***Massachusetts Department of Elementary and Secondary Education***

*75 Pleasant Street, Malden, Massachusetts 02148-4906 Telephone: (781) 338-3000*

*TTY: N.E.T. Relay 1-800-439-2370*

Jeffrey C. Riley

*Commissioner*

**MEMORANDUM**

**To:** Members of the Board of Elementary and Secondary Education

**From:** Jeffrey C. Riley, Commissioner

**Date:** June 19, 2020

**Subject:** Charter Schools – Extension of Academic Conditions for Two Charter Schools on Probation (City on a Hill Charter Public School and Paulo Freire Social Justice Charter School)

Pursuant to the charter school statute, G.L. c. 71, § 89(ee), and regulations, 603 CMR 1.12(2), the Board of Elementary and Secondary Education (Board) placed City on a Hill Charter Public School (CoaH), and Paulo Freire Social Justice Charter School (PFSJCS) on probation[1](#_bookmark0) and imposed conditions on the charters of these schools that they must meet in order to remedy areas of concern. The Department of Elementary and Secondary Education (Department) is monitoring these charter schools.

Both schools are operating with a condition on their charters that requires “significant and sustained academic improvement” as measured by the statewide assessment by a certain date. As Board members are aware, after passage of special state legislation waiving the requirement for MCAS administration due to COVID-19, I cancelled this spring’s regular administration of MCAS tests for students in grades 3-10. Because of this cancellation, I recommend the Board modify the conditions on the charters of CoaH and PFSJCS to grant them an additional year to demonstrate significant and sustained academic improvement. More information regarding these two schools and my rationale follows.

1 Pursuant to 603 CMR 1.12(2), the Board

may place a charter school on probation if in its judgment the imposition of a condition alone would be insufficient to remediate the problem. The Board may impose conditions on the school's charter that require the school to address specific areas of concern. Placing a school on probation signals concern about the school's viability and permits the Board to suspend a school's charter immediately if the school fails to remedy the causes of its probation.

A third school, Boston Green Academy Horace Mann Charter School (BGA), is also operating with a condition on its charter requiring “significant and sustained academic improvement” by December 31, 2020. Because BGA’s current charter will expire on June 30, 2021, the condition on this charter cannot be extended a year. Instead, BGA will file an application for renewal of its charter by July 31, 2020, and I will evaluate the school’s performance based upon all the evidence available, remaining mindful that students were unable to take the MCAS tests this spring. I will make a renewal determination in the winter of 2020-2021.

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| **City on a Hill Charter Public School Circuit Street** | | | |
| **Type of Charter** | Commonwealth | **Location** | Boston |
| **Regional or Non- Regional** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 1995 | **Year(s) Renewed** | 2000, 2005, 2010, 2015,  2020 |
| **Maximum Enrollment** | 400 (limited to 350 until conditions are met) | **Current Enrollment** | 228 (as of October 2019) |
| **Chartered Grade Span** | 9-12 | **Current Grade Span** | 9-12 |
| **Students on Waitlist** | 0 (as of March 2019) | **Current Age of School** | 25 |

For the past six years, CoaH operated as part of a network of three charter schools, two in Boston and one in New Bedford. In January 2020, the Board accepted the surrender of the charter for City on a Hill New Bedford. That school will cease to operate as of July 1, 2020. In February 2020, the Board renewed the charter of CoaH CS; consolidated the charters of the two CoaH charter schools in Boston; set the maximum enrollment of the consolidated school at 400, with a limit of 350 students until conditions are met; and placed CoaH on probation.

In order to provide the school with an additional year to meet the conditions requiring academic improvement, I recommend that the Board modify the seventh condition on CoaH’s charter. This would require CoaH to demonstrate significant and sustained academic improvement by December 31, 2023, instead of by December 31, 2022. Additionally, due to disruption caused by COVID-19 and the upcoming addition of new board members, CoaH has requested additional time to meet Condition 6, which requires the board of trustees to engage in training and develop an action plan. I believe that this request is reasonable and should be approved by the Board.

Changes in Condition 6 and 7 are noted in in bold and underlined. The remaining conditions are unchanged.

**Condition 1:** Until further notice, the school must submit to the Department of Elementary and Secondary Education (Department), at [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu) or 75 Pleasant Street, Malden, MA 02148, board meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school’s board members. These monthly materials must include financial statements to be

presented to the board. These monthly financial reports must reflect all considerations in revenue and expenditures, including lines of credit, debt obligations, and fundraising.

**Condition 2:** By March 31, 2020, the school must submit evidence to the Department that it has provided the school community with notice of the school’s renewal and that the school’s charter has been placed on probation with conditions that the school must meet. The school must inform parents/guardians, teachers, staff, board members, students, and other community members of the school’s current status.

**Condition 3:** By April 15, 2020, the school must establish an escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.

**Condition 4**: Until further notice, the school will provide weekly updates to the Department of the total number of students in attendance, and the total number of students on the waitlist, by close of business on Friday of each week. The school must maintain student enrollment levels adequate to provide a strong academic program and financial and organizational viability, as determined by the Department.

**Condition 5:** By June 30, 2020 the school must submit to the Department for approval a comprehensive action plan for improving academic performance, school climate, staff culture, and faithfulness to its charter. The action plan must specify the evidence-based strategies the school will use to improve performance in mathematics, English language arts, and science for all student subgroups. The plan should also include strategies to provide a program that is faithful to the school’s mission and key design elements and to improve school climate, including student discipline practices and staff culture. The action plan must set clear and specific implementation benchmarks, with a clear timetable and deadlines for completion of key tasks, sufficient to allow the school's board of trustees and the Department to monitor implementation. The school must provide evidence that it has shared its action plan with the school’s community including, but not limited to, students, parents/guardians, and staff.

**Condition 6**: By **September 30, 2020**, the board of trustees must engage a consultant and participate in training about proper governance roles and responsibilities, including obligations related to the Open Meeting Law. The board must develop an action plan and schedule for adequate oversight of the school according to the Charter School Performance Criteria, Criterion 9: Governance.

**Condition 7:** By **December 31, 2023**, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in mathematics, English language arts, and science on the statewide assessment.

**Condition 8:** Enrollment at the City on a Hill Charter Public School is limited to 350 students. When the Commissioner determines that the school has met the conditions imposed on its charter, including the conditions for academic success, enrollment may increase to a maximum of 400 students. Should the school fail to increase student enrollment in accordance with a growth plan approved by the Commissioner or report fewer than 350 students enrolled at the school on October 1, 2024, the Board of Elementary and Secondary Education may reduce the school’s maximum enrollment below 400 accordingly.

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| **Paulo Freire Social Justice Charter School** | | | |
| **Type of Charter**  (Commonwealth or Horace Mann) | Commonwealth | **Location** | Chicopee |
| **Regional or Non-Regional** | Regional | **Districts in Region**  (if applicable) | Chicopee, Holyoke, South Hadley, West Springfield |
| **Year Opened** | 2013 | **Year(s) Renewed**  (if applicable) | 2018 |
| **Maximum Enrollment** | 320 | **Current Enrollment** | 278 (as of October 2019) |
| **Chartered Grade Span** | 9-12 | **Current Grade Span** | 9-12 |
| **Students on Waitlist** | 0 (as of March 2019) | **Current Age of School** | 7 years |

In January 2018, due to partial progress in meeting existing conditions on the school’s charter and ongoing concerns related to academic performance and organizational viability, the Board renewed the charter of PFSJCS for a second charter term and placed the school on probation. In February 2019, the Board extended the school’s probation and amended the conditions imposed on its charter. In January 2020, the Board again modified the conditions imposed on the school’s charter.

In order to provide the school with an additional year to meet the conditions requiring academic improvement, I recommend that the Board modify the fifth condition on PFSJCS’s charter. This would require PFSJCS to demonstrate significant and sustained academic improvement by December 31, 2022, instead of by December 31, 2021. Changes in Condition 5 are noted in bold and underlined. The remaining conditions are unchanged.

**Condition 1:** Until further notice, Paulo Freire Social Justice Charter School must submit to the Department of Elementary and Secondary Education (Department), at [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu) or 75 Pleasant St., Malden, MA, 02148, board and committee meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school’s board members. The documents must reflect adherence to the Open Meeting Law. Additionally, if board materials do not already include this information, the school must also submit monthly financial statements including, but not limited to, statement of revenues and expenses, a balance

sheet, bank account statements, and a cash flow statement including actual and projected revenues and expenses.

**Condition 2:** Until further notice, the school must submit weekly enrollment updates to the Department.

**Condition 3:** The school must maintain the current escrow account to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.

**Condition 4:** By December 31, 2021, the school demonstrate a significant and sustained reduction in its chronic absenteeism rate.

**Condition 5:** By **December 31, 2022**, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in English language arts, mathematics, and science.

In addition to meeting the terms of probation, CoaH and PFSJCS, like all charter schools, must comply with the terms of their charters. Failure of CoaH and PFSJCS to meet the conditions placed on their charters within the timelines specified may result in immediate suspension and revocation of their charters.

I will review and report to the Board on the success or lack of success of CoaH and PFSJCS in meeting the terms of probation.

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If you have any questions regarding this recommendation or require additional information, please contact Alison Bagg, Director (781-338-3218); Cliff Chuang, Senior Associate Commissioner (781-338-3222); or me.

Attachments: Motions for Board Action