dr. Salah E. Khelfaoui  Executive Director/Superintendent of the Greater Commonwealth Virtual School (“GCVS”) | “Who would be considered a neutral party? Is the director of enrollment a neutral party? In many school districts throughout the commonwealth school admission lotteries, when required, are conducted by the school personnel in public. I believe the requirement to conduct the lottery in public should be sufficient to ensure neutrality. There is really no need for the added burden to conduct the lottery by a neutral party. Additionally, most lottery …systems are conducted by a computer software usually written by a neutral party, the software vendor.” | Every time an admissions lottery takes place, the process must be fair, and all rules must be consistently applied. The virtual school regulations, 603 CMR 52.05 (8) state that “all lotteries shall be conducted in public, with a neutral party drawing names, and with reasonable public notice given at least one week prior to the lottery. Such lotteries may be conducted electronically, and the neutral party will certify the process is fair and selection is random.”  While no regulatory change is necessary, the Department will provide additional guidance as needed. |
|  | **52.05: Student Recruitment, Enrollment, and Retention (11) Enrollment Restrictions** |  |
| Dr. Salah E. Khelfaoui  Executive Director/Superintendent of GCVS | “It would be great if this cap is raised to 2% to be consistent with the state-wide cap. It would also be preferable to mention that students enrolled before their districts of residence elected to limit the enrollment should be “grandfathered”, since a CMVS as a public school would not be able to unenroll those students.” | Both the issues raised in the comment relate to statutory requirements. The statute indicates as follows. “A school committee may, by vote, restrict enrollment of its students in commonwealth virtual schools if the total enrollment of its students in commonwealth virtual schools exceeds 1 per cent of the total enrollment in its district; provided, however, that no student enrolled in a commonwealth virtual school shall be compelled to withdraw as a result of that vote.” G.L. c. 71, § 94(t).  Accordingly, no change is recommended. |
|  | **52.05: Student Recruitment, Enrollment, and Retention, (14) in proposed amendments, Enrollment from School Districts Establishing a Commonwealth of Massachusetts Virtual School** |  |
| Dr. Salah E. Khelfaoui  Executive Director/Superintendent of GCVS | “This is not very clear! If 6 students are taking one course each, would that count as one full time student? Further clarification might be needed.” | This regulatory provision was based on obsolete language that required not less than 5 percent of the students enrolled in the Commonwealth of Massachusetts virtual school be from the school district that established the school. In 2016, the language was deleted from G.L. 71,  § 94(c). As a result, we recommend deleting this provision entirely.  ~~(13) Enrollment from School Districts Establishing a Commonwealth of Massachusetts Virtual School. Enrollment of students on a fulltime basis who reside in the district(s) and collaborative(s) establishing a Commonwealth of Massachusetts virtual school under G.L. c. 71, § 94(c), shall~~ ~~count towards the percentage required in M.G.L. c. 71, § 94(c). Enrollment of students in six individual courses that last a full school year shall count as one student enrolled on a fulltime basis for purposes of the percentage required in M. G.L. c. 71, § 94(c). Additionally, for these courses to be included, students taking the courses must reside in the district(s) and collaborative(s) establishing the virtual school.~~ |
| **52.06: Board of Trustees and Staff** | | |
|  | **52.06: Board of Trustees and Staff “(2)(e)** Hiring, evaluating, and removing, if necessary, qualified personnel to manage the school's day-to-day operations and holding these administrators accountable for meeting specified goals.” |  |
| Dr. Salah E. Khelfaoui  Executive Director/Superintendent of GCVS | “This might have to be limited to the top administrator, Executive Director/Superintendent. That would be consistent with the role of school committees in school districts throughout the commonwealth. If this is perceived as the board of trustees having the ability to hire and remove other administrators as well, this might lead to very chaotic situations where the authority of the superintendent could be seriously undermined.” | The regulations currently state as follows at 52.06 (2). “The responsibilities of the board of trustees shall include, but are not limited to, the following:  (e) Hiring, evaluating, and removing, if necessary, qualified personnel to manage the school's day-to-day operations and holding these administrators accountable for meeting specified goals.”  This regulatory provision allows a variety of organizational structures, and we are unaware of any problems that have been created by this flexibility. The regulation specifically provides that "Boards of trustees shall not exercise managerial powers over the day-to-day operations of the virtual school."  Accordingly, no change is recommended. |
| Ms. Melissa Quinn | “Concerns about classes taught in FL for MA students …” | The regulations currently state, 52.06 (5) “Teacher License. All teachers hired by Commonwealth of Massachusetts virtual schools must be licensed in Massachusetts in the areas in which they teach or teach under a waiver pursuant to M.G.L. c. 71, § 38G.”  Accordingly, no change is recommended. |

**Public Commentors**

1. Dr. Salah E. Khelfaoui, Executive Director/Superintendent of GCVS
2. Melissa Quinn