*****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:**  | January 18, 2024 |
| **Subject:** | Commonwealth of Massachusetts Virtual Schools – Applicant for New School |

Section 94 of G.L. c. 71 established Commonwealth of Massachusetts Virtual Schools (CMVS), enabling the Board of Elementary and Secondary Education (Board) to authorize Commonwealth of Massachusetts Virtual Schools (CMVS). By statute, the Board “shall issue a request for proposals to establish 1 or more commonwealth virtual schools” and “the board shall make the final determination on selecting proposals; provided, however, that the board shall only grant a certificate to a qualified applicant as determined by the board” [G.L. c. 71, § 94](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section94)(b) and (c).

The Department of Elementary and Secondary Education (Department) received prospectuses for two CMVS in July 2023. I invited one of the applicant groups to submit a final application. In November 2023, the Department received a final application for the proposed Felix Commonwealth Virtual School. An executive summary of the proposal, submitted by the applicant, is attached for your review.

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| **Proposed CMVS Name** | **Proposed Enrollment Region** | **Proposed Grades** | **Proposed Maximum****Enrollment** | **Proposed Opening Year** |
| Felix Commonwealth Virtual School | Statewide | 7-12 | 4,000 | 2025-26[[1]](#footnote-2) |

This memorandum provides a preview of the virtual school application currently under review and the Department’s review process.

**CMVS Generally**

Massachusetts has two types of virtual schools, CMVS and single district virtual schools (SDVS). [[2]](#footnote-3) Only CMVS receive a certificate granted by the Board. Two CMVS currently operate under certificates the Board granted, Greater Commonwealth Virtual School and TEC Connections Academy Commonwealth Virtual School.

Boards of trustees govern and operate CMVS, where teachers primarily teach from a remote location using the internet or other computer-based methods and where students are not located at the school’s physical premises. The virtual school statute, at G.L. c. 71, § 94(k), funds a CMVS based upon the funding for school choice under G.L. c. 76, § 12B. The sending district is charged a set tuition, and the Department transfers the funds from the district to the CMVS.

**Board and Commissioner Roles**

The Board is responsible for awarding certificates of three to five years to establish a CMVS and determining whether to renew certificates for subsequent terms. The Board has the sole authority to grant or to renew certificates. Under the virtual school statute, the Board may grant up to ten certificates, provided that not more than two percent of students statewide attend a CMVS.

Additionally, when deficiencies are noted in the operations or academic performance of a CMVS, the Board has a range of actions it can take. These include imposing conditions, placing a school on probation, and revoking or not renewing a school's certificate.

The Commissioner is responsible for making recommendations to the Board and providing the Board with the information needed to make well-informed decisions.

**Application Review Process**

Attached you will also find a detailed description of the application review process for virtual schools. Briefly, the application review process for the pending application included the components that follow.

* *Review panel.* A review panel, which included both internal and external reviewers, discussed the strengths and weaknesses of the final application and identified areas where clarification from the applicant was needed. This process helped to generate questions for the interview.
* *Review of Learning Management System (LMS)*.[[3]](#footnote-4) The Department examined features of the applicant's LMS and whether it will enhance learning, communication, and efficiency. The Department also examined its overall functionality, site security measures, data-privacy, and how the LMS would operationalize, enhance, complement, and support the proposed school’s mission, guiding principles, and core values.
* *Public comment.* The Department held a hybrid public hearing in Boston on December 6, 2023. Comment was received in-person and virtually. Board Vice Chair Matt Hills and member Ela Gardiner attended the hearing. Written comments were accepted from members of the public through December 22, 2023. Prior to the February 2024 meeting, we will send Board members a summary of the written comments.
* *Interview.* On January 9, 2024, the Department conducted a final interview with the applicant group.

Prior to your February meeting, I will forward to the Board my recommendation regarding the possible award of a certificate for a new virtual school. In the meantime, if you have any questions regarding these matters or require additional information, please contact Alison Bagg, Director of the Office of Charter Schools and School Redesign (alison.w.bagg@mass.gov); Ruth Hersh, School Redesign and Education Collaborative Manager (ruth.e.hersh@mass.gov; Regina Robinson, Deputy Commissioner (regina.m.robinson@mass.gov); or me.

**Enclosures:** Felix Commonwealth Virtual School Executive Summary

 Virtual Schools Application Review Process

 CMVS Application Criteria 2023-24

1. The regulations specify as follows.

A certificate granted by the Board shall be effective for three to five years, beginning July 1st of the first fiscal year in which the virtual school enrolls students, unless revoked pursuant to M.G.L. c. 71 § 94 and 603 CMR 52.12. If no students are attending a Commonwealth of Massachusetts virtual school within 19 months from the date the certificate was granted, the certificate will be null and void, unless an extension is granted by the Commissioner.

603 CMR 52.04(4)(a). [↑](#footnote-ref-2)
2. SDVS are locally created and controlled schools operated by a single district and overseen by a school committee. The school committee has final approval over whether and under what terms a SDVS operates, provided those terms comply with state and federal law. As of January 2024, there are eight SDVS operating in Massachusetts. [↑](#footnote-ref-3)
3. A learning management system (LMS) is a software application or web-based technology used to administer, automate, and deliver educational courses and materials. [↑](#footnote-ref-4)