# **MEMORANDUM**

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:** | Pedro Martinez, Commissioner |
| **Date:** | September 23, 2025 |
| **Subject:** | Felix Commonwealth Virtual School: Adjustment of Conditions on Certificate |

In March 2024, the Board of Elementary and Secondary Education (Board) granted a certificate to Felix Commonwealth Virtual School (Felix), subject to meeting certain conditions. See details below. Felix has made some progress towards addressing the conditions. The regulations on Commonwealth of Massachusetts Virtual Schools (CMVS), at 603 CMR 52.04(4)(a), state that "[i]f 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.” Currently, because the school has not enrolled any students, Felix’s certificate will expire on October 26, 2025.

On August 22, 2025, pursuant to 603 CMR 52.04 (4)(a), Felix requested an extension of the date by which it must enroll students. Enclosed is a copy of this request.

I recommend that the Board vote at the meeting on September 30, 2025, to adjust the timelines of the conditions placed on the school’s certificate in March 2024. Once the Board affirms the adjusted conditions via a vote, I will approve Felix’s request for an extension of the 19-month opening requirement until September 8, 2026 and will modify the material terms of the school’s certificate accordingly.

**CMVS Certificate and Felix’s Request to Extend Opening Date**

At its meeting on [March 26, 2024](https://www.doe.mass.edu/bese/docs/fy2024/2024-03/item2.docx), the Board granted a CMVS certificate to Felix and directed the school to meet ten timebound conditions to address areas of the final application that needed further development and improvement. Felix originally planned to open by September 2025, within the 19-month requirement. On October 15, 2024, the Felix board of trustees voted to voluntarily return its certificate.

On July 11, 2025, members of Felix’s board of trustees notified the Department of Elementary and Secondary Education (Department) of their desire to extend the date for opening the school and to enroll students by September 2026. On August 22, 2025, Felix’s board of trustees submitted a formal request to me seeking an extension of the 19-month opening requirement. Specifically, based on a vote taken by a quorum of the board, at a meeting held in compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25, Felix’s board of trustees submitted a letter containing a formal withdrawal of Felix’s voluntary return of its certificate submitted to the Department on October 22, 2024, and a request for an extension of the 19-month opening requirement as outlined in 603 CMR 52.04(4)(a). The correspondence from Felix’s board is attached.

In its request, Felix provided information to support an extension of the 19-month opening requirement. As evidence of progress made since October 2024 to address Felix’s reasons for returning the certificate, board members stated that they have continued contract negotiations with Arizona State University Prep Global to provide substantially all educational services. As evidence of improving the group’s ability to fulfill opening procedures obligations, board members requested commissioner approval of three new members to improve governance capacity and relaunched its search for a superintendent to lead the school. Further, Felix’s request outlines efforts in May and June 2024 to address the certificate conditions. As documented by submissions provided to the Department, Felix made progress towards addressing seven of the ten conditions in 2024 and provided other submissions required by CMVS opening procedures. Out of the ten conditions, only the first was completed. It related to the formation of an action plan, with a timeline for a September 2025 opening.

While Felix is working to increase its capacity to open a CMVS, the founding group must continue its work to meet the conditions the Board placed on its certificate in March 2024. In the section that follows, I recommend that the Board establish new deadlines for the original conditions. If the Board votes to approve the conditions, I intend to grant an extension of the 19-month requirement to open the CMVS, as specified in 603 CMR 52.04(4)(a), and expect Felix to enroll and to serve students by September 8, 2026.

**Recommended Adjustment to Conditions**

As noted above, when the Board granted Felix a certificate, it directed the school to meet ten conditions. Starting in April 2024, Felix board members worked to meet the conditions, one of which was met by the time the board voted to return the certificate.

I recommend that the Board recognize the prior progress Felix made, by modifying these conditions and adjusting the timelines for an anticipated school opening in September 2026. The conditions are still required to ensure Felix addresses those areas of the original application that continue to need further development and improvement, particularly with changes that have occurred given the passage of time. I also recommend the Board impose an additional condition to address board of trustees capacity and training. The Department will determine whether the school has met these conditions prior to opening. Specifically, I recommend that the Board impose the conditions that follow.

1. By October 13, 2025, the board of trustees must update and resubmit to the Department its action plan that outlines the steps it will take to open the school. The applicant group’s action plan should cover the period from October 1, 2025, to the ﬁrst day of school and must outline the strategies, steps, and designated point person(s) and provide a clear timeline for opening the school. The action plan must be speciﬁc and consistent with the school’s mission, vision, and objectives.
2. By October 20, 2025, the board of trustees must submit to the Department an updated draft contract with Arizona State University Prep Digital (ASUPD) that directly addresses the Department’s previous feedback. The contract must include, but is not limited to, an outline of the services and a clear justiﬁcation for the compensation and contract payments. It also must include accountability measures and goals sufficient to measure the performance of ASUPD and to permit the board of trustees to terminate the contract if the goals are not met.
3. By November 3, 2025, the board of trustees must revise and resubmit to the Department an updated budget proposal approved by the school’s board of trustees for the pre-operation year and the ﬁrst three years of operation. The budget proposal must include a detailed budget narrative, staffing plan, cash ﬂow projections based on the school’s anticipated enrollment, and identify other sources for funding it anticipates. The budget proposal and associated documents must demonstrate capacity to ensure the ﬁscal health and solvency of the school.
4. By November 3, 2025, the board of trustees must revise and resubmit to the Department an updated and comprehensive staffing plan, aligned with projected ﬁnances, that includes clear expectations for instructional quality and strategies for effective and differentiated online instruction for all students.
5. By November 10, 2025, the board of trustees must revise and resubmit to the Department documentation and information sufficient to justify the proposed per pupil tuition rate in its certiﬁcate as granted by the Board on March 26, 2024. If the Department determines that the documentation and information submitted are not sufficient to justify the per pupil tuition rate in its certiﬁcate, the Department will amend the school’s certiﬁcate to specify a tuition rate consistent with the per pupil tuition rates of other CMVSs.
6. By November 17, 2025, the board of trustees must provide evidence that all members have participated and completed trainings related to the Commonwealth’s open meeting and state ethics laws. The board of trustees must maintain a membership of at least five, consistent with virtual school regulations and Felix’s approved bylaws.
7. By November 24, 2025, the board of trustees must revise and resubmit to the Department a comprehensive plan that ensures all students enrolled in the virtual school will have reasonable access to an “in-person hub site,” a main component of the applicant’s proposal. Reasonable access must consider both distance from and travel time to the hub sites for all students. This plan must include the school’s plan to provide for transportation for all students, including students with disabilities, to and from the hub sites. If the school is unable to provide reasonable access and transportation to and from hub sites for all students statewide, the school must seek an amendment to the enrollment region speciﬁed in its certiﬁcate.
8. By February 1, 2026, the board of trustees must submit to the Department a special education program plan and policies and procedures for education of English language learners that are sufficient to meet all applicable federal and state requirements.
9. By March 2, 2026, the board of trustees must complete alignment of the virtual school's curriculum to the [Massachusetts curriculum frameworks](https://www.doe.mass.edu/frameworks/) and submit documentation to the Department that is sufficient to assess and conﬁrm such alignment.
10. By May 1, 2026, the school must submit to the Department pre-enrollment data sufficient to meet the enrollment levels outlined in its ﬁnal application for its ﬁrst year of operation.
11. Before opening, Felix Commonwealth Virtual School must comply with the Department's opening procedures for virtual schools. Successful completion of the opening procedures process is required to open and to operate a CMVS.[[1]](#footnote-1)

All materials required by conditions will be submitted to the Department for review and approval. As applicable, all submissions must directly address the Department’s previous feedback. A motion is attached.

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If you have any questions regarding this matter or require additional information, please contact Lauren Secatore, Chief of Staff, at [Lauren.Secatore@mass.gov](mailto:Lauren.secatore@mass.gov), or me.

Enclosures:

* Motion
* Request from Felix board of trustees, 8/22/25, to Extend Opening Requirement

1. The regulations, at 603 CMR 52.04(5), state as follows.

   Certificates shall be awarded subject to the conditions listed in 603 CMR 52.04, and any additional conditions that the Board or Department may specify. Upon receiving a certificate, the virtual school must successfully complete the opening procedures process specified by the Department. Opening procedures requirements include, but are not limited to, the following: (a) the terms of the proposed contract, in such cases where the virtual school's board of trustees intends to procure substantially all educational services from another person or organization, the board of trustees shall submit for the Commissioner's approval the terms of the contract; (b) approved bylaws; (c) attendance policy, including but not limited to a daily visual check-in for students; (d) criteria and procedures for suspension and expulsion of students; (e) written documentation that criminal background checks have been performed as required by state law for all employees and volunteers; and (f) written documentation of the virtual school's compliance with state and federal laws, including, but not limited to, all fire, health, and safety laws and accessibility requirements for facilities owned or leased by or for the virtual school. [↑](#footnote-ref-1)