# **MEMORANDUM**

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| **To:** | Members of the Board of Elementary and Secondary Education  |
| **From:**  | Pedro Martinez, Commissioner |
| **Date:**  | September 23, 2025 |
| **Subject:** | Commonwealth of Massachusetts Virtual Schools *–* Authorizing Overview for 2025-26 |

Between now and June 2026, the Board of Elementary and Secondary Education (Board) may take several votes related to its statutory role as an authorizer of Commonwealth of Massachusetts virtual schools (CMVSs). This memorandum summarizes the statutory framework for virtual schools and the Board's responsibilities.

**Legal Framework**

In January 2013, Chapter 379 of the Acts of 2012, “An Act Establishing Commonwealth Virtual Schools” (Act), was enacted, which resulted in the passage of [G.L. c. 71, § 94](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section94). Section 94 authorizes the Board to adopt regulations governing publicly funded virtual schools and, through the Department of Elementary and Secondary Education (Department), to oversee the establishment and operation of CMVSs. The Board’s CMVS regulations are at [603 CMR 52.00](https://www.doe.mass.edu/lawsregs/603cmr52.html).

Massachusetts has two main types of virtual schools, CMVSs[[1]](#footnote-1) and single district virtual schools. Only CMVSs receive a certificate granted by the Board.[[2]](#footnote-2) Two CMVSs currently operate under certificates the Board granted: Greater Commonwealth Virtual School (GCVS) and TEC Connections Academy Commonwealth Virtual School (TECCA). The Board granted a third certificate in March 2024 to Felix Commonwealth Virtual School (Felix).

CMVSs are governed by a board of trustees and operate schools where teachers primarily teach from a remote location using the internet or other computer-based methods and where students are not required to be located at the physical premises of the school. 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’s Responsibilities**

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 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, at the request of a CMVS, the Board may amend the CMVS’s certificate to allow for a different tuition rate; any such tuition adjustments must align with statutory requirements. G.L. c. 71, § 94(k).

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.

**Commissioner’s Responsibilities**

The Commissioner is responsible for making recommendations to the Board and providing the Board with the information needed to make well-informed decisions. The regulations authorize the Commissioner and the Board to impose or to remove conditions on a certificate for specific reasons. In practice, the Commissioner typically notifies the Board before taking any action related to conditions. If the situation is serious enough, the Commissioner may recommend that the Board place a school on probation with conditions.

The regulations for Commonwealth of Massachusetts Virtual Schools, at 603 CMR 52.10(2), require approval by the Commissioner for the following changes to the terms of a CMVS certificate:

* School name;
* Membership of the board of trustees;
* Maximum enrollment;
* Grades served;
* Enrollment region;
* Mission, purpose, and special focus;
* Educational programs, instructional methodology, and services for students that are inconsistent with those specified in the virtual school’s certificate;
* Governance or leadership structure;
* Bylaws;
* Schedule (length of school year, school week, or school day);
* Identity of software or curriculum providers;
* Contractual relationships with an individual or entity providing or planning to provide substantially all the virtual school's educational services;
* Support and storage of critical data;
* Accountability Plan;
* Enrollment policy and application for admission;
* Attendance policy;
* Expulsion policy; and
* Location of facilities, if such change involves relocating to or adding a facility in another municipality or school district.

**Office of Charter Schools and School Redesign**

Within the Department of Elementary and Secondary Education, the Office of Charter Schools and School Redesign provides staff support to the Commissioner and the Board with respect to CMVSs and other virtual schools. The mission of the office is to support and oversee the creation and sustainability of a variety of high-quality options for public schools—including, but not limited to, those that innovate in the areas of instructional practice, time, resources, and technology—to ensure that all students in the Commonwealth have equitable opportunities to a pathway to success after high school.

**CMVS Items for 2025-2026**

On July 25, 2025, the Department received a prospectus from a group seeking to establish a new CMVS. The proposal is currently under review. I will decide within the coming month whether to invite this applicant group to submit a final application and will keep the Board informed of my decision.

Should we receive a final application, the statute governing CMVSs requires a public hearing on proposals to establish a new virtual school. At least one Board member must attend the hearing. In the past, the Department has held public hearings on proposed CMVSs in agency offices and allowed remote participation of members of the public from across the state. We will ask two Board members to volunteer to attend any required public hearing, who will then report back to the full Board if I recommend any final applications for award of a certificate in March. I will be in contact with each of you regarding any hearings as soon as a schedule is finalized.

This year, I anticipate at least three CMVS items for Board deliberation and vote. In August, Felix submitted a request which rescinded the school’s prior return of its certificate and sought an extension of the regulatory 19-month requirement for the virtual school’s opening. My recommendation regarding Felix’s request is addressed under a separate September Board memorandum. Additionally, GCVS and TECCA each submitted an application for renewal of a certificate by June 30, 2025. Each CMVS is operating with conditions on its certificate that the Board imposed in March 2025. In March 2026, I plan to bring recommendations and evidence to the Board regarding the renewal of these schools’ certificates and report on progress they made towards meeting the conditions that the Board imposed on their current certificates.

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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, or me.

Enclosures:

* Types of Virtual Schools

1. There are two types of CMVSs. These are further detailed in the attached table. [↑](#footnote-ref-1)
2. Single district virtual schools 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 single district virtual school operates, provided those terms comply with state and federal law. Please see the attached table for more detailed information. [↑](#footnote-ref-2)