

**U.S. Department of Education**  
**Washington, D.C. 20202-5335**



**APPLICATION FOR GRANTS**  
**UNDER THE**

**84.282A - Charter Schools Program Grants for State Educational Agencies**

**CFDA # 84.282A**

**PR/Award # U282A160013**

**Grants.gov Tracking#: GRANT12176366**

OMB No. 1894-006, Expiration Date: 11/30/2017

Closing Date: Jun 01, 2016

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This application was generated using the PDF functionality. The PDF functionality automatically numbers the pages in this application. Some pages/sections of this application may contain 2 sets of page numbers, one set created by the applicant and the other set created by e-Application's PDF functionality. Page numbers created by the e-Application PDF functionality will be preceded by the letter e (for example, e1, e2, e3, etc.).

**Application for Federal Assistance SF-424**

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
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* 3. Date Received: <input type="text" value="05/31/2016"/>	4. Applicant Identifier: <input type="text"/>
--	--

5a. Federal Entity Identifier: <input type="text" value="US DOE"/>	5b. Federal Award Identifier: <input type="text"/>
---	---

**State Use Only:**

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
---	---

**8. APPLICANT INFORMATION:**

\* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="046002284"/>	* c. Organizational DUNS: <input type="text" value="7995381780000"/>
---	---

**d. Address:**

* Street1:	<input type="text" value="75 Pleasant Street"/>
Street2:	<input type="text"/>
* City:	<input type="text" value="Malden"/>
County/Parish:	<input type="text"/>
* State:	<input type="text" value="MA: Massachusetts"/>
Province:	<input type="text"/>
* Country:	<input type="text" value="USA: UNITED STATES"/>
* Zip / Postal Code:	<input type="text" value="02148-4906"/>

**e. Organizational Unit:**

Department Name: <input type="text"/>	Division Name: <input type="text"/>
--	--

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix: <input type="text"/>	* First Name: <input type="text" value="Joanna"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Laghetto"/>	
Suffix: <input type="text"/>	
Title: <input type="text" value="Finance and Data Coordinator"/>	

Organizational Affiliation:

* Telephone Number: <input type="text"/>	Fax Number: <input type="text"/>
--	----------------------------------

\* Email:

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

U.S. Department of Education

**11. Catalog of Federal Domestic Assistance Number:**

84.282

CFDA Title:

Charter Schools

**\* 12. Funding Opportunity Number:**

ED-GRANTS-042116-001

\* Title:

Office of Innovation and Improvement (OII): Charter Schools Program (CSP) Grants for State Educational Agencies (SEAs) CFDA Number 84.282A

**13. Competition Identification Number:**

84-282A2016-1

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

MA 84.282A\_16\_AreasAffectedbyProject.pdf

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

Massachusetts Charter School Program Project 84.282.A

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant

\* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

\* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="23,292,921.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="23,292,921.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title:

\* Telephone Number:  Fax Number:

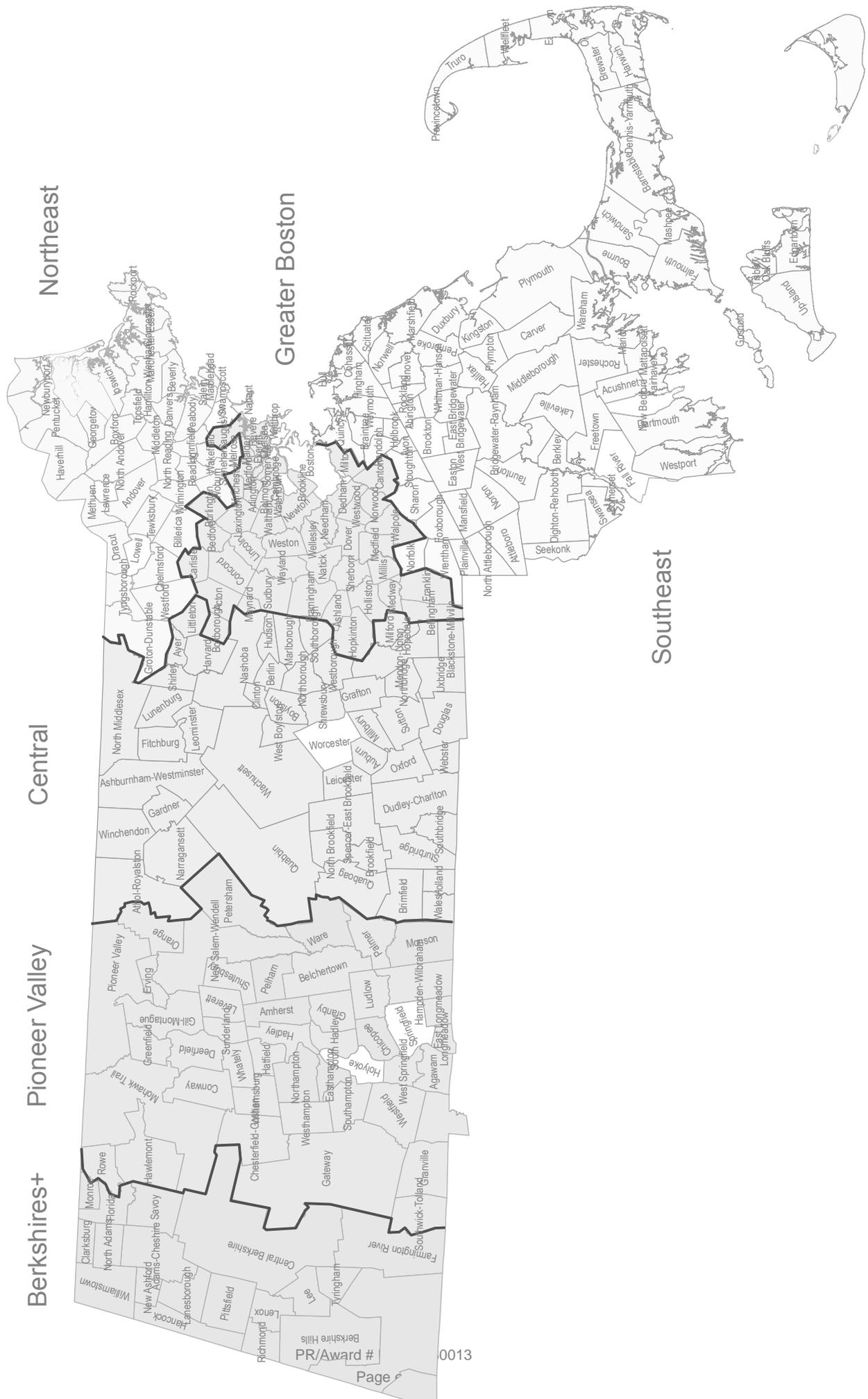
\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

SF-424 Application for Federal Assistance

14. Areas Affected by Project: All Massachusetts cities and towns

MA District and School Assistance Center (DSAC) Regions



Northeast

Greater Boston

Southeast

Central

Pioneer Valley

Berkshires+

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

<p>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</p> <p>Julia Jou</p>	<p>TITLE</p> <p>Commissioner of DESE</p>
<p>APPLICANT ORGANIZATION</p> <p>Massachusetts Department of Elementary &amp; Secondary Education</p>	<p>DATE SUBMITTED</p> <p>05/31/2016</p>

Standard Form 424B (Rev. 7-97) Back

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

Approved by OMB  
0348-0046

<b>1. * Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. * Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. * Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
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**4. Name and Address of Reporting Entity:**  
 Prime  SubAwardee

\* Name: Massachusetts Department of Elementary & Secondary Education

\* Street 1: 75 Pleasant Street Street 2: \_\_\_\_\_

\* City: Malden State: MA: Massachusetts Zip: \_\_\_\_\_

Congressional District, if known: \_\_\_\_\_

**5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:**

<b>6. * Federal Department/Agency:</b> US Department of Education	<b>7. * Federal Program Name/Description:</b> Charter Schools
	CFDA Number, if applicable: 84.282

<b>8. Federal Action Number, if known:</b> 84-282A2016-1	<b>9. Award Amount, if known:</b> \$ _____
---	---

**10. a. Name and Address of Lobbying Registrant:**

Prefix \_\_\_\_\_ \* First Name NA Middle Name \_\_\_\_\_

\* Last Name NA Suffix \_\_\_\_\_

\* Street 1 \_\_\_\_\_ Street 2 \_\_\_\_\_

\* City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**b. Individual Performing Services** (including address if different from No. 10a)

Prefix \_\_\_\_\_ \* First Name NA Middle Name \_\_\_\_\_

\* Last Name NA Suffix \_\_\_\_\_

\* Street 1 \_\_\_\_\_ Street 2 \_\_\_\_\_

\* City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**11.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\* Signature: Julia Jou

\* Name: Prefix Dr. \* First Name Mitchell Middle Name \_\_\_\_\_  
\* Last Name Chester Suffix \_\_\_\_\_

Title: Commissioner Telephone No.: 781-338-3110 Date: 05/31/2016

<b>Federal Use Only:</b>	Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)
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PR/Award # U282A160013

## NOTICE TO ALL APPLICANTS

OMB Number: 1894-0005  
Expiration Date: 03/31/2017

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

### To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

### What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may

be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

### What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

(4) An applicant that proposes a project to increase school safety might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

### Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) and reference the OMB Control Number 1894-0005.

**Optional - You may attach 1 file to this page.**

MADESE\_84.282A\_FY16\_App\_GEPAS427Narrative\_

Add Attachment

Delete Attachment

View Attachment

**Massachusetts Department of Education**  
**FY2016 Application for Grants Under the Charter School Program**  
**(CFDA Number: 84.282A)**  
**GEPA Section 427 Statement**

*Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.*

Free and open admission to charter schools is one of the hallmarks of the Massachusetts charter law:

Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a foreign language or academic achievement. Charter schools may limit enrollment to specific grade levels and may structure curriculum around particular areas of focus such as mathematics, science or the arts. There shall be no application fee for admission to a charter school. There shall be no tuition charge for students attending charter schools. (Massachusetts General Laws, Chapter 71, Section 89(m)).

All schools that conduct project activities funded under this grant program must adhere to these legal requirements. The CSP grant project is designed to increase access to high-quality educational opportunities for all students, particularly those who are educationally disadvantaged.

The Massachusetts Office of Charter School and School Redesign will hold Charter School Program (CSP) subgrant trainings and information sessions at the Department of Elementary and Secondary Education (DESE) building but recognizes that due to disabilities or other reasons, not all of the subgrant applicants and recipients will be able to attend. Therefore, all information disseminated by this project will be made available in a variety of formats for participants including, but not limited to, webinars, e-mail notifications, posting on the DESE website, mailings and conference calls.

To ensure that any person with hearing loss who has or will apply for CSP funds has access to all materials and information, the DESE website provides a text telephone (TTY) phone number. This allows people with impaired hearing or speech to call an operator who receives the caller's typed messages. The operator phones the DESE, relays the messages orally and types the response to the hearing impaired caller.

## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

<b>* APPLICANT'S ORGANIZATION</b>	
Massachusetts Department of Elementary & Secondary Education	
<b>* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE</b>	
Prefix: Dr.	* First Name: Mitchell Middle Name:
* Last Name: Chester	Suffix:
* Title: Commissioner of DESE	
<b>* SIGNATURE:</b> Julia Jou	<b>* DATE:</b> 05/31/2016

## Abstract

The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. For all projects, include the project title (if applicable), goals, expected outcomes and contributions for research, policy, practice, etc. Include population to be served, as appropriate. For research applications, also include the following:

- Theoretical and conceptual background of the study (i.e., prior research that this investigation builds upon and that provides a compelling rationale for this study)
- Research issues, hypotheses and questions being addressed
- Study design including a brief description of the sample including sample size, methods, principals dependent, independent, and control variables, and the approach to data analysis.

[Note: For a non-electronic submission, include the name and address of your organization and the name, phone number and e-mail address of the contact person for this project.]

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**Abstract Narrative**

The *Massachusetts Education Reform Act of 1993* initiated the creation of independently operated charter schools to provide a high-quality public school choice for students and families throughout Massachusetts. *An Act Relative to the Achievement Gap of 2010* accelerated the expansion of high-quality charter schools, particularly those serving educationally disadvantaged students, and created new authorities and incentives for districts to leverage charter schools and other forms of autonomous schools as a strategy for significantly improving student achievement. In particular, charter school operators have played a direct role in restarting and operating schools in coordination with district leadership, including through the creation of Horace Mann charter schools. By the fall of 2015, 96 charter schools were operating in the state, more than three-quarters in urban areas, serving more than 40,000 students.

The *Massachusetts Charter Schools Program (CSP) Project 2016–2021* seeks to authorize up to an additional 25 high-quality charter schools or substantial expansions, yielding approximately 17,500 new high-quality school seats, especially for educationally disadvantaged students. In addition, the CSP project will accelerate and strengthen the collaboration between charter and public school districts to rapidly improve student outcomes. The three CSP project objectives are:

1. Increase the number of high-quality school seats in Massachusetts, especially for educationally disadvantaged students.
2. Promote the dissemination of Massachusetts charter school best practices to other public schools and collaborative district-charter partnerships, particularly in Gateway Cities and Boston, to improve student outcomes in partner schools and districts.
3. Improve student outcomes in Massachusetts charter schools, and across the state, especially for educationally disadvantaged students.

Over the next five years, the CSP project will provide critical planning and implementation start-up funds to all newly-authorized or substantially expanding charter schools approved by the Massachusetts Board of Elementary and Secondary Education, the state's sole public authorizer. Increased funding is available to schools that satisfy access and equity and immediate high-impact priorities. Successful high-quality charter schools may also compete for funds to support robust dissemination of their innovative best practices to other public schools. All of these activities serve to support Massachusetts' goal of preparing all students for success after high school.

## Project Narrative File(s)

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\* **Mandatory Project Narrative File Filename:**

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**Massachusetts Department of Elementary and Secondary Education**  
**FY2016 Application for Grants under the Charter Schools Program**  
**(CFDA Number: 84.282A)**

**Massachusetts Charter Schools Program Project 2016-2021**

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**Important Note:**

Under Massachusetts’ charter school statute (M.G.L. c. 71, § 89) (App. 1 ) and charter school regulations (603 CMR 1.00), (App. 2 ) the Massachusetts Board of Elementary and Secondary Education (BESE) is the sole public charter authorizer in the Commonwealth of Massachusetts. BESE acts through its administrative arm, the Massachusetts Department of Elementary and Secondary Education (ESE), led by its commissioner, Mitchell D. Chester, Ed.D. (Commissioner), who is assisted by ESE’s Office of Charter Schools and School Redesign (OCSSR) for all delegable authorization and oversight responsibilities for charter schools.

## **ABSOLUTE PRIORITIES**

### **Absolute Priority 1: Periodic Review and Evaluation**

The [Massachusetts charter school statute M.G.L. c. 71, §89](#) and the [Massachusetts charter school regulations](#) (App. <sup>1</sup> 1 and 2) authorizes the Board of Elementary and Secondary Education (BESE) to issue charters for a term of 5 years, with a high-stakes renewal decision required every 5 years, unless poor academic performance or lack of operational viability dictate an earlier decision. For a description of Massachusetts comprehensive periodic review and evaluation system for charter schools, including all state statutory, regulatory, and administrative requirements, see [Selection Criteria \(f\)\(2\)\(ii\)](#).

### **Absolute Priority 2: Charter School Oversight**

***(a) (1) Operates under a legally binding charter or performance contract.*** State law (App. 1) outlines the rights and responsibilities of charter schools and the public chartering agency, as well as describing performance expectations and the material terms of a school's charter. A founding group's final application, serves as the basis for BESE's granting a charter, and establishes the material terms of the charter. This charter operates as a legally binding agreement that the school enters into with the SEA-authorizer. The specific material terms of each school's charter include the school name, mission, location, leadership and governance structure, districts served, maximum enrollment, and grades served. Other key policy document serve as material terms of the charter and legally obligate each school as well: Accountability Plan-includes clear performance expectations;<sup>2</sup> bylaws; enrollment policy; expulsion policy; schedule (length of school year, week, and day); board of trustees' membership roster; management contracts (if applicable); and Memoranda of Understanding (for Horace Mann charter schools).

***(2) Conducts annual, timely, and independent audits of financial statements.***

---

<sup>1</sup> "App." followed by a number will be used to indicate a document that is included in the Appendix to this application.

<sup>2</sup> The Accountability Plan is a performance contract, outlining a school's objectives and measures for demonstrating achievement of its mission and key design elements, and the school's commitment to meet the Charter School Performance Criteria as further described in [Competitive Preference Priority 1\(a\)\(1 & 2\)](#).

Massachusetts' charter school statute (App. 1) requires each charter school to have an independent audit of its accounts conducted annually, consistent with auditing standards generally accepted in the United States, and consistent with [Massachusetts Charter School Audit Guide](#)<sup>3</sup> (App. 3), issued by the Department of Elementary and Secondary (ESE). In addition to outlining comprehensive requirements for auditing the school's accounts, the Audit Guide details requirements for a specific Agreed Upon Procedures (AUP) engagement for any charter school receiving a Charter School Program grant (CSP) funds to ensure dedicated monitoring of CSP subgrants. If a charter school received \$750,000 or more in federal funds, requiring an A-133 audit, the CSP grant will be monitored as a separate program fulfilling the criteria in the AUP. Audits must be filed annually on or before November 1<sup>st</sup> with ESE and the Office of the State Auditor of the Commonwealth of Massachusetts.

**(3) Demonstrates improved student academic achievement.** All Massachusetts charter schools must demonstrate improved academic achievement for all students, as explicitly outlined in the Charter School Statute, M.G.L. c. 71, 89(dd) (App. 1), the [Charter School Performance Criteria](#)<sup>4</sup> (Criteria) (App. 4), and the [Considerations for Charter School Renewal](#)<sup>5</sup> (App. 5), described in further detail in [Selection Criteria \("Sel. Crit."\) f \(2\)\(iii\)](#).

**(b) Increases in student academic achievement as one of most important factors.**

BESE (as sole charter authorizer) uses increases in student academic achievement for all subgroups of students described in section 1111(b)(2)(C)(v) of the No Child left Behind Act of 2001 as one of the most important factors when determining whether to renew or revoke a school's charter. This assurance is outlined in the Commissioner's memorandum, [Considerations for Charter School Renewal](#) and more fully described in [Sel. Crit. f \(2\) \(iii\)](#).

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<sup>3</sup> <http://www.doe.mass.edu/charter/finance/auditing/>

<sup>4</sup> <http://www.doe.mass.edu/charter/acct.html?section=criteria>

<sup>5</sup> <http://www.doe.mass.edu/news/news.aspx?id=7802>

## COMPETITIVE PREFERENCE PRIORITIES

### **Competitive Preference Priority 1: High-Quality Authorizing and Monitoring Processes**

#### ***(a) Multi-tiered clearance or review of a charter school.***

Based upon the parameters of state law, ESE has established a rigorous annual process for the evaluation of charter applications that incorporates clear published criteria used by both applicants and evaluators and employs a multi-tiered review. The process and criteria for charter application review is described in the *Application for a Massachusetts Charter School*, (App. 6), which is updated and published annually in advance of every application cycle (see also [Sel. Crit. f \(1\)\(i\)](#)).

In summary, Massachusetts' charter school application establishes the necessary evidence to identify applicants who are prepared to be successful in the three areas of accountability: (1) faithfulness to charter, (2) academic success, and (3) organizational viability. Each section of the charter application contains specific criteria designed to identify whether applicants have (1) demonstrated alignment of their proposed charter school with the needs of the targeted community and its residents, (2) developed a cohesive and comprehensive design for a high-quality charter school which will recruit, enroll, and serve the Commonwealth's educationally disadvantaged student populations, and (3) shown the expertise and capacity to successfully open and operate the proposed school. All application requirements are aligned to state law and the charter school performance *Criteria*.

The charter application process includes two stages for new operators. New operators submit a preliminary application, called a prospectus, which provides an opportunity to articulate the basic elements of their proposed school design and implementation plan and to receive targeted feedback prior to the submission of a final application. Charter applicants who do not demonstrate the capacity to open and operate a high-quality charter school at the prospectus stage are invited to resubmit their prospectus in a future cycle after further revision and consultation with ESE staff. Applicants who demonstrate capacity and a strong likelihood of

establishing a high-quality charter school are invited to submit a full final application.

ESE develops a detailed analysis of the evidence provided in the prospectus, which is provided to all applicants to clearly identify the areas requiring additional evidence. ESE uses a panel of trained reviewers, both ESE staff and peer experts in the field, to assess each applicant's response to criteria and identify where further development is required. ESE staff has established a cadre of over 100 qualified reviewers, but continues to perform year-round outreach to experts in the field to ensure that each application benefits from a review team typically comprised of at least four external experts and at least three ESE staff at each stage of the review process.

During the second stage of review, applicants submit an application that addresses concerns raised by ESE at the prospectus stage, provides additional information on the targeted community's demand for the proposed charter school, and its five-year implementation plan, including the recruitment and retention of educationally disadvantaged students. ESE then institutes a public comment period for all stakeholders, including a public hearing held in community where the school proposes to locate. This hearing provides an opportunity for community members to demonstrate support of the proposed charter school to ESE and BESE. ESE also performs a capacity interview of the applicant group to augment information provided in the final application and gather additional evidence of the applicant group's ability to open and operate a high-quality charter school as envisioned in its application.

The body of evidence gathered by ESE during the charter application process results in a multi-page report presented to the Commissioner and BESE as well as the applicant group. The report highlights the areas of the criteria and the degree to which they have been addressed by the applicant group. The Commissioner of ESE (Commissioner) makes a recommendation to BESE regarding the applicant groups with the strongest likelihood of establishing a high-quality charter school based upon capacity and the application criteria. BESE reviews the body of evidence prior to making a decision to grant a charter.

After a charter has been awarded, the charter school undergoes a comprehensive opening procedures process, outlined in the annually published *Opening Procedures Handbook* (App. 8).

A new charter school must complete requirements in the handbook in order to open. An ESE staff member participates in an initial board meeting to train trustees and school leadership on opening procedures and to provide an overview of Massachusetts' accountability processes. The successful completion of the opening procedures ensures that the charter school has addressed critical elements of the infrastructure required for public school operation. Failure to demonstrate preparedness prior to the school's opening can have serious consequences, including delayed opening, probation, or revocation of the charter.

During the months prior to opening, Massachusetts' has instituted a number of safeguards to identify readiness to open and to ensure schools stay on track for a successful first year of operation. New schools are required to demonstrate organizational viability through sufficient student enrollment, financial resources, and human capital, as well as compliance with state and federal laws and regulations. ESE provides technical assistance and provides many resources to support a school's effectiveness in meeting these requirements, including policy checklists and guidance to ensure equitable enrollment practices; appropriate fiscal policies and procedures; policies and procedures to appropriately serve educationally disadvantaged student populations, including students with disabilities and English language learners; and equitable student discipline policies and procedures.

***(b) Differentiated review of charter petitions.***

Massachusetts charter school law establishes a number of priorities for authorizing, including applicants who have a track record of prior success, or who seek to establish schools in the state's lowest performing districts. Based upon these priorities, ESE performs a differentiated review of charter applications for current charter school operators (boards of trustees) and groups seeking to establish high-quality charter schools in the lowest performing districts in the Commonwealth. In all review processes, the gathering and development of evidence regarding the likelihood of success for establishing a high-quality charter school is the underlying and primary focus of the charter application review.

The primary focus of the differentiated review for new and current operators is to

distinguish between the capacity required to open and operate one high-quality charter school versus the capacity required to open and operate a network of high-quality charter schools. ESE has established two different versions of the charter application to permit a two-stage process of review for new operators and a one-stage process for current boards of trustees applying for additional charter(s). In order for current boards of trustees to participate in the application process, they must have established a track record of success in the operation of at least one high-quality charter school, as determined by: at least one successful charter renewal; the absence of conditions or probation; identification in the Commonwealth's accountability system as a successful school; and compliance with federal and state laws and regulations. Charter schools that do not meet all of these parameters (i.e., alternative education programs) may consult with ESE regarding their unique circumstances, including the consideration of other potential measures of academic success, to establish eligibility for additional charters.

Both new and existing operators may pursue a new charter school in one of the 29 lowest performing Massachusetts school districts where charter school growth is favored by meeting certain regulatory requirements (App. 2). Eligible operators must demonstrate a track record of success serving an educationally disadvantaged population, including establishing performance similar to statewide averages for all students and one or more student subgroups, such as students with disabilities, English language learners, or economically disadvantaged, in comparable grades over at least a three-year period. New operators may meet these requirements through a partnership with organizations or individuals who have achieved the requisite track record.

***(c) Clear and Specific Standards and Benchmarks for Authorizer Performance.***

As sole authorizer, BESE and its administrative arm, ESE, work diligently to monitor and evaluate its authorization activities with a commitment to continuous improvement. As National Association of Charter School Authorizers (NACSA) recognizes in its letter of support, "Mass ESE and its portfolio of charter schools are achieving strong outcomes for students and the public interest, making the department a national exemplar of charter school authorizing practices." Monitoring and assessment efforts include:

1. **Legislative reporting.** Massachusetts charter school law requires an annual report to the legislature from BESE. In 2016, this report included required charter school enrollment data, but also analysis demonstrating Massachusetts’ commitment to charter school access and equity in five key areas: enrollment, demographic comparability of charter school to district school enrollment, attrition, backfilling, and waitlists.

2. **Outside evaluation.** ESE periodically hires outside experts to monitor and evaluate the Office of Charter Schools and School Redesign’s (OCSSR) charter school authorizing activities. If successful, Massachusetts intends to use a small share of its CSP grant to fund an evaluation to assess the effectiveness of ESE’s access and equity initiatives.

3. **Benchmarks in ESE’s Delivery Plan.** OCSSR’s charter school work is incorporated in and monitored as part of ESE’s strategic delivery plan, which includes annual goals and objectives. The Commissioner meets with the OCSSR team and delivery analysts regularly to take stock of the OCSSR’s progress toward year-end goals.

4. **Public Reporting on Charter School Performance.** Fundamentally, ESE gauges the quality of its authorizing by the performance of its portfolio of charter schools. Charter school performance data is broadly disseminated. Each charter school is required to submit an Annual Report to ESE and to their local school committee. These reports, which also must be posted on school websites, include each school’s demographic data, academic data, and a self-assessment of performance on charter school performance Criteria. In addition, charter school performance data is available as part of its statewide academic “report cards” published on ESE’s website, where the public will also find accountability data for charter school progress toward closing achievement gaps. Finally, ESE has created charter-school-specific tools that allow public access to charter school financial performance and demographic data (the latter in comparison to similar grades in traditional district schools). The performance of Massachusetts charter schools has also

been extensively reported in a number of research studies.<sup>6</sup>

**Competitive Preference Priority 2: One Authorized Public Chartering Agency Other than a Local Educational Agency (LEA), or an Appeals Process.**

The Massachusetts Charter School Statute (M.G.L. c. 71, § 89) (App.1) establishes the Massachusetts Board of Elementary and Secondary Education (BESE) as the sole public charter authorizing entity in Massachusetts. Massachusetts has one authorizer as part of its mission to strengthen the Commonwealth's public education system in a consistent, responsible, and transparent manner. As a single authorizer, BESE ensures reliable oversight and employs comprehensive practices as part of a state-wide strategy to close all proficiency gaps so that every student is prepared to succeed in postsecondary education, compete in the global economy, and understand the rights and responsibilities of American citizens. Local Education Agencies (LEAs) cannot authorize charter schools in Massachusetts.

**INVITATIONAL PRIORITY**

ESE reports on the student demographics of each charter school in the state on an annual basis. Under the "statewide reports" section of its website ([www.doe.mass.edu](http://www.doe.mass.edu)), ESE publishes demographic enrollment data for each individual charter school as well as for each public school and school district in the state, as follows:

- ***Enrollment by Selected Population*** (*First language not English, English language learners, Students with disabilities, Educationally Disadvantaged, and Economically disadvantaged*)
- ***Enrollment by Race/Gender*** (*African American, Asian, Hispanic, White, Native American, Native Hawaiian/Pacific Islander, Multi-race/Non-Hispanic, Male, Female*)
- ***Enrollment by Grade*** (*PK through Grade 12*)

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<sup>6</sup> See, for example, <http://seii.mit.edu/research/school-reform/>, <http://credo.stanford.edu/research-reports.html>, and [http://scholar.harvard.edu/files/cohodes/files/informingthedebate\\_final.pdf](http://scholar.harvard.edu/files/cohodes/files/informingthedebate_final.pdf).

➤ **Enrollment by Kindergarten (Part-time, Full-time, Tuitioned and Total)**

**Figure 1. Sample Report: Enrollment by Selected Populations (School Level)**

**2015-16 Selected Populations Report (School)**



Report Type:  2015-16

This report includes the enrollment of selected populations for all students in public schools and charter schools in the state. The information is as of October 1st of the school year selected. A count of zero indicates that the school or district does not have any students enrolled in that population. The state total for Special Education data includes all students at the district level. The school-level report only includes those students enrolled in public schools. [More about the data.](#)

SCHOOL	First Language Not English		English Language Learner		Students With Disabilities		High Needs		Economically Disadvantaged	
	#	%	#	%	#	%	#	%	#	%
<a href="#">Abby Kelley Foster Charter Public (District) - Abby Kelley Foster Charter Public School</a>	377	26.4	107	7.5	147	10.3	706	49.5	473	33.2
<a href="#">Abington - Abington High</a>	16	3.5	6	1.3	49	10.9	135	29.9	92	20.4
<a href="#">Abington - Beaver Brook Elementary School</a>	45	7.1	26	4.1	80	12.6	203	32.1	131	20.7
<a href="#">Abington - Center Elementary School</a>	18	9.9	8	4.4	34	18.7	63	34.6	29	15.9
<a href="#">Abington - Frojlo Middle School</a>	14	4.2	4	1.2	33	9.9	98	29.3	59	17.7
<a href="#">Abington - Woodsdale Elementary School</a>	11	3.3	4	1.2	38	11.4	105	31.4	69	20.7
<a href="#">Academy Of the Pacific Rim Charter Public (District) - Academy Of the Pacific Rim Charter Public School</a>	68	13.0	35	6.7	120	22.9	263	50.2	158	30.2
<a href="#">Acton-Boxborough - Acton-Boxborough Regional High</a>	271	14.2	20	1.1	246	12.9	337	17.7	88	4.6

[http://profiles.doe.mass.edu/state\\_report/selectedpopulations.aspx?mode=school&year=2016&Continue.x=9&Continue.y=5](http://profiles.doe.mass.edu/state_report/selectedpopulations.aspx?mode=school&year=2016&Continue.x=9&Continue.y=5)

**Figure 2. Sample Report: Enrollment by Selected Populations (District Level)**

**2015-16 Selected Populations Report (District)**



Report Type:  2015-16

This report includes the enrollment of selected populations for all students in public schools and charter schools in the state. The information is as of October 1st of the school year selected. A count of zero indicates that the school or district does not have any students enrolled in that population. The state total for Special Education data includes all students at the district level. The school-level report only includes those students enrolled in public schools. [More about the data.](#)

DISTRICT	First Language Not English		English Language Learner		Students With Disabilities		High Needs		Economically Disadvantaged	
	#	%	#	%	#	%	#	%	#	%
<a href="#">Abby Kelley Foster Charter Public (District)</a>	377	26.4	107	7.5	147	10.3	706	49.5	473	33.2
<a href="#">Abington</a>	104	5.4	48	2.5	259	13.2	629	32.1	380	19.6
<a href="#">Academy Of the Pacific Rim Charter Public (District)</a>	68	13.0	35	6.7	120	22.9	263	50.2	158	30.2
<a href="#">Acton-Boxborough</a>	878	15.6	229	4.1	968	16.9	1,419	24.8	304	5.4
<a href="#">Acushnet</a>	11	1.1	6	0.6	174	17.6	325	32.8	192	19.8
<a href="#">Adams-Cheshire</a>	7	0.5	7	0.5	303	22.2	703	51.6	550	40.4
<a href="#">Advanced Math and Science Academy Charter (District)</a>	174	17.6	1	0.1	44	4.4	101	10.2	56	5.7
<a href="#">Agawam</a>	295	7.5	173	4.4	651	16.3	1,526	38.2	993	25.2
<a href="#">Alma del Mar Charter School (District)</a>	50	17.6	26	9.2	41	14.4	196	69.0	156	54.9
<a href="#">Amesbury</a>	59	2.6	27	1.2	477	20.8	822	35.8	466	20.6
<a href="#">Amherst</a>	303	25.6	196	16.6	215	18.2	565	47.8	332	28.1

[http://profiles.doe.mass.edu/state\\_report/selectedpopulations.aspx?mode=district&year=2016&Continue.x=6&Continue.y=6](http://profiles.doe.mass.edu/state_report/selectedpopulations.aspx?mode=district&year=2016&Continue.x=6&Continue.y=6)

For a discussion and screenshots of CHART, a unique reporting charter school demographic data compared to similarly situated district schools, see [Sel. Crit. f \(1\)\(iii\)](#), p. 39.

**SELECTION CRITERIA**

**Selection Criteria (a): Educationally Disadvantaged Students.**

*1(a) Educationally Disadvantaged Students.* The CSP project directly contributes to ensuring that educationally disadvantaged students meet or exceed Massachusetts academic achievement standards by supporting the creation and expansion of high-quality charter schools in areas with the highest concentrations of academically disadvantaged students, as well as supporting new and expanding charter schools to create effective infrastructure to meet strenuous

performance criteria for diverse learners (see [Sel. Crit. f \(1\)\(i\)](#)), p. 33. ESE will continue to prioritize educationally disadvantaged students for high-quality charter school opportunities, including through targeted CSP subgrant incentives (see [Sel. Crit. d \(1\)\(ii\)](#)), p. 23.

Overall, as demonstrated in Figure 3, Massachusetts charter schools enroll a significantly higher percentage of educationally disadvantaged students than non-charter schools. Massachusetts’ high-quality charter schools continually perform better than other public schools in all areas and therefore play a major role in the reduction of achievement gaps for educationally disadvantaged students.

- In Massachusetts, charter public schools serve a higher percentage of racial and ethnic minority students and free and reduced-price lunch students than traditional public schools, showing that charters are serving those students who most need a better public school option.
- Massachusetts also has a relatively high percentage of special-focus schools, showing that charters are providing a diverse array of options for students and educators.

National Alliance of Public Charter Schools 2016 ranking of state charter laws.

**Figure 3. 2015-2016 Demographics: Charter Schools vs. State**

<b>2015-16 Demographics</b>	<b>Charter %</b>	<b>State (non-charter) %</b>
Educationally Disadvantaged	51.1	42.6
Economically Disadvantaged	35.5	27.0
Students With Disabilities	14.3	16.4
First Language Not English	25.3	18.7
English Language Learner	11.1	8.9

These relatively high enrollment rates are in part attributable to multiple provisions in the state’s charter school statute require that access to charter school options be prioritized for educationally disadvantaged students (App. 1 and 2). BESE’s charter authorizing practices serve this legislative priority; of the 96 charter school campuses currently operating in Massachusetts, more than three-quarters are located in urban areas, serving a majority of students who would have attended schools in districts that are not meeting state academic standards.

Prominent charter sector advocates and researchers confirm that Massachusetts prioritizes and benefits educationally disadvantaged students. In its March 2016 report, *The Health of the*

Charter School Movement: A State-by-State Analysis,<sup>7</sup> the National Alliance of Public Charter Schools (Alliance) highlighted that Massachusetts charter schools are serving the students who most need a better public school option and provide a diverse array of educational options for students (see sidebar excerpt from report). The Alliance's 2016 Measuring Up to the Model: A Ranking of State Charter School Laws,<sup>8</sup> placed Massachusetts' laws among the highest for *Clear Identification of Special Education Responsibilities*.

Academic studies by researchers at Harvard, MIT, and Stanford demonstrate the strong comparative advantage in academic achievement and attainment of Massachusetts charter school students versus their peers in other public schools. MIT researcher Elizabeth Setren released a December 2015 study titled, *Special Education and English Language Learner Students in Boston Charter Schools: Impact and Classification*<sup>9</sup>, which uses admission lottery results to measure the impact of attending a Boston charter school for students with disabilities and English language learners (ELLs). The study found that the Boston charter schools produced substantial gains for students with disabilities and ELLs on state math and reading assessments and helped narrow the achievement gap for students with disabilities and ELLs. The report also indicates that students with disabilities and ELLs were proportionally represented in the Boston charter lotteries, and that the Boston charter schools tended to move applicants with disabilities to more inclusive settings at higher rates than traditional public schools (see Figures 4 and 5, below).

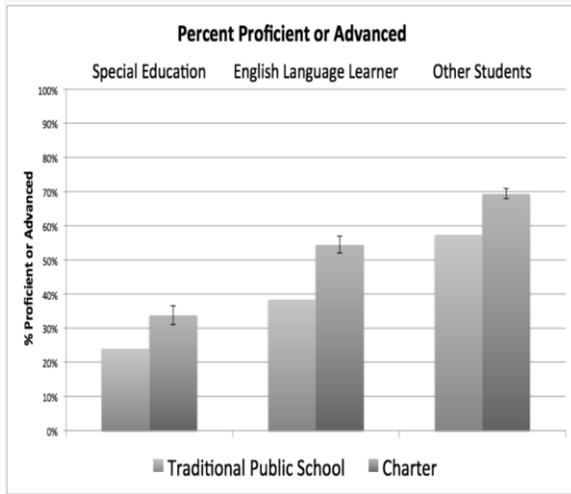
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<sup>7</sup> [http://www.publiccharters.org/wp-content/uploads/2016/03/032316-Health-of-the-Movement\\_13\\_final.pdf](http://www.publiccharters.org/wp-content/uploads/2016/03/032316-Health-of-the-Movement_13_final.pdf)

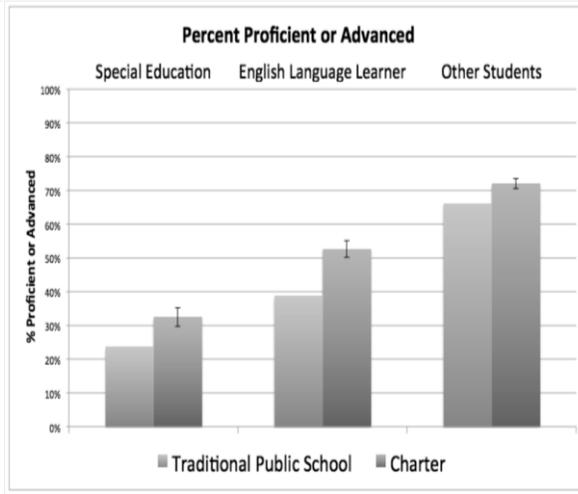
<sup>8</sup> [http://www.publiccharters.org/wp-content/uploads/2016/01/Model-Law-Final\\_2016.pdf](http://www.publiccharters.org/wp-content/uploads/2016/01/Model-Law-Final_2016.pdf)

<sup>9</sup> <http://economics.mit.edu/files/11208>

**Figure 4. 2013-14 MCAS Math.**



**Figure 5. 2013-14 MCAS English.**



Statewide data confirms Setren’s findings. As evidenced by Figures 6 & 7 below, for each of the past five years, all charter schools’ educationally disadvantaged students have outperformed statewide averages as measured by the Composite Performance Index (CPI),<sup>10</sup> Massachusetts Comprehensive Assessment System (MCAS) and PARCC Student Growth Percentile (SGP) rates, a measure of how a group of students’ achievement has grown or changed over time. The results for the educationally disadvantaged students in charter schools are further remarkable for the magnitude of the difference in performance measures.

**Figure 6. CPI for Educationally Disadvantaged Students.**

		CPI% Educationally Disadvantaged Students									
		ELA					Math				
		FY11	FY12	FY13	FY14	FY15	FY11	FY12	FY13	FY14	FY15
Charter		82.97	82.72	84.38	84.6	83.25	75.15	74.83	77.7	77.54	76.39
(non-charter)		77.36	76.86	77.08	77.5	76.63	67.7	67.63	69.05	68.93	68.35
State											

<sup>10</sup> The CPI measures progress towards the goal of narrowing proficiency gaps. The CPI assigns 100, 75, 50, 25, or 0 points to each student participating in state assessments based how close they came to scoring Proficient or Advanced. The CPI is calculated by dividing the total number of points by the number of students in the group. The result is a number between 0 and 100. A CPI of 100 means that all students in a group are proficient.

**Figure 7. SGP for Educationally Disadvantaged Students.**

Median SGP Educationally Disadvantaged Students										
Charter	52	54	57	55	55	57	54	58	55	58
(non-charter)										
State	46	46	47	48	47	46	46	46	48	46

As evidenced by Figure 8, the average 4-year and 5-year graduation rates for charter schools have far exceeded the statewide average over the past five years, for all students and for educationally disadvantaged students when comparing all schools and urban schools.<sup>11</sup>

**Figure 8. 4- and 5-year Graduation Rates for Educationally Disadvantaged Students.**

	All Students			Educationally Disadvantaged Students		
	5-year Graduation Rates			5-year Graduation Rates		
	Charter %	State (non-charter) %		Charter %	State (non-charter) %	
All Schools	FY11	88.5	83.8	FY11	88.8	78.3
	FY12	91.7	85.0	FY12	91.2	80.1
	FY13	93.0	85.5	FY13	91.7	81.1
	FY14	91.9	86.0	FY14	91.5	81.9
	4-year Graduation Rates			4-year Graduation Rates		
		Charter %	State (non-charter) %		Charter %	State (non-charter) %
	FY11	82.3	80.9	FY12	82.5	76.3
	FY12	84.8	82.3	FY13	85.6	77.0
	FY13	88.1	82.5	FY14	83.4	78.7
	FY14	85.1	83.4	FY15	85.5	78.7
Urban Schools	4-year Graduation Rates			4-year Graduation Rates		
		Charter %	State (non-charter) %		Charter %	State (non-charter) %
	FY11	79.0	59.8	FY12	81.6	60.6
	FY12	82.3	62.1	FY13	85.4	60.3
	FY13	85.9	61.4	FY14	84.9	62.0
	FY14	85.7	63.2	FY15	85.5	64.5
	FY15	87.0	65.6			
	5-year Graduation Rates			5-year Graduation Rates		
		Charter %	State (non-charter) %		Charter %	State (non-charter) %
	FY11	86.9	65.4	FY11	86.6	64.4
FY12	90.4	67.6	FY12	90.7	66.4	
FY13	91.5	67.8	FY13	91.0	66.7	
FY14	93.6	68.5	FY14	93.3	67.6	

Educationally disadvantaged graduation rates for FY11 are not available because this data was not collected until FY12. 5-year graduation rates for educationally disadvantaged was retroactively calculated for FY11.

<sup>11</sup> For purposes of these comparisons, urban public schools are defined as the 25 traditional public school districts with the highest poverty and highest population. Charter schools defined as “Urban” here are located in one of these districts. Of Charter Schools in Massachusetts, 77.8% are considered “Urban”, making a comparison to Urban non-charter schools material and appropriate. Also, alternative schools are routinely excluded from statewide graduation data, and are therefore not included in any of these comparisons.

Aspects of Massachusetts' CSP project targeting the needs of educationally disadvantaged students during the next five-year grant period are specifically described in Program Design, [Sel. Crit. d \(1\)\(ii\)](#), p. 23.

**Selection Criteria (b): Vision for Growth and Accountability.**

Massachusetts' growth and accountability system has fostered some of the most high-performing, gap-narrowing charter schools in the country.

***(1) Plan to support the creation of high-quality charter schools; reasonable growth estimates***

Massachusetts' five-year estimate for charter-school growth results from a careful balance of meeting the overwhelming unserved demand from families (almost 32,646 unique students waiting for a charter school seat for 2016-2017) with the responsibility to ensure that every charter school that opens in Massachusetts has the capacity to meet rigorous standards of excellence for all of its students, particularly those who are educationally disadvantaged. Massachusetts' plan for growth of high-quality charter schools incorporates 1) clear and well articulated criteria for excellence in all aspects of charter school performance that must be addressed by all charter applicants ([see Sel. Crit. f \(2\)\(i\)](#)), p. 38; 2) outreach to strong and proven charter school developers, especially those with proven track records for success with educationally disadvantaged students, to encourage replication (see [Sel. Crit. f \(2\)\(i\)](#)), p. 38; and 3) continuous support for new charter school developers throughout the life cycle of a charter school, starting from successful applications, to school opening procedures that ensure a foundation for high-quality education from the first cohort of students served, to technical assistance that facilitates effective and faithful implementation.

Massachusetts is confident that the CSP grant we will be able to achieve and ensure the following growth of high-quality schools within a five-year period:<sup>12</sup>

- **25** high-quality charter schools and/or substantial expansions will be approved serving a vast majority of educationally disadvantaged students (Figure 9);

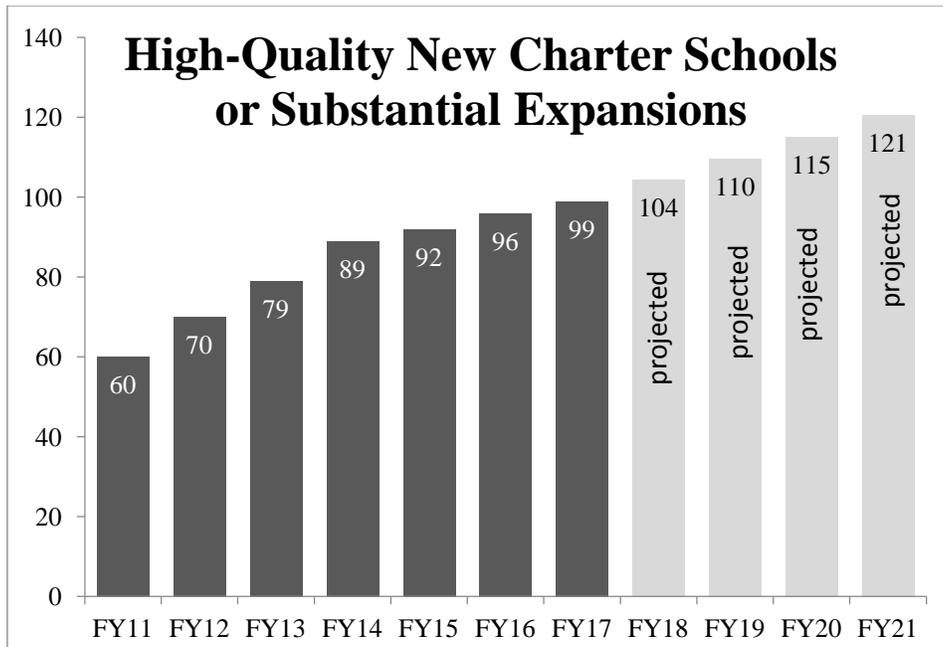
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<sup>12</sup> Massachusetts has applied for a waiver of CSP requirements to allow it to deploy grant funds over a five-year period. See [Waiver Request 1](#).

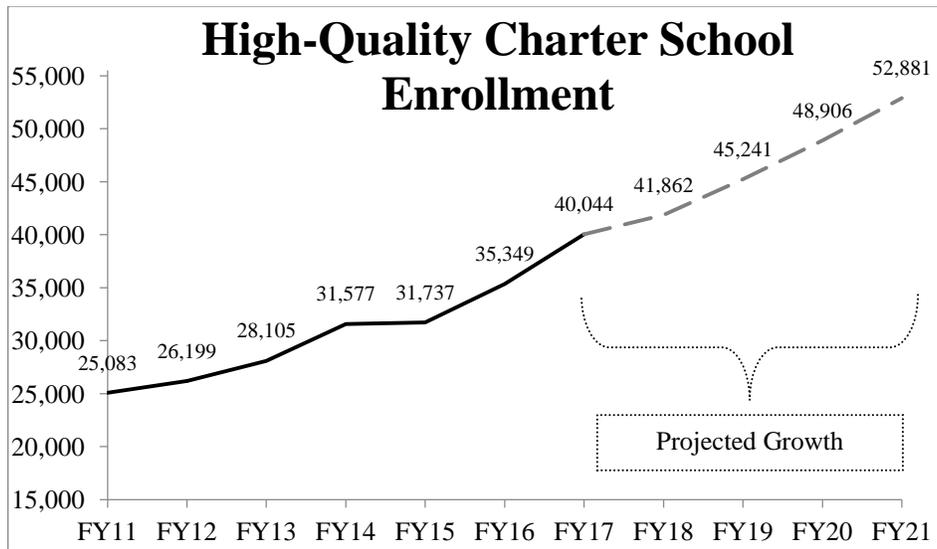
- **17,500** new students will be attending charter schools as a result of the 25 new schools and expansions in existing schools (Figure 10).

ESE believes that these ambitious estimates are well supported by the historical trends of growth, the variety and multitude of partners providing support for the establishment of high-quality educational options for educationally disadvantaged students, and the continued demand for new seats at new and existing high-quality charter schools. The first 15 charter schools in Massachusetts enrolled 2,613 students in 1995. That number has grown to 40,200 students today. Massachusetts’ growth estimate would create 25% more seats than exist today in the next five years, which is reasonable based on our accumulated experience supporting creation of high-quality schools, but still ambitious given that growth will be accelerated compared to prior years.

**Figure 9. Growth in the number of high-quality charter schools over time.**



**Figure 10. Growth in high-quality charter school enrollment.**



In support of these growth projections, in addition to ESE’s robust internal charter school infrastructure, ESE has developed and maintained strong relationships with philanthropic, nonprofit and other community leaders and gatekeepers<sup>13</sup> to leverage additional resources that support the growth of high-performing charter school models in Massachusetts, extending their reach to more families and communities. ESE received letters of intent for the FY16 charter application that provide a clear indication of the continuing interest in establishing high-quality charter schools in some of our highest-needs districts as well as areas that are not currently served by a high-quality charter school option. Applicants sought to establish schools in our largest districts, Boston and Springfield, as well as in other low-performing urban districts.

In addition, given its strong partnership with the Massachusetts Charter Public School Association (MCPSA) on matters of concern to charter schools, ESE has welcomed and encouraged MCPSA’s expanded role in enhancing the pipeline of high-quality prospective applicant groups, encouraging replication and substantial expansion of existing high-quality operators, and increasing availability of local philanthropic funds. MCPSA provides technical

<sup>13</sup> Letters of support have been received by the following organizations submitted letters of support: Boston Foundation, The National Center for Time and Learning, Building Excellent Schools and Strategic Grant Partners.

assistance and support to charter applicants at earlier stages of the charter development process before a charter is granted, including providing review and evaluation of written applications prior to submission to ESE as well as preparing applicants for their capacity interviews with ESE. In addition, MCPSA has developed a strategic plan to encourage and support high-quality charter growth in the highest needs areas to serve the most educationally disadvantaged students.

Finally, with vigorous activity surrounding a charter school ballot initiative that would provide a mechanism to approve significantly more charter schools than currently authorized, ESE is ready to step up its outreach efforts to prospective developers by adding to its existing information sessions (9 yearly) to meet anticipated increased interest.

## ***(2) Supporting Closure of Academically Poor-Performing Charter Schools.***

Massachusetts' plan to support closure of academically poor-performing charter schools is founded in its rigorous enforcement of its accountability system (see [Sel. Crit. f \(2\)\(ii\)](#), p. 39), which rests firmly on clear *Criteria* that consider poor academic performance a bellwether for conditions, probation and closure (see Competitive Preference Priority ("[Comp. Pref. Pr.](#)") [1 \(a\)](#), p. 3). While ESE continues to institute an application process and school opening procedures that are designed to allow only those developers with the demonstrated capacity to establish high-quality charter schools, Massachusetts will continue vigilance through its accountability process to sanction and, where necessary, close any charter school that persistently fails to meet its promise of academic success for all students (see [Sel. Crit. c \(2\)](#), p. 19).

Massachusetts' charter school concept is based on a trade-off: greater autonomy for increased accountability. When this bargain is not met, ESE closes academically and operationally poor performing charter schools. Since 1994, there have been 17 charter school closures in Massachusetts due to poor academic performance. When closure is required, ESE works closely with schools to ensure students and families are able to transition to other schools and that public funds are professionally managed mindful of both stewardship and the duty of care required. Over the years, ESE has developed a closing procedures checklist that helps schools to affect closure, including required communications to families, employees, and contractual partners; a

transition plan for school and student records; a plan to dispose of assets; and a collection of month-to-month financials and minutes from meetings of the board of trustees.

**Selection Criteria (c): Past Performance.**

(1) ***Increase in high-quality charter schools.*** The number of high-quality charter schools in Massachusetts has increased from 60 schools in 2010-2011 to 96 schools/campuses that will be operating in 2016-2017 (see Figure 9, above). Part of this growth can be attributed to high-quality charter school boards of trustees that chose to replicate or substantially expand existing schools.<sup>14</sup> For example, Excel Academy Charter School added a high school and two additional middle schools, which consistently rank among the top schools in the state for student achievement and serve high concentrations of educationally disadvantaged students. Similarly, Match Charter Public School, a nationally recognized high-performing charter school, opened a PK-8 school focusing on serving English language learner students with 700 additional seats. Nationally recognized for top academic achievement, the Brooke Charter Schools have just been awarded an amendment to open a high school with an additional 660 seats. Figure 10, above, shows growth in high-quality charter school student enrollment over the past five years (10,266) and projected for the next five years (17,532).

As shown in Figure 11, below, for each of the past five years all charters schools students have outperformed statewide averages in the aggregate as measured by the Composite Performance Index (CPI),<sup>15</sup> Massachusetts Comprehensive Assessment System (MCAS) and PARCC Student Growth Percentile rates.<sup>16</sup> The aggregate result is noteworthy since charter schools are heavily concentrated in the state’s urban districts, and have a higher distribution of educationally disadvantaged students compared to the state as a whole.

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<sup>14</sup> As used here, “substantial expansions” are defined as adding at least 50% new enrollment or 2 grades. See [Waiver 4](#).

<sup>15</sup> The CPI measures progress towards the goal of narrowing proficiency gaps. The CPI assigns 100, 75, 50, 25, or 0 points to each student participating in state assessments based how close they came to scoring Proficient or Advanced. The CPI is calculated by dividing the total number of points by the number of students in the group. The result is a number between 0 and 100. A CPI of 100 means that all students in a group are proficient.

<sup>16</sup> A student growth percentile (abbreviated SGP) measures how much a student’s performance has improved from one year to the next relative to his or her academic peers.

**Figure 11. Students in Massachusetts charter school outperform their peers statewide.**

CPI% All Students										
	ELA					Math				
	FY11	FY12	FY13	FY14	FY15	FY11	FY12	FY13	FY14	FY15
Charter	88.26*	87.95**	88.79**	88.78**	88.63**	81.14	80.93	82.75**	82.21**	82.65**
(non-charter)										
State	87.79	87.33	87.30	87.28	87.26	80.79	80.80	81.57	81.13	81.38

Median SGP All Students										
	FY11	FY12	FY13	FY14	FY15	FY11	FY12	FY13	FY14	FY15
Charter	52**	54**	57**	56**	55**	57**	54**	57**	57**	57**
(non-charter)										
State	50	50	51	50	50	50	50	51	50	50

\*\* indicates a significant difference of  $p < .001$  between charter schools and non-charter schools throughout the state.  
 \* indicates a significant difference of  $p < .05$  between charter schools and non-charter schools throughout the state.  
 No asterisks indicates no significant difference between charter schools and non-charter schools throughout the state.

**(2) Reduction of academically poor-performing charter schools**

ESE considers an academically poor performing charter school to be one that is 1) designated as Level 3 by the state (lowest 20% of similarly situated schools statewide based on state performance indicators) absent extenuating circumstances (such as a school that is specifically designed to serve students at risk of not graduating) or 2) on probation for reasons of academic performance, or both. These criteria are more rigorous than the federal definition of academically poor-performing, which is only the lowest 5% of schools in the state.

When a charter school is considered to be academically poor performing, Massachusetts mandates one or more of the following consequences depending on the nature of the performance issues: 1) BESE places the school on conditions or probation, 2) revokes its charter, 3) does not renew its charter, or 4) accepts the school’s decision to voluntarily turn in its charter. In a majority of these instances to date, failure to demonstrate academic success was a key factor in the closure decision (17 schools have closed since 1995, and 4 did not open due to shortfalls in developer capacity to deliver a strong academic program).

Since Massachusetts’ CSP application in 2011, five academically poor-performing schools have been closed in keeping with BESE’s historical track record of enforcing high standards and willingness to revoke or refuse renewal of charters in cases of underperformance.

[Sel. Crit. f \(2\)\(i\)](#), on page 38 describes thorough process that ESE uses to review and approve only high-quality charter school applications. The primary goal of the application process is to

open only those schools whose developers show the capacity to establish the highest-quality schools from their opening day. Massachusetts is proud of the number of high-quality schools in its portfolio as well as the fact that so few have had to be closed for academic poor performance since charter schools were authorized in 1993, in large part due to the strenuous application process and monitoring system. See attached letter of support from the National Association of Charter School Authorizers (NACSA), which notes that Massachusetts is one of only ten authorizers nationwide to meet NACSA’s rigorous authorizer outcomes, including “a strong record of closing poorly performing schools.”

**Selection Criteria (d): Project Design.**

***1) Process for awarding subgrants.***

*i) Subgrant Application and Peer Review Process. CSP Subgrants for new schools.* ESE has a demanding process for ensuring that subgrants are awarded to eligible applicants who demonstrate the capacity to create high-quality charter schools and improve student academic achievement (Figure 12), which is integrated with ESE’s charter application and results in every new charter school receiving a subgrant. ESE has taken this approach in order to ensure that every qualified developer authorized by BESE to open and operate a charter school is provided the necessary support to kickstart implementation of approved, high-quality designs. All charter applicant groups must establish sufficient evidence of their capacity through the submitted charter application, the capacity interview with ESE staff, and the public comment period and public hearing process. Based on our track record of authorizing some of the highest quality charter schools in the country, we are confident that our integrated process for charter applications and subgrants results in increasing new charter schools that will improve academic achievement.

ESE has instituted differentiated charter application processes that allow a determination of capacity prior to the submission of a full charter application. For a detailed description, please see [Comp. Pref. Pr. 1 \(a\)](#), p. 3. New operators are required to submit a preliminary application,

called a prospectus. If a new operator is targeting one of the lowest performing districts in the Commonwealth, additional evidence of capacity to serve an educationally disadvantaged student population is also required by Massachusetts' charter school statute. (M.G.L. c.71, §89(i)(3), App. 1). ESE assesses the track record of the developer independently of the assessment of the charter application to determine if the developer is eligible as a proven provider. If the developer does not sufficiently establish the capacity to create a high-quality charter school based upon a current or former management role at a high-quality school, the developer is not invited to submit a full charter application. The proven provider determination is aligned with the determination of a high-quality charter school, including prior performance comparable to statewide averages on the state assessment test and graduation rates for all students and one or more educationally disadvantaged student populations.

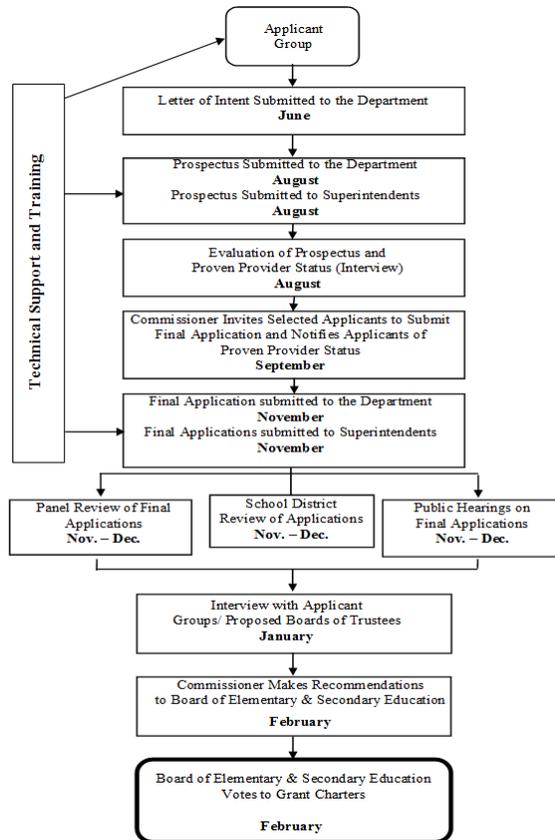
*Existing* Massachusetts charter school boards of trustees undergo a similar preliminary review prior to the submission of a full charter application. While these boards do not submit a prospectus, ESE does review their current track record of performance prior to submission of a full application. In order for current boards/operators to participate in the application process, they must have established a track record of success in their prior charter school operations by meeting academic and operational standards set by statute. (M.G.L. c.71, §89(i)(3), App. 1).

In addition to establishing a threshold for prior success in establishing a high-quality charter school, the charter application contains numerous criteria that identify developers who are focused on educationally disadvantaged students and their needs. In both the preliminary and full charter application, developers must provide evidence that their educational program and its associated practices will produce high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for all of their students, including educationally disadvantaged students, as well a recruitment and retention plan to ensure educationally disadvantaged students have access to high-quality schools and support once enrolled. These required application elements further establish the strength of our

process for awarding subgrants to developers with capacity to address our state’s priorities for improving student academic achievement in our highest need communities.

CSP grants for substantial expansions. In addition to charter applicants, ESE proposes to award subgrants to existing charter schools who seek to substantially expand current operations. Qualifying schools would request the addition of 2 or more grades or at least 50% increase in student enrollment. ESE has instituted a process similar to that for charter applications for all charter schools requesting this magnitude of growth, including an application, capacity interview, and public comment period. ESE has developed targeted criteria to elicit evidence that an existing charter schools has the capacity to both maintain current levels of performance and grow grade span and/or enrollment. Similar to the charter application process, if the existing operator intends to grow in one of the state’s 29 lowest performing districts, ESE must determine the applicant to qualify as a proven provider.

**Figure 12. Timeline: Charter School Program Application and Peer Review Process.**



(ii) Year-by-Year Estimates.

Figure 13. CSP Subgrant Estimates by Year.

Award Year	Type of Subgrant	Average Award	Projected No. of Subgrants	Description
2016-2017	Planning and Implementation	\$618,750*	3, but if waiver allowed 8**	<p><b>Planning and Implementation Subgrants:</b> Massachusetts’ project design includes 4 types of subgrants, two baseline awards and two increments for targeted designs and policies. New schools or substantial expansions would receive a baseline grant of up to \$500,000, and replications of existing high-quality schools would receive up to \$300,000 (expansions and replication grants are contingent on allowance of Waiver Request 4). There are also two possible increments to the baseline: an Access &amp; Equity increment of up to \$175,000 and an Immediate High-Impact increment of \$125,000, designed as incentives to expand opportunities for educationally disadvantaged students to attend high-quality charter schools. The average award is based on projected historical and actual data re: opening schools and expansions of high-quality schools (see Figure 10).</p> <p><b>Dissemination Subgrants:</b> Massachusetts plans to conduct a single competition in 2016-2017 for dissemination grants of up to \$650,000 for projects running from 2017-2018 through 2018-2019. Based on past dissemination grant competitions, Massachusetts anticipates making 4 dissemination subgrants to high-quality charter schools.</p>
2017-2018	Planning and Implementation	\$618,750	5	
	Dissemination	\$582,350	4	
2018-2019	Planning and Implementation	\$618,750	5	
2019-2020	Planning and Implementation	\$618,750	5	
2020-2021	Planning and Implementation	\$618,750	5	

\* Note that this figure represents a subgrant that may be used for up to 36-months (if Waiver Request No. 2 is granted).

\*\* Massachusetts has requested a waiver to allow funding for planning and/or implementation grants for 2 new schools chartered in 2016 and 5 substantially expanding schools, which did not receive any planning or implementation funds from the last CSP grant. If allowed, this waiver will add \$4.3M to 2016-2017 awards.

Anticipating that its waiver will be granted allowing Massachusetts to award subgrants to substantially expanding schools (adding 50% or more students or 2 or more consecutive grades

at high-quality schools), Massachusetts differentiates baseline planning and implementation grants as follows:

***Baseline Planning and Implementation Grants: New Schools and Substantial Expansions.*** Massachusetts will award CSP subgrants to each new charter school or substantial expansion of an existing charter school (as described in [Waiver Request 4](#)) approved by BESE after the conclusion of ESE’s comprehensive new school or expansion review process, which integrates the CSP subgrant process as described in [Sel. Crit. d \(1\)\(i\)](#), p. 20. Each new charter school or substantial expansion that adds grades or a new school in a new community would receive a base-level grant of up to **\$500,000**. A replication of an existing model serving the same grades in the same community would receive a base-level grant of up to **\$300,000**, because curriculum and the educational model have already been successfully developed.

***Targeted Incremental Grants:*** ESE will incentivize the development of high-quality charter schools that are designed to provide access to and better meet the needs of educationally disadvantaged students by awarding significantly increased start-up funds (in addition to base level grants discuss above) for certain design priorities. ESE would provide incremental start-up funding to charters schools that meet one or both of two types of incentive priorities:

1. **Access and Equity.** ESE will provide up to 35% (**or \$175,000**) additional CSP grant funding to those charter schools that either:
  - a. Commit to **backfilling** all vacancies through grade 10 in alignment with current backfilling procedures.<sup>17</sup>
  - b. Adopt an explicit mission and educational program designed to:
    - i. Specifically serve **English language learners**, or
    - ii. Specially serve students who are **disconnected, over-age and under-credited, or off-track** in their education preparing them for high school graduation;
2. **Immediate High Impact.** ESE will provide up to 25% (**or \$125,000**) in additional CSP

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<sup>17</sup> Currently, Massachusetts charter schools are only required to backfill half of the grades that they serve, and high schools are only required to backfill in grade 9.

grant funding to those charter schools that quickly provide new, high-quality educational seats to communities by opening with at least 250 seats in the first year of operation.

Further, ESE expects that both Access & Equity and Immediate High-Impact subgrants will be highly feasible for most new charter schools in the design phase, and, with the incentive that the incremental amounts provide, one or both will likely be awarded to most new or replication schools.

Past CSP grant funds have been key to the successful development and implementation of high-quality educational options for all students. Notably, the cohort of charter schools receiving a CSP subgrant from Massachusetts’ FY11-14 award showed significantly better progress toward achieving proficiency and closing the achievement gap in both English language arts and mathematics in FY15 than their primary sending districts (Figure 14).

**Figure 14. Comparing Progress Toward Proficiency: CSP Recipients vs. Primary Sending Districts.**

CPI <sup>18</sup> - ELA			
	CSP Subgrantees	Sending Districts	Avg. difference
Average CPI	86.1	74.0	12.0
CPI - Math			
	CSP Subgrantees	Sending Districts	Avg. difference
Average CPI	82.9	67.9	15.0

Note: N=16. A small number (6) of charter schools that consolidated, were too small to report data anonymously or were newly opened were not included, even if they received a CSP grant.

**Dissemination Grants.** In general, dissemination projects that Massachusetts funded in its last subgrant competition share the following characteristics: strong, deliberately cultivated partnerships; thoughtful reflection on the applicant school’s best practices to address the needs in surrounding communities; strategically designed knowledge transfer to sustain impact beyond the funding period; and ample capacity to carry out the project. Massachusetts has found that

<sup>18</sup> Composite Performance Index (CPI) is a metric of school and district performance that demonstrates student progress toward proficiency. Schools/districts where all students score proficient or advanced receive a score of 100.

investment and tangible results were more significant when dissemination grants of a larger dollar amount (and fewer grants), which allowed dedicated resources to be used by our highest quality and most mature schools for targeted partnerships and collaborations. Therefore, future dissemination subgrants will follow similar criteria. Two examples of ongoing dissemination subgrants: Conservatory Lab Charter School has partnered with three Boston schools to disseminate early literacy integrated units and teaching strategies; and Salem Academy Charter School has partnered with Salem Public School district to provide professional development to district school leaders on standards-based instruction. Outcome measures for these subgrant projects are still in process.

***(2) Process for monitoring CSP subgrantees.***

ESE's monitoring of CSP subgrantees is holistically integrated with the comprehensive charter school accountability process detailed in [Comp. Pref. Pr. 1](#), p. 3. ESE employs a team of 10 professionals covering the areas of accountability, finance and data oversight, access and equity, and new school/expansion review— most of whom are state funded, to review potential charter schools, monitor all charter schools, support dissemination of best practices (see [Sel. Crit. e](#), p. 27), and provide and coordinate the training required for all schools prior to opening and during initial implementation. Beyond the criteria found in the charter school application, subgrantees must meet a host of initial benchmarks in order to open as a charter school. (See [Comp. Pref. Pr. 1](#), p. 3). These criteria, requirements, and training, are all in service to the school's planning, designing, and successful realization of a high-quality charter school.

Financially, along with the required financial audit, subgrantees are required to submit a supplemental Agreed Upon Procedures (AUP) report. Massachusetts continues to enhance the supplemental AUP. For example, as a result of the most recent 2014 WestEd CSP monitoring visit, a testing requirement for subgrantees' inventory tagging system will be added to the AUP. ESE also conducts standard subgrant-specific monitoring of budgets, expenditures, and compliance, and requires corrective action as appropriate.

## **Selection Criteria (e): Dissemination of Information and Best Practices**

### ***(1) ESE as state leader for dissemination and research.***

ESE is uniquely-positioned as a reform-oriented state agency with oversight of the K-12 public education system and deep partnerships with the field and key nonprofit technical assistance, philanthropic, and research partners<sup>19</sup> to serve as a dissemination leader. Those involved in the efforts say the various reforms represent a promising “third way” in education, a path that can harness the best practices of charter schools and put them to work at the scale achieved by district systems and with the community input of locally-run schools.<sup>20</sup> ESE’s dissemination plan outlined below leverages ESE’s recent reorganization, designed to strengthen intra-agency collaboration between units, to maximize resources and capacity to identify and disseminate information on successful charter schools practices, which is also a statutory mandate of the Commissioner.

### **Identification of Practices for Dissemination**

- ESE has the **resources and access to data** that will support a comprehensive review and analysis of both quantitative and qualitative school performance data to identify strong candidates for dissemination. Our plan includes an annual review of all school and student performance metrics collected by the agency to identify charter schools disseminators who exhibit clear indicators of success.<sup>21</sup>
- To further identify schools which excel in specific areas of performance described in our *Criteria*, ESE will develop a **comprehensive rubric** to establish clear parameters and standards of performance to help target **charter schools for potential dissemination partnerships**, including those charter schools with the following characteristics: non-existent or insignificant achievement gaps; strong academic growth in the English language arts,

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<sup>19</sup> Examples of existing partnerships include: National Center for Time and Learning, Empower Schools, Gates Foundation, Strategic Grant Partners, MIT’s School Effectiveness and Inequality Initiative and Harvard’s Center for Education Policy Research.

<sup>20</sup> <http://commonwealthmagazine.org/back-story/the-third-way-in-education/>

<sup>21</sup> Currently: (1) at least one successful charter renewal, (2) no conditions or probationary status in the past three years, and (3) demonstration of overall success within the state’s accountability system.

mathematics, or science; low attrition rates; high graduation rates and/or program completion; high persistence rates at post-secondary programs and high college graduation rates; student demographics reflective of their sending districts; low rates of suspension and rates of suspensions that reflect no disproportionate trends related to students with disabilities, and English language learners; and/or high levels of faculty retention and satisfaction.

- Using the annual data reported by charter schools, ESE will augment the identification of potential disseminators with the qualitative data provided in annual reports, site visit reports, and renewal documentation.
- ESE has and will continue to build capacity to perform and support research to identify promising practices by evaluating the impact of specific practices on student achievement. ESE will leverage existing research partnerships, and will also establish a specific project partnership with a third party through a request for proposal process to identify significant relationships between a school's results and practices.
- ESE is committed to employing a 0.25 FTE staff member for the purposes of managing the identification of practices, the dissemination of practices, and the assessment of the dissemination's impact on school leaders, educators, and ultimately students.

### **Dissemination Strategies**

Massachusetts law and ESE's structure and practices provide for a number of unique vehicles that establish incentives for public schools districts to incorporate best practices into their educational programs. ESE's dissemination plan will focus on the following strategies:

- **Integration of Charter School Best Practices into ESE's Strategic Priorities:**

***District and School Turnaround:*** ESE will continue to leverage the agency's unique role in identifying and employing 'receivers' to turnaround the lowest performing schools and school districts. ESE has used its position to good effect; lessons learned in our successful charter schools have substantially informed ESE's turnaround work in the lowest-performing schools, strengthened by partnership between OCSSR and the Office of District and School Turnaround.

Several hallmark best practices first established and honed by the Massachusetts charter school

sector (e.g. expanded learning time and school-level autonomy over staffing and budget) have become part of the “DNA” of the state’s approach to school turnaround and are required elements of state-approved turnaround plans. Successful charter schools identified as dissemination partners through the processes described above are ideal participants, as either receivers or development providers, to support the state’s efforts to improve the quality of education provided to our highest need communities. In receivership situations, ESE looks for operators who can execute a plan for the academic success of the underperforming school or district and can establish a positive school climate where effective student discipline takes place.

***Educator Effectiveness:*** ESE will also strengthen collaboration between OCSSR and the Office of Educator Effectiveness,<sup>22</sup> which serves a key function in reviewing and supporting educator preparation programs and has also developed a number of resources and tools for educators and local professional development leaders that are accessible via the Department’s website. As part of our dissemination plan, ESE will publish high-quality professional development case studies from successful charter schools on the ESE website, with at least one charter school video case study with ancillary support materials developed per year. In order to provide the broadest outreach to public schools in Massachusetts, we will also partner with several ESE offices, including the Office of Digital Learning, to facilitate online and in-person professional development opportunities based upon the best practices of charter school dissemination partners, with a priority focus on school climate and student discipline practices.

***Social, Emotional and Health Needs of Students:*** See Sel. Crit. e (2), below.

- **Prioritize Dissemination for Charter Schools:** To further establish the importance of dissemination for the charter school sector, ESE will host a regular event to showcase the best practices of high quality schools working in the design/redesign space, including charter schools, innovation schools, expanded learning time schools, and turnaround schools. This year’s event is

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<sup>22</sup> For example, the full year field-based experience at City on a Hill Charter Public School and supervisor training of the Match Teacher Residency program (a dissemination effort of Match Charter Public School) are highlighted as commendation spotlights as part of the 2014-2105 ESE Educator Preparation Formal Review Cycle Culmination Report, which is designed to share best practices to inform the field of educator preparation in Massachusetts. See page 10, <http://www.doe.mass.edu/edprep/resources/2014-15FormalReviewReport.pdf>.

organized around a varied format including information booths, a poster gallery, short presentations, and thematic panel presentations. Content for the event will be informed by results from an ESE survey from potential participants. ESE offices focused on supporting public school districts serving educationally disadvantaged populations, District and School Turnaround, will be integral participants in the planning and implementation of the event to ensure the event addresses the needs of their client schools and districts. ESE will also include charter school developers to support their efforts to develop high quality charter applications in all areas of the *Criteria*, and to identify potential partners to support their success.

- **Conduct a High-Impact Dissemination Subgrant Competition**

ESE proposes to use up to 10 percent of its total CSP grant award to administer another round of its current high impact charter school dissemination subgrant competition as described in [Sel. Crit. d\(ii\)](#), p. 23. To maximize impact on student achievement at partner schools, ESE is requesting two waivers (described in [Application Requirement \(viii\)](#), p. 58) to extend the project period to 3 years and to allow the state’s highest-performing charter schools to receive a second dissemination subgrant. ESE’s current process was informed by experience running multiple previous competitions, and a qualitative, retrospective analysis of the effectiveness and impact of prior dissemination subgrants awarded in FY2008 through FY2011, conducted by the UMass Donahue Institute. Key features of the dissemination subgrant process include competitive preference priorities that align with strategic objectives (such as a focus on practices related to school climate and student discipline); stringent eligibility criteria (as described above); extensive outreach to the state’s highest-performing eligible charter schools; and longer and larger awards (from July 1, 2017 to June 30, 2020 and \$500,000 or more to ensure meaningful dissemination that substantively and sustainably changes educator practice). ESE will conduct evaluations of funded dissemination projects and student outcomes impacts during the 5th year of the CSP grant period, resources permitting.

- **Increase Access to Information:** ESE’s plan for dissemination includes increasing access to resources on best practices through the ESE website, social media, virtual events, and

in-person events for public schools and charter school developers. Areas for further development include:

- Enhancing information available on the charter school website, including profiles of charter schools that have made dissemination of their best practices an effective and successful component of their operation. Examples of successful Massachusetts charter schools that have become almost as well known for their dissemination and partnership efforts as for their success with students include Match Charter Public School, Neighborhood House Charter School, and Francis W. Parker Essential Charter School.<sup>23</sup>

- ESE will include best practices ‘snapshots’ in ESE newsletters that align with the *Criteria* and other rubrics for school performance, such as the Turnaround Practices<sup>24</sup> used by ESE’s Office of School and District Turnaround. Snapshots will provide a brief overview of an identified best practice and its impact on student outcomes with contact information for exemplary schools for the identified practice. ESE will facilitate quarterly webinars for a more in-depth explanation and discussion of the ‘snapshot’ practices.

- As described earlier, ESE will host a regular event to showcase the best practices of high quality schools working in the design/redesign space, including charter schools.

- ESE will integrate dissemination information into our social media strategy, including the use of the ESE Twitter (@MASchoolsK12) and Teachers Top Three (a biweekly newsletter sent directly to teachers), to heighten the awareness about best practices and the availability of resources.

### **Assessment of Dissemination Impact**

We understand firsthand the challenges of facilitating change in public education. Our plan provides a number of vehicles to support access to information about best or promising practices, hard data validating the connection between practices and outcomes, and scaffolding

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<sup>23</sup> See <http://www.matcheducation.org/>, <http://www.thenhcs.org/our-school/leadership-in-the-field/>, and [http://www.theparkerschool.org/pages/Francis\\_W\\_\\_Parker\\_Charter\\_Esse/Sizer\\_Teachers\\_Center/Sizer\\_Teacher\\_Center](http://www.theparkerschool.org/pages/Francis_W__Parker_Charter_Esse/Sizer_Teachers_Center/Sizer_Teacher_Center)  
<sup>24</sup> See <http://www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/support-for-level-3-4-and-5-districts-and-schools/school-and-district-turnaround/turnaround-in-massachusetts/turnaround-and-emerging-practices-reports.html>

for educators who wish to take on the hard work of improving public education for their communities. As stated earlier, ESE will establish a partnership with a third party to identify best practices of successful charter schools and assess the effectiveness of our dissemination strategies on the schools and districts who engage with and adopt new practices as a result of dissemination. In addition, we intend to deploy surveys to dissemination partners, participants in dissemination events, as well as those that use tools and resources on the ESE website to provide an immediate assessment of the likelihood for implementation as well as perceived obstacles. In our assessment of our success, we will continue to ask the field about the obstacles to student success for their schools and districts and develop dissemination strategies and partnerships that address those unique challenges.

*(2) Plan for disseminating about student discipline and school climate.*

ESE has prioritized the identification of charter schools which excel at supporting student success through positive school climate and effective student discipline. ESE's plans to identify charter schools that have a **clearly articulated approach** to establishing a positive and healthy school climate, and that limit the use of exclusionary discipline practices through the use of other **intentional strategies designed to promote student reflection and ownership for behavior**. The ability of ESE to disseminate information and research on best or promising practices in charter schools related to student discipline and school climate is significantly strengthened by a recent ESE reorganization that sites OCCSR within a newly-created Center for Educational Options, alongside the agency's Office of Student and Family Support, which is charged with supporting the creation of safe and supportive learning environments and the implementation of the state's new discipline law.<sup>25</sup> One key goal of the reorganization was to better position ESE resources to deliver on the overall strategic goal of supporting the social, emotional, and health needs of students and families. The best practices of charter schools in student discipline and school climate will be a key component of this strategic work, with additional incentive for

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<sup>25</sup> The Center for Educational Options is led by Senior Associate Commissioner Cliff Chuang, who will leverage deep and longstanding strong relationships with charter school leaders and district superintendents to facilitate this cross-sector sharing.

thoughtful consideration of such practices in the context of new expectations established by the state's new discipline law. Additionally, ESE is continuing its long-standing research partnership with MIT's School Effectiveness and Inequality Initiative, which will be focusing on discipline practices and their impact on outcomes in the next phase of research.

ESE has already performed a differential and comparative analysis of student discipline data to identify several charter schools with promising discipline practices due to legal changes in 2014 to the state's expectations for discipline practices and required discipline reporting. ESE will integrate its current technical assistance efforts related to student discipline into the broader dissemination plan.

**Selection Criteria (f): Oversight of Public Chartering Agencies.**

**1) *Quality of Plan for Oversight. Important Note:*** As noted previously, in Massachusetts, the SEA (BESE and its administrative arm, ESE) itself is the sole public chartering agency in Massachusetts. Accordingly, the "SEA's plan to monitor, evaluate, assist, and hold accountable public chartering agencies" and "the quality of the SEA's plan to provide oversight to authorized public chartering agencies" required for this Selection Criteria is directly predicated on the actions of ESE/BESE as an authorizer itself and self-oversight/monitoring/evaluation practices, as described in [Comp. Pref. Pr.1](#), p. 3. The responses to this Selection Criteria are therefore focused on the nationally-recognized, high-quality authorizing practices and policies of ESE/BESE, and may cross-reference previous portions of this application where these have already been discussed.

**(i) *Design Elements.*** ESE's plan to ensure that charter schools are founded on evidence-based school models and practices that meet the needs of racially diverse and educationally disadvantaged students is found in both the application process and the accountability system, both derived from Massachusetts charter school statute and regulations (App. 1 and 2). Developers applying to open a charter school are required to anticipate the population of students the school will serve and to include explicit research citations in their application to demonstrate that the proposed educational program will result in high academic achievement for those students. See, *Application for a Massachusetts Public Charter School: Proposed*

*Commonwealth or Horace Mann Charter School By New Operator 2016-2017 (App. 6).*

Developers applying to open a charter school are also required to submit a recruitment and retention policy that includes deliberate, specific strategies the school will use to attract, enroll, and retain a student population that is demographically comparable to similar grades in districts from which the charter school enrolls students. Demographic groups that must be included in all recruitment and retention plans include: limited English proficient, special education, free lunch, and reduced-price lunch students<sup>26</sup>, as well as those who are sub-proficient on the MCAS, at risk of dropping out of school, have dropped out of school, or other at-risk students who should be targeted to eliminate achievement gaps.

The second element of ESE's plan for ensuring fidelity to its chosen evidence-based programming is its accountability system. The components of Massachusetts charter school accountability are more fully described in [Sel. Crit.f \(2\)\(ii\)](#), p. 39. Evidence of faithful implementation of the evidence-based academic program proposed in the charter application, as well as recruitment and retention plans, are critical to decisions to renew (or not to renew) charters or to place schools on probation or conditions, as well as to take interim formal measures for schools that are substantially out of compliance during the term of their charters. All charter schools on conditions or probation are published on ESE's website with the justification for their status until corrected.

Finally, ESE, as the Board's administrative arm for charter schools, is subject to public audit for adherence to laws, regulations and policies and by statute must submit a report annually to the Massachusetts Legislature on students enrolled in charter schools:

The commissioner shall collect data on the racial, ethnic and socio-economic make-up of the student enrollment of each charter school in the commonwealth.

The commissioner shall also collect data on the number of students enrolled in each charter school who have individual education plans pursuant to chapter 71B

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<sup>26</sup> Please note: The Department has a new metric, called Economically Disadvantaged. Please see here for information: <http://www.doe.mass.edu/infoservices/data/ed.html>

and those requiring English language learners programs under chapter 71A. The commissioner shall file said data annually with the clerks of the house and senate and the joint committee on education not later than December 1.

Mass. Gen. Laws, ch. 71, § 89(kk) (App. 1).

**(ii) Establishing Measureable Performance Expectations.** ESE’s accountability system is guided by protocols, systems, and structures all designed to hold all Massachusetts charter schools to the highest standards of performance. There are rigorous expectations for charter school performance in the three guiding areas of charter school accountability: academic program success, organizational viability, and faithfulness to charter.

Expectations for academic program success for each charter school are set by specific objectives that are aligned to the *Massachusetts school and district accountability and assistance system*, which has been in place since 2012 when Massachusetts received a waiver of certain No Child Left Behind requirements. The accountability system measures each school’s and district’s progress toward reducing proficiency gaps by half between the 2010-11 and 2016-17 school years for all students and up to eleven subgroups, including educationally disadvantaged students.<sup>27</sup> All schools are assigned one of five accountability and assistance levels:

**Figure 15. Massachusetts Accountability and Assistance Levels.**

<b>Commendation</b>	High-achieving, high-growth, gap narrowing schools (Subset of Level 1)
<b>Level 1</b>	Meeting gap narrowing goals (for all and educationally disadvantaged students)
<b>Level 2</b>	Not meeting gap narrowing goals (for all and/or educationally disadvantaged students)
<b>Level 3</b>	Lowest performing 20% of schools (Including lowest performing subgroups)
<b>Level 4</b>	Lowest performing schools (subset of Level 3)
<b>Level 5</b>	Chronically underperforming schools (subset of Level 4)

Accountability Plans: Additionally, in order to track a school’s progress toward meeting its unique mission, each charter school must submit an Accountability Plan prior to the start of its second year of operation that is clear, rigorous, and measurable. Using ESE’s *Accountability*

<sup>27</sup> The educationally disadvantaged category is defined as an unduplicated count of all students in a school or district belonging to at least one of the following individual subgroups: students with disabilities, English language learners (ELL) and former ELL students, or low income students, mirroring the federal definition of *educationally disadvantaged*.

*Plan Guidelines*, (App. 9), each charter school develops objectives and measures for demonstrating achievement of its mission and key design elements. The plan must receive ESE approval, and progress toward the plan’s objectives must be included in its annual report.

Alternative Charter Schools Performance Expectations: Massachusetts has 5 charter high schools that serve alternative populations that are at risk for dropping out or not graduating high school or for which standard metrics do not present a complete measure of success. The alternative schools are expected to adhere to the Accountability Plan guidance to create draft measures in academic areas and must work with the ESE to ensure that measures are valid, reliable, and the best fit for the school’s unique program. Both the ESE and the charter school are guided by NACSA’s report, *Anecdotes Aren’t Enough*,<sup>28</sup> about articulating high-quality measures for schools serving alternative populations.

*Note: Massachusetts does not have pre-school or virtual charter schools.*

**(iii) Providing Annual Public Performance Reports.** ESE provides annual reporting for each charter school, summarizing the school’s academic performance and identifying areas that need improvement through publicly available annual report cards provided on ESE’s website (see App. 10 for a sample report card). As described above, ESE has aligned its criteria for student performance for charter schools with the statewide accountability system, which also reports on federal ESEA-required statistics, including: student enrollment and teacher qualifications, absolute student achievement, academic growth, graduation rates, dropout rates, and each school’s progress toward narrowing proficiency gaps for various subgroups of students.

In addition to these reporting tools, the OCCSR has developed tools specifically designed to deliver charter performance data in timely, public and easily accessible visual formats. These two reporting tools provide the public with key information, updated annually:

1. Financial Dashboard,<sup>29</sup> which comprehensively reports financial performance data using readily accessible, color-coded ratings on key indicators of financial health.

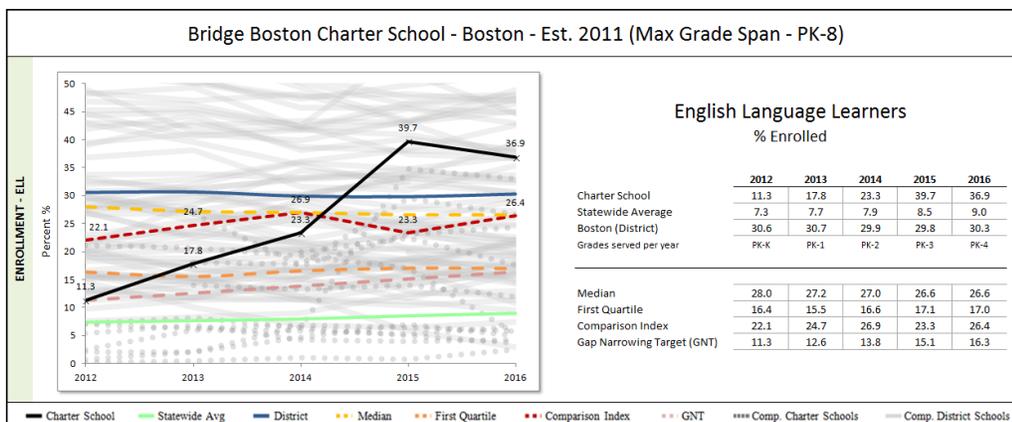
<sup>28</sup> <http://www.qualitycharters.org/2013/10/anecdotes-arent-enough/>. Cliff Chuang and Alison Bagg of the OCCSR contributed to this paper.

<sup>29</sup> <http://www.doe.mass.edu/charter/finance/dashboard/>

2. Charter Analysis Review Tool (CHART).<sup>30</sup> This innovative tool, available on ESE’s website, provides multi-school, multi-year demographic comparison data in three categories:
1. Enrollment percentages by subgroup.
  2. Attrition percentages by grade level and subgroup.
  3. Student indicator statistics, including suspensions.

CHART comprehensively displays this data through charter-to-traditional public school comparisons (Figure 16), assisting charter schools to monitor progress with their recruitment and retention plans – specific strategies to attract, enroll, and retain a student population demographically comparable to schools from which the charter school draws students. Charter school data is graphed against comparable schools in its region, including the median and first quartile of comparison schools and the state average. For enrollment demographic indicators, where possible, a statistically-derived "Comparison Index" is also graphed to account for the charter school's size and fluctuations in student populations, along with a "Gap Narrowing Target," which provides a reference point for progress in closing achievement gaps over time.

**Figure 16. Sample CHART Graph: English Language Learners**



(iv) **Supporting Charter School Autonomy.** Massachusetts received the highest score possible in the area of “Fiscally and Legally Autonomous Schools with Independent Public Charter School Boards” in the most recent report by The National Alliance of Public Charter

<sup>30</sup> <http://www.doe.mass.edu/charter/finance/chart/>

Schools.<sup>31</sup> The entire statutory scheme creating charter schools (App. 1) is premised upon granting autonomy in exchange for increased accountability. Massachusetts charter schools have the freedom to organize around a core mission, curriculum, theme, and/or teaching method or educational program, as well as to control their own budgets, grade configurations, and size, rules of governance, facilities, transportation, and staffing. (For more on autonomies and flexibilities, see [Sel. Crit. g \(1\)](#), p. 45). In return for these freedoms, charter schools must demonstrate success by meeting the terms of their charters or performance contracts or face probation, conditions, or possible revocation or nonrenewal of their charters. (see discussion of accountability system, [Sel. Crit. f \(2\)\(ii\)](#), p. 39).

**(2)(i) Seeking and Approving High-Quality Charter Schools.** Massachusetts’ strategies to recruit and approve applications from developers that have the capacity to create high-quality charter schools, especially those serving educationally disadvantaged students:

**1) Targeted recruitment of successful charter school operators.** ESE encourages charter school operators with a track record of success to consider applying to replicate in the state’s lowest performing school districts.

**2) Supporting and training of new charter developers.** ESE performs nine information sessions annually for prospective operators. At least half of the sessions each year take place in the state’s highest need districts, where charter growth will increase access for educationally disadvantaged students.

**3) Increasing capacity of charter developers through high-quality partnerships.** ESE maintains close relationships with numerous national organizations with a record of operating or supporting high-quality schools. ESE supports partnerships between these organizations and novice charter applicant groups to facilitate development of the capacity of motivated, new operators to establish high-quality charter schools.

**4) Ensuring developer capacity through rigorous application process.** As described in

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<sup>31</sup> [http://www.publiccharters.org/wp-content/uploads/2016/01/Model-Law-Final\\_2016.pdf](http://www.publiccharters.org/wp-content/uploads/2016/01/Model-Law-Final_2016.pdf)

[Comp. Pref. Pr. 1](#), p. 3, all applicant groups must establish sufficient evidence of their capacity to found a high-quality school through their charter application, a capacity interview with ESE staff, and the public comment period and hearing.

**5) Proven provider status required for applicant groups intending to serve educationally disadvantaged students.** Each applicant group or its identified partner organization seeking to establish a charter school in one of the 29 lowest performing districts is required to demonstrate sufficient prior experience establishing a successful school serving a similar student population. ESE requires at least three years of academic results showing that all students and one or more educationally disadvantaged student subgroups met or exceeded statewide averages based on statewide achievement tests. Annual student attendance, retention rates, graduation rates, student attrition and discipline practices are also considered. In addition, ESE examines the school's success in enrolling and retaining a student population similar to its sending districts.

**(ii) Monitoring and Conducting In-depth Reviews.** ESE monitors charter schools on an annual basis and conducts in-depth review of each charter school at least once every five years. The parameters for each are articulated in Massachusetts' *Guide to Charter School Accountability* (App 13). The Charter School Performance *Criteria* (App. 4), found in Figure 17, are at the center of the Massachusetts charter school accountability system; they set rigorous expectations for charter school performance in the three guiding areas of accountability: academic program success, organizational viability, and faithfulness to charter. First developed in 2005, with subsequent major revisions in 2010, 2013, and 2015, the *Criteria*:

- describe the expectations for all aspects of charter school accountability, from the application process to the renewal process;
- provide charter schools with clear guidance about how BESE, ESE and the Commissioner define their success and on what basis each will be evaluated; and,
- clarify the connections between Massachusetts charter school accountability and additional state and federal accountability standards.

ESE regularly evaluates each school against the *Criteria* using quantitative and/or qualitative data and affirmative evidence compiled over the course of the school's charter term.

**Figure 17. Massachusetts Charter School Performance Criteria.**

Massachusetts Charter School Performance Criteria		Rating	
Faithfulness to Charter	1. <b>Mission and Key Design Elements:</b> The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its accountability plan goals.		
	2. <b>Access and Equity:</b> The school ensures program access and equity for all students eligible to attend the school.		
	3. <b>Compliance:</b> The school compiles a record of compliance with the terms of its charter and applicable state and federal laws and regulations.		
	4. <b>Dissemination:</b> The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located.		
Academic Program Success	5. <b>Student Performance:</b> The school consistently meets state student performance standards for academic growth, proficiency, and college and career readiness.		
	6. <b>Program Delivery:</b> The school delivers an academic program that provides improved academic outcomes and educational success for all students.	Curriculum	
		Instruction	
		Assessment and Program Evaluation	
		Supports for Diverse Learners	
	7. <b>Culture and Family Engagement:</b> The school supports students' social and emotional health in a safe and respectful learning environment that engages families.	Social, Emotional and Health Needs	
		Family Engagement	
Organizational Viability	8. <b>Capacity:</b> The school sustains a well-functioning organizational structure and creates a professional working climate for all staff.	School Leadership	
		Professional Climate	
		Contractual Relationships (If applicable)	
	9. <b>Governance:</b> Members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school.		
	10. <b>Finance:</b> The school maintains a sound and stable financial condition and operates in a financially sound and publicly accountable manner.		

In order to communicate clearly, ESE uses the rating scale below (Figure 18) to summarize a charter school's performance against the *Criteria* in Figure 17, including the detailed key indicators (App. 7). Additional details regarding how this scale is used are outlined in the

Charter School Site Visit Protocol (App. 14), the Charter School Renewal Inspection Protocol (App. 15), and the Guide to Charter School Accountability (App. 13).

**Figure 18: Rating Scale Facilitates Clear Communication About Charter School Performance.**

Rating	Description
<b>Exceeds</b>	The school fully and consistently meets the criterion and is a potential exemplar in this area.
<b>Meets</b>	The school generally meets the criterion and/or minor concern(s) are noted.
<b>Partially Meets</b>	The school meets some aspects of the criterion but not others and/or moderate concern(s) are noted.
<b>Falls Far Below</b>	The school falls far below the criterion and/or significant concern(s) are noted.

ESE annually monitors the academic performance, financial health, faithfulness to charter (the promises and obligations of each charter school), and the adherence to access and equity policies using the following tools and practices:

1) **Monitoring Financial Performance.** Charter schools are required to undergo an annual independent financial audit and to submit the results to ESE along with an end-of-year financial report that provides specific details of their expenses. ESE uses this data to monitor each charter school’s overall financial health and areas of potential risk, and annually reports each charter school’s financial performance in a public, comprehensive *Financial Dashboard* (App. 11).

2) **Monitoring Faithfulness to Charter.** The charter accountability process considers evidence of each school’s progress toward attaining its Accountability Plan objectives and measures. An overview of the Accountability Plan is found in [Sel. Crit. f \(1\)\(ii\)](#), p. 35.

3) **Monitoring Access and Equity.** OCSSR annually posts the Charter Analysis and Review Tool (CHART) ([Sel. Crit. f \(1\)\(iii\)](#), p. 36), which provides multi-school, multi-year demographic comparisons for each charter school in three categories: enrollment percentages by subgroup; attrition percentages by grade level and subgroup; and student indicator statistics, including suspensions.

4) **Site Visits to Corroborate Progress.** ESE has a rigorous, systematic, and differentiated

process for conducting regular on-site reviews of charter schools depending on their age and level of performance. Each new school receives an ESE site visit during the first, second, and fifth year of its charter term and sometimes during the third and/or fourth years as well. In subsequent charter terms, if performance expectations are met, the frequency of visits is reduced, with each school receiving at least one visit sometime during years two, three, or four and an in-depth renewal site visit in the fifth year of its charter term. Site visit teams are comprised of individuals with educational expertise and are in most instances led by an ESE staff member. The primary purpose of site visits is to corroborate and augment the information contained in a school's most recent annual report, especially its stated progress relative to the school's accountability plan performance objectives, and to gather evidence about school performance relative to the standards articulated in the performance *Criteria*. Of ESE's current portfolio of 96 school campuses, ESE performed site visits at over 50% during the 2015-16 school year.

**5) *Charter Renewal Process*.** Every charter school undergoes a renewal process during the final year of its charter term to determine whether or not the school should continue to operate. This in-depth review is outlined in ESE's *Application for Renewal of a Public School Charter* (App. 16) and the *Charter School Renewal Inspection Protocol* (App. 15). The renewal process includes the school's submission of a renewal application, a renewal inspection visit, and consideration of all evidence related to the charter school's performance collected through ESE's charter school accountability process both at the time of renewal and during the five years of the charter (see, the Commissioner's memorandum, *Considerations for Charter School Renewal*, App. 5 ). The *Criteria* provide the lens of inquiry for the charter renewal process and set the standards for a successful renewal. The resulting analysis is captured in a summary of review, which contains ratings (Falls Far Below, Partially Meets, Meets, or Exceeds) of the school's performance against each of the ten *Criteria*, along with objective evidence to support each of the ratings, such as: a determination of whether or not the school has met the measures contained in its Accountability Plan; an assessment of the school's compliance with applicable State and Federal laws; a summary of the school's academic performance over the charter term; and a

financial dashboard summarizing fiscal viability. The Commissioner's recommendation regarding renewal is presented to BESE. The charter of the school is then either renewed, renewed with conditions, or not renewed for another five-year term.

**(iii) Using Data for Renewal and Revocation Decisions.** Increases in student academic achievement are one of the most important factors in renewal decisions. Massachusetts General Law c. 71, § 89(dd), states that "when deciding on charter renewal, the board [of Elementary and Secondary Education] shall consider progress made in student academic achievement..." As noted in the Commissioner's memorandum, *Considerations for Charter School Renewal* (App.

5), ESE and the Commissioner use "increases in student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter."

As described above, ESE's renewal decisions are made by assessing all evidence of a school's performance over the charter term in light of the material terms of its charter, Charter School Performance Criteria (Criteria), and the school's Accountability Plan. Every charter school undergoes a renewal process during the fifth and final year of its charter term, as outlined in ESE's *Application for Renewal of a Public School Charter* (App. 16) and in the *Charter School Renewal Inspection Protocol* (App. 15).

Because renewal is a summative decision determining a school's continued existence, ESE endeavors to clearly communicate concerns to schools prior to renewal, including those related to academic success. As noted above, ESE provides feedback to schools through the regular accountability process, including the review of annual data and site visits. When concerns rise to a level requiring more serious and direct oversight, ESE, the Commissioner, and BESE consider imposing conditions or probation on a charter school, which unequivocally identify those areas that must improve.

As the sole authorizer, ESE has revoked, non-renewed, or encouraged the voluntary termination of charters held by academically poor-performing charter schools. Massachusetts' charter school statute and regulations (App. 1 and 2) set clear criteria for revoking a charter or

instituting conditions or probation:

The board may revoke a school's charter if the school has not fulfilled any conditions imposed by the board in connection with the grant of the charter or the school has violated any provision of its charter. The board may place conditions on a charter or may place a charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

M.G.L. c. 71, § 89(ee) (App. 1).

By law, BESE may suspend or revoke a charter for cause including, but not limited to: (1) lack of evidence of academic success;(2) failure to comply substantially with the terms of the charter, with any of the applicable provisions of [the charter school statute], or with any other applicable law or regulation; (3) a material misrepresentation in the application for approval or renewal of the charter; (4) financial insolvency; (5) misappropriation, conversion, mismanagement, or illegal withholding of funds or refusal to pay any funds that belong to any person otherwise entitled thereto and that have been entrusted to the charter school or its administrators in their fiduciary capacities; (6) fraud or gross mismanagement on the part of charter school administrators or board of trustees, including but not limited to, mismanagement of the educational program and failure to provide a healthy and safe environment for students; (7) criminal convictions on the part of the charter school administration or members of its board of trustees; or (8) failure to fulfill any conditions imposed by the Board in connection with the grant or renewal of a charter (603 CMR 1.12, App. 2).

Short of revocation or nonrenewal, BESE or the Commissioner may impose conditions on a school's charter for violations of law, failure to make progress with student achievement, failure to adhere to and enhance its recruitment and retention plan, failure to comply with the terms of its charter, or failure to remain fiscally or operationally viable (603 CMR 1.12(1), App. 2). If a school fails to address conditions adequately, or if the imposition of a condition alone would be insufficient to remediate the problem, the Commissioner may recommend that BESE

place a school on probation. For particularly serious or egregious circumstances, such as criminal violations, fraud, an unsafe environment, or organizational instability, BESE has the power to close a school immediately or revoke a school's charter prior to the end of its term on an emergency basis. ESE sets out a clear process for conducting a closure in its *Charter School Closing Procedures* (App. 17).<sup>32</sup>

***(iv) Ensuring the continued accountability of charter schools during statewide transitions.*** ESE will ensure accountability during the transition to the new statewide assessment system by defining concordance between current and future assessments to allow for meaningful comparison of results. Massachusetts is in the process of moving from its current statewide achievement test, the Massachusetts Comprehensive Assessment System (MCAS) to MCAS 2.0. The accountability of charter schools will not be affected by this transition because the state's charter statute and regulations mandate that charter school accountability decisions must continue, and ESE will continue to use the totality of the evidence available to support such decisions. ESE will also continue to offer professional learning opportunities and technical assistance sessions to facilitate a successful shift to MCAS 2.0 for all schools, including charter schools. These sessions will be targeted toward both ESE staff and to all school leaders, teachers, and instructional staff throughout the state and always include charter schools.

### **Selection Criteria (g): Policy Context for Charter Schools.**

#### ***(1) The degree of flexibility afforded to charter schools under the state law.***

Charter school boards of trustees are granted “all of the powers necessary or desirable for carrying out its charter program.” Mass. Gen. Laws, ch. 71, §89(k) (App. 1). Confirming that Massachusetts charters fully exercise these statutory autonomies, the National Alliance for Public Charter Schools in its 2015 report, *Measuring up to the Model: A Ranking of State Charter School Laws*<sup>33</sup> shows that Massachusetts is one of the leading states for fiscally and legally autonomous schools with independent public charter boards.

<sup>32</sup> <http://www.doe.mass.edu/charter/acct.html?section=closing>

<sup>33</sup> [http://www.publiccharters.org/wp-content/uploads/2015/01/model\\_law\\_2015.pdf](http://www.publiccharters.org/wp-content/uploads/2015/01/model_law_2015.pdf)

Importantly, Massachusetts law ensures that charter school boards of trustees are afforded complete autonomy to control their funds. ESE respects the fiscal autonomy of charter schools, having no involvement in the regular day-to-day management of funds, but monitors a charter school's overall fiscal health annually by collecting independently audited financial reports.

Massachusetts charter schools also have the legal and business powers necessary to operate independently: they can acquire or lease real estate to be used as school facilities; contract for services, equipment, and supplies, as well as borrow money. They are also exempt from public procurement laws and granted protections in certain lawsuits. A commonwealth charter school's teachers are not subject to union contracts for the district in which the school resides, leaving charter schools free to negotiate their own staff contracts.<sup>34</sup>

Finally, charter schools are given both the space and the encouragement to innovate. As independent LEAs, they are expressly freed of restrictions that shape operations and educational programs at traditional district public schools. Charter schools have the freedom to organize around a core mission, curriculum, theme, and/or teaching method or educational program,<sup>35</sup> as well as to control the school's budget, grade configuration and size, rules of governance, facilities, transportation, and staffing. In return for these freedoms, charter schools are held to a higher degree of accountability than their traditional district counterparts and must demonstrate success or face adverse consequences at the end of their five-year charter. Along with these

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<sup>34</sup> Horace Mann charter schools are an exception to contractual autonomy described here. In Massachusetts, a developer may elect at its discretion a *Horace Mann* charter school model, which operates in-district, and therefore must obtain local school committee approval *and* BESE authorization of its charter. In some cases Horace Mann charter schools must receive approval from the local collective bargaining unit, although this requirement is optional for new Horace Mann charter schools. While a Horace Mann's teachers remain part of the local collective bargaining unit and must receive at least the same salary and benefits as teachers in other district schools, the law expressly allows Horace Mann charter schools a process to modify collective bargaining provisions that inhibit operational flexibility. With the exception of contractual autonomy and some differences in how a Horace Mann charter school receives its funds, it is operated by an independent board of trustees and is granted all other autonomies described above. Of the 96 charter schools operating in 2015-2016, only 10 are Horace Mann charter schools.

<sup>35</sup> Massachusetts charter schools have taken full advantage of these freedoms to organize around myriad missions, including: Montessori methods, rigorous college preparation, expanded learning schedules, arts-infused curriculum, Chinese immersion curriculum, intensive math and science curriculum, and alternative pathways to high-school graduation, among many others, forwarding the statutory objective for charter schools to "stimulate the development of innovative programs within public education." M.G.L. c. 71, § 89 (b) App. 1).

autonomies, as both public and educational institutions, charter schools remain answerable to the state for essentials of good governance and compliance with all laws governing educational quality and safety.

**(2) Annual information about federal funds and commensurate share.**

As outlined below, ESE has specific protocols and support structures in program units and throughout the agency to ensure that annually, each charter in Massachusetts is informed about and receives its commensurate share of Federal funds. Additionally, OCSSR provides support to other program offices and coordination with each charter school to ensure timely disbursement of the appropriate funds. Specific support structures are:

**1. Central Grant Resource.** ESE's Grants Management webpage<sup>36</sup> provides all relevant information about accessing federal funds, including how to submit proposals, allocation amounts, and all program guidelines for obtaining and administering grant funds. Charter school leaders are updated regularly when new grant information is posted to this webpage.

**2. Technical Assistance to Charter Schools Highlights Federal Grant Opportunities.** To ensure that each charter school is informed of the full array of federal funds and programs available to them, OCSSR conducts a full-day orientation for charter school administrators each fall intended for personnel *new to a charter school* (even if the charter school itself has been in operation for many years) with a strand for finance personnel, and provides specific finance trainings as part of opening procedures for new charter schools.

**3. OCSSR as Liaison for Federal Grant Contacts.** On an ongoing basis, OCSSR's Coordinator of Finance and Data (who also serves as the CSP Project Director) along with the Access and Equity team serve as a resource for schools with questions about accessing and administering federal funds allocated by ESE. OCSSR routinely links charter school leaders with program officers within ESE to ensure that charter school leaders are receiving necessary information to access state and federal programs and funding. The CSP Project Director also

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<sup>36</sup> <http://www.doe.mass.edu/Grants/>

uses OCSSR's website and a charter leader/business manager listserv as tools to update schools about deadlines and submission requirements for ESE-administered federal programs.

**4. *OCSSR Facilitates Timely Disbursement of Federal Grant Funds to Charter Schools.***

To ensure that all new and significantly expanding charter schools receive their commensurate share of federal funds in a timely manner, OCSSR coordinates program units within ESE. OCSSR provides enrollment projection data for charter schools, including those anticipating significant expansions, to the appropriate program units within ESE so that charter school allocations for the next school year will be based on projected current-year figures as required by federal regulations. These projections are adjusted once actual enrollment figures are available the following fall/winter. The OCSSR has also ensured that ESE grant program units have procedures for new or significantly expanding charter schools to allow these schools to receive their commensurate share of IDEA entitlement funds in the year of opening or expansion.

In addition to receiving all federal entitlement funds, such as Title I, IDEA special education grants, federal nutrition and Medicaid reimbursements, charter schools in Massachusetts have successfully competed for federal discretionary grants administered by ESE. For example, 43 charter schools participated in the Race to the Top initiative.

**(3) *Compliance with IDEA and civil rights laws.***

All charter schools in Massachusetts are LEAs and are required to comply with IDEA and all other federal civil rights laws (M.G.L., c. 71, §89 (m,s), App. 1). Massachusetts has built numerous checks into its chartering and monitoring structure to hold charter school accountable for full compliance. Charter school application criteria require each applicant to include a complete description of the processes and procedures that the proposed school will employ to identify, assess, and serve students who are English language learners and/or in need of special education services, which becomes part of the school's charter if the application is successful. Charter school developers must also sign assurances as part of their applications that bind each to compliance with all laws, federal and state, pertaining to students who are English language learners and students with disabilities (specifically listing the Individuals with Disabilities

Education Act, section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act of 1974), as well as the federal Age Discrimination Act and Title IX of the Education Amendments of 1972 (see, *Application for a Massachusetts Public Charter School: Proposed Commonwealth or Horace Mann Charter School by a New Operator: 2016-2017* (App. 6)). All successful charter applicants then must submit extensive policies and procedures plans for both English language learners and students with disabilities that are compliant with state and federal law and regulations prior to opening. Once opened, charter schools submit annual reports to the OCSSR that include deliberate, specific strategies used by the school to recruit and retain limited English proficient students and students receiving special education, among other subgroups of students identified by law. Charter school performance with respect to recruitment and retention is part of the evidence forming the basis of subsequent charter renewal decisions.

ESE's OCSSR also has a dedicated Access and Equity (A&E) team, whose members have specialized knowledge about civil rights laws, special education, and English language learners (see, e.g., OCSSR's *Massachusetts Primer on Special Education and Charter Schools*,<sup>37</sup> [http://www.doe.mass.edu/charter/sped/primer\\_sl.pdf](http://www.doe.mass.edu/charter/sped/primer_sl.pdf), with an entire section on federal law). A&E staff members are deeply involved in the review of charter applications to ensure that charter school developers have the expertise and capacity necessary to serve a diverse student body effectively in compliance with federal IDEA and civil rights laws. Once a school is chartered, A&E staff provide required trainings on state and federal compliance through the Opening Procedures process, as well as during its first year of operation to check on initial implementation and to perform student records reviews to provide formative feedback. A&E team members participate in all charter school accountability site visits, as well, gathering evidence on implementation of plans for identification and serving students with diverse learning

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<sup>37</sup> [http://www.doe.mass.edu/charter/sped/primer\\_sl.pdf](http://www.doe.mass.edu/charter/sped/primer_sl.pdf)

needs, which becomes part of the body of evidence for charter renewal decisions.

In addition to OCSSR's oversight, as LEAs, charter schools are monitored for compliance with federal and state laws by ESE's Program Quality Assurance (PQA) unit on a 6-year cycle, like all other school districts, though the comprehensive *Coordinated Program Review (CPR)*<sup>38</sup> process beginning in the charter school's second year. During the CPR, a PQA team conducts a comprehensive review of special education policies, procedures, and staff, and results in mandatory corrective action for any deficiency. Massachusetts' authorizing practices in the area of special education and civil rights are frequently referenced as a model nationally at both national conferences and in print media,<sup>39</sup> and ESE is a founding member of the National Center for Special Education in Charter Schools Equity Coalition.

#### **APPLICATION REQUIREMENTS**

##### **Application Requirement (i): Disseminating best practices**

Please see [Sel. Crit. e](#) for the response to this requirement.

##### **Application Requirement (ii): Federal funds**

Please see [Sel. Crit. g \(2\)](#) for the response to this requirement.

##### **Application Requirement (iii): IDEA Compliance**

Please see [Sel. Crit. g \(3\)](#) for the response to this requirement.

##### **Application Requirement (iv): Logic model**

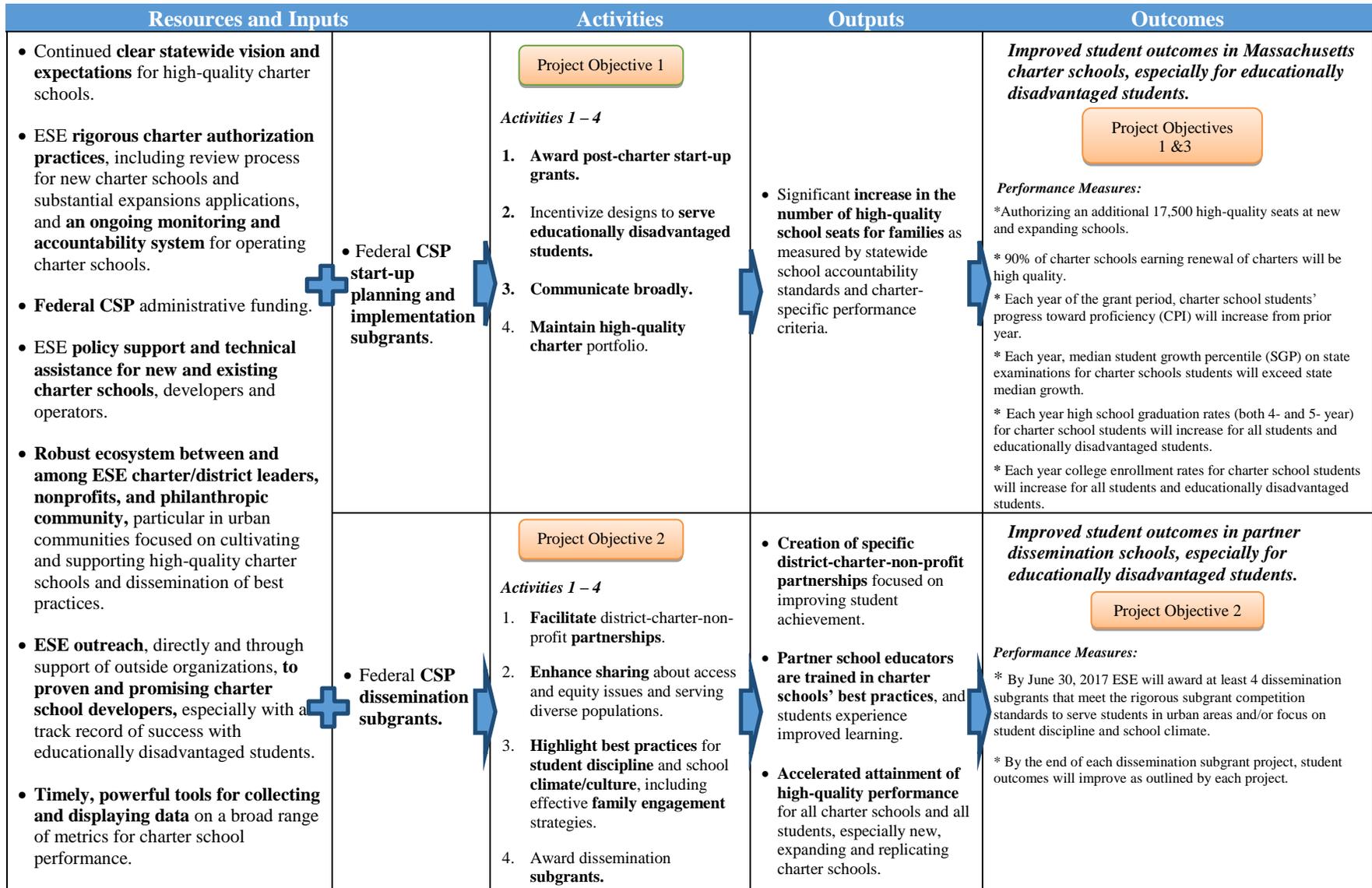
The theory of action of the Massachusetts CSP Project is based on the seamless integration of ESE's overall state strategy, incorporating a rigorous charter school authorization processes with stable and dependable federal CSP funding to support creation of high-quality school seats and collaboration with districts to yield improved student outcomes for students in charter schools and throughout the state.

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<sup>38</sup> <http://www.doe.mass.edu/pqa/review/cpr/>

<sup>39</sup> <http://www.edweek.org/ew/articles/2014/12/05/mystery-parents-test-charters-enrollment-of-spec.html> and [http://blogs.edweek.org/edweek/charterschoice/2015/10/charter\\_school\\_enrollment\\_policies\\_fuel\\_discussion\\_debate\\_at\\_national\\_authorizer\\_meeting.html](http://blogs.edweek.org/edweek/charterschoice/2015/10/charter_school_enrollment_policies_fuel_discussion_debate_at_national_authorizer_meeting.html)

Figure 19: Logic model



### **Application Requirement (v): Lottery and enrollment preferences**

Massachusetts comprehensively regulates enrollment procedures,<sup>40</sup> which shall not discriminate as defined by state and federal law, and requires neutral, transparent lotteries. ESE assures that it will require each applicant for a CSP subgrant to include, in its application, descriptions of its recruitment and admissions policies and practices, since all charter schools applicants' enrollment policies are evaluated by ESE as part of the charter application review. Once approved, these policies may only be amended with approval of ESE's Commissioner. The regulations recognize limited lottery preferences: 1) In the case of Commonwealth charters – for siblings of existing charter school students and for students residing in the community that the charter school serves; and 2) for Horace Mann charters – additional preferences are given in the school's initial lottery to students attending the school that was subsequently converted and their siblings, as well as students attending school in the Horace Mann charter's district.

### **Application Requirement (vi): Objectives**

*This section should be read in tandem with the Logic Model, [Application Requirement \(iv\)](#).*

The following project-specific performance objectives are designed to help reach the CSP objectives and performance measures by increasing the number of high-quality charter school seats and schools, as well as insuring sufficient capacity to reach high levels of performance for all students, including proficiency on statewide mathematics and ELA achievement tests.

***Project Objective 1: Increase the number of high-quality school seats in Massachusetts, especially for educationally disadvantaged students.***

Because charter schools are part of an overall state strategy to improve educational outcomes for students, the focus of the Massachusetts CSP project is on the creation of high-quality school seats, which can be achieved 1) through the launch of new charter school as well as 2) the replication or expansion of currently operating high-performing charter schools. Massachusetts will achieve this objective through the following activities:

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<sup>40</sup> <http://www.doe.mass.edu/lawsregs/603cmr1.html?section=05>

***Activity 1: Quickly award post-charter planning and implementation grants to all newly authorized or substantially expanding charter schools in Massachusetts.***

Federal CSP grant funds are key to the successful development and implementation of new, high-quality educational options. Massachusetts will provide CSP start-up subgrants to each new charter school or substantial expansion of an existing charter school (as described in [Waiver Request 4](#)) approved by BESE upon the successful conclusion of ESE’s comprehensive new-school or expansion review process, which is integrated with the CSP subgrant process as described in [Sel. Crit. d \(1\)](#).

***Activity 2: Provide significantly increased post-charter planning and implementation grant awards for applicants that meet specific design priorities related to educationally disadvantaged students***

ESE will incentivize the development of high-quality charter schools that are designed to provide access to and better meet the needs of educationally disadvantaged students by awarding significantly increased start-up funds (in addition to base-level grants discuss above) for charters that meet specific design priorities. ESE currently anticipates providing incremental start-up funding to charters schools that meet two types of incentive priorities:

**Access and Equity.** ESE will provide up to 35% (**or \$175,000**) additional CSP grant funding to those charter schools that either:

- a. Commit to **backfilling** all vacancies through grade 10 in alignment with current backfilling procedures.
- b. Are developed with an explicit mission and educational program designed to:  
Specifically serve **English language learners**, or specially serve students who are **disconnected, over-age and under-credited, or off-track** in their education preparing them for high school graduation;

3. **Immediate High Impact.** ESE will provide up to 25% (**or \$125,000**) additional CSP grant funding to those charter schools that quickly provide new, high-quality educational seats to communities by opening with at least 250 seats in the first year of operation.

**Activity 3: Actively communicate to districts, educators, families, non-profits, communities and charter developers and entrepreneurs about charter schools best practices and the availability of CSP grant funding support for dissemination, planning and implementation.**

See [Sel. Crit. e \(2\)](#) for details.

**Activity 4: Ensure the ongoing high-quality of all existing Massachusetts charter schools through a rigorous accountability review process.**

ESE will increase the number of high-quality charter schools through maintenance of the state’s rigorous accountability and renewal process outlined in [Comp. Pref. Pr. 1 \(a\)](#), and by ensuring that academically poor-performing charter schools currently on conditions or probation either (1) make sufficient progress toward meeting the high-quality standard, or (2) are closed.

**Project Objective 2: Promote the dissemination of Massachusetts charter school best practices to other public schools and collaborative district-charter partnerships to improve student achievement outcomes in partner schools and districts.**

Activities supporting this objective are described in [Sel. Crit. e](#).

**Project Objective 3: Improve student outcomes in Massachusetts charter schools, especially for educationally disadvantaged students.**

The final project objective reflects the overall goal of the Massachusetts CSP Project. As outlined in the logic model, ESE believes that the activities of [Project Objective \(1\)](#) and [Project Objective \(3\)](#) will improve student outcomes in charter schools, which will in turn yield improved student outcomes for all students in the state through dissemination of best practices in all aspects of student growth and achievement.

**Figure 20: Massachusetts 2016–2021 CSP Project Performance Measures**

<i>Project Objective 1: Increase the number of high-quality school seats in Massachusetts, especially for educationally disadvantaged students.</i>		
<b>Performance Measure</b>	<b>Baseline Data</b>	<b>Performance Target and why this is ambitious yet achievable</b>
<i>IA: By June 30, 2021, ESE will authorize an additional 17,500 high- quality school seats.</i>	In FY16, there will be approximately 35,349 high-quality charter school seats in Massachusetts.	Growth of 1,800 to 4,695 high-quality seats annually (17,500 total over five years) is ambitious yet achievable as described in <a href="#">Sel. Crit. b (1)</a> and <a href="#">(c)(1)</a> .

<i>IB: Each year, 90% of the portfolio of existing charter schools that are renewed will meet the definition of a high-quality charter school used in this application; those that do not will be required to improve within a specified time through specific conditions or probation, or will be closed.</i>	FY16: 78%	It is reasonable to expect 90% of renewal schools will qualify as high-quality because of Massachusetts' rigorous accountability system including the rigorous renewal process.
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**Project Objective 2: Promote the dissemination of Massachusetts charter school best practices to other public schools and collaborative district-charter partnerships to improve student achievement outcomes in partner schools and districts.**

<b>Performance Measure</b>	<b>Baseline Data</b>	<b>Performance Target and why this is ambitious yet achievable</b>
<i>2A: By the end of each dissemination subgrant project, student outcomes will improve as outlined by each project.</i>	This performance measure is new to the FY17 CSP grant. Baseline data will be established as part of each subgrant project.	An end-of-grant improvement in measurable student outcomes is ambitious, since this represents tangible change for students, rather than just process/input shifts for adults. <sup>41</sup> It is achievable given the significant investment being made by the charter school dissemination subgrantee.
<i>2B: By June 30, 2017, establish a concrete action plan for district-charter collaboration on projects of mutual interest through a joint steering committee of urban district superintendents and charter school leaders representing urban areas in the state.</i>	This performance measure is new to the FY17 CSP grant, so baseline data will be generated over the term of the grant.	This action plan target is ambitious since such collaboration is unprecedented in Massachusetts. It is achievable given the promising collaborative groundwork laid by ESE and district and charter leaders.

**Project Objective 3: Improve student outcomes in Massachusetts charter schools, especially for educationally disadvantaged students.**

<b>Performance Measure</b>	<b>Baseline Data<sup>42</sup></b>	<b>Performance Target; why this is ambitious yet achievable</b>																								
<i>3A1 –3A12: Each year charter school students' CPI will increase from the prior year (GPRA).</i>	<p><u>2015 Charter School Data</u></p> <p>CPI</p> <table border="1"> <thead> <tr> <th>Grade</th> <th>Subject</th> <th>All</th> <th>Educationally Disadvantaged</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>ELA</td> <td>78.97</td> <td>72.13</td> </tr> <tr> <td>4</td> <td>Math</td> <td>76.84</td> <td>70.97</td> </tr> <tr> <td>8</td> <td>ELA</td> <td>94.56</td> <td>90.91</td> </tr> <tr> <td>8</td> <td>Math</td> <td>83.33</td> <td>76.56</td> </tr> <tr> <td>10</td> <td>ELA</td> <td>98.82</td> <td>97.54</td> </tr> </tbody> </table>	Grade	Subject	All	Educationally Disadvantaged	4	ELA	78.97	72.13	4	Math	76.84	70.97	8	ELA	94.56	90.91	8	Math	83.33	76.56	10	ELA	98.82	97.54	A year-over-year increase in proficiency is ambitious since charter schools already outperform the state overall in many categories. This target is reasonable since narrowing achievement gaps is a primary goal of the state's charter schools.
Grade	Subject	All	Educationally Disadvantaged																							
4	ELA	78.97	72.13																							
4	Math	76.84	70.97																							
8	ELA	94.56	90.91																							
8	Math	83.33	76.56																							
10	ELA	98.82	97.54																							

<sup>41</sup> Annual targets for this measure may not be realistic, given that in ESE's experience, the first year of dissemination projects often must focus on culture-building among adults in order to set the stage for later success with students.

<sup>42</sup> Please note that baseline data provide here are approximations based on aggregate available data, but figures based on precise methodology and student-level data when applicable will be used for formal ED524B reporting as required by USED.

		10	MATH	94.45	89.94		
<p><i>3B1–3B12: Each year the median student growth percentile (SGP) on state examinations of charter school students in the following categories (listed under baseline data) will exceed the state median.</i></p>	<u>2015 Charter School and Statewide Data</u>						
	<b>Median SGP</b>		<b>Charter</b>		<b>State (non-charter)</b>		
	Grade	Subject	All	Educationally Disadvantaged	All	Educationally Disadvantaged	
	4	ELA	46	44	51	44	
	4	Math	42	36	50	44	
	8	ELA	52	52	50	49	
	8	Math	58	61	50	48	
	10	ELA	62	61.5	51	47	
		10	Math	60	59	50	47
<p><i>3C1–3C4: Each year high school graduation rates (both 4- and 5-year) for charter school students will increase for all students and educationally disadvantaged students</i></p>	<p><u>2015 Data</u>  4-year, All students: 86.2  4-year, Educationally Disadvantaged: 85.5  <u>2014 Data</u>  5-year, All students: 91.9  5-year, Educationally Disadvantaged: 91.5</p>						
	<p><i>3D1–3D2: Each year college enrollment rates for charter school students will increase for all students and educationally disadvantaged students.</i></p>	<p><u>2014 Data*</u>  All students: 80.2  High-Needs: 69.5</p>					
<p>A year-over-year target to exceed the state median SGP (usually 50) is ambitious since the sector will need to improve achievement faster than the rest of the state, since the baseline is below 50 in several categories. This target is reasonable given the historical SGP trends of charter schools.</p>							
<p>A year-over-year increase in graduation and college enrollment rates is ambitious since these metrics currently lag behind overall state rates and because charter schools serve a higher proportion of educationally disadvantaged students. This target is achievable due to the college-for-all focus of many charter schools, the corresponding intensive support they provide, and the technical assistance provided by ESE.</p>							

\*2014 is the most recent data available for this metric.

***(4) Steps to inform teachers, parents, and communities of the CSP subgrant***

ESE has a coordinated strategy to proactively inform teachers, parents, and communities about the opportunity for charter schools to create high-quality educational options, and the availability of CSP subgrant funds to support this entrepreneurial work. As part of these efforts, ESE will continue to provide information using a variety of platforms to all parties interested in founding a charter school, charter school best practices, and CSP subgrants. As discussed in Competitive Preference Priority 1, ESE consistently targets its outreach with a particular focus on

communities where there is an identified need for high-quality educational alternatives. ESE aims to increase the effectiveness of its marketing activities, as described below.

- ESE will continue its extensive communication campaign describing the charter application process and the related start-up CSP grant, on its website and through the widely distributed Commissioner's *Weekly Update* emails. ESE will also employ new forms of outreach: Teachers' Top 3 that is distributed directly to teachers, ESE's twitter feed, and will target groups of schools, districts, charter support organizations, and other non-profit organizations.
- ESE conducts nine yearly information sessions in various communities around the state with a particular focus on communities where there is an identified need for high-quality educational alternatives. Attendance at information sessions continues to increase.
- As a public sector leader and highly regarded state educational agency, ESE has been well positioned to cultivate alliances and expand strategic relationships in a robust ecosystem of community partners, including philanthropic and nonprofit organizations that support the growth of new school models in communities in need (see letters of support). As part of its outreach strategy, ESE will continue to nurture these partnerships and relationships with organizations such as the Massachusetts Association of School Superintendents and its Urban Superintendents Network to share information with potential founding groups interested in developing charter schools. There is also robust parent organizing and advocacy by groups such as MCPSA, Democrats for Education Reform, Stand for Children, and Families for Excellent Schools that empower parent communities with information about charter schools as alternative educational options. ESE will connect with these groups to ensure information about the availability of CSP funding is broadly communicated. ESE works especially closely with MCPSA to ensure that the appropriate information about the charter application process and the CSP grant program is communicated to potential charter developers, teachers, parents, and community organizations.

***Application Requirement (vii): Revolving loan fund***

ESE will not establish a revolving loan fund under this program.

***Application Requirement (viii): Waivers***

In order to facilitate the successful implementation of its project design, Massachusetts respectfully requests that the Secretary grant waivers of four requirements:

***Waiver Request 1: Extension of CSP Grant from 3 to 5 Years***

Massachusetts requests a waiver of Section 5202(c)(1) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the reauthorization known as the No Child Left Behind Act (NCLB), which circumscribes the award period for state education agencies (SEAs) to three years. Massachusetts seeks an extension, allowing it to receive a CSP grant for a period of 5 years. This extension will provide greater certainty of critical start-up funding for expected growth in newly chartered schools and expanding high-quality schools, providing an incentive for prospective founding groups at the initial planning stages for new charters, and ensuring that current successful charter school applicants and operators will be strongly supported in establishing high-quality schools and substantial expansions from the day their doors first open and new seats are available.

***Waiver Request 2: Extension of Subgrant Award Period from 2 to 3 Years***

Massachusetts requests a waiver of Section 5202(c)(2)(C) of ESEA to allow subgrantees 3 years rather than 2 years to use their subgrants for dissemination work. Based on our experience with redesigned schools -- turnaround, charter conversions, expanded learning time, and other innovative models, Massachusetts believes that meaningful dissemination requires longer than 2 years of partnership between the disseminating subgrantee and the learning group, both to create and measure gains in student outcomes.

***Waiver Request 3: Allowing Established High-Quality and Certain Early Implementing Charter Schools to Receive a Second Subgrant***

Additionally, Massachusetts requests a waiver of Section 5202(d)(2) of ESEA, which limits grants to one per charter school, to allow a second award to particularly successful charter

schools with proven ability to disseminate key practices effectively that have received and successfully used a subgrant in the past.

Allowing the state's very best charter schools (some that have been operating for 15-20 years) to compete for a second opportunity to disseminate in the context of a different district relationship or with emphasis on new best practices will expand the scope and influence of their success where most needed. The single subgrant restriction unnecessarily limits options for awarding monies to the most effective charter schools, particularly given the priorities and structure of the dissemination subgrant competition described in [Sel. Crit. d \(1\)\(ii\)](#)<sup>43</sup> Notably, ESSA has loosened this restriction to allow multiple subgrants in a 5-year period for charter schools demonstrating success. ESSA at Section 4303 (e)(2). Finally, to the extent prohibited by law or guidance, Massachusetts requests waiver of any provision that prevents a subgrant award for planning and implementation based solely on the fact that a charter was awarded prior to this CSP grant cycle.

***Waiver Request 4: Allowing Established High-Quality Charters to Receive Additional Planning and Implementation Subgrants for Substantial Expansions***

Massachusetts requests a waiver of Section 5202(d)(1) to allow additional subgrants for high-quality charter schools (as defined herein) if they substantially expand. For purposes of this waiver request, we would define "substantial expansion" as: *(1) an increase in the student count of an existing charter school by more than 50 percent; or (2) an addition to an existing charter school of at least two consecutive grades; or (3) for an existing charter school with multiple campuses serving overlapping grades, meeting (1) or (2) for the largest existing campus.*

As this grant recognizes in providing start-up funding for new charter schools, the initial costs of establishing the complex systems that produce a high-quality charter school are significant. These costs remain high for established charter schools increasing enrollment by more than half, adding several grades, or replicating their model at a new campus. Therefore, the

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<sup>43</sup> Because ESE's eligibility requirements for its most recent dissemination subgrant were so rigorous, only 13 schools were eligible to apply without this waiver; an additional 20 were eligible with such a waiver.

financial lift for charter schools undergoing a substantial expansion versus setting up a new charter schools is often a distinction without a difference. Without the requested waiver, the latter group is ineligible for funds from this grant. Notably ESSA (Section 4302(b)(1)(C)) would make expanding high-quality charter schools eligible for CSP subgrants.

Allowing the requested waiver will not compromise the rigor of the vetting process for substantially expanding schools. In Massachusetts, major amendments to existing charters, which include changes to maximum enrollment and grades served, go through a rigorous approval process and require a vote of approval by BESE by state regulation. Over the past five years, these expansions have substantially increased the high-quality educational options for the state's most educational disadvantaged students.

# Appendices Cover Sheet

## **Appendices**

1. Charter School Statute
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# Appendix 1: Charter School Statute

## Massachusetts Charter School Law G.L. Chapter 71, §89

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:--

"**Board**", the board of elementary and secondary education.

"**Charter school**", commonwealth charter schools and Horace Mann charter schools unless specifically stated otherwise.

"**Commissioner**", the commissioner of elementary and secondary education.

"**Department**", the department of elementary and secondary education.

"**District**", or "**school district**", the school department of a city, town, regional school district, or county agricultural school.

"**Superintendent**", the superintendent of the district.

(b) The purposes of establishing charter schools are: (i) to stimulate the development of innovative programs within public education; (ii) to provide opportunities for innovative learning and assessments; (iii) to provide parents and students with greater options in selecting schools within and outside their school districts; (iv) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (v) to encourage performance-based educational programs; (vi) to hold teachers and school administrators accountable for students' educational outcomes; and (vii) to provide models for replication in other public schools.

(c) A commonwealth charter school shall be a public school, operated under a charter granted by the board, which operates independently of a school committee and is managed by a board of trustees. The board of trustees of a commonwealth charter school, upon receiving a charter from the board, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

A Horace Mann charter school shall be a public school or part of a public school operated under a charter approved by the school committee and the local collective bargaining unit in the district in which the school is located; provided that all charters shall be granted by the board of elementary and secondary education. A Horace Mann charter school shall have a memorandum of understanding with the school committee of the district in which the charter school is located which, at a minimum, defines the services and facilities to be provided by the district to the charter school and states the funding of the charter school by the district. A Horace Mann charter school established as a conversion of an existing public school shall not require approval of the local collective bargaining unit, but shall require a memorandum of understanding agreement regarding any waivers to applicable collective bargaining agreements; provided further, that the memorandum of understanding shall be approved by a majority of the school faculty; provided further, that Horace Mann charter schools that are conversion of existing public schools shall not be subject to clause (1) of subsection (i). A vote by the school faculty shall be held and finalized within 30 days of submission of the charter school application to the board of elementary and secondary education. A Horace Mann charter school shall be operated and managed by a board of trustees independent of the school committee which approved the school. The board of trustees may include a member of the school committee.

(d) Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter. The application may be filed in conjunction with a college, university, museum or other similar non-profit entity. Private and parochial schools shall not be eligible for charter school status. The board may authorize a single board of trustees to manage more than 1 charter school; provided, however, that each school is issued its own charter. The commissioner shall provide technical assistance to public school districts to assist in the development of proposals for Horace Mann charter schools.

(e) The board shall establish the information needed in an application for the approval of a charter school; provided that the application shall include, but not be limited to, a description of: (i) the mission, purpose, innovation and specialized focus of the proposed charter school; (ii) the innovative methods to be used in the charter school and how they differ from the district or districts from which the charter school is expected to enroll students; (iii) the organization of the school by ages of students or grades to be taught, an estimate of the total enrollment of the school and the district or districts from which the school will enroll students; (iv) the method for admission to the charter school; (v) the educational program, instructional methodology and services to be offered to students, including research on how the proposed program may improve the academic performance of the subgroups listed in the recruitment and retention plan; (vi) the school's capacity to address the particular needs of limited English-proficient students, if applicable, to learn English and learn content matter, including the employment of staff that meets the criteria established by the department; (vii) how the school shall involve parents as partners in the education of their children; (viii) the school governance and bylaws; (ix) a proposed arrangement or contract with an organization that shall manage or operate the school, including any proposed or agreed upon payments to such organization; (x) the financial plan for the operation of the school; (xi) the provision of school facilities and pupil transportation; (xii) the number and qualifications of teachers and administrators to be employed; (xiii) procedures for evaluation and professional development for teachers and administrators; (xiv) a statement of equal educational opportunity which shall state that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or academic achievement; (xv) a student recruitment and retention plan, including deliberate, specific strategies the school will use to ensure the provision of equal educational opportunity as stated in clause (xiv) and to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school is expected to enroll students, contains a comparable academic and demographic profile; and (xvi) plans for disseminating successes and innovations of the charter school to other non-charter public schools.

(f) The student recruitment and retention plan required under clause (xv) of subsection (e) shall include, but not be limited to, a detailed description of deliberate, specific strategies the school will use to maximize the number of students who successfully complete all school requirements and prevent students from dropping out. The student recruitment and retention plan shall be updated annually and shall include annual goals for: (i) recruitment activities; (ii) student retention activities; and (iii) student retention.

(g) To ensure that a commonwealth charter school shall fulfill its obligations under its recruitment and retention plan, the school district or districts from which the commonwealth charter school is expected to enroll students shall annually provide, at the request of a commonwealth charter school, to a third party mail house authorized by the department, the addresses for all students in the district eligible to enroll in the school, unless a student's parent or guardian requests that the district withhold that student's information; provided, however, that the department may require the charter school to send the mailing in the most prevalent languages of the district or districts that the charter school is authorized to serve.

At the request of a school district from which a commonwealth charter school enrolls students, the charter school shall provide to a third party mail house the addresses for all students currently enrolled in the commonwealth charter school from the district; provided, however, that the information shall not be provided if a student's parent or guardian requests that the school withhold that student's information. Each district shall be permitted to supply a mailing to the third party mail house and pay for it to be copied and mailed to families of students from said district enrolled in the commonwealth charter school.

(h) An application submitted for the establishment of a commonwealth charter school shall: (i) be submitted to the board for approval under this section; and (ii) be filed with the local school committee for each school district from which the charter school is expected to enroll students. Before final approval to establish a commonwealth charter school, the board shall hold a public hearing on the application in the school district in which the proposed charter school is to be located and solicit and review comments on the application from the local school committee of each school district from which the charter school is expected to enroll students and any contiguous districts. At least 1 member of the board shall attend the public hearing. A comprehensive written summary of all materials prepared by the department or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted not later than 3 days before any board vote on the charter application.

All material in support of, or in opposition to, the school submitted to the department or the board shall be made available to the applicant and affected school districts before a vote by the board on a commonwealth charter school application.

(i)(1) Not more than 120 charter schools shall be allowed to operate in the commonwealth at any time, excluding those approved pursuant to paragraph (3); provided, however, that of the 120 charter schools, not more than 48 shall be Horace Mann charter schools; provided, however, notwithstanding subsection (c) the 14 new Horace Mann charter schools shall not be subject to the requirement of an agreement with the local collective bargaining unit prior to board approval; provided, further, that after the charter for these 14 new Horace Mann charter schools have been granted by the board, the schools shall develop a memorandum of understanding with the school committee and the local union regarding any waivers to applicable collective bargaining agreements; provided, further, that if an agreement is not reached on the memorandum of understanding at least 30 days before the scheduled opening of the school, the charter school shall operate under the terms of its charter until an agreement is reached; provided, further, that not less 4 of the new Horace Mann charter schools shall be located in a municipality with more than 500,000 residents; and not more than 72 shall be commonwealth charter schools. The board shall not approve a new commonwealth charter school in any community with a population of less than 30,000 as determined by the most recent United States Census estimate, unless it is a regional charter school.

Applications to establish a charter school shall be submitted to the board annually by November 15. The board shall review the applications and grant new charters in February of the following year.

(2) In any fiscal year, no public school district's total charter school tuition payment to commonwealth charter schools shall exceed 9 per cent of the district's net school spending; provided, however, that a public school district's total charter tuition payment to commonwealth charter schools shall not exceed 18 per cent of the district's net school spending if the school district qualifies under paragraph (3). The commonwealth shall incur charter school tuition payments for siblings attending commonwealth charter schools to the extent that their attendance would otherwise cause the school district's charter school tuition payments to exceed 9 per cent of the school district's net school spending or 18 per cent for those districts that qualify under said paragraph (3).

Not less than 2 of the new commonwealth charters approved by the board in any year shall be granted for charter schools located in districts where overall student performance on the statewide assessment system approved by

the board under section 1I of chapter 69 is in the lowest 10 per cent statewide in the 2 years preceding the charter application.

In any fiscal year, the board shall approve only 1 regional charter school application of any commonwealth charter school located in a school district where overall student performance on the statewide assessment system is in the top 10 per cent in the year preceding charter application. The board may give priority to applicants that have demonstrated broad community support, an innovative educational plan, a demonstrated commitment to assisting the district in which it is located in bringing about educational change and a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve.

(3) In any fiscal year, if the board determines based on student performance data collected pursuant to section 1I, said district is in the lowest 10 per cent of all statewide student performance scores released in the 2 consecutive school years before the date the charter school application is submitted, the school district's total charter school tuition payment to commonwealth charter schools may exceed 9 per cent of the district's net school spending but shall not exceed 18 per cent. For a district qualifying under this paragraph whose charter school tuition payments exceed 9 per cent of the school district's net school spending, the board shall only approve an application for the establishment of a commonwealth charter school if an applicant, or a provider with which an applicant proposes to contract, has a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve, from the following categories of students, those: (i) eligible for free lunch; (ii) eligible for reduced price lunch; (iii) that require special education; (iv) limited English-proficient of similar language proficiency level as measured by the Massachusetts English Proficiency Assessment examination; (v) sub-proficient, which shall mean students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; (vi) who are designated as at risk of dropping out of school based on predictors determined by the department; (vii) who have dropped out of school; or (viii) other at-risk students who should be targeted to eliminate achievement gaps among different groups of students. For a district approaching its net school spending cap, the board shall give preference to applications from providers building networks of schools in more than 1 municipality.

The recruitment and retention plan of charter schools approved under this paragraph shall, in addition to the requirements under subsections (e) and (f), include, but not limited to: (i) a detailed description of deliberate, specific strategies the charter school shall use to attract, enroll and retain a student population that, when compared to students in similar grades in schools from which the charter school shall enroll students, contains a comparable or greater percentage of special education students or students who are limited English-proficient of similar language proficiency as measured by the Massachusetts English Proficiency Assessment examination and 2 or more of the following categories: students eligible for free lunch; (ii) students eligible for reduced price lunch; students who are sub-proficient, those students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; (iii) students who are determined to be at risk of dropping out of school based on predictors determined by the department; (iv) students who have dropped out of school; or (v) other at-risk students who should be targeted in order to eliminate achievement gaps among different groups of students. A charter school approved under this section shall supply a mailing in the most prevalent languages of the district the charter is authorized to serve to a third party mail house and pay for it to be copied and mailed to eligible students. If a school is or shall be located in a district with 10 per cent or more of limited English-proficient students, the recruitment strategies shall include a variety of outreach efforts in the most prevalent languages of the district. The recruitment and retention plan shall be updated each year to account for changes in both district and charter school enrollment.

If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9 per cent, unless the district net school spending was above 9 per cent in the year prior to moving out of the lowest 10 per cent in which case the net school spending cap shall remain at the higher level plus enrollment previous approved by the board. The department shall determine and make available to the public a list of the school districts in said lowest 10 per cent.

(j) The board shall make the final determination on granting charter school status and may condition charters on the applicant's taking certain actions or maintaining certain conditions. The board shall establish criteria for the approval of a charter application and recommendations to the board shall be based upon and reference those criteria.

If a final application is deemed inadequate by the department, the department may provide feedback to the applicant and invite it to submit a stronger application subsequently. Once a final application has been filed, only minor, non-substantive amendments shall be allowed. The department shall maintain a written detailed summary of interviews it conducts with final charter applicants and include that summary with the final application materials that are provided to the board, local school officials and the public.

(k) A charter school established under a charter granted by the board shall be a body politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the power to:

(1) adopt a name and corporate seal; provided that any name selected must include the words "charter school";

(2) sue and be sued, but only to the same extent and upon the same conditions that a municipality can be sued;

(3) acquire real property, from public or private sources, by lease, lease with an option to purchase or by gift, for use as a school facility; provided, however, in the case of a Horace Mann charter school, the approval of the local school committee shall be obtained before acquisition of any such real property owned or controlled by the body;

(4) receive and disburse funds for school purposes;

(5) make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the charter school intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the board either as part of the original charter or by way of an amendment thereto; provided, further that the board shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools;

(6) incur temporary debt in anticipation of receipt of funds; provided that a Horace Mann school shall obtain the approval of the local school committee and appropriate local appropriating authorities and officials relative to any proposed lien or encumbrance upon public school property or relative to any financial obligation for which the local school district shall become legally obligated; and provided further, that notwithstanding any general or special law to the contrary, the terms of repayment of any charter school's debt shall not exceed the duration of the school's charter without the approval of the board;

(7) solicit and accept grants or gifts for school purposes; and

(8) have such other powers available to a business corporation formed under chapter 156B that are not inconsistent with this chapter.

(l) Charter schools shall not charge a public school for the use or replication of a part of their curriculum subject to the prescriptions of a contract between the charter schools and any third party providers.

(m) Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a foreign language or academic achievement. Charter schools may limit enrollment to specific grade levels and may structure curriculum around particular areas of focus such as mathematics, science or the arts. There shall be no application fee for admission to a charter school. There shall be no tuition charge for students attending charter schools.

(n) Preference for enrollment in a commonwealth charter school shall be given to students who reside in the city or town in which the charter school is located. Priority for enrollment in a Horace Mann charter school shall be given first to students actually enrolled in the school on the date that the application is filed with the board and to their siblings; second to other students actually enrolled in the public schools of the district where the Horace Mann charter school is to be located; and third to other resident students.

If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located or are siblings of students already attending said charter school, is greater than the number of spaces available, an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in that school from among the students. If there are more spaces available than eligible applicants from the city or town in which the charter school is located and who are siblings of current students and more eligible applicants than spaces left available, a lottery shall be held to determine which of the applicants shall be admitted; provided, however, that a lottery conducted for Horace Mann charter schools shall reflect the enrollment priorities of this section. Notwithstanding this subsection, upon application by the board of trustees of a charter school or by the persons or entities seeking to establish a charter school, the board may amend or grant a charter designating such school a regional charter school; provided, however, that such regional charter school shall be exempt from the local preference provision of this paragraph; provided further, that such regional charter school shall continue to grant a preference of siblings of currently enrolled students; and provided further, that if the number of applicants remaining is greater than the number of spaces available, such regional charter school shall conduct a single lottery to determine which applicants shall be admitted.

In any instance where a charter school approved after January 1, 2011 enrolls more than 20 per cent of its total enrollment from school districts not included in its original charter pursuant to subsection (h) for 2 consecutive years, the charter school shall submit an application to the board for an amendment to its charter that reflects its actual enrollment patterns; provided further that upon renewal of a charter school approved prior to January 1, 2011, the board shall establish a timeline of not less than 5 years for the charter to comply with this requirement.

Nothing in this section shall be construed to require a charter school to unenroll any student currently in attendance at the time this act takes effect.

When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat to the students of the sending district or districts and make attempts to fill said vacant seat. Charter schools shall attempt to fill vacant seats up to February 15, provided, however, that charter schools may but are not required to fill vacant after February 15. If a vacancy occurs after February 15, such vacancy shall remain with the grade cohort and shall be filled in the following September if it has not previously been filled. A vacancy occurring after February 15 shall not be filled by adding a student to a lower grade level. Charter schools shall attempt to fill vacant seats up to February 15, excluding seats in the last half of the grades offered by the charter school, and

grades 10, 11 and 12. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling such vacancy to the department for the purposes of the department updating its waitlist.

The names of students who entered the lottery but did not gain admission shall be maintained on a waitlist, which shall be forwarded to the department not later than June 1 in the year in which the lottery is held. In addition to the names of students, the school shall supply to the department each student's home address, telephone number, grade level and other information the department deems necessary. The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools.

(o) Each charter school shall annually, not later than April 1, notify each public school district in writing of the number and grade levels of students who will be attending the charter school from that district the following September as well as the number of new students who will be transferring from that district to the charter school in the following September. Tuition for charter school students shall only be paid for the number of students for whom notification has been reported by April 1. Tuition for charter school students shall be paid only for students actually enrolled in the school.

(p) A student may withdraw from a charter school at any time and enroll in another public school where the student resides.

A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the board, with the advice of the principal and teachers; provided, however, that charter school policies shall be consistent with sections 37H and 37H1/2.

(q) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or any other suitable location; provided, however, that no school building assistance funds authorized under chapter 70B shall be awarded to a commonwealth charter school for the purpose of constructing, reconstructing or improving a commonwealth charter school.

(r) The school committee of each district where a Horace Mann charter school is located shall develop a plan to disseminate innovative practices of the charter school to other public schools within the district subject to the provisions of any contract between the Horace Mann charter school and any third party provider.

The commissioner shall facilitate the dissemination of successful innovation programs of charter schools and provide technical assistance for other school districts to replicate such programs. Each charter school shall collaborate with its sending district on the sharing of innovative practices.

(s) A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that sections 41 and 42 shall not apply to employees of commonwealth charter schools. Charter schools shall comply with the chapters 71A and 71B; provided, however, that the fiscal responsibility of a special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides. If a charter school expects that a special needs student currently enrolled in the charter school may be in need of the services of a private day or residential school, it shall convene an individual education plan team meeting for the student. Notice of the team meeting shall be provided to the special education department of the school district in which the child resides at least 5 days in advance. Personnel from the school district in which the child resides shall be allowed to participate in the team meeting concerning future placement of the child.

(t) Horace Mann charter schools shall be exempt from local collective bargaining agreements to the extent provided by the terms of its charter; provided, however, that employees of the Horace Mann charter school shall

continue to be members of the local collective bargaining unit and shall accrue seniority and shall receive, at a minimum, the salary and benefits established in the contract of the local collective bargaining unit where the Horace Mann charter school is located. Employees of Horace Mann charter schools shall be exempt from all union and school committee work rules to the extent provided by the school's charter. Employees in Horace Mann charter schools shall be required to work the full work day and work year to the extent provided by the terms of the school's charter.

(u) Notwithstanding this section or any other general or special law to the contrary, for the purposes of chapter 268A: (i) a charter school shall be deemed to be a state agency; and (ii) the appointing official of a member of the board of trustees of a charter school shall be deemed to be the commissioner. Members of boards of trustees of charter schools operating under the this section shall file a disclosure annually with the state ethics commission, the department and the city or town clerk wherein such charter school is located. The disclosure is in addition to the requirements of said chapter 268A and a member of a board of trustees must also comply with the disclosure and other requirements of said chapter 268A. The form of the disclosure shall be prescribed by the ethics commission and shall be signed under penalty of perjury. Such form shall be limited to a statement in which members of the board of trustees shall disclose any financial interest that they or a member of their immediate families, as defined in section 1 of said chapter 268A, have in any charter school located in the commonwealth or in another state or with a person doing business with a charter school.

Each member of a board of trustees of a charter school shall file such disclosure for the preceding calendar year with the commission within 30 days of becoming a member of the board of trustees, by September 1 of each year thereafter that the person is a member of the board and by September 1 of the year after the person ceases to be a member of the board; provided, however, that no member of a board of trustees shall be required to file a disclosure for the year in which he ceases to be a member of the board if he served less than 30 days in that year.

(v) Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board for students in other public schools.

(w) The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget. The board of trustees of each Horace Mann charter school shall annually submit to the superintendent and school committee of the district in which the school is located a budget request for the following fiscal year. The school committee shall act on the budget request in conjunction with its actions on the district's overall budget. Each Horace Mann charter school shall receive in response to the budget request not less than it would have under the district's budgetary allocation rules. The board of trustees may appeal any disproportionate budgetary allocation to the commissioner, who shall determine an equitable funding level for the school and shall require the school committee to provide the funding.

Following the appropriation of the district's operating budget for the fiscal year, the amount approved by the local appropriating authority for the operation of each Horace Mann charter school shall be available for expenditure by the board of trustees of the school for any lawful purpose without further approval by the superintendent or the school committee. A Horace Mann charter school shall not expend or incur obligations in excess of its budget request; provided, however, that a Horace Mann charter school may spend federal and state grants and other funds received independent of the school district not accounted for in the charter school's budget request without prior approval from the superintendent or the school committee.

(x) Upon approval of a Horace Mann charter school by the board, the superintendent where the Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its charter, any faculty member who wishes to be reassigned to another school located within the district.

(y) Employees of charter schools shall be considered public employees for purposes of tort liability under chapter 258 and for collective bargaining purposes under chapter 150E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter 258 and for collective bargaining purposes under said chapter 150E; provided, however, that in the case of a Horace Mann charter school, the school committee of the school district in which the Horace Mann charter school is located shall remain the employer for collective bargaining purposes under said chapter 150E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter 32 and service in a charter school shall be creditable service within the meaning thereof.

A charter school shall recognize an employee organization designated by the authorization cards of 50 per cent of its employees in the appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining.

(z) Each local school district shall be required to grant a leave of absence to any teacher in the public schools system requesting such leave to teach in a commonwealth charter school. A teacher may request a leave of absence for up to 2 years.

At the end of the second year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the commonwealth charter school, resign from his school district position.

(aa) Notwithstanding section 59C, the internal form of governance of a charter school shall be determined by the school's charter.

(bb) A charter school shall comply with all applicable state and federal health and safety laws and regulations.

(cc) The students who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on similar terms and conditions as transportation is provided to students attending local district schools if the transportation is requested by the charter school. In providing the transportation, the school committee shall accommodate the particular school day and school year of the charter school; provided, however, that in the event that a school committee limits transportation for district school students, the school district shall not be required to provide transportation to any commonwealth charter school beyond the limitations. A charter school and the sending district shall meet to plan bus routes and charter school starting and ending times in order to assist the district with cost effective means of transportation. Schools operating under a charter granted after January 1, 1997, and all charter schools operating during fiscal year 1999 and thereafter, shall not receive funds for transportation above the amount actually required by such charter school for the provision of transportation services to eligible students. If the sending district provides an alternative method of transportation for students enrolled in the sending district's public schools, it shall not be assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for transportation shall be included only if transportation is provided for students in the same program and grade level as those in the charter school. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section 12B of chapter 76. A regional charter school as designated by the board, and whose charter provides for transportation of all students from charter municipalities shall also be reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to pupils residing outside the municipality where the charter school is located, but no reimbursement for transportation between the charter school and home shall be made on account of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly traveled route. If a charter school provides its own transportation, the school shall coordinate and collaborate with the sending district to provide cost effective means of transportation. All such transportation shall be determined in advance of the approval of the district's final budget for a fiscal year; provided, however, that a commonwealth charter school shall be required to determine such transportation in the first year of its operation as soon as practicable.

(dd) A charter granted by the board shall be for 5 years. The board shall develop procedures and guidelines for revocation and renewal of a school's charter; provided, however, that a charter for a Horace Mann charter school shall not be renewed by the board without a majority vote of the school committee and local collective bargaining unit in the district where said charter school is located; provided, however, that a commonwealth charter shall not be renewed unless the board of trustees of the charter school has documented in a manner approved by the board that said commonwealth charter school has provided models for replication and best practices to the commissioner and to other public schools in the district where the charter school is located.

When deciding on charter renewal, the board shall consider progress made in student academic achievement, whether the school has met its obligations and commitments under the charter, the extent to which the school has followed its recruitment and retention plan by using deliberate, specific strategies towards recruiting and retaining the categories of students enumerated in paragraph (3) of subsection (i) and the extent to which the school has enhanced its plan as necessary. The board may impose conditions on the charter school upon renewal if it fails to adhere to and enhance its recruitment and retention plan as required. When deciding on charter renewal, the board shall take into account the annual attrition of students. The board shall also consider innovations that have been successfully implemented by the charter school and the evidence that supports the effectiveness of these practices. Upon renewal of its charter, a school shall update and enhance its recruitment and retention plan as necessary to account for changes in enrollment.

(ee) The board may revoke a school's charter if the school has not fulfilled any conditions imposed by the board in connection with the grant of the charter or the school has violated any provision of its charter. The board may place conditions on a charter or may place a charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

(ff) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school. Tuition amounts for each sending district shall be calculated by the department using the formula set forth herein, to reflect, as much as practicable, the actual per pupil spending amount that would be expended in the district if the students attended the district schools. The tuition amount shall be calculated separately for each district sending students to a charter school, and for each charter school to which a district sends students. Each district's per pupil tuition amount for each charter school to which it sends students shall include a per pupil foundation budget component, adjusted to reflect the actual net school spending in the sending district.

In calculating the per pupil foundation budget component, the department shall calculate a foundation budget for the students from each sending district attending the charter school in the previous fiscal year, pursuant to the provisions of section 2 of chapter 70; provided, that the department shall not include in said calculation the assumed tuitioned-out special education enrollment, nor any amounts generated by said assumed enrollment, as defined by said section 2. The per pupil foundation budget component shall be the district's foundation budget for the charter school, as so calculated, divided by the number of students attending the charter school from the sending district in the previous fiscal year. The per pupil foundation budget component shall be calculated separately for each charter school to which a district sends students. The foundation budget for a charter school shall be the sum of the foundation budgets for the charter school for each district sending students to the charter school.

In adjusting the per pupil foundation budget component, the department shall calculate for each sending district an above foundation spending percentage, which shall be the percentage by which the district's actual net school spending exceeds the foundation budget for the district, as calculated pursuant to the provisions of chapter 70. The department shall further calculate the percentage of actual net school spending reported by the sending district associated with tuition costs for tuitioned-out special education students, including education that occurs in

educational collaboratives, and with spending on health care costs for retired employees, for any district for which such costs are included in net school spending, and shall reduce the district's above foundation spending percentage proportionately. The per pupil foundation budget component for each charter school to which the sending district sends students shall be increased by said adjusted above foundation spending percentage.

The total tuition amount owed by a sending district to a charter school shall be the per pupil tuition amount as defined above, multiplied by the total number of students attending the charter school from that district in the current fiscal year. The sending district's total charter school tuition amount for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter school to which the district sends students, calculated using the provisions of this section. The receiving charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school for each district sending students to the charter school.

If a charter school student previously attended a private or parochial school or was home schooled, the commonwealth shall assume the first year cost for that student and shall not reduce the sending district's chapter 70 aid for that student's tuition in that fiscal year.

The state treasurer is hereby authorized and directed to deduct a district's total charter school tuition amount, as calculated herein, from the total state school aid, as defined in section 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the charter school tuition amount shall be deducted from said chapter 70 education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provisions of said chapter 70 by accepting section 14 of said chapter 70, the commonwealth shall assess said district for said excess amount.

The state treasurer is hereby further authorized and directed to disburse to the charter school an amount equal to the charter school's total charter school tuition amount as defined above.

If more than 1 charter school is managed by a single network or board of trustees, funding shall not be transferred among individual schools within the network unless such schools are located in the same school district.

The department shall, subject to appropriation, provide funding to charter schools for a portion of the per pupil capital needs component included in the charter tuition amount and shall reimburse the sending school districts for said costs. In fiscal year 2011 and thereafter, such funding shall not be less than the per pupil amount provided in fiscal year 2010.

In the event of a charter school closing or eliminating grade levels as required by the board, the school district shall retain chapter 70 allotments for the students who attended those grade levels in the previous year.

(gg) Any district whose total charter school tuition amount is greater than its total charter school tuition amount for the previous year shall be reimbursed by the commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for said reimbursements shall be deducted from funds distributed pursuant to chapter 70. The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs and 25 per cent in the second, third, fourth, fifth and sixth years following.

(hh) If the unencumbered amount of cumulative surplus revenue from tuition held by a charter school at the end of a fiscal year, less (i) the amount of the fourth quarter tuition payment, (ii) the amount held in reserve for the

purchase or renovation of an academic facility pursuant to a capital plan, and (iii) any reserve funds held as security for bank loans, exceeds 20 per cent of its operating budget and its budgeted capital costs for the succeeding fiscal year as is reported in a capital plan to be submitted in the school's most recent annual report, the amount in excess of said 20 per cent shall be returned by the charter school to the sending district or districts and the state in proportion to their share of tuition paid during the fiscal year. At the end of each fiscal year, the commissioner shall certify the amounts described above and the amount, if any, by which it exceeds 20 per cent of the school's operating budget and its budgeted capital costs for the succeeding fiscal year, and shall report such amount to the school committee of the sending district or districts and the applicable board of selectmen or city council by December 1 of each year. A charter school shall annually make any payment required by this subsection no later than December 31.

(ii) No teacher shall be hired by a commonwealth charter school who is not certified pursuant to section 38G unless the teacher has successfully passed the state teacher test as required in said section 38G.

(jj) Each charter school shall submit an annual report, no later than August 1, to the board, the local school committee, each parent or guardian of its enrolled students and each parent or guardian contemplating enrollment in that charter school. The annual report shall be in such form as may be prescribed by the board and shall include, but not be limited to: (i) discussion of progress made toward the achievement of the goals set forth in the charter; and (ii) a financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended and a balance sheet setting forth the charter school's assets, liabilities and fund balances or equities.

The department shall promulgate regulations creating a reporting requirement for a charter school's net asset balance at the end of the fiscal year; provided, however, that said regulations shall require, without limitation, the following: the revenue and expenditures for the year just ended with a specific accounting of the uses of public and private dollars; how the capital needs component of the charter school's tuition was spent; compensation and benefits for teachers, staff, administrators, executives, and board of trustees; the amount of any and all funds transferred to a management company; the sources of any surplus funds, specifically whether they are private or public; how any surplus funds were used in the previous fiscal year; and the planned use of any surplus funds in the upcoming fiscal year on in future fiscal years.

Each charter school shall keep an accurate account of all its activities and all its receipts and expenditures and shall annually cause an independent audit to be made of its accounts. Such audit shall be filed annually on or before January 1 with the department and the state auditor and shall be in a form prescribed by the state auditor. The state auditor may investigate the budget and finances of charter schools and their financial dealings, transactions and relationships, and shall have the power to examine the records of charter schools and to prescribe methods of accounting and the rendering of periodic reports.

(kk) The commissioner shall collect data on the racial, ethnic and socio-economic make-up of the student enrollment of each charter school in the commonwealth. The commissioner shall also collect data on the number of students enrolled in each charter school who have individual education plans pursuant to chapter 71B and those requiring English language learners programs under chapter 71A. The commissioner shall file said data annually with the clerks of the house and senate and the joint committee on education not later than December 1.

(ll) Individuals or groups may complain to a charter school's board of trustees concerning any claimed violations of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the board which shall investigate such complaint and make a formal response.

(mm) The board shall promulgate regulations for implementation and enforcement of this section.

## Selected Sections from Chapter 12 of the Acts of 2010

SECTION 9. For the school districts in which net school spending on charter school tuition does not exceed 18 per cent as set forth in subsection (i) of section 89 of chapter 71, the following shall apply: (1) in fiscal year 2011, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 12 per cent of the district's net school spending; (2) in fiscal year 2012, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 13 per cent of the district's net school spending; (3) in fiscal year 2013, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 14 per cent of the district's net school spending; (4) in fiscal year 2014, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 15 per cent of the district's net school spending; (5) in fiscal year 2015, a public school district's total charter school tuition payment to commonwealth charter schools shall be limited to 16 per cent of the district's net school spending; (6) in fiscal year 2016, a public school district's total charter tuition payment to commonwealth charter schools shall be limited to 17 per cent of the district's net school spending; and (7) in fiscal year 2017, a public school district's total charter tuition payment to commonwealth charter schools shall be limited to 18 per cent of the district's net school spending.

SECTION 11. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall draft a model policy for school districts regarding the grade placement and eligibility for high school graduation of students leaving a commonwealth charter school and seeking to enroll in a district school. In drafting the model policy, the department shall confer with school districts and commonwealth charter schools. The model policy shall be made available not later than December 31, 2010. Until a school district adopts a policy regarding the grade placement or eligibility for high school graduation of students leaving a commonwealth charter school, when determining the appropriate grade placement or eligibility for high school graduation of a student leaving a commonwealth charter school and enrolling in a district school, a district shall examine the course of study and level of academic attainment of the student.

SECTION 12. Notwithstanding any general or special law to the contrary, a charter school whose charter was granted before January 1, 2010 shall have a recruitment and retention plan required under subsection (f) of section 89 of chapter 71 of the General Laws in effect for the 2011-2012 school year or at the time of its next charter renewal, whichever occurs first.

SECTION 13. Notwithstanding subsection (gg) of section 89 of chapter 71 of the General Laws, any district that incurred an increase in commonwealth charter tuition costs between July 1, 2008 and June 30, 2010 shall be reimbursed in an amount equal to 100 per cent of the increase in the year in which the increase occurs, 60 per cent of that amount in the first year following and 40 per cent of that amount in the second year following.

SECTION 14. Notwithstanding any special or general law to the contrary, the department of elementary and secondary education shall study the possibility of allowing students living outside of the commonwealth who are eligible to attend public schools operating in the same geographic area as a charter school or a regional charter school to be eligible to attend the charter or regional charter school. The department shall examine the rules and regulations necessary to implement this change which shall include, but not be limited to, collection of out-of-state tuition from students living outside of the commonwealth and attending a commonwealth charter school, collection of tuition from foreign exchange students attending a commonwealth charter school and reimbursement of commonwealth charter schools for services rendered to foreign exchange students and students living outside of the commonwealth. The department shall issue its report and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect to the joint committee on education not later than August 15, 2010.

# Appendix 2: Charter School Regulations

## 603 CMR 1.00: Charter Schools

- 1.01 Purpose
- 1.02 Definitions
- 1.03 General Provisions
- 1.04 Applications for and Granting of Charters
- 1.05 Student Recruitment, Enrollment, and Retention
- 1.06 Boards of Trustees and Staff
- 1.07 Funding
- 1.08 Reporting Requirements and Ongoing Review
- 1.09 Complaint Procedures
- 1.10 Amendments of Charters
- 1.11 Renewal of Charters
- 1.12 Conditions, Probation, Suspension, Revocation and Non-Renewal
- 1.13 Severability Clause

*Most Recently Amended by the Board of Elementary and Secondary Education: September 22, 2015*

### 1.01: Purpose

- (1) **Purpose:** The purpose of 603 CMR 1.00 is to provide uniform rules and procedures governing the establishment and operation of charter schools.

### 1.02: Definitions

As used in 603 CMR 1.00, unless the context clearly requires otherwise, terms shall have the following meanings:

**Accountability Plan:** A charter school creates an Accountability plan by the end of its first year of operation in accordance with guidelines issued by the Department. An Accountability Plan articulates the goals the school has set to measure its success.

**Administrator:** Any individual duly authorized by a charter school's board of trustees to manage the programs and operations of the charter school, or a network of schools, in accordance with its charter as well as federal and state laws and regulations.

**Application Cycle:** The period beginning with the availability of application information for charter schools and extending through the receipt of final charter school applications for review, ending no later than the following February when the Board of Elementary and Secondary Education makes final decisions on awarding new charters. The various stages of the application cycle occur in accordance with the schedule established by the Department of Elementary and Secondary Education.

**Board:** The Board of Elementary and Secondary Education or a person duly authorized by the Board.

**Board of Trustees:** Public agents authorized by the state to supervise and oversee a charter school or a network of charter schools. The boards of trustees shall be considered public employers for purposes of tort liability under M.G.L. c. 258. Boards of trustees of Commonwealth charter schools shall be considered public employers for collective bargaining purposes under M.G.L. c. 150E. In the case of

Horace Mann charter schools, the school committee shall be considered the public employer for purposes of collective bargaining under M.G.L. c. 150E. A board of trustees may be authorized to hold more than one charter.

**Campus:** The location at which a charter school educates students. A charter school may have multiple locations under one charter.

**Charter:** A license issued by the Board under the provisions of M.G.L. c. 71, § 89, and 603 CMR 1.00, allowing the grantee to operate a charter school for a period of five years.

**Charter Applicant:** As defined in M.G.L. c. 71, § 89(d), a charter applicant shall include but is not limited to: (a) a non-profit business or corporate entity; (b) two or more certified teachers; or (c) ten or more parents/guardians; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter. The charter school application may be filed in conjunction with a college, university, museum, or other similar non-profit entity, or any combination.

**Charter School:** A public school operated under a charter granted by the Board and refers to both Commonwealth and Horace Mann charter schools unless otherwise specified. A charter school is managed by a board of trustees and operates independent of any school committee. A Commonwealth charter school is considered a local education agency for all purposes. A Horace Mann charter school is a school or part of a school that operates under a charter approved and granted pursuant to 603 CMR 1.04. A Horace Mann charter school is considered a local education agency except for purposes of state aid, certain state and federal grant programs, collective bargaining, and any other purposes where such designation would conflict with law or regulation.

**Commissioner:** The Commissioner of Elementary and Secondary Education or the Commissioner's designee.

**Department:** The Department of Elementary and Secondary Education.

**District:** A city, town, or regional school district.

**Memorandum of Understanding:** A written agreement or agreements between or among a Horace Mann charter school, the school committee of the district in which the charter school is located, and the collective bargaining unit for the district that, at a minimum, defines any modifications of the relevant collective bargaining agreement(s), services, and facilities provided by the district to the charter school, and funding of the charter school by the district. The Memorandum of Understanding is a material term of the charter. The charter school must submit the Memorandum of Understanding to the Department for approval.

**Network:** Multiple charter schools overseen by a single board of trustees. Each charter school is granted its own charter.

**Proven Provider:** A Proven Provider is:

- (a) two or more persons who had primary or significant responsibility serving, for at least five years, in a leadership role in a school or similar program that has a record of academic success and organizational viability;
- (b) a non-profit education management organization or non-profit charter management organization, in operation for at least five years, that has a record of academic success and organizational viability;

- (c) the board of trustees of an existing charter school that has a record of academic success and organizational viability; or
- (d) an education management organization, charter management organization, or school support organization that has a record of academic success and organizational viability in operating or starting public schools with which an applicant proposes to contract.

Qualifications for Proven Providers are described in 603 CMR 1.04(4).

**Recruitment and Retention Plan:** A charter school's written plan to recruit and retain diverse students under the provisions of M.G.L. c. 71, § 89, and 603 CMR 1.00. For the purposes of a Recruitment and Retention plan, retention shall be defined as the charter school's ability to maintain enrollment of its students with low turnover and limited attrition.

**Regional Charter School:** A charter school with a charter designating it as "regional" is required to give preference in enrollment to students residing in a specified region containing more than one district.

**Sending District:** A Massachusetts city, town, or regional school district in which a charter school student resides and where the student would otherwise attend a public school. If a charter school has a residential component, the sending district is the city, town, or regional school district in which the parent or legal guardian of the charter school student resides or, if no parent or legal guardian can be identified, the school district in which the student last attended school.

**Sibling:** Persons who have a common parent, either biologically or legally through adoption.

### 1.03: General Provisions

- (1) **Administrative Bulletins:** The Board and the Department may issue advisories to interpret, implement, and provide guidance to charter schools.
- (2) **Waivers:** The Board may waive provisions of 603 CMR 1.00 for good cause. If a charter applicant or charter school board of trustees makes a written request for a waiver, the Board may waive the applicability of one or more provisions of 603 CMR 1.00. These waivers shall be granted only under circumstances the Board deems exceptional and such waivers shall be granted only to the extent allowed by law. All such requests from the charter applicant or a board of trustees must:
  - (a) be in writing, signed by the waiver applicant;
  - (b) specify the provisions of 603 CMR 1.00 to be waived, the duration of the waiver, and the circumstances to which the waiver applies and the specific reason why a waiver is sought;
  - (c) include a certification that the waiver applicant has made a good faith effort to comply with said provisions; and
  - (d) be accompanied by supporting documentation considered sufficient by the Board to support the special circumstances or the need for relief.

If the granting of a waiver would have an impact on sending districts or the district of the town or city in which the charter school is located, the Commissioner shall provide the superintendent of each district notice and an opportunity to comment.

- (3) **Prohibitions:** Private and parochial schools are not eligible for charter school status. Charter schools shall not charge students an application fee or tuition. Charter schools shall not charge their students any fee related to the provision of required educational programs. Charter schools shall not charge any public school or public school district for the use of their curriculum, subject to the restrictions contained in any contract between charter schools and third party providers. For-profit businesses or corporate entities may

not apply for a charter.

- (4) **Immediate Closure:** The Commissioner may order immediate closure of a charter school facility where the health, safety, or education of the school's students is at risk. Additionally, the Commissioner may order immediate closure of a charter school facility where fire, health, or safety codes, regulations, laws, or accessibility requirements are not met.

#### **1.04: Applications for and Granting of Charters**

- (1) **Charter Application Process:** Applicants shall submit to the Department application materials in accordance with the schedule, application form, and guidelines established by the Department for each type of charter school. Each applicant submitting application materials for a Commonwealth charter school shall also send a copy of the application to the superintendent of the school district(s) from which the applicant is expected to enroll students.
- (a) Horace Mann applications shall be accepted in three categories with the corresponding district approvals:
1. A Horace Mann I application may be submitted to create a new school, provided the application is submitted with the approval of the local collective bargaining unit and the school committee in the district in which it is located. All Horace Mann charters granted before January 2010 are considered Horace Mann I.
  2. A Horace Mann II application may be submitted as a conversion of an existing public school provided the application is submitted with the approval of the school committee. Horace Mann II applications may be submitted at any time but shall participate in the application process in accordance with guidelines issued by the Department, with similar periods of time for review and charter granting. Horace Mann II charter schools may not open until completion of the opening procedures process.
  3. A Horace Mann III application may be submitted to create a new school provided the application is submitted with the approval of the school committee. An agreement with the local collective bargaining unit is not required prior to Board approval of a Horace Mann III charter school.
- (b) All Horace Mann charter schools may be exempt from specified provisions of local collective bargaining agreements, provided that employees of the school will continue:
1. to be members of the local collective bargaining unit;
  2. to accrue seniority; and
  3. to receive at minimum, the salary and benefits established by the local collective bargaining agreement. Consistent with M.G.L. c. 71, § 89, Horace Mann charter school employees will be exempt from all agreed-upon provisions of the collective bargaining agreement and school committee policies to the extent provided by their charter and the Memorandum of Understanding with the local district or collective bargaining unit or as voted by teachers as defined in M.G.L. c. 71, § 89.
- (c) Applications for Horace Mann charter schools shall describe in the charter school application:
1. the type of Horace Mann charter the applicant seeks (I, II, III);
  2. the proposed opening date of the charter school;
  3. the elements of the local collective bargaining agreement that apply to employees of the school; and
  4. the Memorandum of Understanding under which the charter school proposes to operate.
- (d) The Memorandum or Memoranda of Understanding must be consistent with M.G.L. c. 71, § 89; 603 CMR 1.00; and any guidelines issued by the Department and must include at a minimum:

1. the services, both instructional and non-instructional, that the local school district will provide to the charter school;
  2. the facilities provided by the district;
  3. any waivers to applicable collective bargaining agreements; and
  4. financial information, including, but not limited to:
    - a. the basis for calculating tuition;
    - b. a method for determining the arrangements between the charter school and the district regarding costs of services;
    - c. the date of the charter school's first annual budget allocation from the district, consistent with the allocation for other public schools in the district and the basis on which future tuition allocations will be made;
    - d. the schedule for school district funds to be transferred into the charter school's bank account;
    - e. responsibility for securing federal and state entitlement grants for the charter school; and
    - f. the procedures to be used for resolving disputes.
- (2) **Review Process:** The Department shall review application materials submitted in accordance with deadlines established by the Department. The role of any reviewer is solely advisory. Application materials will be reviewed and evaluated in accordance with criteria outlined in 603 CMR 1.04 and the charter school application itself. In addition, the Department will conduct interviews with all final applicants in order to better assess their qualifications and capacity to start and operate a charter school.
- (3) **Evaluation and Approval of Charter Applications.** The Department reviews applications to ensure that the applicant has, at a minimum, demonstrated the capacity:
- (a) to further the purposes for establishment of charter schools specified in M.G.L. c. 71, § 89;
  - (b) to conform with M.G.L. c. 71, § 89, and all other applicable laws and regulations, including any guidelines the Board may issue, and including those related to English language learners and students with disabilities;
  - (c) to meet its enrollment projections through demonstration of support for the proposed charter school in the communities from which students would be likely to enroll;
  - (d) to implement its recruitment and retention plan;
  - (e) to involve parents and guardians as partners in the education of their children;
  - (f) to develop a proposed program that enhances options for students in the district(s) served;
  - (g) to collaborate with and disseminate innovative practices to the school districts from which it draws students, if a Commonwealth charter, and with other schools in its district, if a Horace Mann charter;
  - (h) to develop a management structure and plan which enables the charter school to achieve the goals and mission set forth in its charter, including information about proposed board members and the selection, roles, and responsibilities of the board of trustees;
  - (i) to develop bylaws that govern the board of trustees consistent with M.G.L. c. 71, § 89; 603 CMR 1.00; and guidelines issued by the Department;
  - (j) to develop a management structure and plan that enables the board of trustees to oversee a network of charter schools, including the roles and responsibilities of school leaders and administrators, if applicable;
  - (k) to assure that students will meet the same performance standards and assessment requirements set by the Board for students in other public schools;
  - (l) to develop an accountability plan that meets criteria established by the Department, at the end of the first year of the school's charter, establishing five-year performance objectives to help measure the school's progress and success in fulfilling the terms of its charter;
  - (m) to administer its educational programs, school operations, and finances effectively;

- (n) to establish a process to provide to students, parents/guardians, the Board, other interested parties, and the public all information required by law and regulation, as well as to provide other information the Board may request;
- (o) to develop an enrollment policy consistent with M.G.L. c. 71, § 89, and 603 CMR 1.05;
- (p) to develop a recruitment and retention plan consistent with M.G.L. c. 71, § 89, and 603 CMR 1.05;
- (q) to ensure the thoroughness and accuracy of the charter school application;
- (r) to provide school facilities that comply with municipal building codes and other applicable laws and that are adequate to meet the school's program requirements;
- (s) to develop a board of trustees with the capacity to effectively govern the school and to effectively govern more than one school, if applicable; and
- (t) to build a network of charter schools, if applicable.

If a charter is granted, the drafts of documents submitted during the application process are subject to Department review and approval during the opening procedures process, and the additional requirements in 603 CMR 1.04(7).

- (4) **Qualifications to Achieve Proven Provider Status:** In school districts performing in the lowest 10% statewide and in which the 9% net school spending cap is or would be exceeded, applications will be considered only from Proven Providers. The Commissioner will determine and grant proven provider status.

Applicants for Proven Provider status must meet the requirements in 603 CMR 1.02. The applicant must submit evidence, satisfactory to the Commissioner, to demonstrate a significant management or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter school.

- (a) The applicant shall submit a detailed description of role(s) and responsibilities at the successful school(s) or program(s).
- (b) The applicant shall submit data demonstrating success in student academic performance and evidence of academic program success, including but not limited to:
  1. Proficiency levels and growth measures on the Massachusetts comprehensive assessment system or equivalent assessments for all students and for one or more targeted subgroups as defined in M.G.L. c. 71, § 89(i)(3), which are similar to statewide averages in English Language Arts and mathematics for all students in Massachusetts in comparable grades, over no less than a three-year period for cohorts of students;
  2. Student performance on other standardized tests over no less than a three-year period for cohorts of students, if available, which demonstrates student achievement levels that are similar to statewide averages in English Language Arts and mathematics for all students in Massachusetts in comparable grades;
  3. attendance, retention, and attrition data;
  4. graduation and dropout data, if applicable; and
  5. in-school and out-of-school suspension rates.
- (c) The applicant shall submit evidence of organizational viability, which shall include but not be limited to effective governance, effective financial management, effective implementation of recruitment and retention plans, if applicable, and compliance with applicable laws and regulations.
- (d) The applicant shall provide evidence to demonstrate that the successful school serves student population(s) similar to the population(s) to be served by the proposed charter, and that the program to be offered at the proposed charter is similar to, or represents a reasonable modification of the successful school.
- (e) Applicants shall provide any other information as required by the Department.

For applicants with a current or previous relationship to a Massachusetts charter school, the Commissioner may consider all information related to such school's performance, including his evaluation in connection with each renewal of its charter.

(5) **Public Comment:** The Board and the Department shall hold a public hearing for final applications in the school district in which a proposed charter school is to be located in order to solicit and review comments on the application from the school committees of the school district(s) from which the applicant is expected to enroll students and the public at large. At least one member of the Board shall attend each public hearing soliciting comments on the merits of pending charter school applications and shall report to the Board on the public hearing.

(6) **Granting of Charters:**

- (a) The Board shall grant charters to charter boards of trustees under M.G.L. c. 71, § 89, and under such conditions and at such time as the Board specifies under 603 CMR 1.04.
- (b) The Board shall grant new charters in the month of February, except that for Horace Mann II schools as described in 603 CMR 1.04(1)(a)2., the Board may grant such charters at such other times as designated, dependent upon the intended opening date.
- (c) A charter granted by the Board shall be effective for five years, beginning July 1st of the first fiscal year in which the charter school enrolls students, unless revoked pursuant to M.G.L. c. 71, § 89, and 603 CMR 1.12. If no students are attending a charter school within 19 months from the date the charter was granted, the charter will be null and void, unless a waiver and extension is granted by the Board according to the process outlined in 603 CMR 1.03 (2).
- (d) Should the Board elect to award fewer than the number of charters specified under M.G.L. c. 71, § 89 in any given cycle, the Board may grant those charters not awarded in subsequent application cycles in addition to the number of charters scheduled to be awarded and notwithstanding any limitations on the number of new charters authorized in such year.
- (e) The Board may award any charter revoked or returned to the Board in subsequent application cycles in addition to the number of charters scheduled to be awarded and notwithstanding any limitations on the number of new charters authorized in such year.
- (f) The Board will use the most recent United States Census estimate to determine the population of a city or town proposed as the location for a charter school.
- (g) Private and parochial schools shall not be eligible for charter school status. If members of a charter applicant group are on the governing board or management of a private or parochial school that plans to close or closes around the time of seeking a charter, it creates a rebuttable presumption that the private or parochial school seeks charter status for the purpose of securing public funding. To rebut this presumption, the applicant group must establish facts sufficient for the Department to determine that funding is not the primary reason they are seeking a charter while the private or parochial school is closing. In making a determination, the Department will compare the governance, management, and other characteristics of the private or parochial school and the governance, management, and other characteristics of the charter school, including but not limited to curriculum, student body, staff, leadership, location, and the financial plan for the school.

(7) **Conditions for Opening New Charter Schools:** Charters shall be awarded subject to the conditions listed in 1.04 (3) and (7) and any additional conditions that the Board or Department may specify. The Board may temporarily waive such conditions and award a charter, provided that the applicant submits adequate written assurance that all such conditions will be met prior to the opening of the charter school. If a new charter school fails to comply with any such specified condition, the Commissioner may prohibit the school from opening.

Upon receiving a charter, the charter school must successfully complete the opening procedures process specified by the Department. This process begins with the awarding of a new charter by the Board and ends in the following June when the school submits a draft Accountability Plan to the Department.

Opening procedures requirements include, but are not limited to, provision of the following:

- (a) the terms of the proposed contract, for review and approval, in such cases where the board of trustees intends to procure substantially all educational services from another person or organization;
- (b) policies and procedures including, but not be limited to, approved bylaws, an enrollment policy, and a recruitment and retention plan;
- (c) criteria and procedures for suspension and expulsion of students;
- (d) written documentation that criminal background checks have been performed as required by state law;
- (e) written documentation that the facilities to be used by the charter school are approved for use as a school by the building inspector in the municipality in which the building is located;
- (f) written documentation that the facilities occupied by the charter school have been inspected by the Fire Department of the municipality in which the facilities are located;
- (g) written documentation that approval under M.G.L. c. 148 has been secured from the licensing authority of the municipality in which the building is located if explosives or flammable compounds or liquids are used in connection with courses taught at the school; and
- (h) written documentation that the school is in compliance with all other applicable federal and state health and safety laws and regulations, including evidence of compliance with any required insurance coverage.

- (8) **Information for Distribution of Public Funds:** Upon receiving a charter, all charter schools shall provide the Department with a federal tax identification number issued solely to the charter school, and banking information regarding a bank account solely in the name of the charter school, as required by the State Treasurer for the transfer of public funds.
- (9) **Lowest 10 %:** The Commissioner shall annually publish a ranking of all districts that are subject to charter school tuition charges, for the purpose of determining the lowest 10% as specified in M.G.L. c. 71, § 89(i)(2), and (i)(3). Such ranking shall be calculated by determining the average ranks for each district's English language arts, mathematics, and science composite performance index; the percentage of students scoring warning or failing in English language arts, mathematics, and science; the percentage of students scoring advanced in English language arts, mathematics, and science; and student growth percentiles for English language arts and mathematics, using statewide student performance scores released in the two consecutive school years immediately preceding the school year in which applications are submitted. These calculations shall use weighting consistent with the Department's approved methodology for the state accountability system. Districts without data for each component of the calculation will not be included. Additional charter school seats resulting from a district's designation in the lowest 10% may be awarded by the Board to a new charter applicant, to existing charter schools, or to any combination thereof. The Board may provisionally award seats to new charter applicants and to existing charter schools that will become available in future years pursuant to the schedule set forth in St. 2010, c. 12, § 9, provided, that if a district is no longer in the lowest 10%, any remaining provisional seats may not be used.
- (10) **Seat Availability:** In considering an application for the creation or expansion of a regional charter school, the board shall independently assess the availability of seats for each sending district within the proposed region, and may limit the number of students who may be enrolled from each such district.

## 1.05: Student Recruitment, Enrollment, and Retention

- (1) **Recruitment and Retention Plan:** A charter school must develop a plan that includes deliberate, specific strategies the school will use to attract, to enroll, and to retain a student population that is demographically comparable to similar grades in schools from which the charter school enrolls students. Charter schools shall submit recruitment and retention plans for approval by the Department that meet the requirements of M.G.L. c. 71, § 89; 603 CMR 1.05; and any guidelines issued by the Department.
- (2) **Non-Discrimination:** Charter schools shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement. For purposes of 603 CMR 1.05, gender identity shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.
- (3) **Enrollment Process and Applications for Admission:**
  - (a) **Enrollment Process.** Charter schools may not administer tests to potential applicants or predicate enrollment on results from any test of ability or achievement. Charter schools may not use financial incentives to recruit students. Requirements for enrollment in a charter school, including but not limited to attendance at informational meetings and interviews, shall not be designed, intended, or used to discriminate. Charter schools may not require potential students and their families to attend interviews or informational meetings as a condition of enrollment.
  - (b) **Application for Admission.** Every charter school must submit its proposed application for admission, and any subsequent revisions, beyond changing dates indicated and correcting minor grammatical errors, to the Department for approval.
  - (c) **Principal Application Deadlines.** Charter schools may not set any principal application deadlines or hold any enrollment lotteries for student admissions for the upcoming school year until after January 1st. Every charter school shall conclude its principal enrollment process no later than March 15th of each year.
- (4) **Written Notice:** Charter schools shall notify all applicants in writing of the rights of students with diverse learning needs to attend the charter school and to receive accommodations and support services, including students who may have disabilities, require special education, or are English language learners. Charter schools must include this notice as part of the school's application and enrollment materials. Every charter school must make information regarding the availability of services for students generally available in the school's outreach materials, through the student handbook, and on the school's website.
- (5) **Application Deadlines:** Charter schools shall give reasonable public notice, of at least one month, of all application deadlines.
- (6) **Enrollment in Commonwealth Charter Schools:** In conformance with M.G.L. c. 71, § 89, enrollment in Commonwealth charter schools shall be conducted as follows:
  - (a) In such cases where there are fewer spaces than eligible applicants, students shall be accepted for admission by a lottery process.
  - (b) A Commonwealth charter school shall provide an enrollment preference to:
    1. Siblings of students already attending the school; and

2. Students who reside in the city or town in which a Commonwealth charter school is located or, in the case of a regional charter school, to students who reside within the charter school's region.
  - (c) If there are fewer spaces for admission to the charter school than eligible applicants, the charter school shall hold an enrollment lottery for all such applicants.
  - (d) The Department shall notify each Commonwealth charter school no later than February 15th of any limitation(s) on the number of students from a district that may be enrolled in charter schools for the upcoming school year.
  - (e) A charter school may initiate a request once a year for a mailing to the students enrolled in each district specified in the school's charter, and a district may initiate a request once a year for a mailing to the students enrolled in any charter school serving that district. When such a request is made, the district or school, as the case may be, shall provide the names and addresses of students within 30 days, in electronic format, to an approved third party mailing service. Any vendor listed on the statewide procurement or master services agreement for mailing services shall be deemed approved for the purposes of 603 CMR 1.05(6)(e). The district or school must provide parents or guardians with the opportunity to request that such information be withheld. The cost of copying and mailing shall be borne by the charter school or district requesting the mailing. Neither school districts nor charter schools shall charge for the provision of the required names and addresses. Charter schools shall provide any such mailing in the prevalent languages of the district. A language shall be deemed a prevalent language if it is the primary language of 1% or more of the district's total enrollment.
- (7) **Enrollment in Horace Mann Charter Schools:** In conformance with M.G.L. c. 71, § 89, enrollment in a Horace Mann charter school shall be conducted as follows:
- (a) In such cases where there are fewer spaces for admission than eligible applicants, students shall be accepted for admission from among applicants by lottery.
  - (b) In order of priorities, a Horace Mann charter school shall provide an enrollment preference to:
    1. for the initial lottery, any students attending said school, or attending school in the school building previously occupied by said school, on the date that the final application is filed with the Board;
    2. for the initial lottery, siblings, of any students attending said school, or attending school in the school building previously occupied by said school, on the date that the final application is filed with the Board;
    3. in all subsequent lotteries, siblings of students currently attending the school;
    4. students who are currently enrolled in the public schools of the district in which the Horace Mann charter school is located; and
    5. students who reside in the city or town in which the Horace Mann charter school is located.
- (8) **Repeat Enrollment Process:** If the principal enrollment process fails to fill the available admission spaces, a school may repeat the process more than once, providing such process is fair and open and the school gives reasonable public notice at least one month prior to the application deadline. As spaces become available during the school year, a school may repeat the enrollment process to fill these openings and to meet the requirements of M.G.L. c. 70, § 89(n). No student entering an enrollment process may be admitted ahead of other eligible students who were previously placed on a wait list during a prior enrollment process, except in cases where enrollment preferences change or as described in to 603 CMR 1.05(10)(b). The total number of students attending a charter school in a given school year cannot exceed the total number of students reported to the Department in the previous spring in accordance with 603 CMR 1.08(5).
- (9) **Public Lotteries:** All lotteries for charter school seats shall be conducted in a public place 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; in such cases a neutral party shall certify that the process is fair and that selection is random.

- (10) **Waitlist:** Charter schools shall place the names of students not selected in an enrollment lottery on a wait list in the order the names are drawn.
- (a) Schools shall maintain waitlists only for the school year for which the students applied, provided that a charter school may choose to maintain any waitlists that were established prior to March 31, 2014 until such waitlists are exhausted, provided that such maintenance is clearly articulated in the school's enrollment policy approved by the Department. Charter schools must keep accurate records of their wait list containing students names (first, middle, last), dates of birth, cities or towns of residence, and grades levels of students who entered the lottery but did not gain admission. When an offer of admission is made, reasonable proof of current residency or sibling status may be required at the time an offer of admission is made.
  - (b) In cases where the enrollment of a student, who is not a sibling of another currently enrolled student, from the waitlist would exceed the district charter tuition cap, the student should be skipped over but kept on the waitlist. In cases where the enrollment of a student who is a sibling of a student already attending a charter school would exceed the district charter school tuition cap, the sibling may be enrolled with the Commonwealth of Massachusetts providing tuition for the sibling, subject to appropriation.
  - (c) In conformance with M.G.L. c. 71, § 89, charter schools shall, when a student stops attending the school for any reason, fill vacant seats up to February 15th, excluding seats in the last half of the grades offered and grades 10, 11, and 12 . If a school has an odd number of grades, more than half of grades offered shall be included in grades for which the school must fill vacant seats. A vacancy not filled after February 15<sup>th</sup> moves into the subsequent grade, to be filled the following September if such grade is not in the last half of the grades offered and is not grades 10, 11, or 12. Seats for students who have accepted an offer of admission in the charter school but have never attended are exempt from 603 CMR 1.05(10)(c).
- (11) **Integrated Enrollment Process:** A school may integrate its enrollment process with that of the school district(s).
- (12) **Maximum Age and Thresholds:** Each charter school shall specify age thresholds for kindergarten and maximum ages for high school programs, consistent with state and federal law.
- (13) **Multiple Campuses Under Single Charter:** A charter school that operates multiple campuses under a single charter may assign students, in accordance with the charter school's enrollment policy, to a specific campus for reasons of geographic proximity, student safety, or program delivery.

#### **1.06: Boards of Trustees and Staff**

- (1) **Responsibilities of Board of Trustees:** The board of trustees of a charter school holds the charter of the school and governs the school. Every board of trustees shall have a least five members. Boards of trustees are state governmental bodies. Boards of trustees must fulfill their fiduciary responsibilities, including but not limited to, the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget. Boards of trustees shall not exercise managerial powers over the day-to-day operations of the school. Boards of trustees must ensure that schools operate in accordance with their charter, including any approved amendments. Boards of trustees must ensure that schools operate in compliance with all applicable state and federal laws. The responsibilities of boards of trustees shall include, but are not limited to the following:
- (a) Successfully completing the opening procedures process in accordance with M.G.L. c. 70, § 89; 603 CMR 1.00; and any guidelines issued by the Department;

- (b) Requesting the Commissioner's appointment of any new trustees;
  - (c) Submitting the timely annual report;
  - (d) Submitting the timely annual independent audit;
  - (e) Hiring, evaluating, and removing, if necessary, qualified personnel to manage the charter school's day-to-day operations and holding these administrators accountable for meeting specified goals;
  - (f) Approving and monitoring progress towards meeting the goals of the school's Accountability Plan;
  - (g) Adopting and revising school policies, including plans for student recruitment and retention;
  - (h) Responding to complaints in writing as required by 603 CMR 1.09; and
  - (i) Ensuring that members of the board receive an orientation and training regarding their duties and obligations as members of a board of trustees.
- (2) **Bylaws:** The bylaws of every board of trustees must comply with state and federal laws and contain provisions including, but not limited to:
- (a) specific, reasonable limits on successive or total terms for members of the board of trustees;
  - (b) the exercise of due diligence in assessing the suitability of candidates for board membership with respect to potential conflicts of interest and areas of skills and expertise that will be of value to the board of trustees, such due diligence to occur prior to a vote by the board of trustees to request the Commissioner to appoint the proposed members;
  - (c) frequency of board meetings, which must be held in Massachusetts, and occur at least quarterly;
  - (d) compliance with the Commonwealth's open meeting law in M.G.L. c. 30A, including meeting all training requirements;
  - (e) compliance by members of the board of trustees with the Commonwealth's state ethics requirements, including meeting all training requirements, filing all required disclosures under M.G.L. c. 268A, and the filing of statements of financial interest under M.G.L. c. 71, § 89(u); and
  - (f) if board includes one or two employees of the school as members of the board of trustees, the bylaws must explicitly identify these positions.
- (3) **Board of Trustees Training:** Every member of the board of trustees shall, within one year of appointment, complete orientation concerning the responsibilities of their office, as determined by the Commissioner, and any other training required by other state agencies.
- (4) **Charter School Staff:** Charter school teachers hired after August 10, 2000 must either:
- (a) take and pass, within their first year of employment at a charter school, the Massachusetts Tests for Educator Licensure; or
  - (b) be already licensed to teach in Massachusetts.

## 1.07: Funding

- (1) **Horace Mann Charter Schools:** Horace Mann charter schools shall be funded through the local school district under the terms of the Memorandum of Understanding. A Horace Mann charter school shall submit a budget request to the local school district annually, in accordance with the budget schedule of the local school district and no later than April 1<sup>st</sup>. Such budget request shall be submitted to the superintendent and school committee of the district in which the charter school is located. The school committee shall act on the charter school budget request in conjunction with its approval of the district's overall budget. The board of trustees of the Horace Mann charter school may expend such allocation as it sees fit without any further approval by the superintendent or school committee. A Horace Mann charter school's budget allocation shall be consistent with the allocation of other public schools in the district. In the case of budget reductions in the school district, a Horace Mann charter school's budget may not be reduced disproportionately to other schools in the district. The Horace Mann charter school board of

trustees shall follow the dispute resolution procedures outlined in the Memorandum of Understanding. The board of trustees may appeal a disproportionate budget allocation to the Commissioner. The Commissioner then shall determine an equitable funding level for the charter school and, if appropriate, shall require the school committee to provide such funding.

(2) **Commonwealth Charter Schools:** Every operating Commonwealth charter school shall receive tuition payments from each school district whose students attend the charter school. Such tuition payments shall be equal to the appropriate charter school tuition rate, as determined in accordance with 603 CMR 1.07(2)(a), multiplied by the number of students attending the charter school from the sending district in the current year. If any students attend the charter school for less than the full school year, the tuition payment shall be reduced based on the number of days of enrollment. Such tuition payments shall be paid in accordance with 603 CMR 1.07(2)(d).

(a) **Foundation Budget and Commonwealth Charter Schools:** For each sending district, a separate foundation budget dollar amount and charter school tuition rate shall be calculated as follows for each charter school to which the district sends students.

1. The foundation budget dollar amount shall be calculated, based on the foundation budget factors used for the distribution of Chapter 70 aid in the current year, provided that the out-of-district special education tuition component of the foundation budget shall be excluded from the calculation. The student data for this calculation shall be the foundation enrollment information reported by the charter school as of October 1<sup>st</sup> of the prior school year. The tuition rate shall equal the foundation budget dollar amount divided by the number of students. If no students attended a particular charter school from a particular sending district in the prior year, then the sending district's average foundation budget per pupil will be used as the tuition rate.
2. Each tuition rate shall be increased by the ratio of the sending district's current year budgeted net school spending, as reported on schedule 19 of the Department's end of year pupil and financial returns, to the sending district's total current year foundation budget. Amounts reported on schedule 19 for out-of-district special education tuition and retired teachers' health insurance shall be excluded from this calculation.
3. Each tuition rate shall be increased by a per pupil capital needs component calculated in accordance with M.G.L. c. 71, § 89(ff), and each year's general appropriations act.

(b) **Facilities:** Any amounts appropriated under line item 7010-0030 for the purpose of per pupil facilities aid for Commonwealth charter schools shall be used to reimburse sending districts for the capital component of the tuition payments, as calculated in 603 CMR 1.07(2)(a)3., but shall not affect the payments due to Commonwealth charter schools.

(c) **Tuition Rate:** For each sending district, the sum of its tuition payment to each Commonwealth charter school, less any charter school capital facility reimbursement received pursuant to 603 CMR 1.07(2)(b), shall be used as the district's "total charter school tuition payment" for the purposes of M.G.L. c. 71, § 89(i), and shall be used as the district's "total charter school tuition amount" for the purposes of M.G.L. c. 71, § 89(gg).

(d) **Tuition Payment:** The State Treasurer shall make monthly payments to Commonwealth charter schools. In making such payments, the Commonwealth shall reduce each sending district's M.G.L. c. 70 allocation by an amount sufficient to meet its charter school obligations for the month. If there are insufficient M.G.L. c. 70 funds to meet a district's obligation, the Commonwealth shall reduce other state aid allocated to the applicable cities and towns. If there are insufficient state aid funds of any kind to meet a district's obligation, the Board shall recommend to the Governor and legislature that a supplemental appropriation be made to pay any remaining obligation to the charter school(s). The Department shall notify both the Commonwealth charter school and the sending district(s) of the amount of these tuition payments.

(e) **Monthly Payments:** The first five monthly payments to Commonwealth charter schools shall be based on each charter school's pre-enrollment report, filed with the Department pursuant to 603

CMR 1.08(5). The remaining monthly payments of each fiscal year shall be based on updated enrollment reports, submitted to the Department by each charter school. Failure to submit a required enrollment report or charter school claim form may result in the withholding of some or all of a charter school's monthly payment. Although each monthly payment is intended to equal approximately one twelfth of the projected annual amount, payments from December through June shall include adjustments to correct any over- or under-payments in earlier months of the fiscal year.

**(3) Transportation:**

- (a) All students who reside in the school district in which a charter school is located shall be provided transportation by the district, provided that either : 1. transportation is provided to district students in the same grade; or 2. transportation is required by the student's individualized education program. If a district provides an alternative means of transportation for its students in a particular grade, such as public transportation passes, it may do so for charter school students in that grade. A district may not limit transportation to charter school students based upon attendance zones or other geographic subdivisions of the district. The district shall accommodate the school day and school year specified in the school's charter, provided that the charter school shall make reasonable accommodations in setting its daily starting and ending times to foster cost-efficient transportation arrangements.
- (b) A charter school shall annually notify the district in which it is located of its projected transportation needs no later than February 1<sup>st</sup> prior to the start of the school year, provided that newly chartered schools shall provide such notification as soon as practicable following receipt of its charter. Charter schools shall update their projected transportation needs by April 1<sup>st</sup> based on pre-enrollment data.
- (c) If a district and a charter school are unable to reach agreement on the district's provision of transportation for all or some of the students attending said school, the charter school may provide its own transportation. The school shall make every reasonable effort to provide such transportation in the most cost effective manner possible, including but not limited to collaboration with the district. The school shall be reimbursed by the district for the actual costs incurred by the school or for the district's average per pupil cost for all in-district student transportation, whichever is less. Said reimbursements shall be subject to the Commissioner's approval and shall be paid through the Department's charter tuition payment process.

- (4) Surplus Determination:** Every Commonwealth charter school shall maintain a separate fund on its books of account for tuition revenue. The Commissioner, in consultation with the State Auditor, shall prescribe supplemental reports for the purpose of calculating the school's cumulative unspent tuition revenue, and such reports shall be submitted as part of the school's audited financial statements. Commonwealth charter schools are permitted to retain a reasonable surplus as working capital for the upcoming fiscal year equal to no more than 25% of the prior year's tuition payments plus 20% of the budgeted operating and capital expenses for the upcoming year. Payments of excess cumulative tuition revenue due to sending districts and the Commonwealth shall be made by the Commissioner through adjustments to monthly tuition payments and monthly distribution of charter 70 aid.

- (5) Capital Plan and Reserves:** A charter school may establish and periodically update a capital plan identifying current and future capital projects. The Commissioner shall prescribe the information to be reported for each such project as part of the school's annual report. A charter school may establish a separate capital reserve account for each project identified in its capital plan, and may make payments into said accounts. Funds in a capital reserve account may only be used for the project or purpose for which the account was established, provided, that such funds may be transferred to another capital reserve account or to the school's operating fund with the prior approval of the Commissioner.

## 1.08: Reporting Requirements and Ongoing Review

- (1) **Annual Report:** A charter school shall submit an annual report to the Board and the local school committee and make available to every parent or guardian of its enrolled students and to every parent or guardian who expresses interest in enrolling in that charter school. Each charter school shall make the annual report available on its website. A network, as defined by 603 CMR 1.00, may submit a combined annual report provided that information for each school is reported discretely within the annual report to ensure that it complies with M.G.L. c. 71, § 89; 603 CMR 1.00; and any guidelines issued by the Department. The annual report shall be issued no later than August 1<sup>st</sup> of each year for the preceding school year. The annual report shall include the following information:
  - (a) a financial statement setting forth by appropriate categories the unaudited revenue and expenditures for the year just ended, and a balance sheet setting forth the charter school's assets, liabilities, and fund balances or equities;
  - (b) a capital plan identifying future planned capital projects and the amounts held in reserve for such projects;
  - (c) a report on the school's implementation of its recruitment and retention plan for the relevant year;
  - (d) an updated recruitment and retention plan for the upcoming school year that complies with guidelines issued by the Department;
  - (e) projections of income and expenses for the upcoming school year;
  - (f) discussion of progress made toward achievement of the goals of the charter and accountability plan;
  - (g) evidence that the charter school is developing or has provided models for replication and best practices in education; and
  - (h) such other information as the Board may require in guidelines.
- (2) **Site Visits:** The Department may send evaluation teams to visit each charter school on an annual or on an as-needed basis to corroborate and augment the information provided in the annual report. The Department may conduct other site visits as necessary. Site visit teams may also gather any other evidence relevant to the school's performance. The written reports from these site visits shall become part of the charter school's record, along with any response that the school submits.
- (3) **Financial Audits:** In accordance with M.G.L. c. 71, § 89, every charter school shall have an independent audit conducted of its accounts, consistent with generally accepted government auditing standards and any guidelines issued by the Department. Audits shall be filed annually by November 1<sup>st</sup> with the Department and the Office of the State Auditor. Districts are required to assist Horace Mann charter schools to the fullest extent possible in providing them in a timely fashion with the financial, payroll, and personnel records required for a complete audit. A network, as defined by 603 CMR 1.00, may submit a combined annual independent audit report, provided that each entities' financials are discretely presented within the audit report to ensure that it complies with M.G.L. c. 71, § 89; 603 CMR 1.00; and any guidelines issued by the Department.
- (4) **End of Year Financial Report:** Every charter school shall submit an end of year financial report based on audited financial figures in accordance with guidelines issued by the Department.
- (5) **Enrollment Reports:** Every charter school shall file a pre-enrollment report annually in accordance with deadlines established by the Department. Every charter school must keep accurate records related to enrollment including, but not limited to, applications for admission, the lottery process, and wait lists. The Department will report to districts the aggregate number of students who are selected for admission for the upcoming school year from their districts and the total enrollment for each charter school. No charter

school shall receive tuition payments that exceed the total enrollment for that charter school as it was reported to the Department in the school's pre-enrollment report. In their pre-enrollment reports, charter schools must notify the Department of:

- (a) the school's total enrollment for the subsequent academic year; and
  - (b) the projected number of students selected for admission, by grade and district of residence, for the subsequent academic year.
- (6) **Waitlist Reports:** In accordance with M.G.L. c. 71, § 89 (n); 603 CMR 1.05; and any guidelines established by the Department, every charter school shall submit to the Department, no later than June 1<sup>st</sup>, the list of students who entered the lottery but did not gain admission. The information provided must include, but is not limited to, students' names (first, middle, last), dates of birth, towns of residence, and grades. Every charter school must update this waitlist data as required by the Department.
- (7) **Enrollment Claim Forms:** Each charter school shall submit reports of actual enrollment as of October 1<sup>st</sup> and March 1<sup>st</sup>. The reports shall be filed in accordance with guidelines and deadlines established by the Department.
- (8) **Additional Information and Reports:** In addition to the requisite submissions as articulated in 603 CMR 1.00, charter schools must supply any additional information, data, or reports required by the Department or Board.
- (9) **Compliance:** Every charter school shall submit written documentation related to compliance with building, health, safety, and insurance requirements and related to all such inspections and approvals are current.
- (10) **Investigations:** Every charter school shall notify the Department in writing of all significant matters within two business days. Significant matters include, but are not limited to, all communications made or received by or on behalf of the school with any government audit, investigative, or law enforcement agency.
- (11) **Notification of New Circumstances:** The charter school shall notify the Department in writing immediately of any change in circumstances that may have a significant impact on a charter school's ability to fulfill its goals or mission as stated in its charter. These include, but are not limited to:
- (a) changes in individuals holding school leadership positions, such as an executive director or principal;
  - (b) a delay in implementing a minor or major amendment;
  - (c) changes in location of the school's facilities within the same municipality and documentation of the school's compliance with state and federal laws, including, but not limited to, all fire, health, and safety laws and accessibility requirements for new facilities or renovations to existing facilities;
  - (d) changes in officers of the school's board of trustees;
  - (e) individuals resigning from the board of trustees;
  - (f) changes in general contact information (phone number, mailing address, and email) for the school and the school's board of trustees; and
  - (g) significant decreases in enrollment (more than 10% lower than any previously reported figure).
- (12) **Signatory Authorization:** All information supplied to the Board, the Commissioner, or the Department by the charter school shall be signed by an individual with signatory authority. All such information is submitted under penalty of perjury.

### 1.09: Complaint Procedure

- (1) A parent, guardian, or other individuals or groups who believe that a charter school has violated or is violating any provision of M.G.L. c. 71, § 89, or 603 CMR 1.00 may file a complaint with the charter school's board of trustees.
- (2) The board of trustees shall respond in writing to the complaining party no later than 45 days from receipt of the complaint.
- (3) The board of trustees shall, pursuant to a complaint received under 603 CMR 1.09, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89, and 603 CMR 1.00. The charter school and the specific individuals involved shall cooperate to the fullest extent with such review.
- (4) A complaining party who believes a complaint pursuant to 603 CMR 1.09(1) has not been adequately addressed by the charter school board of trustees may submit the complaint in writing to the Commissioner, who shall investigate such complaint and make a written response.
- (5) In the event the charter school is found in violation of M.G.L. c. 71, § 89, or 603 CMR 1.00, the Commissioner or Board may take such action deemed appropriate including, but not limited to, suspension or revocation of the charter, or referral of the matter to the District Attorney, the Office of the Attorney General, or other appropriate agencies for action.
- (6) A parent, guardian, or other individuals or groups who believe that a charter school has violated or is violating any state or federal law or regulation regarding special education may file a complaint directly with the Department.

### 1.10: Amendments of Charters

Requests to amend the material terms of a school's charter must be voted on by the board of trustees and approved by the Commissioner or the Board before change is implemented.

- (1) **Amendments Requiring Board Approval:** If a charter school plans to change the terms of its charter, the school's board of trustees shall vote on and submit to the Board a request in writing to amend its charter. Changes requiring approval by the Board before they can be implemented include:
  - (a) Districts specified in the school's charter;
  - (b) Maximum enrollment;
  - (c) Grades served; and
  - (d) Contractual relationships with an education management organization providing or planning to provide substantially all the school's educational services.
- (2) **Amendments Requiring Commissioner Approval:** If a charter school plans to change the terms of its charter, the school's board of trustees shall vote on and submit to the Commissioner a request in writing to amend its charter. Changes requiring approval by the Commissioner before they can be implemented include:
  - (a) School name;
  - (b) Mission;
  - (c) Governance or leadership structure;
  - (d) Educational programs, curriculum models, or whole-school designs that are inconsistent with those specified in the school's charter;
  - (e) Bylaws;
  - (f) Membership of the board of trustees;

- (g) Memoranda of Understanding for Horace Mann charter schools;
  - (h) Schedule (length of school year, school week, or school day);
  - (i) Accountability Plan;
  - (j) Enrollment policy and application for admission;
  - (k) Expulsion policy; and
  - (l) Location of facilities, if such change involves relocating to or adding a facility in another municipality or school district, in a district already specified in the school's charter.
- (3) **Consideration of Amendment Requests:** The Commissioner and the Board may consider a charter school's compliance with applicable state, federal, and local law and evidence regarding the three areas set forth in 603 CMR 1.11(2) in reaching a determination regarding a school's request to amend its charter.
- (4) **Horace Mann Charter Schools:**
- (a) Amendments by a Horace Mann charter school to its bylaws and members on its board of trustees shall be voted on by the school's board of trustees and the request submitted in writing to the Commissioner. Such changes require approval by the Commissioner before they can be implemented and do not require approval of the local collective bargaining unit and local school committee.
  - (b) All other amendments, as described in 1.10(1) and (2), by Horace Mann I and III require the approval of the local collective bargaining unit and the local school committee prior to the submission of such requests to the Department. All other amendments by a Horace Mann II require approval of a majority of the school's faculty and the local school committee prior to the submission of such requests to the Department.
- (5) **Comment:** If a Commonwealth charter school seeks an amendment to change its maximum enrollment, grades served, the municipality or school district of its location, or the districts specified in its region, the school shall send a copy of its amendment materials to the superintendent of the school districts from which the school enrolls or is expected to enroll students and certify to the Department that it has done so. The Department will solicit and review comments on the amendment request from the superintendents of the affected districts.
- (6) **Proven Provider:** Boards of trustees seeking amendment requests to increase maximum enrollment in districts performing in the lowest 10% statewide, under M.G.L. c. 71, § 89, and in which the 9% net school spending cap is or would be exceeded, must meet the performance criteria described in 603 CMR 1.04(4).
- (7) **More than 20%:** In accordance with M.G.L. c. 71 § 89(n), if more than 20% of the school's total enrollment for two consecutive years comes from school districts not included in its original charter, the school's board of trustees must file an amendment request to reflect its actual enrollment patterns.
- (8) **Review:** Should the Commissioner deny an amendment request, the charter school's board of trustees may seek review of the Commissioner's decision by the Board.

### 1.11: Renewal of Charters

A charter school seeking renewal of its charter shall proceed as follows:

- (1) **Renewal Application:** The charter school shall submit its application for renewal of a charter under 603 CMR 1.00 no earlier than March 1<sup>st</sup> of the third school year of the relevant charter and no later than

August 1 after the end of the fourth school year of the relevant charter. The Board will review renewal applications pursuant to the criteria set forth below and in and M.G.L. c. 71, § 89. For renewal applications received on or before August 1<sup>st</sup>, the Department shall notify the charter applicant of the decision to renew or not to renew the charter and the reasons therefore no later than March 1<sup>st</sup> following receipt of the renewal application.

The charter school may apply for renewal of its charter under renewal application guidelines issued by the Department. Applications for the renewal of Horace Mann charters must be submitted with the certification of a majority vote of the school committee and local collective bargaining unit.

- (2) **Renewal Guidelines:** The Department shall issue guidelines describing the evaluation process to be followed in reviewing applications for charter renewal, including protocols for renewal inspections and performance criteria. The decision by the Board to renew a charter shall be based upon the presentation of affirmative evidence regarding the faithfulness of the school to the terms of its charter, including the extent to which the school has followed its recruitment and retention plan and has disseminated best practices in accordance with M.G.L. c. 71, § 89(dd); the success of the school's academic program; and the viability of the school as an organization. The Department will gather evidence regarding these issues from the renewal application and from other information, including but not limited to, a school's annual reports, financial audits, test results, site visit reports, and the renewal inspection report. All charter schools will be evaluated on the same performance criteria as provided in the guidelines, provided, however, that the criteria will take into account each school's charter and accountability plan. Evidence of academic success for all students is essential for charter renewal.
- (3) **Term of Charter:** Charters that are renewed shall be for five years from the expiration of the previous charter under such conditions as the Board may establish under 603 CMR 1.04(7) and any additional conditions that the Board or Commissioner may specify. If a school fails to comply with any specified conditions, the Commissioner may recommend to the Board that the school be placed on probation or that the charter be revoked as described in 603 CMR 1.12. Charters of schools that do not file renewal applications shall expire at the end of the fifth year of the charter school's operation, subject to 603 CMR 1.12.

### **1.12: Conditions, Probation, Suspension, Revocation, and Non-Renewal**

- (1) **Conditions:** The Board or Commissioner may impose conditions on a school's charter for violations of law or failure to make progress with student achievement, failure to adhere to and enhance its recruitment and retention plan, failure to comply with the terms of its charter, or failure to remain viable.
- (2) **Probation:** 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. The Department may require a charter school on probation to establish an escrow account in an amount determined by the Department in consultation with the charter school to pay for closing, legal, and audit expenses associated with closure should that occur.
- (3) **Suspension or Revocation:** The Board may suspend or revoke a charter for cause including, but not limited to:
  - (a) lack of evidence of academic success;

- (b) failure to comply substantially with the terms of the charter, with any of the applicable provisions of M.G.L. c. 71, § 89, or with any other applicable law or regulation;
  - (c) a material misrepresentation in the application for approval or renewal of the charter;
  - (d) financial insolvency;
  - (e) misappropriation, conversion, mismanagement, or illegal withholding of funds or refusal to pay any funds that belong to any person otherwise entitled thereto and that have been entrusted to the charter school or its administrators in their fiduciary capacities;
  - (f) fraud or gross mismanagement on the part of charter school administrators or board of trustees, including but not limited to, mismanagement of the educational program and failure to provide a healthy and safe environment for students;
  - (g) criminal convictions on the part of the charter school administration or members of its board of trustees; or
  - (h) failure to fulfill any conditions imposed by the Board in connection with the grant or renewal of a charter.
- (4) **Notification:** Before the Board revokes a charter, it shall notify the charter school in writing that the Board intends to revoke the charter. A vote of intent to revoke or a vote to not renew a charter shall operate as a notice of the action and does not operate as an order to show cause. In the case of a Horace Mann charter, the Board shall also notify the district in which the school is located. Except in the case of an immediate suspension, the Board shall send the notice 60 days before the revocation takes effect.
- (5) **Hearing:** Upon receiving a notice of intent to revoke a charter, notice of non-renewal, or notice of suspension where the health, safety, or education of the school's students is at immediate risk, the school shall have the rights provided in M.G.L. c. 30A, § 13, and 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*. Where hearings are provided by statutes, all requests for hearings shall be in writing, addressed to the Board, and must be received within 15 days of receipt by the charter school of notice. At such hearing, the school shall bear the burden of proof and present its case first.
- (6) **Withhold Payment:** The Board may withhold payments to any charter school that fails to comply with conditions imposed on its charter, that has been placed on probation, or whose charter has been suspended, revoked, or not renewed.
- (7) **General Fund:** Upon the revocation, non-renewal, or voluntary return of a Commonwealth charter, title to all of the property of the charter school shall immediately vest in the Commonwealth, subject to the rights of any secured party holding a perfected security interest in the property of such charter school. Any funds remaining after the satisfaction of the charter school's obligations shall be deposited in the General Fund.
- (8) **Closing Procedures:** Charter schools must comply with the closing procedures established by the Department. Charter schools must begin planning for closure and compliance with closing procedures immediately upon issuance of a notice of intent to revoke the school's charter, a notice of non-renewal, or a notice of suspension.

If the Commissioner determines that the board of trustees of a charter school needs additional expertise in fulfilling, or it fails to fulfill, its obligations under the closing procedures established by the Department, the Commissioner may appoint an individual or entity to assist with an orderly closure of the charter school. Such individual or entity may be paid out of the school's remaining funds, including the escrow account specified in 603 CMR 1.12.

- (9) **Debts and Liabilities:** Upon closure of a charter school, the Commonwealth, the Board, and the Department assume no liability for any portion of any obligations, debts, or loans, or other liabilities

of the board of trustees or of the charter school.

- (10) **Property:** Upon the revocation, non-renewal, or voluntary return of a Horace Mann charter, title to all of the property of the charter school shall immediately vest in the school district in which the school is located, subject to the rights of any secured party holding a perfected security interest in the property of such charter school.

### **1.13: Severability Clause**

If any section or portion of a section of 603 CMR 1.00, or the applicability of 603 CMR 1.00 to any person, entity or circumstance is held invalid by a court, the remainder of 603 CMR 1.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.

### **Regulatory Authority:**

M.G.L. c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3; c. 71, § 38G.

# Appendix 3: Charter School Audit Guide



## Charter School Audit Guide

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The Audit Guide provides detailed information on the financial reporting and audit requirements of charter schools.

June 2014

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This document was prepared by the  
Massachusetts Department of Elementary and Secondary Education  
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Commissioner

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## 100 *Introduction*

The Commonwealth of Massachusetts in 1993 enacted Massachusetts General Laws (M.G.L.) c. 71, Education Reform Act, § 89, which authorized the establishment of charter schools within the Commonwealth. The uniform rules and procedures governing the establishment of charter schools are provided by 603 CMR 1.00 which is promulgated under the authority of M.G.L. c. 71. These statutes stipulate various requirements for charter schools and include a provision that requires charter schools to keep an accurate account of all its activities and provide for an annual independent audit of its financial statements.

In an effort to support these requirements, the Commonwealth of Massachusetts Department Elementary and Secondary Education (the Department) has developed the charter school *Audit Guide (Guide)* to provide all charter schools within the Commonwealth of Massachusetts and their independent auditors with a resource of audit requirements including illustrative financial statement formats. The requirements contained in this *Guide* must be followed by all charter schools; however items may be added or modified to meet the charter school's needs and independent auditor's professional judgment.

## 101 *Scope and Organization*

The *Guide* contains two sections; Part I includes the audit policies and procedures and Part II includes auditing and reporting guidelines.

## 102 *Purpose*

The purpose of the *Guide* is to provide procedures to properly complete the charter school's annual audit and provides a uniform approach to the financial statement formats and the related notes to the financial statements. The *Guide* provides recommendations and requirements that will meet the individual charter school's needs to prepare and submit the annual audit report in conformity with laws, regulations and administrative policies governing Massachusetts charter schools.

The *Guide* also provides detailed information on the financial reporting and audit requirements of the charter school, including applicable laws and regulations regarding audits of grants awarded by the U.S. Government and other funding sources.

102 *Purpose - continued*

The *Guide* is to be used in conjunction with current audit standards and accounting principles generally accepted in the United States of America and is not intended to supplant these standards and principles. These standards and principles may have been updated or revised and new guidance may have been issued subsequent the issuance of this *Guide*. The charter school and its auditors are required to apply all applicable current standards to the audit performed. The *Guide* requires the auditor to properly plan and perform the audit and encourages professional judgment in determining the audit steps necessary to accomplish the audit objectives. Any recommendations or suggestions to improve this *Guide* should be sent to the Massachusetts Department of Elementary and Secondary [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu).

103 *Amending the Guide*

This *Guide* contains the minimum audit policies and procedures for the charter school, as of the date of its promulgation. From time to time, as additional matters require or changes to this *Guide* are appropriate, the Department will amend this *Guide*. The amendments will be published on the Department's web site at [www.doe.mass.edu/charter](http://www.doe.mass.edu/charter) and should be reviewed annually by the charter school and their auditor to ensure that the audit requirements are maintained on a current basis. **It is the charter school's responsibility to conform to the current reporting requirements of the Department. Incomplete or incorrect annual audit reports will be rejected by the Department and will require resubmission.**

104 *Effective Date*

**The *Guide* will be effective for all charter schools with fiscal years ending on or after June 30, 2015 in which an audit is required (See Section 300), with the exception of Charter School Program Grant reporting requirements (See Appendix B), and the removal of the surplus schedule (see Section 807), which both take effect for the fiscal year ending June 30, 2014. Schools are strongly encouraged to implement the entire guide for fiscal year ending June 30, 2014.**

105 *Background*

In accordance with M.G.L. c. 71, § 89, each charter school must have an independent audit conducted of its accounts, consistent with auditing standards generally accepted in the United States of America, and consistent with any guidelines the Department may issue. Audits must be filed annually on or before November 1<sup>st</sup> with the Department and the Commonwealth of Massachusetts Office of the State Auditor.

As a special purpose governmental unit, the charter school will follow the requirements of the Governmental Accounting Standards Board (GASB). GASB is the recognized standard setting body for establishing governmental accounting and financial reporting principles. This *Guide* is updated through the issuance of GASB Statement No. 71 *Pension Transition for Contributions Made Subsequent to the Measurement Date – an Amendment to GASB No. 68*.

The charter school's activities should be accounted for as a *Business-Type Entity* and report all activity within the Proprietary Fund. The charter school will maintain their accounting records and related financial reports on the accrual basis of accounting. Also pursuant to GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 1989 FASB and American Institute of Certified Public Accountants (AICPA) Pronouncements*, the charter school should elect to apply the provisions of all Financial Accounting Standards Board (FASB) Statements and Interpretations, APB Opinions and ARB's of the Committee on Accounting Procedures, except for those that conflict with or contradict GASB pronouncements.

The charter school's board of trustees contracts annually with a qualified certified public accounting firm to conduct the audit of the charter school's financial statements in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards* issued by the Comptroller General of the United States; and if applicable the *U.S Office of Management and Budget's Circular A-133*. The selected audit firm must be familiar with these standards and related Commonwealth of Massachusetts charter school regulations, in order to properly conduct the audit engagement.

While not an audit standard of *Government Auditing Standards*, sound procurement practices for goods and services should be followed. The Department recommends that management document the factors considered and the conclusions reached concerning the auditor's acceptance and retention. The review of retention factors and the acceptance decision should be made in light of the knowledge about the auditor obtained from the prior audit(s) and consideration of matters that may have occurred since the prior audit.

If the audit process is to be bid, then a formal request for proposal should be prepared and all bidders should be evaluated based on a set of criteria that should include, past experience, qualification of the assigned staff, references from similar organizations, professional affiliations, technical abilities, peer review opinion and fee. This process should document how the successful bidder was determined to ensure a fair and objective selection process.

The independent auditor engaged to conduct the charter school audit must be: (a) licensed certified public accountants or persons working for a licensed certified public accounting firm; or (b) public accountants licensed on or before December 31, 1970, or persons working for a public accounting firm licensed on or before December 31, 1970.

Accountants and accounting firms meeting these licensing and independence requirements must also comply with applicable provisions of the public accountancy law and rules of the jurisdiction(s) where the audit is being conducted and the jurisdiction(s) in which they are licensed. The Commonwealth of Massachusetts must license public accountants and accounting firms engaged to conduct audits in Massachusetts.

The auditor and the charter school must fully understand and comply with the independence standards contained within *Government Auditing Standards (2011 Revision)* and the *United States Government Accountability Office (GAO) Government Auditing Standards Answers to Independence Questions*. These documents are available at the GAO web site <http://www.gao.gov/> and should be reviewed prior to contracting the independent auditor.

Auditors should determine whether identified threats to independence are at an acceptable level or have been eliminated or reduced to an acceptable level. A threat to independence is not acceptable if the threat either (a) could impact the auditor's ability to perform an audit without being affected by influences that compromise professional judgment or (b) could expose the auditor or audit organization to circumstances that would cause a reasonable and informed third party to conclude that the integrity, objectivity, or professional skepticism of the audit firm, or a member of the audit team, had been compromised.

When an auditor identifies threats to independence and, based on an evaluation of those threats, determines that they are not at an acceptable level, the auditor should determine whether appropriate safeguards are available and can be applied to eliminate the threats or reduce them to an acceptable level. The auditor should exercise professional judgment in making that determination, and should take into account whether both independence of mind and independence in appearance are maintained. The auditor should evaluate both qualitative and quantitative factors when determining the significance of a threat.

The auditor is required to document threats to independence that require the application of safeguards and the safeguards applied. For nonaudit services, regardless of whether threats to independence are determined to be significant, the auditor is required to document (1) the understanding established with the audited entity regarding the nonaudit services to be performed and (2) management's ability to effectively oversee the nonaudit services, including whether management possesses suitable skills, knowledge, or experience to do so. The auditor also should establish and document in writing his or her understanding with the charter school regarding (1) the objectives of the nonaudit service, (2) the services to be performed, (3) the charter school's acceptance of its responsibilities, (4) the auditor's responsibilities, and (5) any limitations of the nonaudit service.

In order to conform to the AICPA Statement on Auditing Standards No. 114 (AU Section 380) *The Auditor's Communication With Those Charged With Governance, and Government Auditing Standards* the auditor must reach a clear understanding with the client about the services to be performed for the engagement and should document their understanding in a written engagement letter. The engagement letter should include: the objective and scope of the audit, including the financial statements and supplemental information, if any, to be opined on and the auditing standards to be complied with; management's responsibilities, including internal control over financial statement presentation, compliance and fraud and provide documentation for completion of the audit; auditor's responsibilities, audit procedures for financial statements and compliance and limitations; administrative issues, including the audit fee, workpaper retention, copy of the firm's peer review opinion and letter of comments, if any and the start and delivery dates for the audit report including the draft and final dates. This understanding should be reached prior to the start of the audit process.

The board of trustees should appoint an audit/finance subcommittee to monitor the audit process. This subcommittee will contract the independent auditor and review the scope and results of the audit. The audit/finance subcommittee also receives notice of any consequential irregularities and findings that the auditor noted during the engagement. Additionally, the subcommittee will develop a corrective action plan to address all relevant findings noted by the auditor. The audit/finance subcommittee will also review all financial information of the charter school and provide recommendations to the full board of trustees. Further, the Board of Trustees may delegate responsibility to accept the audit to the audit/finance committee who will acknowledge their acceptance of the audit by signing the *Acceptance of the Board of Trustees Letter* (Appendix A), which will be attached to the final audit package for submission to the Department.

**In accordance with M.G.L. c. 71, § 89, each Commonwealth of Massachusetts charter school shall have an annual independent audit conducted of its accounts, consistent with auditing standards generally accepted in the United States of America, *Government Auditing Standards* and any guidelines the Department or the Office of the State Auditor may issue.**

During the charter school's planning period—the time between the granting of the charter and the opening of the charter school to enrolled students—the charter school may request to have an independent accountant's review performed, which is less in scope than an audit, in lieu of an audit. The review must be performed by a certified public accountant in accordance with the *Statements on Accounting and Review Services* issued by the American Institute of Certified Public Accountants. If a review is performed, Section 1000 of this *Guide* is not applicable, and the Acceptance of Board of Trustees (*Appendix A*) must be modified to describe the scope of services provided. Additionally, if during the planning period the charter school expends in excess of the threshold set by OMB Circular A-133 (currently \$500,000 for fiscal year) in federal expenditures a full audit must be performed in accordance with OMB Circular A-133. (The auditors should be aware of any subsequent changes to the threshold).

**If a charter school wishes to have a review performed in lieu of an audit during the planning period, a formal request by the charter school's board of trustees should be made in writing to the Department at least three months prior to the filing deadline (See Section 301 'When to File'). The Department's approval must be obtained prior to contracting for the services.**

**Additionally, a separate agreed upon procedures may be required for charter schools that receive funding under the Federal Charter Schools Program (CSP). (See Section 303).**

301 *When to File*

In accordance with 603 CMR 1.09(3), a Commonwealth of Massachusetts charter school shall have its independent audit filed annually on or before **November 1<sup>st</sup>** following the fiscal year end. Any request for an extension must be submitted in writing and approved by the Department prior to the due date.

If an agreed upon procedures report is required for a charter that receive CSP funding the agreed upon procedures report shall be filed on or before November 1<sup>st</sup> following the fiscal year end.

302 *What and Where to File*

A charter school must submit a completed *Reporting Package*, which must adhere to the format described in the *Guide* (See Section 800 *Reporting Package*). An incomplete or incorrect annual *Reporting Package* will be rejected and require correction and/or resubmission. The audit will not be considered submitted to the Department until a complete *Reporting Package* is submitted as follows:

**Papers copies of the reporting package will not be accepted, therefore the audit will not be considered submitted until the electronic copy is uploaded via the portal.**

**One (1)** electronic copy of the completed *Reporting Package*, including management letter, if any, must be filed via email to the Office of the State Auditor at the following email address:



(Please note: this filing information may be updated annually).

**One** electronic copy of the completed *Reporting Package* in PDF format must be submitted via the Department's Security Portal. (The Security Portal is accessible through the Department's website - See <http://www.doe.mass.edu/>)

**The Charter School Year End Report** (See Section 900) –file must be submitted via the Department's Security Portal.

**The Charter School Year End Report** (See Section 900) signed certification statement must be submitted via the Department's Security Portal.

An audit performed in accordance with the *Office of Management and Budget Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations (OMB A-133)* must be filed with the Federal Audit Clearinghouse. Please refer to *OMB Circular A-133* for the federal filing requirements (See Section 500).

[http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf)

Please note that updated filing instructions may be provided annually by the Department.

### 303 *Additional Reporting – Charter School Program (CSP) Funding*

Effective FY14, if the School receives federal Charter Schools Program funds (CSP) (CFDA No. 84.282) directly from the Department, and the School **does not** meet the threshold for an OMB Circular A-133 audit, an accountants agreed upon procedures report specific to this funding is required.

If the School **does meet** the threshold of an OMB Circular A-133 audit, and the CSP funding does not meet the criteria for a major program the auditor has the option of either including the CSP funding as a major program and testing accordingly, or performing the accountants agreed upon procedures report. See Appendix B for agreed upon procedures and sample report. The agreed upon procedures report is due November 1<sup>st</sup> following the fiscal year end and is required to be submitted as follows:

**One** electronic copy of the completed *Agreed Upon Procedures Reporting Package* (see Appendix B) in PDF format must be submitted via the Department's Security Portal. (The Security Portal is accessible through the Department's website - See [www.doe.mass.edu](http://www.doe.mass.edu/)).

304 *Penalty for Noncompliance*

The charter school must file an annual audit report by the stated filing deadline to comply with the Commonwealth of Massachusetts statutory and regulatory requirements. The Department reserves the right to sanction any charter school that does not comply with this requirement, including but not limited to withholding payment of state funds, conditions, probation or revocation of the charter.

#### 400 *Audit Objective*

The objective of the audit is as follows: the expression of an opinion that provides reasonable assurance that the financial statements and notes present fairly, in all material respects, the financial position, results of operations and cash flows of the charter school, in conformity with accounting principles generally accepted in the United States of America; provides limited assurance on the management discussion and analysis; provides no assurance on the Department's supplemental information. The auditor will also report on the charter school's internal control related to the financial reporting and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance which could have a material effect on the financial statements in accordance with Government Auditing Standards.

If the audit is to be performed in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, the auditor will also report on the charter school's internal control related to its major programs and provide an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program.

#### 401 *Charter School Responsibility*

The management of the charter school is responsible for the preparation and fair presentation of the financial statements and related notes in accordance accounting principles generally accepted in the United States of America. Additionally, management is responsible for establishing and maintaining internal control and for compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants and detecting and reporting any issues of fraud. Consequently, management is responsible for the financial statements, the related notes to the financial statements and supplemental information. The auditor will require that the charter school management confirm this responsibility through a management representation letter to be issued to the auditor at the end of the engagement.

#### 402 *Auditor Responsibility*

The AICPA through the Auditing Standards Board issues Statements on Auditing Standards, which provide audit standards and identify the responsibilities of the auditor when issuing an opinion on financial statements, in accordance with auditing standards generally accepted in the United States of America. The auditor is expected to possess adequate professional proficiency and understanding of these Statements on Auditing Standards', and specific proficiency as it relates to the Commonwealth of Massachusetts charter school regulations, prior to accepting the audit engagement.

The general audit standards under *Government Auditing Standards* require that the audit be performed by personnel who collectively have the necessary technical skills, maintain independence, exercise due professional care in properly planning, conducting and reporting the results of the audit and the audit firm has an appropriate quality control system that is supported by an external quality control review. In order to conform to the *Government Auditing Standards* technical skills requirement, the audit staff must maintain professional proficiency through continuing professional education (CPE) and training. A component of this training requires that each audit staff responsible for planning, directing, performing fieldwork or reporting on the audit must complete every two years, at least 80 hours of CPE, of which 24 hours of the 80 must be directly related to government auditing, the governmental environment, or specific or unique environment in which the audited entity operates.

*Government Auditing Standards* fieldwork standards require that the auditor plan and perform the audit to obtain sufficient appropriate audit evidence so that audit risk will be limited to a low level that is, in their professional judgment, appropriate for expressing an opinion on the financial statements. *Government Auditing Standards* incorporate the AICPA fieldwork and reporting standards and prescribes additional standards for financial audits performed in accordance with *Government Auditing Standards*.

The fieldwork standards include the following:

- The audit is properly planned and supervised
- A sufficient understanding of the entity and its environment, including its internal control, is obtained in order to assess the risk of material misstatement of the financial statements whether due to error or fraud, and to design the nature timing and extent of further audit procedure.
- Sufficient appropriate audit evidence must be obtained by performing auditor procedures to afford a reasonable basis for an opinion regarding the financial statement under audit.
- An evaluation as to whether the charter school has taken appropriate corrective action to address findings and recommendations from previous engagements that could have a direct and material effect on the financial statements.
- The audit is designed to provide reasonable assurance of detecting misstatements that result from violation of provisions of contracts or grant agreements that could have a direct and material effect on the financial statements.

402 *Auditor Responsibility - continued*

The auditor is required to express an opinion or disclaim an opinion on the financial statements and notes to the financial statements of the charter school. These financial statements generally include of the Statement of Net Position and the related Statements of Revenue, Expenses and Changes in Net Position and Cash Flows. In conjunction with the financial statements, the report will include the Management Discussion and Analysis (unaudited), The accuracy of the 20% Excess Surplus Carryover Calculation will be reviewed as part of the compliance procedures performed in the subsequent year (see Section 1012).

403 *Working Papers*

Government Auditing Standards require that working papers contain sufficient information to enable an experienced auditor, having no previous connection with the charter school audit, to ascertain from them the nature, timing and extent of the procedures performed, audit evidence obtained and the results or conclusions reached on significant matters. This allows the Department or other appropriate oversight officials, to adequately review the auditor's work and related conclusions. Working papers must be retained by the auditor for a minimum of five years after the issuance date or longer if the Department notifies the auditor.

A charter school that expended \$500,000 (currently the fiscal year 2014 threshold) or more of federal awards through a combination of direct programs from the federal government, pass-through awards from the Commonwealth of Massachusetts Departments, pass-through awards from other entities, such as other state or local governments and nonprofit organizations are subject to the audit provisions of the Single Audit Act and OMB Circular A-133. Information regarding OMB Circular A-133 can be found at: [http://www.whitehouse.gov/omb/circulars\\_default](http://www.whitehouse.gov/omb/circulars_default).

If the charter school is required to perform an audit in conformity with OMB Circular A-133, these requirements must be included in the School's audit report submitted to the Department. This includes, but is not limited to the Independent Auditors' Report, the Basic Financial Statement, Notes to the Financial Statements, Supplemental Information - Schedule of Expenditures of Federal Awards, Notes to Schedule of Expenditures of Federal Awards, *Independent Auditors Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards*, *Independent Auditors Report On Compliance for Each Major Program And On Internal Control Over Compliance Required by OMB Circular A-133*, Summary of Audit Results, Schedule of Findings and Questioned Costs and Acceptance by the Board of Trustees.

501 *Charter School Responsibility under OMB Circular A-133*

The provisions of OMB Circular A-133 require the charter school to:

- Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification shall include, as applicable, the Catalog of Federal Domestic Assistance (CFDA) title and number, award/contract number and year, name of the federal agency, and name of the pass-through entity.
- Document the funding source for all funding received, including the amount of federal funding expended and the extent to which the charter school is subject to an audit in accordance with OMB Circular A-133.
- Maintain internal control over federal programs that provides reasonable assurance that the charter school is managing the federal awards in compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a material effect on each of its federal programs.

501 *Charter School Responsibility under OMB Circular A-133 - continued*

- Comply with laws, regulations, and the provisions of contracts or grant agreements related to each of its federal programs.
- Prepare appropriate financial statements, including the *Schedule of Expenditures of Federal Awards* in accordance with the provisions of OMB Circular A-133.
- Ensure audits required by OMB Circular A-133 are properly performed and submitted when due.
- Follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with the provisions of OMB Circular A-133.
- Electronically prepare, sign and submit the Form SF-SAC *Data Collection Form for Reporting on Audits of States, Local Governments, and Non Profit Organizations*.

502 *Auditor Responsibilities*

Prior to auditing the financial statements and conducting the audit of the charter school, the independent auditor is urged to consult the following requirements: *Single Audit Act Amendments of 1996*, the *OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations*, the *OMB Circular A-133 Compliance Supplement*, the AICPA *Audit and Accounting Guide for Audits of State and Local Governments* and, AU-C 035 *Compliance Audits*.

503 *OMB Circular A-133 Penalties*

No audit costs may be charged to federal awards when audits required by OMB Circular A-133 have not been made or have been made, but not in accordance with the provisions of OMB Circular A-133. In cases of continued inability or unwillingness to have an audit conducted in accordance with OMB Circular A-133, the circular indicates that federal agencies and pass-through entities shall take appropriate action using sanctions such as:

- Withholding a percentage of federal awards until the audit is completed satisfactorily.
- Withholding or disallowing overhead costs.
- Suspending federal awards until the audit is conducted.
- Terminating the federal award.

## PART II AUDITING AND REPORTING GUIDELINES

### 600 *Accounting Policies - Financial Reporting Entity*

The charter school is classified as a special purpose government entity and operates as a business type entity within the Commonwealth of Massachusetts. GASB Codification Section 2100 'Defining the Financial Reporting Entity' should be referred to when determining the reporting entity for the School.

The financial reporting entity consists of organizations for which the School is financially accountable. The School may determine through the exercise of management's professional judgment that the inclusion of an organization that does not meet the financial accountability criteria is necessary in order to prevent the reporting entity's financial statements from being misleading. (see Section 701). In such circumstances, that organization should be included as a component unit.

An organization other than a primary government (such as other stand-alone governments) serves as a nucleus for its reporting entity when it issues financial statements. The financial reporting entity consists of the stand-alone governments and all component units for which it is financially accountable, and other organizations for which the nature and significance of their relationship with the stand-alone government are such that exclusion would cause the charter school's financial statements to be misleading. Any stand-alone government with a voting majority of its governing board appointed by a primary government should disclose that accountability relationship in its financial statements.

### 601 *Accounting Principles*

The accounting principles of the charter school must conform to accounting principles generally accepted in the United States of America (GAAP) that are applicable to a special purpose governmental entity. Therefore, revenues and expenses are recorded using the accrual basis of accounting and requires that revenues are recognized in the accounting period in which they are earned and expenses are recognized in the period in which goods or services are received or incurred.

### 602 *Auditing Standards and Guidance*

The charter school shall maintain their financial records in accordance with GAAP and conduct an annual independent audit in accordance with the *Government Auditing Standards* issued by the Comptroller General of the United States of America. These standards incorporate all the AICPA generally accepted auditing standards for fieldwork and reporting, as well as the related AICPA Statement on Auditing Standards'. *Government Auditing Standards* prescribes general standards and additional fieldwork and reporting standards beyond those provided by the AICPA when performing financial audits.

602 *Auditing Standards and Guidance - continued*

In accordance with the AICPA, the first audit fieldwork standard requires that the audit be properly planned. In planning the audit the auditor should, at a minimum, become familiar with this *Guide* and the following:

- AICPA Professional Standards
- AICPA Audit and Accounting Guide for States and Local Government Units
- Financial Accounting Standards Board Accounting Standards Codification
- Governmental Accounting Standards Board Current Text
- Government Accounting Standards Board Codification
- OMB Circular A-133: Audits of Institutions of States, Local Governments and Non Profit Organization
- OMB Circular A-133, Compliance Supplement
- OMB Circular A-87, Cost Principles for State and Local Governments
- Common Rule for Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Commonwealth of Massachusetts, Charter School Regulations
- General Laws of Massachusetts c. 71, § 89
- 603 CMR 1.00 Charter Schools
- Technical Advisories issued by the Commonwealth of Massachusetts Department of Elementary and Secondary Education

603 *Audit Objectives*

The primary audit objectives when performing an audit of a charter school are to determine whether:

- The financial statements and related notes are presented fairly, in all material respects, in conformity with GAAP.
- The charter school has implemented and utilized reasonable financial and administrative procedures and internal controls to adequately safeguard assets.
- State and Federal reports and claims for advances or reimbursements contain accurate and reliable financial data and are presented in accordance with the terms of applicable agreements.
- State and Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of laws or regulations that could have a direct and material effect on the financial statements and related notes.

## 700 *Financial Statement Considerations – Comparative Financial Statements*

GASB standards requires, subsequent to the first year of operation, that the charter school issue either comparative or summarized comparative financial statements depending on whether the charter school has a component unit or not.

## 701 *Component Unit Consideration*

In accordance with GASB, with the exception of a charter school that is part of a network of charter schools (see Section 702 for treatment of a network of charter schools), the charter school is considered the primary government. Numerous charter schools within the Commonwealth of Massachusetts have associated non-profit organizations. These organizations should be evaluated during the planning stage of the audit to determine whether or not they should be considered a component unit of the charter school, and how they should be reported in the audit. The financial information for these component units should be reported in conjunction with the charter school's financial statements and accounted for in accordance with *GASB Codification Section 2600*. See Appendix E for more information about identifying component units.

In accordance with GASB, component units can be either be treated as (1) “blended” with the charter school or (2) “discretely presented” from the charter school. Regardless of treatment, the financial information for the charter school and each component unit should be presented in individual columns in the financial statements in order to separately distinguish the balances and transactions of the charter school and the component unit(s). As required by GASB, the auditor should opine on the financial activity of the charter school and component units based on the treatment of component units.

If the charter school has a relationship with a separate non-profit or governmental entity, but the entity does not meet the criteria for including the reporting entity's financial statements as a component unit of the charter school, then all the transactions incurred between the organization and the charter school should be evaluated as related party transactions and disclosed in accordance with GAAP and the *Guide*. The Department requires that all related party transactions, whether material or immaterial be disclosed in the notes to the financial statements.

## 702 *Considerations for a Network of Charter Schools*

A network of charter schools is made up of multiple charter schools which are governed by one board of trustees. As required by GASB, the board of trustees, which oversees the network of charter schools, is considered the primary government for auditing purposes. The financial information for each charter school in the network should be presented in individual columns in the financial statements in order to separately distinguish the balances and transactions of each charter school. However, as required by GASB, the auditor is required to opine on the combined total all of all the charter schools' financial activity.

The illustrative reporting packages presented on the Department's website at [www.doe.mass.edu](http://www.doe.mass.edu) are provided as a guide to the financial reporting format for a charter school within the Commonwealth of Massachusetts. The reporting package format of your charter school depends on whether the charter school is a part of a network of charter schools, has to conduct an audit in accordance with OMB Circular A-133, and/or has a component unit. The appropriate reporting package applicable to the School should be submitted.

Some variations from the illustrations may be appropriate, to conform to proper disclosures required by the charter school, GAAP and this *Guide*. The reporting package to be submitted to the Department must include the following:

**Minimum Reporting Package - No OMB Circular A-133 audit required:**

- Management Discussion and Analysis
- Independent Auditors' Report
- Statement of Net Position
- Statement of Revenues, Expenses and Changes in Net Position
- Statement of Cash Flows (Direct Method)
- Notes to Financial Statements
- Independent Auditors Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
- Schedule of Findings and Questioned Costs
- Schedule of Prior Audit Findings
- Board of Trustees Acceptance letter (*See Appendix A*)

**Reporting Package - OMB Circular A-133 audit required**

In addition to the items listed above in the 'Minimum Reporting Package', the following should be included if an OMB Circular A-133 audit is required:

- Schedule of Expenditures of Federal Awards
- Notes to Schedule of Expenditures of Federal Awards
- Independent Auditors' Report on Compliance for Each Major Program and On Internal Control Over Compliance Required by OMB Circular A-133
- Summary of Auditors' Results
- Schedule of Findings Relating to the Financial Statement Audit
- Schedule of Findings and Questioned Costs Relating to Federal Programs
- Schedule of Prior Audit Findings
- Board of Trustees Acceptance letter
- Summary Schedule of Prior Year Audit Findings
- Charter School's Corrective Action Plan, if any (may be included within the Schedule of Findings and Questioned Costs listed above)
- Form SF-SAC *Data Collection Form for Reporting on Audits of States, Local Governments, and Non Profit Organizations*. See <http://harvester.census.gov/sac> for copy of report and instructions for filing (*does not have to be submitted to the Department*)

**Other Reporting Requirements by the Department:**

- Management Letter, if any (under separate cover)
- Charter School End of Year Financial Report (See Section 900)
- Federal Charter School Program agreed upon procedures report, if necessary (see Section 303)

801 *Management Discussion and Analysis*

The Management Discussion and Analysis (MD & A) is prepared by the charter school’s management to introduce the basic financial statements and provides an analytical overview of the charter school’s financial activities. Although not part of the basic financial statements the MD & A is considered required supplemental information for all charter schools and is presented before the basic financial statements. The auditor should follow the guidance of SAS 120 *Required Supplementary Information*.

802 *Basic Financial Statements*

The following sections will provide a summary of each of the basic financial statements issued by the charter school.

803 *Statement of Net Position*

The *Statement of Net Position* reports all financial and capital resources of the charter school and reflects the difference between assets and liabilities as net position. GASB requires that the *Statement of Net Position* be presented using the following categories: *Current Assets, Non-Current Assets, Deferred Outflow of Resources, Current Liabilities, Non-Current Liabilities Deferred Inflow of Resources* and *Net Position*.

School should determine the classification of transactions as Assets, Deferred Outflows of Resources, Liabilities or Deferred Inflows of Resources. The following are provided as basic definitions:

Assets – Resources with present service capacity that the government presently controls

Liabilities – present obligations to sacrifice resources that a School has little or no discretion to avoid.

Deferred Outflows of Resources – consumption of assets by a School that is applicable to a future reporting period

Deferred Inflows of Resources – acquisition of assets by a School that is applicable to a future reporting period.

The following is a list of common current and non-current assets and liabilities. The list is for illustrative purposes only and is not considered to be all-inclusive.

<b><u>CURRENT</u></b>		<b><u>NON-CURRENT</u></b>	
<i>Assets</i>			
Cash and cash equivalents		Land and building	
Accounts receivable		Building/leasehold improvements	
Grants receivable - State		Furniture and equipment	
Grants receivable- Federal		Restricted cash and cash equivalents	
Grants receivable - Private		Long-term investments	
Contributions receivable		Reserve for future capital projects	
Prepaid expenses			
Short-term investments			
<i>Deferred Outflows of Resources</i>			
<i>Liabilities</i>			
Accounts payable		Non current lease obligation	
Accrued expenses		Non current debt	
Advances on contracts		Deferred loss	
Current debt payable			
Current lease obligation			
<i>Deferred Inflows of Resources</i>			

803 *Statement of Net Position - continued*

The following **do not** meet the definition of Deferred Outflows of Resources and Deferred Inflow of Resources as they have present service capacity or represent a present obligation to sacrifice resources.

*Deferred Outflows of Resources*

- Prepayments

*Deferred Inflows of Resources*

- Resources received in advance of an exchange transaction

Amounts included within the *Net Position* should be broken down into the following three categories:

- *Net Investment in Capital Assets* - Includes capital assets, including restricted capital assets, net of accumulated depreciation and reduced by any debt attributable to the acquisition, construction or improvement of those assets.

The *Net Invested in Capital Assets, Net of Related Debt* should be calculated using the formula below and disclosed in the notes to the financial statements:

Cost of Capital Assets Acquired  
**Less:** Accumulated Depreciation  
**Less:** Outstanding Debt Related to Capital Assets  
**Equals:** Net Investment in Capital Assets

- *Restricted Net Position* – Includes net position by major categories of the restrictions, if any, either on the face of the Statement of Net Position or in the notes to the financial statements.
- *Unrestricted Net Position* – Includes net position that does not meet the definition of *Net Investment in Capital Assets, Net of Related Debt* or *Restricted Net Position*.

804 *Statement of Revenue, Expenses and Changes in Net Position*

The *Statement of Revenue, Expenses and Changes in Net Position* reflects the operating and non-operating activities of the charter school. The statement distinguishes between operating and non-operating revenues and expenses, which should be presented under the captions *Operating Revenues, Operating Expenses* and *Non Operating Revenues and Expenses*. Revenues from Capital Contributions, special and extraordinary items and transfers should be reported separately in the statement after the *Non Operating Revenues and Expenses* section.

The following is a list of typical charter school revenue and expense items by classification. The listing is presented for illustrative purposes only as management should use their judgment when determining which revenue and expense categories should be included within this statement.

The definition of operating activity must be disclosed in the notes to the financial statements.

<i>Operating Revenues</i>		<i>Operating Expenses</i>	
	Tuition		Salaries
	Grants - State		Payroll taxes
	Grants - Federal		Fringe benefits
	Grants - Private		Office supplies and materials
	Nutrition Funding - State		Professional development
	Nutrition Funding - Federal		Dues, licenses and subscriptions
	Program fees		Recruitment/advertising
	Contributions in-kind transportation		Travel expense
	Transportation aid		Contracted services
			Instructional technology
			Testing & assessment
<i>Non Operating Revenues and Expenses</i>			Staff stipend
	Grants - Private		Health services
	Contributions, in-kind		Student transportation
	Contributions		Depreciation
	Rental income		Food services
	Investment income		Athletic services
	Interest expense		Utilities
	Fundraising expense		Maintenance of building and grounds
	Management fees revenue		Maintenance of equipment
			Rental/lease of building & grounds
<i>Capital Contributions</i>			Rental/lease of equipment
	Capital contributions		Insurance
	Capital grants and gifts		Management fee
			In-kind transportation

The *Statement of Cash Flows* summarizes cash inflows and outflows from operating, investing and financing activities that occurred during the accounting period. The charter school, in accordance with GASB is required to prepare the *Statement of Cash Flows* using the direct method. The direct method reports cash receipts and cash disbursements from operating activities for the fiscal year. This method also requires that a reconciliation be prepared that agrees the change in operating net position to the net cash provided by or used in operating activities.

The *Statement of Cash Flows* consists of the following classifications of cash flow:

1. Cash Flows from Operating Activities
2. Cash Flows from Non Capital Financing Activities
3. Cash Flows from Capital and Related Financing Activities
4. Cash Flows from Investing Activities

- *Operating Activities* – Includes cash from operating activities including the following:

<i>Operating Activities</i>	
Inflows	Outflows
Receipts from tuition	Payments to employees
Receipts from state grants	Payments of employee benefits
Receipts from federal grants	Payments to vendors and suppliers
Other operational cash inflows	Other operational cash outflows

- *Non-Capital Financing Activities* - Includes cash flows related to non operating grants received from or provided to other governments as well as other non operating revenues and expenses and borrowing money for purposes other than buying or building capital assets.
- *Capital and Related Financing Activities* - Includes cash flows related to borrowing and repaying debt for purchasing and constructing capital assets.
- *Investing Activities* - Include cash flow from the purchases and sales of all investments and any dividends or interest earned on these investments.

806 *Required Disclosures – Notes to the Financial Statements*

The following are required disclosures and/or presentations that must be reported in addition to the disclosures required by GAAP:

- Disclosure of management fees paid or management fees received by a School during the fiscal year and the nature of the service(s) provided and any amounts owed at the end of the fiscal year.
- Management fees paid or received as a separate line item in the Statement of Revenue, Expenses and Changes in Net Position.
- Related party transactions, whether material or not`
- Management Discussion and Analysis – explanation of any operational loss and statement if it was budgeted for.
- Management Discussion and Analysis – Explanation of methodology how the School projected their budgeted tuition amount.

See Illustrative Notes to Financial Statements included on the Department’s website at:



807 *20% Excess Carryover Calculation*

In accordance with M.G.L. c. 71, § 89 (hh), there is a cap on the amount of cumulative surplus revenue to be retained by the charter school. If a Commonwealth charter school’s cumulative surplus revenue from tuition as adjusted exceeds the imposed cap, the amount in excess of the cap shall be returned by the charter school to the sending district or districts and the state in proportion to their share of tuition paid during the fiscal year. Consequently, all Commonwealth charter schools must present a cumulative surplus revenue schedule using the prescribed Department format.

Please note that as of FY2014, surplus schedules are no longer a required to be included in charter school audit reports. This information is required to be reported through the Charter School End of Year Financial Report (CSEOYFR), which is discussed in further detail in section 900 of this guide. As outlined in section 1012 of this guide, auditors must check the accuracy of the previous year’s surplus calculation as part of compliance testing.

The Department will review the calculation annually to ensure it is appropriate and will notify the charter school of the approved surplus and if applicable the amount to be remitted to the sending district by December 31, following the end of the charter school’s year end.

The total surplus calculation is performed in a prescribed template included in the CSEOYFR. The calculation only allows for cumulative surpluses to be carried forward from year to year. Any cumulative deficits are reports as \$0 for the subsequent year.

- The calculation begins with the surplus from the prior year (with no negative carryover), plus the change in net position for the year.

807 *Supplemental Schedule – 20% Excess Carryover Calculation - continued*

- Non-tuition revenues (e.g., interest income, contributions, capital expenses, principal payments on debt, deposits to reserve funds for capital projects and debt arrangements) as specified in the CSEOFYFR template are subtracted.
- Depreciation on fixed assets purchased after July 1, 2010, and expenses related to raising non-tuition revenues are added back in.
- A school’s year-end surplus tuition revenue is calculated. Unless a portion of the current-year tuition is returned to the sending district (because it exceeds the allowable carryover amount), this end-of-year surplus review becomes the beginning-of-year amount for the following year’s calculation.
- Any additions to the capital reserve account must be approved by a formal vote of the board of trustees of the school.
- This calculation is performed only for charter schools, not for associated foundations or any other entities affiliated with the school.
- Surplus calculations for the current year are unaudited within that year, but will be tested for compliance in the following year, as outlined in section 1012 of this guide.

808 *Schedule of Findings and Questioned Costs*

The *Schedule of Findings and Questioned Costs* must identify significant deficiencies, material weaknesses, fraud, illegal acts, violations of provisions of contracts and grant agreements, and abuse related to financial statements for which *Government Auditing Standards* requires reporting.

In addition, if an audit is required to be conducted in accordance with OMB Circular A-133 this section should identify the federal audit findings required to be reported by section 501(a) of OMB Circular A-133, including significant deficiencies, material weaknesses and material instances of non compliance, questioned costs, as well as any abuse involving federal awards that are material to the major programs. The results of the audit should be included in the *Summary of Audit Results* section.

Audit findings that relate to both the financial statements and the federal awards should be reported in both sections listed above. Findings should be presented in the following format:

<i>Condition:</i>	Detail description of the condition.
<i>Effect:</i>	Effect of the condition on the charter school’s operation.
<i>Cause:</i>	Reason for the existence of the condition.
<i>Criteria:</i>	Regulation, law, contractual provision, internal control etc. used for the determination of the finding.
<i>Recommendation:</i>	Recommendation to correct the condition.
<i>Corrective Action Plan:</i>	Charter school’s plan to correct the condition.
<i>Responsibility:</i>	Individual at the charter school responsible for the implementation of the corrective action.
<i>Timing:</i>	Timeframe for implementation of corrective action.

809 *Schedule of Prior Audit Findings*

The *Schedule of Prior Audit Findings* reports the auditors assessment of the status of all findings included within the prior year's Schedule of Findings and Questioned Costs.

810 *Schedule of Expenditures of Federal Awards*

The *Schedule of Expenditures of Federal Awards* reports all federal activity within the charter school, inclusive of federal expense transactions associated with grants, cost reimbursement contracts, cooperative agreements and direct appropriations; the disbursement of funds passed through to subrecipients; the use of proceeds under loan and loan guarantee programs; the receipt of surplus property; the receipt or use of surplus income; and the distribution or consumption of food commodities.

811 *SF-SAC Data Collection Form for Reporting on Audits of States, Local Governments, and Non Profit Organizations. (Data Collection Form)*

The *Data Collection Form* provides required information about the charter school audit inclusive of the federal awards it administers and the audit results in accordance with OMB Circular A-133. This information is required by OMB Circular A-133 to be prepared at the completion of each audit and submitted, along with the audit report to the Federal Audit Clearinghouse electronically.

812 *Board of Trustees Acceptance Letter*

The Department requires that each charter school include a *Board Acceptance Letter* certifying that the board of trustees accepts the information included in the *Reporting Package*. The board of trustees will acknowledge that the audit was performed in accordance with *Government Auditing Standards* and the guidelines set forth in this *Guide*. The letter must be signed by either the President of the board of trustees, the Treasurer or a designated representative. (See *Appendix B*)

813 *Management Letter*

Issues identified that are not material but more than inconsequential may be communicated in a management letter. In addition, items identified that may improve operational efficiency and effectiveness or otherwise improve the charter school's internal control may also be communicated in a management letter. When a management letter is issued only for the purpose of providing management with efficiency comments or to communicate non significant deficiencies a reference to the management letter does not need to be made in the *Independent Auditors Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards*. Otherwise, a reference to the management letter should be made in the body of this report.

The charter school is required to submit a *Charter School End of Year Financial Report (CSEOYFR)* to the Department on a date annually determined by the Department, but generally on or before the Wednesday before Thanksgiving of each year. The Department has developed a prescribed reporting format contained in the *CSEOYFR*. Please note as outlined in section 807, the CSEOYFR contains the required annual surplus calculation. Information about the prescribed reporting format templates along with the filing instructions are available at [www.doe.mass.edu/charter/finance](http://www.doe.mass.edu/charter/finance).

At the time of the publication of this Guide, the prescribed format consists of the following schedules, though this is subject to change:

Schedule 1 – *Statement of Net Position*

Schedule 2 – *Statement of Revenue, Expenses and Changes in Net Position*

Schedule 3 – *Schedule of Functional Expenses*

Schedule 4 – *Schedule of Surplus Tuition, 20% Excess Carryover*

Schedule 5 – *Charter School Transportation Expenditures*

Schedule 6 – *Audit Questionnaire*

Schedule 7 – *Checks and Comments*

Schedule 8 – *Certification*

The CSEOYFR is not complete unless the signed Certification Statement is sent to the Department via upload through the security portal.

**The CSEOYFR is considered unaudited information for purposes of the *Reporting Package*, but does require compliance testing as noted in Section 1011 of this *Guide*.**

## 1000 *Compliance Requirements*

The compliance requirements identified below have been developed by the Department and the Office of the Inspector General of the Commonwealth of Massachusetts as being inherently risky and highly susceptible to non-compliance. The audit procedures associated with these compliance requirements are intended to be illustrative and are not to be considered comprehensive. The design of appropriate audit tests to satisfy these requirements should be based upon the auditors' professional judgment.

The compliance requirements below are not applicable to a closeout audit being performed. The applicable compliance requirements for a closeout audit are included in **Appendix D**

## 1001 *Internal Controls*

In accordance with the Department's charter school regulations the charter school, under the direction of the board of trustees, is required to establish and maintain adequate accounting records and internal control procedures. A charter school receiving federal financial assistance must adhere to the internal control requirements contained in OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments (amended May 10, 2004)*. Auditors should consult the compliance supplement for OMB Circular A-133 for more information concerning specific internal control requirements, if applicable.

Internal control should consist of the following five components: control environment, risk assessment, control activities, information and communication and monitoring. The objectives of internal control relate to proper financial reporting, efficient operations and compliance with grant and management requirements.

Prior to reviewing and evaluating internal control the auditor should review the AU Section 314 Understanding the Entity and Its Environment and Assessing the Risks of Material Misstatements the 2011 revision of the *Government Auditing Standards*.

### *Recommended Audit Procedures:*

- Review and determine if written internal control policies are available.
- Assess the adequacy of the internal controls in accordance with AU 314 and OMB Circular A-87, if applicable.
- Assess the adequacy of the internal controls pertaining to compliance requirements for OMB Circular A-133, if applicable.

## 1002 *Record Keeping*

In accordance with the Department's charter school regulations the charter school is required to maintain their financial system and records in accordance with accounting principles generally accepted in the United States of America. Financial books and records of the charter school must reflect the source of all assets, liabilities, net position, revenues, and expenses recorded during the fiscal year. For network schools, each school must maintain a separate financial system to record the financial activity of each school.

### *Recommended Audit Procedures:*

- Determine whether the charter school maintains a financial system of recording and documenting all financial transactions.
- Review supporting documentation for selected transactions during the audit to determine if they are properly supported.
- Determine that the financial system properly tracks and reports each school separately

## 1003 *Related Party Disclosure*

In accordance with the Commonwealth of Massachusetts Charter School *Recommended Fiscal Policies and Procedures Guide* the charter school will follow M.G.L. Chapter 268A, the conflict of interest law and file financial disclosures pursuant to G.L. c. 71, s 90(u)." The charter school may not be operated for the benefit of an affiliated or unaffiliated organization or an individual in his or her own private capacity or individuals related to the charter school or members of its management. Thus, the charter school will be guided by the principle of arms-length standards with all affiliated or unaffiliated organizations or with a private or related individual(s).

### *Recommended Audit Procedures:*

- Review and become familiar with the requirements and recommendations as codified in the AICPA Statement of Auditing Standards, FASB Accounting Standards Codification 850 *Related Party Disclosures*, *Government Auditing Standards* and the requirements of M.G.L. Chapter 268A.
- Obtain a listing of the related party transaction that occurred during the year whether material or not.
- Determine if the building is leased from a related party. If so, determine if the rent paid is the market rate for the area.
- Obtain representation from management and the board of trustees as to whether they or any other related party engaged in any transactions with the charter school during the year and disclosed **all** the required transactions in the accompanying notes to the financial statements.
- Determine that all transactions, between the network schools and other component units are properly disclosed in the notes to the financial statements

## 1004 Reporting

In accordance with the provisions of 603 CMR 1.09 the charter school is required to submit both financial and non-financial reports. These reports include the *Annual Report and Enrollment Reports*.

*Enrollment Reports* – The charter school shall submit a Pre-Enrollment Report to the Department in accordance with the deadlines set by the Department.

*Capital Plan (contained within the Annual Report)* – Approved capital plan for the next fiscal year including the amount held in reserve for the purchase or renovation an academic facility pursuant to the capital plan. A vote of the charter school’s board of trustees is required to designate funds to be held in reserve for such purposes. These reserve funds should be reported as an adjustment to the Supplemental Schedule of 20% Excess Carryover Calculation and also reflected in the Statement of Net Position. If exact amounts for designated reserves cannot be determined prior to the close of the fiscal year, adjustments may be made by boards of trustees after June 30 but prior to the finalization of financial statements for the fiscal year. All designations **must be** certified by a board vote.

*Financial Audit* – Each charter school shall have an independent audit conducted of its accounts consistent with GAAS, *Government Auditing Standards* and any guidance issued by the Department or the State Auditor.

### *Recommended Audit Procedures:*

- Review the charter school's procedures, if applicable, for preparing these required reports.
- Examine a sample of the enrollment reports, along with any supporting schedules used to prepare them and determine if the reports were prepared in accordance with the charter school's procedures, were properly supported and filed in a timely manner.
- Determine if the prior year audit report was submitted to the Department in a timely manner, including approved extensions.
- Review approval received for capital plan submitted.

## 1005 Required Policies

In accordance with the Department regulations the charter school must have formalized policies/procedures relating to: student code of conduct (including criteria and procedures for expulsion); enrollment policy; criminal background checks; complaint procedures and multi-hazard evacuation plan.

### *Recommended Audit Procedures:*

- Determine if the policies/procedures described above have been developed and documented.

## 1006 Board of Trustees

In accordance with the Commonwealth of Massachusetts' M.G.L. c. 30A, §§18-25, Open Meetings of Governmental Bodies, the charter school shall conduct public meetings.

### *Recommended Audit Procedures:*

- Become familiar with M.G.L. c. 30A, §§18-25, Open Meetings of Governmental Bodies.
- Examine evidence and determine that public meetings were properly conducted in accordance with the above requirements.
- Determine that the board members submit the following:
  - Signed Certificate of Receipt of Open Meeting Law materials - within two weeks of joining the board.
  - Disclosure of financial interest forms – within 30 days of becoming a member of the board, and by September 1 each year thereafter as required by M.G.L.e.71, s 89(u).
  - Written acknowledgment of the conflict of interest laws within 30 days of becoming a member of the board and on an annual basis thereafter.
  - Complete online training on conflict of interest laws within 30 days of becoming a board member and every two years thereafter.

## 1007 Occupancy

In accordance with the provisions of 603 CMR 1.05 the charter school shall provide written documentation that the facility to be used is approved for use as a school by the building inspector in the municipality in which the charter school is located.

### *Recommended Audit Procedures:*

- Examine current occupancy permit and determine if the permit is current and displayed in an accessible area.
- Examine the safety/fire inspection certificate.
- Examine the license to use explosives and flammable compounds in educational programs, if applicable.
- Examine the evidence of insurance coverage.

## 1008 Procurement Policy

In accordance with Chapter 46 of the acts of 1997, the charter school regulations state that the charter school administrator who serves as procurement officer must obtain a Massachusetts Certified Public Purchasing Official (MCPPO) certificate. (Horace Mann Charter school administrators are also required to obtain an MCPPO certificate). There is not a requirement to be MCPPO designated; the law requires that the administrator responsible for procurement receives a MCPPO certificate stating that they have successfully completed either the Public Contracting Overview seminar or the Charter School Procurement seminar.

### *Recommended Audit Procedures:*

- Examine evidence and determine that the charter school administrator who serves as procurement officer has participated and obtained the certificate of completion of either the Public Contracting Overview seminar or the Charter School Procurement seminar. If the individual has not participated in the required seminars, determine if the individual is enrolled in or on waitlists for the required seminar.

## 1009 Charter Amendments

In accordance with the provisions of 603 CMR 1.11 any major changes in the charter school's operation must be approved by the Commonwealth of Massachusetts Board of Elementary and Secondary Education prior to the changes becoming effective. Major changes are described as those that fundamentally affect a charter school's mission, organizational structure, or educational program. If the charter school makes a minor change in its operations the board of trustees must submit a request to amend their charter to the commissioner for approval. Minor changes include revisions to by-laws, the schedule, enrollment process, expulsion policy, school's name, and board membership.

### *Recommended Audit Procedures:*

- Determine if the charter school made any changes to their programs or initial governance that requires an amendment to their charter. If so, determine if the board of trustees approved the amendment request, communicated the changes to the Department, and subsequently received approval from the Commissioner and/or Board of Elementary and Secondary Education (603 CMR, § 1.11).

## 1010 *Massachusetts Teachers Retirement System*

In accordance with M.G.L. c. 32, the Commonwealth's public retirement statute, 807 CMR, the section of the Code of Massachusetts regulations that pertains to the teacher's retirement system and Massachusetts Teachers Retirement Board's (MTRB) business practices, all employees who qualify must be enrolled within 30 days of employment.

### *Recommended Audit Procedures*

- Review and become familiar with 808 CMR 4.00 – *Eligibility for Membership*, M.G.L. c. 32 and MTRB business practices.
- Determine by selecting a sample of employees that eligible employees are contributing to the plan and the appropriate percentage of their salary is being withheld.
- Examine evidence that eligible employees are enrolled in MTRS within 30 days of employment and that payroll deductions are being withheld and remitted to MTRB on a monthly basis by the 10<sup>th</sup> day of the month following the reporting period.
- Determine the extent of any outstanding payments owed to MTRB by the charter school.

## 1011 *Charter School End of Year Financial Report*

The charter school is required to submit a *Charter School End of Year Financial Report (CSEYOYFR)* to the Department following its fiscal year end (See Section 900). The Department has developed a standard reporting format for the *CSEYOYFR*. The *Recommended Audit Procedures* listed below should be applied to the report submitted for the previous fiscal year end. (i.e., as part of the fiscal year 2014 audit, the *CSEYOYFR* report for the year ended June 30, 2013 will be examined).

### *Recommended Audit Procedures*

- Determine if the financial information was prepared on the accrual basis of accounting.
- Trace the amounts reported to the audited financial statements and verify agreement or perform alternative procedures to verify the accuracy and completeness of the amounts reported.
- Test mathematical accuracy of the schedules and supporting worksheets.
- For financial data, review accounting records and ascertain if all applicable accounts were included in the schedules.
- Obtain written representation from management that the reports are the actual copies submitted to the Department and contain accurate data.

1012 *20% Excess Carryover Calculation within the Charter School End of Year Financial Report (CSEYOYFR)*

In accordance with M.G.L. c. 71, § 89 any cumulative tuition revenue surplus in excess of 20% of its operating budget and its capital costs must be returned by a Commonwealth charter school to the sending district(s). The charter school must calculate the cumulative tuition revenue surplus using the prescribed Department format and include this schedule as part of the CSEYOYFR

The current year's surplus calculation will be contained only in the CSEYOYFR. The surplus calculation from the previous year must be audited and include the following procedures:

*Recommended Audit Procedures*

- Trace the amounts reported on the schedule to the respective line items in the audited financial statements or perform alternative procedures to verify the completeness and accuracy of the amounts.
- If applicable, determine if the Department adjusted the prior year carryover surplus and agree the amount to the schedule.
- If applicable, determine if a liability is properly disclosed and if necessary, reported within the financial statements.
- If a payment to the sending district(s) is approved determine if payment was made in a timely manner.
- If applicable, determine if the boards of trustees' minutes reflect adherence and/or acceptable revisions to the capital plan.

1013 *Networks of Charter Schools*

In accordance with M.G.L. c. 71, § 89 more than one charter school may be managed by a single board of trustees. Funding for a charter school managed by a single board of trustees may not be transferred among individual schools with the network unless such schools are located within the same school district.

*Recommended Audit Procedures*

- Determine if there is a written cost allocation plan for costs shared between network schools and properly disclose all transactions between the schools in the notes to the financial statements.
- Determine if any shared costs between schools not located within the same district are based on actual costs incurred or a reasonable allocation plan consistently applied. (reasonable basis of allocation includes number of students, number of employees or some other reasonable basis as determined by management)
- Determine that funding is not transferred among individual schools within the network unless such schools are located within the same sending district and all transfers are approved by a vote of the board of trustees
- If funds are loaned to schools, whether in district or out of district, they are approved by a vote of the board of trustees and documented by an agreement stating the terms and conditions

*Print on letterhead of School*

**ACCEPTANCE OF THE BOARD OF TRUSTEES**

We, the board of trustees of ABC Charter School or designee, have voted to accept the representations of management and the expression of the opinions made by (Insert Auditors Name) as embodied in the financial statements and independent auditor's reports for the year ended June 30, 20X2 (Insert both years if comparative).

We also certify that the representations made by management and the disclosures in the financial statements are accurate and have been correctly and completely disclosed as required by accounting principles generally accepted in the United States of America and the *Commonwealth of Massachusetts Charter School Audit Guide* for the period ended June 30, 20X2. (Insert both years if comparative).

\_\_\_\_\_  
Board President or Treasurer  
or Other Designated Person

\_\_\_\_\_  
Date

### **Agreed-Upon Procedures for CSP Funding**

1. Obtain a copy of the CSP grant award, inclusive of any amendments.
2. Obtain the detail of expenditures incurred for the period under review relating to the CSP grant and reconcile the total expenditures incurred to the CSP grant revenue recorded by the charter school in its general ledger and investigate the differences.
3. Compare the approved CSP budget to the actual expenditures incurred and investigate any differences greater than 10% of the total budget.
4. Select a sample of expenditures from the detail expenditures incurred during the period based on the criteria set forth below:
  - a. Payroll - Select 10 items or 10% of the total number of payroll items charged to the CSP grant, whichever is less.
  - b. Other expenses – Select 10 items or 10% of the total number of items charged to the CSP grant, whichever is less.

And determine the following:

- i. The expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to the pre-opening periods. (See non-regulatory guidance on the CSP grant at <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>)
  - ii. the expenditure was charged to the proper budget category.
  - iii. the expenditure was charged to the appropriate fiscal period.
5. Obtain Request for Funds forms (RF 1) submitted to the Department during the period under review.
    - a. Trace the amounts reported in the RF1 to the listing of expenditures and determine if any discrepancies.
    - b. If items have not yet been requested for reimbursement, inquire of responsible charter school officials as to the plan for requesting reimbursement, and determine if a receivable is recorded within its general ledger, if appropriate.
    - c. If RF 1 forms include amounts for cash advances (Cash Expenditures Anticipated During Next Month), determine if the total of the funds expended in the month subsequent to the date of the request is equal to or exceeds the amount requested.

## Template for Independent Accountant's Report on Agreed Upon Procedures for CSP Funding

CPA letterhead

To the Board of Trustees of ABC Charter School and  
The Department of Elementary and Secondary Education

### *Independent Accountant's Report on Applying Agreed Upon Procedures*

We have performed the procedures enumerated below, which were agreed to by the management of ABC Charter School (the School) and the Commonwealth of Massachusetts Department of Elementary and Secondary Education (the Department), (the specified parties) solely to assist in evaluating the School's assertion to the Department that it has complied with the requirements of the Federal Charter Schools Program grant (CSP), inclusive of Federal and Department guidelines in managing the CSP grant. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures are as follows:

1. Obtain a copy of the CSP grant award, inclusive of any amendments.
2. Obtain the detail of expenditures incurred for the period under review relating to the CSP grant reconcile the total expenditures incurred to the CSP grant revenue recorded the Charter School and investigate the differences.
3. Compare the approved CSP budget to the actual expenditures incurred and investigate any differences greater than 10% of the total budget.
4. Select a sample of expenditures from the detail expenditures incurred during the period based on the criteria set forth below:
  - a. Payroll - Select 10 items or 10% of the total number of payroll items charged to the CSP grant, whichever is less
  - b. Other expenses – Select 10 items or 10% of the total number of items charged to the CSP grant, whichever is less

And determine the following:

- i. the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>)
  - ii. the expenditure was charged to the proper budget category
  - iii. the expenditure was charged to the appropriate fiscal period
5. Obtain Request for Funds forms (RF 1) submitted to the Department during the period under review.
- a. Trace the amounts reported in the RF1 to the listing of expenditures and determine if any discrepancies.
  - b. If items have not yet been requested for reimbursement, inquire of responsible School officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.

The results of performing these procedures are presented in the accompanying *Results of Procedures*.

We were not engaged to, and did not conduct an audit of the CSP grant, the objective of which would be the expression of an opinion on ABC Charter School's compliance with the requirements of the CSP grant. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the Commonwealth of Massachusetts Department of Elementary and Secondary Education, and it is not intended to be and should not be used by anyone other than those specified parties.

CPA Signature  
Date

**Results of Procedures:**

The following will provide the results of our agreed upon procedures:

Procedure #1:

Result:

Procedure #2:

Result:

Procedure #3:

Result:

Procedure #4:

Result:

Procedure #5:

Result:

## School Closeout Procedures

**Purpose:** The purpose is to provide standard procedures for closing a school when the charter has been revoked by the Board of Elementary and Secondary Education (Board). The procedures indicated may be supplemented by procedures determined relevant based on the auditors professional judgment or additional procedures required by the Board or by the Department of Elementary and Secondary Education (DESE).

**Note: the audit closeout period should be determined by the auditor in consultation with DESE.**

### **Responsibilities:**

#### School management/board of trustees:

- Develop control procedures to properly safeguard assets;
- Designate an individual who is responsible for the accuracy and timeliness of the closeout process;
- Assign a Trustee or authorize another individual to perform the disbursement of any funds;
- Providing an accurate accounting of the school's federal and state grants;
- Providing an accurate accounting of all financial activities of the school through the agreed upon audit period; and
- Take an accurate inventory of assets held at the audit period end date and properly account for any assets sold after the notice of the charter revocation has been received

#### In certain situations, the Massachusetts Department of Elementary and Secondary Education may:

- Determine the audit period and timing
- Coordinate with the charter school regarding the school's hiring the CPA to perform the closeout audit

#### Auditors:

- Render an opinion on the financial statement of the school
- Issue a report in accordance with Government Auditing Standards on the school's internal control over financial reporting and on tests of compliance with certain laws, provisions, regulations, contracts, grant agreements, and other matters
- If applicable, issue a report on in accordance with OMB Circular A-133

## Compliance Requirements Applicable to Closeout Audits

### 2000 *Compliance Requirements*

The compliance requirements identified below have been developed by the Department and the Office of the Inspector General of the Commonwealth of Massachusetts as being inherently risky and highly susceptible to non-compliance. The audit procedures associated with these compliance requirements are intended to be illustrative and are not to be considered comprehensive. The design of appropriate audit tests to satisfy these requirements should be based upon the auditors' professional judgment.

### 2001 *Internal Controls*

In accordance with the Department's charter school regulations the charter school, under the direction of the board of trustees, is required to establish and maintain adequate accounting records and internal control procedures. A charter school receiving federal financial assistance must adhere to the internal control requirements contained in OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments (amended May 10, 2004). Auditors should consult the compliance supplement for OMB Circular A-133 for more information concerning specific internal control requirements, if applicable.

Internal control should consist of the following five components: control environment, risk assessment, control activities, information and communication and monitoring. The objectives of internal control relate to proper financial reporting, efficient operations and compliance with grant and management requirements.

Prior to reviewing and evaluating internal control the auditor should review the AU Section 314 Understanding the Entity and Its Environment and Assessing the Risks of Material Misstatements the 2011 revision of the Government Auditing Standards.

#### *Recommended Audit Procedures:*

- Review and determine if written internal control policies are available.
- Assess the adequacy of the internal controls in accordance with AU 314 and OMB Circular A-87, if applicable.
- Assess the adequacy of the internal controls pertaining to compliance requirements for OMB Circular A-133, if applicable.

### 2002 *Record Keeping*

In accordance with the Department's charter school regulations the charter school is required to maintain their financial system and records in accordance with accounting principles generally accepted in the United States of America. Financial books and records of the charter school must reflect the source of all assets, liabilities, net position, revenues, and expenses recorded during the fiscal year.

*Recommended Audit Procedures:*

- Determine whether the charter school maintains a financial system of recording and documenting all financial transactions.
- Review supporting documentation for selected transactions during the audit to determine if they are properly supported.

2003 *Related Party Disclosure*

In accordance with the Commonwealth of Massachusetts Charter School *Recommended Fiscal Policies and Procedures Guide*, charter school in the Commonwealth of Massachusetts will follow M.G.L. Chapter 268A, the conflict of interest law. The charter school may not be operated for the benefit of an affiliated or unaffiliated organization or an individual in his or her own private capacity or individuals related to the charter school or members of its management. The charter school must have an arms-length relationships with all affiliated or unaffiliated organizations or with a private or related individual(s), particularly when agreements exist with the other entities.

*Recommended Audit Procedures:*

- Review and become familiar with the requirements and recommendations as codified in the AICPA Statement of Auditing Standards, FASB Accounting Standards Codification 850 *Related Party Disclosures*, *Government Auditing Standards* and the requirements of M.G.L. Chapter 268A., conferring with the State Ethics Commission as necessary.
- Obtain a listing of the related party transaction that occurred during the year whether material or not.
- Determine if each member of the board of trustees has been approved by the Commissioner of Elementary and Secondary Education and has filed an annual financial disclosure form as required by M.G.L. c. 71, § 89(u).
- Determine if the building is leased from a related party. If so, determine if the rent paid is the market rate for the area.
- Obtain representation from management and the board of trustees as to whether they or any other related party engaged in any transactions with the charter school during the year and disclosed **all** the required transactions in the accompanying notes to the financial statements.

2004 *Board of Trustees*

In accordance with the Commonwealth of Massachusetts' M.G.L. c. 30A, §§18-25, Open Meetings of Governmental Bodies, the charter school shall conduct public meetings.

*Recommended Audit Procedures:*

- Become familiar with M.G.L. c. 30A, §§18-25, Open Meetings of Governmental Bodies, consulting with the Office of the Attorney General as needed.
- Examine evidence and determine that public meetings were properly conducted in accordance with the above requirements.
- Determine that the board members submit the following:

- Signed Certificate of Receipt of Open Meeting Law materials - within two weeks of joining the board.
- Disclosure of financial interest forms – within 30 days of becoming a member of the board, and by September 1 each year thereafter.
- Written acknowledgment of the conflict of interest laws within 30 days of becoming a member of the board and on an annual basis thereafter.
- Complete online training on conflict of interest laws within 30 days of becoming a board member and every two years thereafter.

#### 2005 *Massachusetts Teachers Retirement System*

In accordance with M.G.L. c. 32, the Commonwealth’s public retirement statute, 807 CMR, the section of the Code of Massachusetts regulations that pertains to the teacher’s retirement system and Massachusetts Teachers Retirement Board’s (MTRB) business practices, all employees who qualify must be enrolled within 30 days of employment.

##### *Recommended Audit Procedures*

- Review and become familiar with 808 CMR 4.00 – *Eligibility for Membership*, M.G.L. c. 32 and MTRB business practices.
- Determine by selecting a sample of employees that eligible employees are contributing to the plan and the appropriate percentage of their salary is being withheld.
- Examine evidence that eligible employees are enrolled in MTRS within 30 days of employment and that payroll deductions are being withheld and remitted to MTRB on a monthly basis by the 10<sup>th</sup> day of the month following the reporting period.
- Determine the extent of any outstanding payments owed to MTRB by the charter school.

#### 2006 *Charter School End of Year Financial Report*

The charter school is required to submit a *Charter School End of Year Financial Report (CSEOYFR)* to the Department following its fiscal year end (See Section 900). The Department has developed a standard reporting format for the *CSEOYFR*. The *Recommended Audit Procedures* listed below should be applied to the report submitted for the previous fiscal year end. (i.e., as part of the fiscal year 2014 audit, the *CSEOYFR* report for the year ended June 30, 2013 will be examined).

##### *Recommended Audit Procedures*

- Determine if the financial information was prepared on the accrual basis of accounting.
- Trace the amounts reported to the audited financial statements and verify agreement or perform alternative procedures to verify the accuracy and completeness of the amounts reported.
- Test mathematical accuracy of the schedules and supporting worksheets.
- For financial data, review accounting records and ascertain if all applicable accounts were included in the schedules.
- Obtain written representation from management that the reports are the actual copies submitted to the Department and contain accurate data.

2007 *Closeout Procedures*

The following procedures are to be performed when a school's charter has been revoked to ensure that assets are properly safeguarded and the Government's interest is properly protected.

- Obtain the contact information of the individual or entity appointed by the Board of Trustees as responsible for the accuracy and timeliness of the closeout process;
- Obtained the contact information of the individual or entity appointed by the Board of Trustees for the dissolution of any remaining assets;
- Closeout date and audit period agreed upon with the Department;
- Examine final grant reports for all federal and state grants and determine if reports have been submitted and if so, any excess funds received and not expended were properly accounted for or remitted to the funding source;
- Review plan for disposition of assets and determined if has been reviewed by the board of trustees and approved by the Department;
- Review listing of assets sold and determine if funds properly received and deposited;
- Review a sample of disbursements made subsequent to revocation of the charter and determine if payments were properly authorized and prioritized;
- Determine that all related tax filing (W-2's, 1099's) were prepared
- Determine that all related payroll liabilities, inclusive of salaries, payroll accruals, MTRS payments and accrued vacation were properly identified and accounted for in the closing year.
- Obtain listing of payables and related party debt and confirm all payables greater than \$1,000;
- Determine that the board authorized an individual, or entity to maintain student and school records inclusive of payroll records (10 years), student records (60 years);
- Determine that the school has procedures in place to properly ensure the confidentiality of the student records and personnel files;
- Determine if any cash on hand at the end of the audit period that they have been transferred to the Department or the designated receiver to determine appropriate distribution based on approval by the Department; and
- Determine that the Board of Trustees established a separate checking account with an amount of funds set aside, as determined in consultation with the Department, for final legal, accounting, audit, and any other necessary expenses.

## APPENDIX D

The following information from *GASB Codification Section 2600* should be considered when determining the proper treatment for charter schools with component units:

**Component unit defined** – Organizations that are legally separate organizations from the PG for which the primary government is financially accountable or closely related. In addition, other legally separate organizations where the nature and significance of their relationship with the primary government is such that exclusion of the organization from the reporting entity would cause the reporting entity's financial statements to be misleading are considered component units.

The PG is financially accountable if:

- 1) The primary government appoints a voting majority of the organizations governing board and:
  - i. Is able to impose its will on the organization
  - ii. Is in a relationship of financial benefit or burden with the organization
- 2) The organization is fiscally dependent upon the primary government and the PG is in a relationship of financial benefit/burden with the PG

Organization is fiscally dependent if the primary government must

- Approve the organizations budget
- Approve the organizations levy, tax rates or other charges
- Approve organizations debt

Organization has a financial benefit/burden relationship if any one of the following occurs:

- PG is legally entitled to or can otherwise access the organization's resources
- PG is legally obligated or has otherwise assumed the obligation to finance the deficits of, or provide financial support to the organization
- PG is obligated in some manner for the organization's debt

### 3) Financial statements will be misleading if excluded

Entities that do not meet the financial accountability criteria may still be included as a component unit if they are closely related to or are financially integrated with the PG. Determination is based on professional judgment, given the nature, facts and circumstances and significance of the relationship between the PG and the component unit.

#### Reporting Requirement

A legally separate, tax exempt organization should be reported as a component unit of the School if all of the following criteria are met

- The economic resources received or held by the separate organization are entirely or almost entirely for the direct benefit of the PG
- The PG is entitled to, or has the ability to otherwise access a majority of the economic resources received or held by the organization
- The economic resources received or held by the organization that the PG is entitled to or has the ability to otherwise access, are significant to the PG

#### *Criteria for blended treatment:*

Component unit's governing board is substantially the same as that of the PG and:

- There is a financial benefit/burden relationship between the PG and the component unit, or (2) management of the PG has operational responsibility for the component unit (management has operational responsibility for a component unit if it manages the activities of the component unit in essentially the same manner in which it manages its own programs). Management consists of persons below the level of the governing board, responsible for the day to day activities of the PG
- The component unit provides services almost entirely to the PG, or almost exclusively benefits the PG, or the component unit's debt outstanding, including leases, is expected to be repaid entirely or almost entirely with resources of the PG.
- The component units total outstanding debt, including leases is expected to be repaid entirely, or almost entirely with the resources of the PG

#### *Criteria for discrete treatment:*

- All other non blended component units
- Entities that should be included based on professional judgment based on the nature and significance to the PG

## Appendix 4: Charter School Performance Criteria



Massachusetts Office of Charter Schools and School Redesign

# Charter School Performance Criteria

Version 3.2 Revised July 2015

**Massachusetts Department of Elementary and Secondary Education**  
The Office of Charter Schools and School Redesign  
75 Pleasant Street  
Malden, MA 02148  
Phone: (781) 338-3227  
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## Overview

The Charter School Performance Criteria (Criteria) are presented in the three guiding areas of charter school accountability defined in the current regulations, 603 CMR 1.0: academic program success, organizational viability, and faithfulness to charter.

The purposes of the Criteria are to:

- Articulate the expectations for all aspects of charter school accountability, from the application process to the renewal process;
- Provide charter schools with clear guidance about how the Massachusetts Board of Elementary and Secondary Education (Board), the Massachusetts Department of Elementary and Secondary Education (Department), and the Commissioner of Elementary and Secondary Education (Commissioner) define charter school success and on what basis charter schools will be evaluated; and
- Clarify the connections between Massachusetts charter school accountability and state and federal accountability standards.

The Criteria were first developed in 2005 and were subsequently revised in 2010. The Department developed the third revision after research and review of the best of what is available for high quality charter school authorizing nationally. The Department has subsequently adjusted the Criteria (version 3.1 in 2014 and version 3.2 in 2015 based on the best practices, suggestions and challenges that came up over the course of the year. There are ten (10) Criteria that frame the Department's evaluation of the performance in the three guiding areas of charter school accountability. The Department evaluates these criteria through the use of quantitative and/or qualitative data and affirmative evidence presented by the school, compiled over the course of the school's charter term.

Department staff adhered to the following key guiding principles throughout the revision process:

- **Preserve operational autonomy.** The Department must ensure that the Criteria protect the autonomies that allow charter schools to exercise the freedom to determine the means by which they achieve student outcomes.
- **Clarify all aspects of charter school performance.** The Criteria are structured to ensure that all key aspects of charter school performance are integrated, while reducing redundancy and prioritizing key areas.
- **Facilitate clear communication about charter school performance.** The Criteria allow the Department to clearly communicate to schools about performance.
- **Align to the Massachusetts School and District Accountability System.** To the greatest extent possible, the Department aligned the Criteria with revisions to the Massachusetts School and District Accountability System and new flexibilities under the Elementary and Secondary Education Act (ESEA) granted by the U.S. Department of Education to Massachusetts on February 9, 2012. The Department considered the Conditions for School Effectiveness (CSE) and the school leveling system based on the Progress and Performance Index (PPI), while preserving operational autonomy and incorporating additional performance metrics that capture the unique aspects of charter school accountability.
- **Balance clear performance expectations with Commissioner and Board discretion.** The Criteria clearly outline performance expectations for charter schools, but do not formulaically dictate high stakes accountability decisions, including new charter awards, conditions, probation, revocation, and/or renewal decisions. Though the Criteria are presented in a linear, numbered format for reference purposes, a charter school must demonstrate affirmative evidence of success in all three guiding areas of charter school accountability, and the Commissioner and/or the Board ultimately make these high-stakes decisions based on the totality of evidence presented by the charter school. The Commissioner and/or the Board have the discretion to consider all qualitative

and quantitative factors when making these decisions, though improvement in student achievement for all student groups is of paramount importance.

**Using the Criteria During the Charter Term**

Charter schools are encouraged to refer to the Criteria on a continuing basis to inform planning and as a means of self-assessing the overall health and viability of their school throughout the charter term. In particular, Criteria 6, 7, and 8 are aligned with the Conditions for School Effectiveness, a research-based tool that is used to assess effectiveness in district public schools that can be used by charter schools for self-assessment purposes. See <http://www.doe.mass.edu/apa/general/> for resources and additional information. The Department will provide information on performance against the Criteria through analysis of data submitted by schools and the charter school site visit process.

**Using the Criteria for Charter Renewal Decision-Making**

Every charter school undergoes a renewal process during the final year of its charter term to determine whether or not the school can continue to operate. The renewal process includes the submission of a renewal application, a renewal inspection visit, and an analysis of all evidence related to the charter school’s performance, including quantitative and qualitative evidence collected through the Department’s charter school accountability process. The Criteria provide the performance benchmarks and lens of inquiry for the renewal inspection visit and for subsequent Department analysis, which leads to a recommendation regarding charter renewal. The Department’s renewal recommendation will consider a charter school’s performance against the Criteria.

**Rating Scale to Facilitate Clear Communication About Charter School Performance**

In order to communicate clearly, the Department will use the rating scale below to summarize a charter school’s performance against the Criteria. Additional details regarding how this scale will be used will be outlined in the [site visit and other accountability protocols](#).

<b>Rating</b>	<b>Description</b>
<b>Exceeds<sup>1</sup></b>	The school fully and consistently meets the criterion and is a potential exemplar in this area.
<b>Meets</b>	The school generally meets the criterion and/or minor concern(s) are noted.
<b>Partially<sup>2</sup></b>	The school meets some aspects of the criterion but not others and/or moderate concern(s)
<b>Falls Far</b>	The school falls far below the criterion and/or significant concern(s) are noted.

<sup>1</sup> Criterion 3 (Compliance) and Criterion 10 (Finance) are baseline public stewardship expectations, and the highest rating possible in these areas will be “Meets.”

<sup>2</sup> Due to the developmental nature of establishing a high-performing charter school, it is not unusual for schools in their first charter term to receive Partially Meets for certain criteria.

Massachusetts Charter School Performance Criteria v.3.2

Massachusetts Charter School Performance Criteria		Rating	
Faithfulness to Charter	1. <b>Mission and Key Design Elements:</b> The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its accountability plan goals.		
	2. <b>Access and Equity:</b> The school ensures program access and equity for all students eligible to attend the school.		
	3. <b>Compliance:</b> The school compiles a record of compliance with the terms of its charter and applicable state and federal laws and regulations.		
	4. <b>Dissemination:</b> The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located.		
Academic Program Success	5. <b>Student Performance:</b> The school consistently meets state student performance standards for academic growth, proficiency, and college and career readiness.		
	6. <b>Program Delivery:</b> The school delivers an academic program that provides improved academic outcomes and educational success for all students.	Curriculum	
		Instruction	
		Assessment and Program Evaluation	
		Supports for Diverse Learners	
7. <b>Culture and Family Engagement:</b> The school supports students' social and emotional health in a safe and respectful learning environment that engages families.	Social, Emotional and Health Needs		
	Family Engagement		
Organizational Viability	8. <b>Capacity:</b> The school sustains a well-functioning organizational structure and creates a professional working climate for all staff.	School Leadership	
		Professional Climate	
		Contractual Relationships (If applicable)	
	9. <b>Governance:</b> Members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school.		
10. <b>Finance:</b> The school maintains a sound and stable financial condition and operates in a financially sound and publicly accountable manner.			

**Criterion 1: Mission and Key Design Elements**

The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its accountability plan goals.

Key indicators include but are not limited to:

1. School stakeholders share a common and consistent understanding of the school’s mission and key design elements outlined in the charter.
2. The school has fully implemented the key design elements<sup>3</sup> in the approved charter and any subsequently approved amendments.
3. The school substantially meets the goals articulated in its accountability plan.

**Criterion 2: Access and Equity**

The school ensures program access and equity for all students eligible to attend the school.

Key indicators include but are not limited to:

1. The school eliminates barriers to program access, including but not limited to, ensuring that information is readily available to parents, students, and the general public regarding non-discriminatory enrollment practices and the availability of specialized programs and services at the school to meet the needs of all students, particularly those enrolled in special education, English language learners and those with other diverse learning needs. School policies, including but not limited to, discipline policies, allow all students to access the educational program.
2. The school implements a student recruitment and retention plan, including deliberate, specific strategies the school will use to ensure the ongoing provision of equal educational opportunity to students before, during, and after enrollment. The plan is designed to attract, enroll and retain a student population that is demographically comparable to similar grades in schools from which the charter school enrolls students. This includes analysis of attrition data.

**Criterion 3: Compliance**

The school compiles a record of compliance with the terms of its charter and applicable state and federal laws and regulations.

Key indicators include but are not limited to:

1. The school is operated in accordance with the provisions of General Laws chapter 71, section 89, and 603 CMR 1.00 and all other applicable federal, state, and local laws, regulations, required trainings and deadlines, and such additional guidance as the Department may from time to time establish.
2. The school complies with all legal requirements, including but not limited to the following: the Open Meeting Law; Public Records Law; Coordinated Program Review requirements; and all health and safety codes.
3. The school undertakes corrective action when needed and implements necessary safeguards to maintain compliance with all legal requirements.

**Criterion 4: Dissemination**

The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located.

Notes:

The Department will also consider efforts made by the charter school to disseminate innovative models for replication and best practices to other schools, districts, and organizations beyond the district where

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<sup>3</sup> Key Design Elements are aspects of the school, originally articulated in the charter application or in subsequent amendments, that make the school unique and distinct from other district or charter schools.

the charter school is located. There are multiple forums and activities through which a charter school may disseminate, including but not limited to:

- partnerships with other schools implementing key successful aspects of the charter school’s program,
- active participation in district turnaround efforts,
- sharing resources or programs developed at the charter school,
- hosting other educators at the charter school, and
- presenting at professional conferences about its innovative school practices.

**Criterion 5: Student Performance**

The school consistently meets state student performance standards for academic growth, proficiency, and college and career readiness.<sup>4</sup>

<i>Key indicators</i>	<i>Notes</i>
Progress & Performance Index (PPI)	The PPI combines information about narrowing proficiency gaps, growth, and graduation and dropout rates into a single 100-point measure. A school’s cumulative PPI is the average of its annual PPIs over the most recent four year period, weighting recent years the most (1-2-3-4). A student group is considered to be on track to meeting its proficiency gap narrowing goals if its cumulative PPI is 75 or higher.
School Percentile	A school percentile (1-99) represents a school’s overall performance relative to other schools statewide within the same grade span. The school percentile comprises all of the indicators included in the PPI, and is reported for schools that have at least four years of data. A school with a percentile of 20 or lower is among the lowest performing 20 percent of schools statewide.
Accountability Level	All schools with sufficient data are classified into Levels 1-5, with the highest performing in Level 1 and the lowest performing in Level 3 through 5. Approximately 80 percent of schools statewide are classified into Level 1 or 2 based on the cumulative PPI of all students and high needs students. For a school to be classified into Level 1, the cumulative PPI for all students and high needs students must be 75 or higher.

Other indicators

- In the event that a school believes that the core indicators are not fully representative of student performance at the school (including instances where the school’s PPI may meet or exceed 75, but the school is classified in Level 3), the Department may consider requests to review additional valid and reliable data demonstrating the progress the school has made in meeting this benchmark, and will review such evidence on a case-by-case-basis. The most compelling cases will focus primarily on a strong body of evidence that points to consistent performance improvements over the charter term. In addition, while the Department will consider other assessment data as supplementary evidence for a school’s performance, it will not supplant state assessment results with other assessment results.
- Schools are free to articulate additional student performance measures using state or other assessment instruments that align with their charter, with the approval of the Department, which will be codified with the school’s Accountability Plan and assessed as part of Faithfulness to Charter.

<sup>4</sup> Since 2012, in order to meet Criterion 5, charter schools were required to attain a Level 1 status. While achieving Level 1 is still the goal, beginning in the 2015-2016 school year, the Department will also consider designating some Level 2 schools as meeting Criterion 5. In order to meet Criterion 5, in general, a charter school must attain Level 1, or a charter school must attain Level 2 status, be at or above the 45<sup>th</sup> percentile relative to other schools statewide within the same grade span, and demonstrate stable or improved performance trends.

- The Department may consider the performance of the school in comparison with other public schools with similar demographics in the district of location and the state, particularly in instances where the school does not meet state student performance standards.

Additional notes

- The period of evaluation will focus on the beginning of the charter term through the end of the penultimate year of the charter term. For example, if a school's charter term runs from July 1, 2012, through June 30, 2017, the data under consideration will include results available through the end of the 2015-2016 school. For renewal terms, the last year of the prior charter term will be considered as a baseline for the next charter term, and longer term historical trends may also be considered.
- All performance standards are based on state MCAS assessments and data collected through the Student Information Management System (SIMS), including graduation rate and drop-out rate data, for all tested subjects at all grade levels and all accountability subgroups unless otherwise indicated.
- The Department reserves the right to revise the measures used in this criterion in order to accommodate changes in state assessments, metrics, or accountability requirements, including any new U.S. Department of Education requirements that may be enacted during the charter term. The Department is considering the development of additional sets of performance measures for charter schools offering alternative education programs.

**Criterion 6: Program Delivery**

The school delivers an academic program that provides improved academic outcomes and educational success for all students.

Key indicators include but are not limited to:

1. **Curriculum:** The school's documented curriculum is aligned to state curriculum frameworks and expectations<sup>5</sup>; is aligned vertically between grades and horizontally across classrooms at the same grade level; is fully implemented in classrooms; and supports opportunities for all students to master these skills and concepts. The curriculum is regularly reviewed and revised. (Aligned with CSE III: Aligned Curriculum)
2. **Instruction:** The school staff has a common understanding of high-quality instruction. Instructional practices are aligned to this common understanding and are based on high expectations for all students. Instruction fosters student engagement. Classroom environments are conducive to learning. (Aligned with CSE IV: Effective Instruction)
3. **Assessment and Program Evaluation:** The school uses a balanced system of formative and benchmark assessments. The school uses qualitative and quantitative data to improve student outcomes as well as to evaluate the quality and effectiveness of the program in serving all students and modifies the program accordingly. (Aligned with CSE V: Student Assessment)
4. **Supports for Diverse Learners:** The school provides supports to meet the academic needs for all students, including but not limited to students with disabilities and English language learners. (Aligned with CSE VIII: Tiered Instruction and Adequate Learning Time)

**Criterion 7: Culture and Family Engagement**

The school supports students' social and emotional health in a safe and respectful learning environment that engages families.

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<sup>5</sup> The Massachusetts Curriculum Frameworks for Mathematics and English Language Arts and Literacy issued in 2011 incorporate the Common Core State Standards. Additionally, schools are expected to integrate the World-class Design and Assessment English Language Development (WIDA ELD) standards into ELD curriculum materials and content area curricula of classes in which English language learners participate.

Key indicators include but are not limited to:

1. **Social, Emotional and Health Needs:** The school creates a safe school environment and addresses the physical, social, emotional, and health needs of its students. (Aligned with CSE IX: Students' Social, Emotional and Health Needs)
2. **Family Engagement:** The school develops strong working relationships with families/guardians in order to support students' academic progress and social and emotional well-being. (Aligned with CSE X: Family-school Engagement)

**Criterion 8: Capacity**

The school sustains a well-functioning organizational structure and creates a professional working climate for all staff.

Key indicators include but are not limited to:

1. **School Leadership:**
  - a. The school has an effective school leadership team that implements a clearly defined mission and set of goals. (Aligned with CSE II: Effective School Leadership)
  - b. The school defines and delineates clear roles and responsibilities among leaders, staff, management and board members.
  - c. The school has clear and well-understood systems for decision-making and communication processes among all members of the school community.
2. **Professional Climate:**
  - a. The school staff regularly, frequently collaborate and engage in professional development to improve implementation of the curriculum and instructional practice. (Aligned with CSE VII: Professional Development and Structures for Collaboration).
  - b. A system is in place for monitoring instructional practice for consistency, which includes a formal process of teacher evaluation.
3. **Contractual Relationships**
  - a. (If applicable) The board of trustees and school leadership establish effective working relationships with their management company. Changes in the school's relationship with its management company comply with required charter amendment procedures.
  - b. (If applicable) An effective working relationship exists between the board of trustees and school leadership of a Horace Mann charter school and the host district, which operates under one or more Memoranda of Understanding (MOU) that clearly articulate the relationship with the host district regarding services, including but not limited to, facilities, funding, and waivers of collective bargaining agreement provisions.

**Criterion 9: Governance**

Members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school.

Key indicators include but are not limited to:

1. Board members are active and engaged; know and fulfill their legal responsibilities and obligations; exercise their fiduciary duties of care and loyalty; comply with the board's bylaws; and always act in the best interests of the school.
2. The board has clear and well-understood systems for decision-making and communication processes; board meetings are designed to foster open, deliberate, and thorough discussions to facilitate and ensure public accountability.
3. The board demonstrates appropriate oversight of the charter school administration, financial health, progress towards meeting academic and other school goals, and alignment with the mission and other terms of the charter, without managing the day-to-day operations of the school. This includes hiring,

evaluating, and removing, if necessary, qualified personnel or management organization (if applicable) to manage the charter school's day-to-day operations and holds these parties accountable for meeting specified goals;

4. The board engages in strategic and continuous improvement planning by setting, and regularly monitoring progress relative to, priorities and goals that are aligned with the school's mission, vision, and educational philosophy. This includes ensuring sustainability of the school by establishing clear processes for board and school leadership succession; and recruiting, selecting, orienting and training members with skills and expertise that enables the board to sustain an excellent school.

**Criterion 10: Finance**

The school maintains a sound and stable financial condition and operates in a financially sound and publicly accountable manner.

*Key indicators include but are not limited to:*

1. The school maintains a sound and stable financial condition and demonstrates a history of positive net assets, adequate cash flow to sustain operations and support the academic program, as evidenced by performance on key financial indicators reported in the Massachusetts Charter School Financial Dashboard.<sup>6</sup>
2. The school develops an annual budget that can be sustained by enrollment and other sources of historically stable revenue. The budget supports student performance.
3. The school uses an accurate accounting system and engages in appropriate budgetary planning, budget oversight, and budget revision.
4. The school has and is maintaining appropriate internal controls, documented by a written set of fiscal policies and procedures.
5. The school follows generally accepted accounting principles as evidenced by independent financial audits with an unqualified audit opinion and a limited number of findings that are quickly corrected.

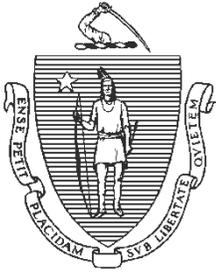
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<sup>6</sup> See: <http://www.doe.mass.edu/charter/finance/dashboard/>

**Sources of Evidence**

In order to assess charter school performance against the Criteria, the Department will consider a wide body of evidence, which includes, but is not limited to, the following:

<p><i>Faithfulness to Charter:</i></p> <ul style="list-style-type: none"> <li>• Accountability plan</li> <li>• Recruitment and retention plans</li> <li>• Enrollment numbers and student demographic profile</li> <li>• Opening Procedures activities</li> <li>• Dissemination efforts</li> <li>• Coordinated Program Review (CPR) reports &amp; Mid-Cycle Review reports</li> <li>• Complaints received and resolution status</li> <li>• Documentation of current Certificate of Occupancy, Health, Safety, and Fire inspections.</li> <li>• Materials made publically available by the school such as website, application, and promotional documents.</li> </ul>	<p><i>Academic Program Success:</i></p> <ul style="list-style-type: none"> <li>• MCAS scores</li> <li>• Student growth percentile (SGP) data</li> <li>• Progress and performance index (PPI) data</li> <li>• Accountability and assistance level</li> <li>• School percentiles</li> <li>• Sub-group analysis (including those that may be statistically insignificant for state reporting purposes) for English language learners and special education students</li> <li>• School identified and collected data from other assessments</li> <li>• Review of curriculum documents</li> <li>• Internal program evaluation reports</li> <li>• School Safety Discipline Report (SSDR)</li> <li>• District Curriculum Accommodation Plan (DCAP)</li> <li>• Special Education and English language learners program self-evaluation.</li> <li>• Parent/family surveys</li> </ul>
<p><i>Organizational Viability:</i></p> <ul style="list-style-type: none"> <li>• Annual financial audits</li> <li>• Charter School End of Year Financial Reports</li> <li>• Budgets</li> <li>• Capital plans</li> <li>• Board minutes</li> <li>• Staff surveys</li> <li>• Policy documents</li> <li>• Board of trustees self evaluation or self study</li> <li>• Evaluation of head of school and/or school leadership</li> <li>• Handbooks- family, staff, student, board</li> <li>• Operation manuals, including fiscal policies and procedures</li> <li>• Professional Development calendars / agendas</li> <li>• Contract and/or MOU</li> </ul>	<p><i>Sources of evidence that will inform all three categories:</i></p> <ul style="list-style-type: none"> <li>• Original charter application</li> <li>• Charter amendments</li> <li>• Annual reports</li> <li>• Site visits</li> <li>• Renewal inspection reports</li> <li>• Data derived from the Student Information Management System (SIMS) and the Educator Personnel Information Management System (EPIMS)</li> <li>• Summaries of review</li> </ul>



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

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Mitchell D. Chester, Ed.D.  
Commissioner

To: Massachusetts Charter School Leaders and Board  
From: Mitchell D. Chester, Ed.D., Commissioner  
Date: October 7, 2013  
Subject: Considerations for Charter School Renewal

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As the 2013-2014 charter school renewal decision season commences, and in response to feedback from the field, this memorandum is intended to document key considerations related to accountability decisions for charter schools, including decisions to not renew or to revoke schools' charters. These considerations are not new; they have been developed and employed by the Massachusetts Department of Elementary and Secondary Education (Department) and the Board of Elementary and Secondary Education (Board) for the past several years.

### ***Introduction***

Pursuant to the Massachusetts Charter School Statute, M.G.L. c. 71, § 89, the Board authorizes and oversees all charter schools in the Commonwealth of Massachusetts. The Department and the Commissioner of Elementary and Secondary Education (Commissioner) serve as staff to the Board to conduct oversight activities on behalf of, and to make recommendations to, the Board. The Commissioner also takes certain actions on behalf of the Board, including the approval of certain charter amendments and charter renewals, pursuant to delegated authority.<sup>1</sup>

The Massachusetts Charter School Statute provides increased autonomy to the boards of trustees of charter schools to operate charter schools in return for increased accountability. Charter renewal is not automatic. Between March 1st of the third year and the August 1st following a school's fourth year in its charter term, a charter school's board of trustees may submit an application for renewal of the charter for an additional five year term. While the charter school law and regulations provide specific grounds for the Board to suspend or revoke a school's charter for cause at any time during the charter period, the renewal process enables the Department to assess a school's record of academic program success and decide whether to permit a school to continue to operate.

### ***General Considerations***

Every charter school undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school can continue to operate. The renewal process includes the submission of a renewal application, a renewal inspection visit, and an analysis of all evidence related to the charter school's performance, including quantitative and qualitative

evidence collected through the Department's charter school accountability process. This process results in a recommendation regarding charter renewal.

The [Charter School Performance Criteria](#) (Criteria) provide the lens of inquiry for the charter renewal process. There are ten criteria articulated in the three key areas of charter school accountability: faithfulness to charter, academic program success, and organizational viability.

The Department comprehensively analyzes the evidence in all areas of school performance when considering a charter school's application for renewal. Student academic achievement, however, is of paramount importance. M.G.L. c. 71, § 89(dd), states that "when deciding on charter renewal, the board shall consider progress made in student academic achievement..." In particular, the Department and the Commissioner uses "increases in student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter."<sup>2</sup> The measures that reflect the priority given to student academic achievement are outlined in Criterion 5, student performance.

The Department, in evaluating charter school performance, and the Commissioner and the Board, in making renewal decisions, also carefully consider the following:

- **Early warning whenever possible.** Because renewal is a summative decision that determines the future existence of a school, it must be based on affirmative evidence of success. Because of the significance of this decision, the Department endeavors to clearly communicate concerns or issues to schools prior to renewal. The Department provides feedback to schools against the Criteria through the regular accountability process, including the review of annual data and site visits. When concerns rise to a level requiring stronger and more direct oversight, the Department, Commissioner, and the Board consider imposing conditions on a charter to identify even more clearly those areas in which a school must improve. If a school fails to address conditions adequately, or if the imposition of a condition alone would be insufficient to remediate the problem, the Commissioner may recommend that the Board place a school on probation, with conditions to be met related to the areas of concern. Particularly serious or egregious situations related to developments such as criminal violations, fraud, an unsafe environment, or organizational instability, may lead to an immediate closure of a school or revocation of a school's charter prior to the end of its charter term. Such closure or revocation may occur on an emergency basis.
- **Context and trends.** Failure to meet every performance criteria will not necessarily result in a non-renewal; the Criteria set a high standard for performance. Performance relative to the Criteria is considered within the context of the school's performance trends and stage of development. The Commissioner and the Board ultimately make these accountability decisions based upon the totality of evidence presented by the charter school. The Commissioner and the Board consider all qualitative and quantitative evidence when making these decisions.
- **Subsequent renewals.** As previously stated, for all renewal decisions, the most important factor when determining a renewal outcome is student academic performance. The Board and Department understand, however, that the context of evaluation for a first renewal

may be substantively different than for subsequent renewals. In subsequent renewal reviews, the Board and Department place even greater emphasis on student performance, consistent with the length of time that a school has been in operation and the corresponding increase in the quantity and quality of student achievement data that the school has generated.

### ***Renewal Outcomes***

In general, the renewal process results in one of the following outcomes:

- **Unconditional Renewal (decision delegated to the Commissioner):** A school's charter may be renewed for another term of five years, without conditions. Generally, to receive a renewal without conditions, the school must have a strong and compelling record of meeting or exceeding the Criteria. This decision places particular emphasis on Criterion 5, student performance.
- **Renewal with Conditions (decision delegated to the Commissioner):** A school's charter may be renewed for another term of five years and have conditions imposed on its charter that requires the school to address specific areas of concern. In general, conditions are linked to substandard performance relative to one or more areas of the Criteria.
- **Renewal with Probationary Conditions (Board vote):** The Board may renew a school's charter for another term of five years, place the school on probation, and impose conditions on the school's charter that require the school to address specific areas of concern. A renewal with probation signals strong concern about a school's viability and would permit the Board to summarily revoke a school's charter if the school fails to remedy the causes of its probation.
- **Non-Renewal (Board vote):** The Board will not renew a school's charter if the school does not apply for renewal or if the school lacks affirmative evidence regarding academic program success, organizational viability, and faithfulness to the terms of its charter, including the extent to which the school has followed its recruitment and retention plan. In the case of non-renewal, a school's charter expires at the end of its term and the school must comply with the Department's Closing Procedures to ensure an orderly closure.

If you have any questions or require additional information, please contact Cliff Chuang, Associate Commissioner at [REDACTED] or [REDACTED]). Thank you.

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<sup>1</sup> Through both regulation and motion, the Board has delegated authority to the Commissioner to impose conditions on the charters of charter schools in accordance with M.G.L. c. 15, § 1F, paragraph 3. On February 26, 2013, the Board authorized the Commissioner, to act on behalf of the Board in: (a) granting charter renewals that do not involve probation; (b) approving charter amendments that do not involve changes in grade span, maximum enrollment, or districts served; and (c) removing or continuing conditions imposed on charters of charter schools. See <http://www.doe.mass.edu/boe/minutes/13/0226reg.pdf>, page 11.

<sup>2</sup> This is a required program assurance of the Department's federal grant of \$12 million for 2012-2015 under the Charter Schools Program (PR/Award #U282A120006).





**Application for a Massachusetts Public Charter School:  
Proposed Commonwealth or Horace Mann Charter School  
By a New Operator**

**2016-2017**

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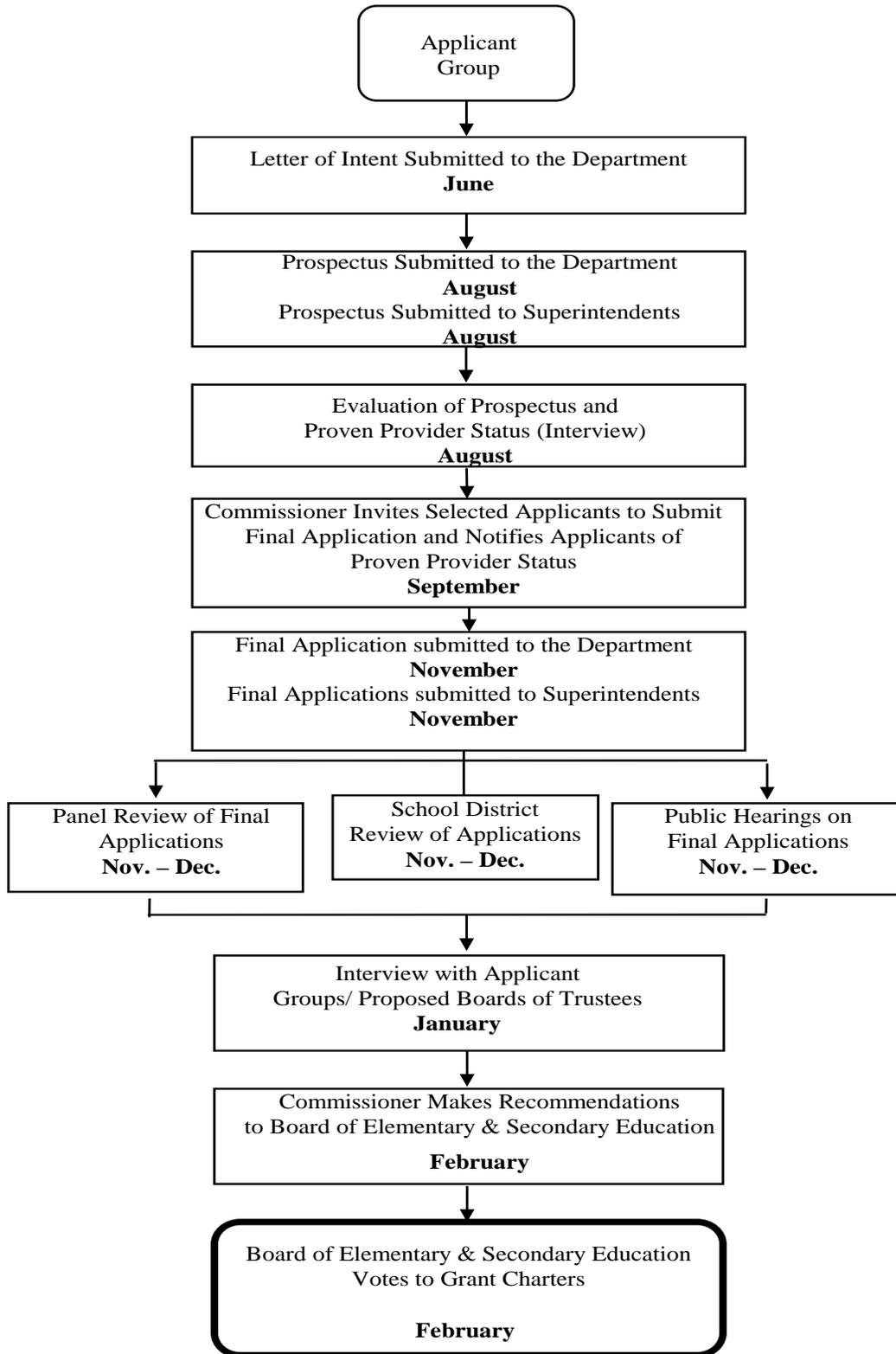
## THE APPLICATION PROCESS AND REVIEW STAGES

<p><b>Deadlines</b></p>	<p>The deadline for receipt of all materials is <b>5:00 PM</b> as follows:</p> <ul style="list-style-type: none"> <li>• Letter of Intent..... June 15, 2016</li> <li>• Prospectus.....August 1, 2016</li> <li>• Proven Provider Request (if applicable).....August 1, 2016</li> <li>• Final Application.....November 1, 2016</li> </ul>
<p><b>Electronic Submission</b></p>	<p>The Department of Elementary and Secondary Education (Department) has instituted electronic submission for all charter applicants via an online tool. All eligible applicant groups will be required to submit a letter of intent in order to access the dropbox function of the Department’s security portal. Applicants will participate in training related to application submission and the use of the online tool.</p>
<p><b>How to Submit</b></p> <p><i>Note: All documents, when submitted to the Department, become part of the public record.</i></p>	<p>Applicant groups will be asked to submit the prospectus and final application electronically via an assigned dropbox as well as submit an unbound copy with original signatures to:</p> <p style="text-align: center;">Massachusetts Department of Elementary and Secondary Education Office of Charter Schools and School Redesign 75 Pleasant Street, Malden, Massachusetts 02148-4906 (781) 338-3227</p>
<p><b>Letter of Intent and Applicant Information Sheet</b></p> <p><i>Note: Letter of Intent submissions are submitted to the Department via email: <a href="mailto:charterschools@doe.mass.edu">charterschools@doe.mass.edu</a></i></p>	<p><b>Letter of Intent, and Applicant Information Sheet are due no later than 5:00 p.m. on Wednesday, June 15, 2016</b></p> <p>An applicant group’s letter of intent and applicant information sheet are submitted via <a href="mailto:charterschools@doe.mass.edu">charterschools@doe.mass.edu</a>. All interested charter school applicants are <b>required</b> to notify the Department of their intention to apply for a charter in order to receive access to an assigned dropbox.</p> <p>After submission of a letter of intent, applicant groups will be contacted by the Department to confirm participation in the required two hour applicant training within two weeks of the letter of intent deadline.</p>
<p><b>Submitting the Prospectus and Proven Provider request, if applicable</b></p> <p><i>Submit:</i></p> <p><i>A) One (1) unbound original copy with original signatures</i></p> <p><i>B) Electronic submission via dropbox</i></p>	<p><b>Prospectus and Proven Provider request, if applicable, are due no later than 5:00 p.m. on Monday, August 1, 2016</b></p> <p>Incomplete applications will not be accepted.</p> <p><b>District Review</b></p> <p>Applicants for a Commonwealth charter <b>must</b> file a copy of the prospectus with the school committee(s) in the school district(s) from which the charter school expects to enroll students by <b>Friday, August 5, 2016</b> and must provide evidence to the Office of Charter Schools and School Redesign that this has been completed <b>by Monday, August 8, 2016</b>. Submission to the office(s) of the superintendent(s) is considered sufficient to meet this requirement.</p>

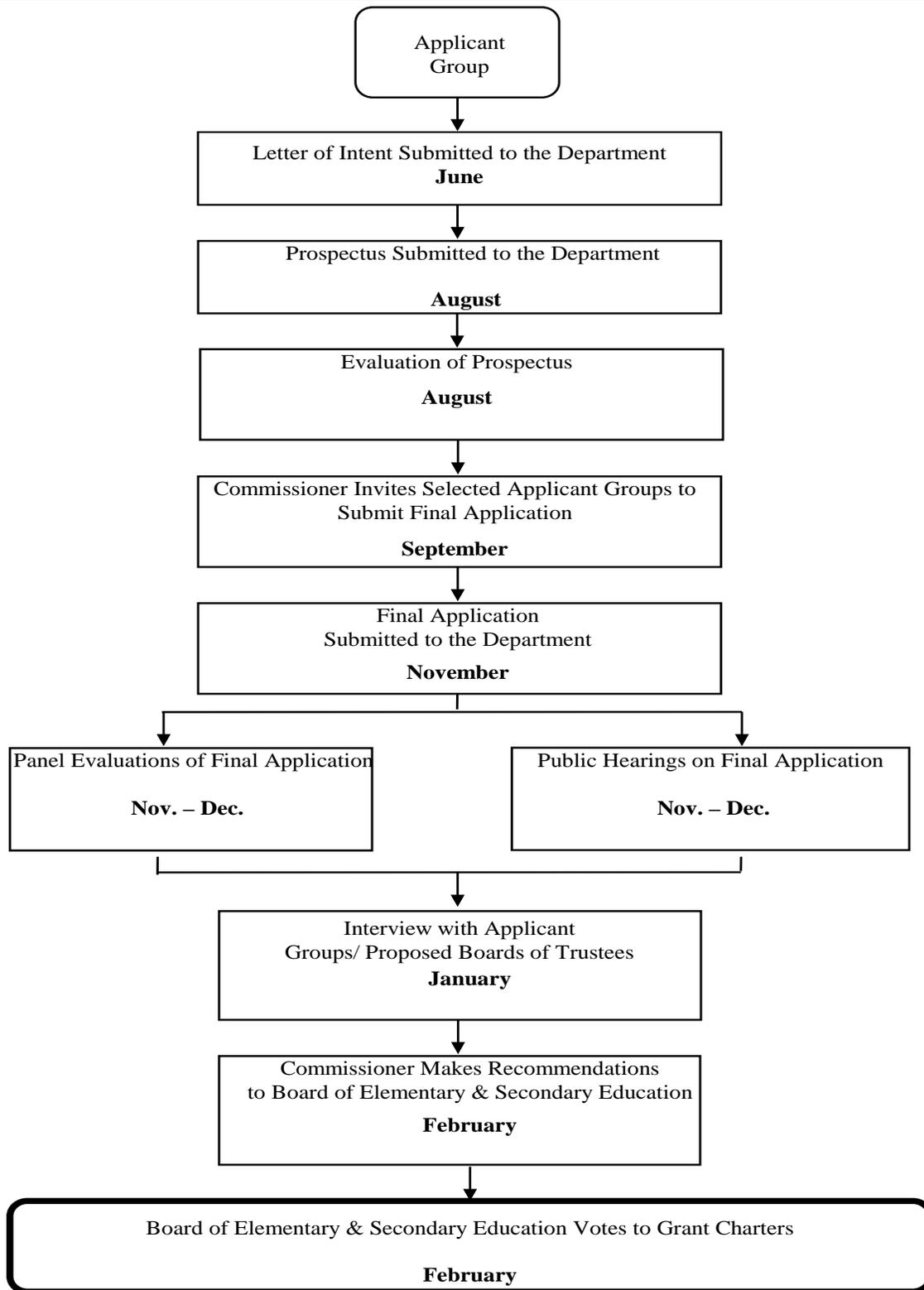
<p><b>Submitting the Prospectus (Horace Mann Charter Schools)</b></p>	<p>All <b>Horace Mann charter applicants</b> will be permitted to submit their signed Certification Statement <b>up to 6 weeks</b> after the prospectus deadline to accommodate school committee meeting schedules. For Horace Mann I and III applicants, the deadline for signed Certification Statements is <b>Monday, September 12, 2016 by 5:00 p.m.</b> All other prospectus requirements for Horace Mann I and III applicants must be completed on or before the prospectus deadline of August 1 by 5:00 p.m.</p>
<p><b>Prospectus Review</b></p>	<p>The prospectus is reviewed by the Department and external reviewers against the criteria in the application.</p>
<p><b>Proven Provider Request Review (as applicable)</b></p> <p><b>Proven Provider Interview (as needed)</b></p>	<p>The Proven Provider request is reviewed by the Department.</p> <p>Applicants for Proven Provider status may be contacted after the submission of the request and prospectus to schedule a <b>Department phone interview</b> as part of the review of Proven Provider qualifications.</p>
<p><b>Applicant Notification</b></p>	<p><b>During the month of September, applicant groups may be invited to submit a final application.</b></p> <p>The Commissioner of Elementary and Secondary Education will invite those applicants whose prospectus demonstrates the greatest probability of creating the highest quality charter schools to submit a final application.</p> <p>For applicants who must qualify as Proven Providers, an invitation to submit a final application is contingent on the Commissioner’s granting of Proven Provider status. The Commissioner will make the Proven Provider determination, if applicable, in September.</p>
<p><b>Submitting the Final Application</b></p> <p><i>Submit:</i></p> <p>A) <i>One (1) unbound original copy with original signatures.</i></p> <p>B) <i>Electronic submission via <a href="#">online tool</a></i></p>	<p><b>Final Application is due no later than 5:00 p.m. on Monday, November 1, 2016</b></p> <p>Incomplete applications will not be accepted.</p> <p><b>District Review</b> (November to January)</p> <p>Applicants for a Commonwealth charter <b>must</b> file a copy of the application with the school committee(s) in the school district(s) from which the charter school expects to enroll students by <b>Friday, November 5, 2016</b>. Submission to the office(s) of the superintendent(s) is considered sufficient to meet this requirement. Applicant groups must submit evidence the requirement has been met to the Department by <b>Monday, November 8, 2016</b>. Superintendents from those districts and all contiguous districts will be invited to submit written comments to the Board of Elementary and Secondary Education regarding the application and the impact of the proposed Commonwealth charter school on their district.</p>
<p><b>Review of Final Applications</b></p>	<p>The final application will be reviewed by the Department and external reviewers against the criteria described throughout the application.</p>

<b>Public Hearings</b>	<b>Public Hearings</b> (November and December) The public hearing on a final application is held in the school district in which the proposed charter school intends to locate and attended by members of the public, Board of Elementary and Secondary Education member(s), and Department staff. Public hearings take place on a single weekday from 4:00 p.m. – 6:00 p.m.
<b>Interviews</b>	<b>Interview with Applicant Group/Board of Trustees</b> (January) Department staff conduct an interview with the applicant group and current board of trustees. Comments and questions from the final application review teams, the public hearings, and the proposed sending districts will serve as a basis for the interview.
<b>Commissioner’s Recommendation</b>	<b>Commissioner’s Recommendation</b> (February) The Commissioner will review the results of this process and make recommendations to the Board of Elementary and Secondary Education regarding the award of charters.
<b>Board of Elementary and Secondary Education Grants Charters</b>	<b>Board of Elementary and Secondary Education Votes on New Charter Schools</b> (February) The Board of Elementary and Secondary Education will vote to award charters no later than the February Board meeting. The Board reserves the right to grant a charter with the terms and conditions that it deems are appropriate, including, but not limited to, the opening date, grade span, and maximum enrollment of the school.

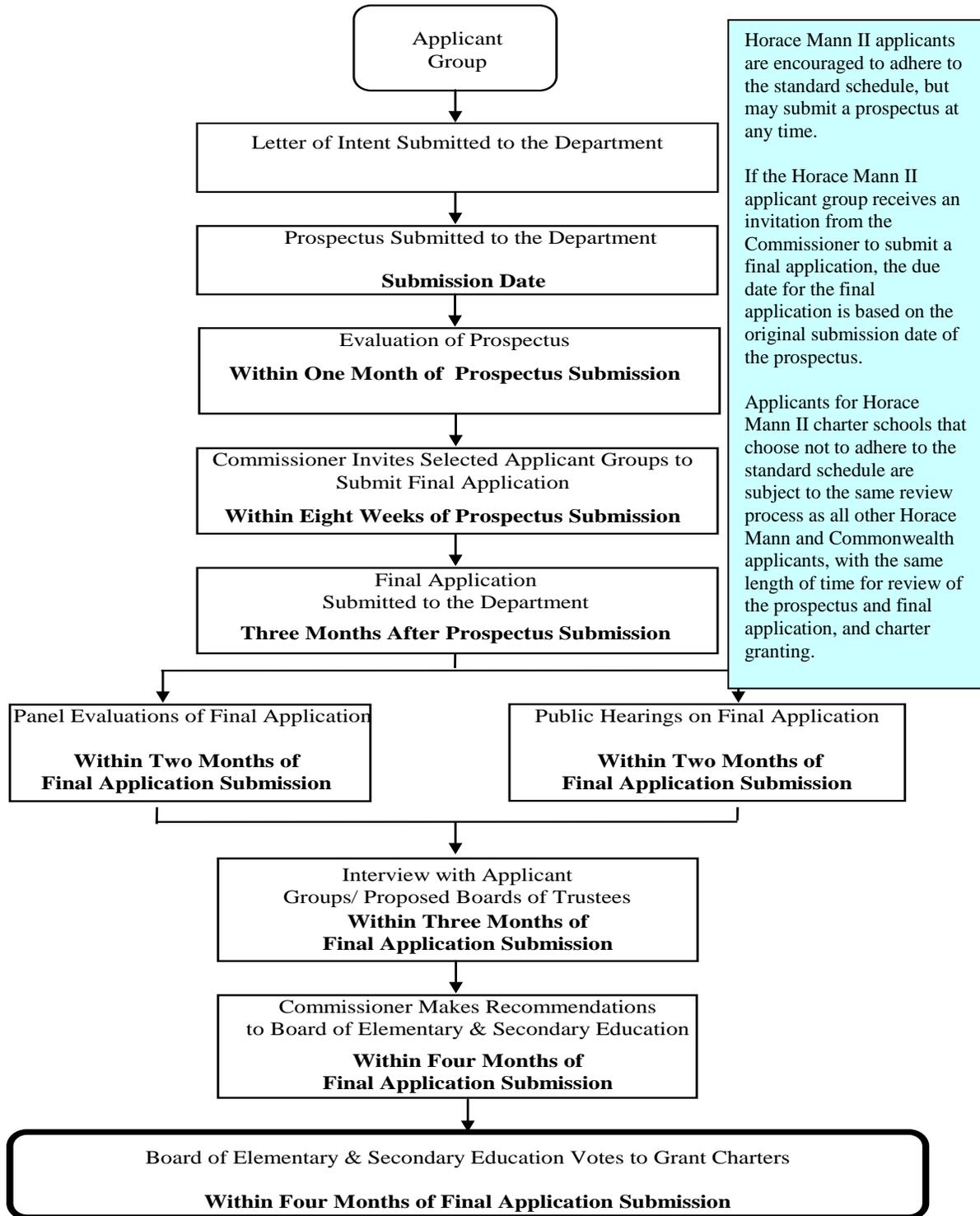
# COMMONWEALTH PUBLIC CHARTER SCHOOL APPLICATION PROCESS AND TIMELINE



# HORACE MANN PUBLIC CHARTER SCHOOL



# HORACE MANN II<sup>1</sup> PUBLIC CHARTER SCHOOL APPLICATION PROCESS AND TIMELINE (NO DATES)



<sup>1</sup> For a description of Horace Mann II Charter Schools, see the Questions and Answers document at <http://www.doe.mass.edu/charter/new/>.

## REQUIRED LETTER OF INTENT TEMPLATE

Applicant groups are **required** to submit a letter of intent to the Office of Charter Schools and School Redesign via [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu) by June 15, 2016. An applicant information sheet must also be submitted with the letter of intent.

### Letter of Intent Template

Date

#### Contact Person's Name, Proposed Position/Role

Mailing Address

City, State Zip Code

Daytime Phone, Email Address

Massachusetts Department of Elementary and Secondary Education  
Office of Charter Schools and School Redesign  
75 Pleasant Street  
Malden, MA 02148-4906

Dear Office of Charter Schools and School Redesign,

Introductory sentence(s)

Provide a brief explanation of the mission and purposes of the proposed school and describe the type(s) of students to be served by the proposed school (e.g., targeted population, at risk youth) and the general approach to curriculum and teaching (e.g., Core Knowledge, Montessori, Coalition of Essential Schools, college preparatory, or replication of an existing school). Statement should also discuss the key design elements of the proposed charter school.

Provide information on the composition of the applicant group (e.g., parents, teachers, partner school district, non-profit organization) and if applicable, if the applicant group is applying as a Proven Provider or with what Proven Provider the applicant group proposes to contract.

Salutation,

Signature

# COMMONWEALTH AND HORACE MANN CHARTER APPLICANT INFORMATION SHEET

*This information is included with all submissions. The application, including this form, are posted on the Department website. Applicants are advised that the primary contact person may be contacted by the public and/or media with questions about the proposed school.*

Name of Proposed Charter School: \_\_\_\_\_

School Address (if known): \_\_\_\_\_

School Location (City/Town REQUIRED): \_\_\_\_\_

Primary Contact Person: \_\_\_\_\_

Role or relationship of contact person to proposal: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Tel: (\_\_\_\_\_) \_\_\_\_\_ Secondary Tel: (\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

1. The proposed school will open in the fall of school year:  2017-2018  2018-2019

School Year	Grade Levels	Total Student Enrollment
First Year		
Second Year		
Third Year		
Fourth Year		
Fifth Year		
<i>Add additional rows as needed to show planned growth to reach full proposed grade span and maximum enrollment.</i>		

2. Grade span at full enrollment: \_\_\_\_\_

3. Total student enrollment when fully expanded: \_\_\_\_\_

4. Age at entry for kindergarten, if applicable: \_\_\_\_\_

5. If applicable, the proposed Horace Mann charter school is:  New or  Conversion

6. If applicable, the proposed type of Horace Mann<sup>2</sup> charter school is:

- Horace Mann I    Horace Mann II    Horace Mann III

**Questions #7-10 are for applications for a Commonwealth charter school ONLY.**

7. If applicable, will this proposed Commonwealth school be a regional charter school?  Yes    No

If yes, list the school districts (including regional school districts) in the proposed region. Please only list districts that are included in *District Information on Enrollment Projections for New Applications and Expansion Amendments* at <http://www.doe.mass.edu/charter/new/?section=app>. (Use additional sheets if necessary.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

If no, please specify the district's population as reported in the most recent United States census estimate for the community the school intends to serve: \_\_\_\_\_.

*The Board of Elementary and Secondary Education shall not approve a new Commonwealth charter school in any community with a population of less than 30,000 as determined by the most recent United States census estimate [available at <http://www.census.gov/>], unless it is a regional charter school. (MGL c. 71 § 89(i)(1).*

8. For all proposed Commonwealth charter schools, list the districts that are contiguous with the proposed school's district or region. Please only list districts that are included in *District Information on Enrollment Projections for New Applications and Expansion Amendments* at <http://www.doe.mass.edu/charter/new/?section=app>. (Use additional sheets if necessary.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Will the proposed Commonwealth charter school serve a district where overall student performance on PARCC/MCAS is in the lowest 10 percent, as designated in *District Information on Enrollment Projections for New Applications and Expansion Amendments* or in any updated analysis performed by the Department?  Yes    No

10. Will the proposed Commonwealth charter school serve a district or districts in which the 9 percent net school spending cap is, or could be, exceeded by 2016-2017 applications?  Yes    No

\_\_\_\_\_

<sup>2</sup> The revision of M.G.L. c. 71, § 89 in 2010 created three types of Horace Mann charter schools, each with a particular set of requirements.

11. Have members of the applicant group previously submitted a prospectus or final application that did not result in a charter?  Yes  No

If yes, is the present submission related in content to the previous application?  Yes  No

If yes, please indicate the name of the previous proposal and the year submitted.

_____	_____
_____	_____
_____	_____

12. Is the applicant group currently the board of trustees of an existing charter school?

Yes  No

If answered YES, please explain why the group is not using the charter application designed for use by a current board of trustees.

13. Do members of the applicant group currently operate or are they employed by a private or parochial school?  Yes  No

14. Are any members of the applicant group present or past members of a charter school board of trustees, school committee, or other type of public governing body?  Yes  No

If yes, please indicate the person's name; the charter school name and school location, or school committee district; and dates of membership.

_____	_____	_____
_____	_____	_____
_____	_____	_____

## EXECUTIVE SUMMARY

**The Executive Summary is a required submission with the prospectus and the final application.**

The Executive Summary should provide a broad overview of the proposed school, including its mission and school design, how this potential school will enhance options for students, the community's demonstration of support for this school, and the proposed board of trustees' (board) capacity to make the school a success. The Executive Summary is limited to a maximum of three pages and should include the following information:

**Mission and School Design:** Provide the proposed school's mission and vision. Describe the proposed board's core beliefs and values about education. Describe the key design elements of the proposed educational program, including curriculum and instruction. Be explicit about the key design elements of the proposed school's educational program that distinguishes it from other public schools. Indicate if the proposal is a replication of an existing model or the rationale behind the new model proposed. Explain how the key design elements will support the goal of improved student outcomes.

**Community(ies) to Be Served:** Explain the rationale for the selection of the community(ies). Describe the educational needs of the targeted community(ies) and how the proposed school aims to address those needs. Describe any relationships that have been established in the targeted community to support the success of the proposed school. Describe the strategies used to assess demand and/or establish support for the proposed school and the progress of your efforts thus far. Indicate the details of the proposed school growth, including proposed date of school opening, projected maximum enrollment, and the grades to be served.

## COMMONWEALTH CHARTER SCHOOL CERTIFICATION STATEMENT

Note: Applicant group submits an updated certification statement with the final application, if invited to submit.

Proposed Charter School Name:

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Proposed School Location (City/Town):

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I hereby certify that the information submitted in this prospectus/final application is true to the best of my knowledge and belief and that this prospectus/application has been or is being sent to the superintendent of each of the districts from which we expect to draw students. Further, I understand that, if awarded a charter, the proposed school shall be open to all students on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I further understand that the information submitted in this prospectus/application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

Signature of  
Authorized Person \_\_\_\_\_ Date \_\_\_\_\_

Print/Type Name \_\_\_\_\_

Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_ Fax \_\_\_\_\_

# HORACE MANN I CHARTER SCHOOL CERTIFICATION STATEMENT

Note: Applicant group submits an updated certification statement with the final application, if invited to submit.

Proposed Charter School Name \_\_\_\_\_

School's Current Name  
(If different from above) \_\_\_\_\_

I hereby certify that this prospectus/final application has received approval from a majority of the school committee and from the local teacher's union in the district in which this Horace Mann I Charter School would be located. The information submitted in this prospectus/final application is true to the best of my knowledge and belief; and further, I understand that, if awarded a charter, the proposed charter school shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I understand that the final application for the proposed school shall include a signed final draft memorandum of understanding that describes the intended relationship between the proposed charter school and the school district. I also understand that any memorandum of understanding, modifying provisions of a collective bargaining agreement must be signed by the proposed charter school, the school committee, and the local collective bargaining unit and submitted with the final application. I further understand that the information submitted in this prospectus/final application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

## I. School Committee

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*Chairperson, School Committee*

Print/Type Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ Fax \_\_\_\_\_

## II. Local Collective Bargaining Unit

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*President, Local Teacher's Union*

Print/Type Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ Fax \_\_\_\_\_

## HORACE MANN II CHARTER SCHOOL CERTIFICATION STATEMENT

Note: Applicant group submits an updated certification statement with the final application, if invited to submit.

Proposed Charter School Name \_\_\_\_\_

School's Current Name  
(If different from above) \_\_\_\_\_

I hereby certify that this prospectus/final application has received approval from a majority of the school committee. The information submitted in this prospectus/final application is true to the best of my knowledge and belief; and further, I understand that, if awarded a charter, the proposed charter school shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I understand that the final application for the proposed school shall include a signed final draft memorandum of understanding that describes the intended relationship between the proposed charter school and the school district. I also understand that any memorandum of understanding, modifying provisions of a collective bargaining agreement must be approved by a majority of faculty at the school, with the vote to be held within 30 days of submission of application. I further understand that the information submitted in this prospectus/application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

### I. School Committee

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*Chairperson, School Committee*

Print/Type Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ Fax \_\_\_\_\_

# HORACE MANN III CHARTER SCHOOL CERTIFICATION STATEMENT

Note: Applicant group submits an updated certification statement with the final application, if invited to submit.

Proposed Charter School Name \_\_\_\_\_

School's Current Name  
(If different from above) \_\_\_\_\_

I hereby certify that this prospectus/final application has received approval from a majority of the school committee. The information submitted in this prospectus/final application is true to the best of my knowledge and belief; and further, I understand that, if awarded a charter, the proposed charter school shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement. I understand that the final application for the proposed school shall include a signed final draft memorandum of understanding that describes the intended relationship between the proposed charter school and the school district. I also understand that an agreement with the collective bargaining unit is not required prior to Board approval of a charter, however the charter school's board of trustees must negotiate with the collective bargaining unit and the school committee in good faith regarding any modifications to collective bargaining agreements following the award of a charter. If an agreement is not reached at least 30 days before scheduled opening, charter school operates under the terms of its charter until an agreement is reached. I further understand that the information submitted in this prospectus/application serves as an initial application for start-up assistance funding under the federal Charter Schools Program grant. This is a true statement, made under the penalties of perjury.

## I. School Committee

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*Chairperson, School Committee*

Print/Type Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Telephone \_\_\_\_\_ Fax \_\_\_\_\_

## GENERAL STATEMENT OF ASSURANCES

This form must be signed by a duly authorized representative of the applicant group and submitted with the **final application**. An application will be considered incomplete and will not be accepted if it does not include the Statement of Assurances.

As the authorized representative of the applicant group, I hereby certify under the penalties of perjury that the information submitted in this application for a charter for \_\_\_\_\_ (name of school) to be located at \_\_\_\_\_ is true to the best of my knowledge and belief; and further, I certify that, if awarded a charter, the school:

1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school, for participation in required or elective courses, or for mandated services or programs (Mass. Gen. Laws c. 71, § 89(m), and 603 CMR 1.03(3)).
2. Will not charge any public school for the use or replication of any part of their curriculum subject to the prescriptions of any contract between the charter school and any third party provider (Mass. Gen. Laws c. 71, § 89(l)).
3. Will permit parents to enroll their children only voluntarily and not because they must send their children to this school (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5210(1)(h)).
4. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students. If the number of application exceeds the spaces available, the school will hold a lottery in accordance with Massachusetts charter laws and regulations (Mass. Gen. Laws c. 71 § 89(n), and 603 CMR 1.05).
5. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement (Mass. Gen. Laws c. 71, § 89(m)).
6. Will be secular in its curriculum, programs, admissions, policies, governance, employment practices, and operation in accordance with the federal and state constitutions and any other relevant provisions of federal and state law.
7. Will comply with the federal Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972.
8. Will adhere to all applicable provisions of federal and state law relating to students with disabilities including, but not limited to, the Individuals with Disabilities Education Act, section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990 and chapter 71B of the Massachusetts General Laws.
9. Will adhere to all applicable provisions of federal and state law relating to students who are English language learners including, but not limited to, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, and chapter 71A of the Massachusetts General Laws.

10. Will comply with all other applicable federal and state law including, but not limited to, the requirement to offer a school nutrition program (Mass. Gen. Laws c. 69, § 1 (c)).
11. Will meet the performance standards and assessment requirements set by the Board of Elementary and Secondary Education for all students in public schools including, but not limited to, administering the Massachusetts Comprehensive Assessment System (MCAS) (Mass. Gen. Laws c. 71, § 89(v), and 603 CMR 1.04(3)(k)).
12. Will submit an annual report to the Department of Elementary and Secondary Education on or before the required deadline (Mass. Gen. Laws c. 71 § 89(jj)).
13. Will submit an accountability plan no later than the end of the first year of the school's charter, establishing specific five year performance objectives as specified in the state regulations (603 CMR 1.04 (3)(l)) and guidelines.
14. Will submit an annual independent audit to the Department of Elementary and Secondary Education and the Office of the State Auditor no later than November 1st of every year, as required by the charter school statute (Mass. Gen. Laws c. 71, § 89(jj), or at such other time as designated in 603 CMR 1.08 (3)).
15. Will submit required enrollment data each March to the Department of Elementary and Secondary Education by the required deadline (Mass. Gen. Laws c. 71, § 89(o), and 603 CMR 1.08(5)).
16. Will meet enrollment projections through demonstration of support for the proposed charter school in the communities from which students would be likely to enroll (603 CMR 1.04(3)(c)).
17. Will operate in compliance with generally accepted government accounting principles (Mass. Gen. Laws c. 71, § 89(jj)).
18. Will maintain financial records to meet the requirements of Mass. Gen. Laws c. 71, § 89 and 603 CMR 1.00.
19. Will participate in the Massachusetts State Teachers' Retirement System (Mass. Gen. Laws c. 71, § 89(y)).
20. Will employ individuals who either hold an appropriate license to teach in a public school in Massachusetts or who will take and pass the Massachusetts Tests for Educator Licensure (MTEL) within their first year of employment and meet all applicable staff requirements of the federal No Child Left Behind Act (Mass. Gen. Laws c. 71 § 89(ii), and 603 CMR 1.06(4)).
21. Will provide the Department of Elementary and Secondary Education with written assurance that a criminal background check has been performed, prior to their employment, on all employees of the school who will have unsupervised contact with children (Mass. Gen. Laws c. 71, § 38R, and 603 CMR 1.04(7)(d)).
22. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health, and safety within the building(s) and on school property (603 CMR 1.04(7)(e), 1.04(7)(f), 1.05(7)(g), and 1.05(7)(h)).
23. Will maintain uninterrupted necessary and appropriate insurance coverage (603 CMR 1.04(7)(h)).

24. Will submit to the Department of Elementary and Secondary Education the names, home addresses, and employment and educational histories of proposed new members of the school's board of trustees for approval prior to their service (603 CMR 1.06(1)(b)).
25. Will ensure that every member of the school's board of trustees shall meet all training as required by the Department of Elementary and Secondary Education and any other requirements by other state agencies, including the requirements under the Commonwealth's open meeting law and conflict of interest law (603 CMR 1.06).
26. Will ensure that all members of the school's board of trustees file with the Department of Elementary and Secondary Education, the State Ethics Commission, and the city or town clerk where the charter school is located completed financial disclosure forms for the preceding calendar year according to the schedule required by the Office of Charter Schools and School Redesign (Mass. Gen. Laws c. 71, § 89(u)). The disclosure is in addition to the requirements of said chapter 268A and a member of a board of trustees must also comply with the disclosure and other requirements of said chapter 268A.
27. Will recognize, if applicable, an employee organization designated by the authorization cards of 50 percent of its employees in the appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining (Mass. Gen. Laws c. 71, § 89(y)).
28. Will provide the Department of Elementary and Secondary Education with a federal taxpayer identification number issued solely to the charter school and all required information regarding a bank account held solely in the name of the charter school (603 CMR 1.04(8)).
29. Will, in the event the board of trustees intends to procure substantially all educational services for the charter school through a contract with another person or entity, submit such contract for approval by the Board of Elementary and Secondary Education to provide for any necessary revisions and approval prior to the beginning of the contract period (Mass. Gen. Laws c. 71, § 89(k)(5)).
30. Will notify the Department of Elementary and Secondary Education immediately in writing of any change in circumstances that may have a significant impact on the school's ability to fulfill its goals or missions as stated in its charter (603 CMR 1.08(11)).
31. Will submit in writing to the Commissioner of Elementary and Secondary Education a request to amend its charter if the school plans to make a change to its operations as defined in 603 CMR 1.10.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Affiliation*

**STATEMENT OF ASSURANCES FOR THE  
FEDERAL CHARTER SCHOOL PROGRAM GRANT**

This form must be signed by a duly authorized representative of the applicant group and submitted with the **final application**. An application will be considered incomplete and will not be accepted if it does not include the Statement of Assurances for the federal Charter School Program Grant.

These additional assurances are required to ensure compliance with requirements for the federal Charter Schools Program grant:

1. Will annually provide the U.S. Secretary of Education and the Department of Elementary and Secondary Education such information as may be required to determine if the charter school is making satisfactory progress toward achieving objectives described in this application (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).
2. Will cooperate with the U.S. Secretary of Education and the Department of Elementary and Secondary Education in evaluating the program described in the application (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).
3. Will provide other information and assurances as the U.S. Secretary of Education and the Department of Elementary and Secondary Education may require (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5203(b)(3)).

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

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*Affiliation*

# COMMONWEALTH AND HORACE MANN CHARTER PROSPECTUS OUTLINE FOR NEW OPERATORS

*The prospectus is limited to no more than 55 pages of text, excluding the Cover Page, the Table of Contents, the Applicant Information Sheet, the Certification Statement, Executive Summary, and the required attachments: the curriculum for grade levels beyond the four grade levels that is required in the text of the application; individual questionnaires and resumes from each applicant group member; budget; and, if applicable, the Proven Provider request containing the proposed Proven Provider's qualifications as defined and explained in 603 CMR 1.00.*

- Cover Page
- Table of Contents
- Applicant Information Sheet
- Certification Statement
- Executive Summary – no more than three pages
- I. How will the school demonstrate faithfulness to charter?
  - A. Mission
  - B. Key Design Elements
  - C. Description of the Community(ies) to be Served
- II. How will the school demonstrate academic success?
  - A. Overview of Program Delivery
  - B. Curriculum and Instruction
  - C. Student Performance, Assessment, and Program Evaluation
  - D. Supports for Diverse Learners
  - E. Culture and Family Engagement
- III. How will the school demonstrate organizational viability?
  - A. Capacity
  - B. Governance and Management
  - C. School Finances
- IV. Required Attachments (do not count towards 50 pages)
  - Individual questionnaires and resumes from each applicant group member, indicating if a member is a proposed board member, proposed school leader, or proposed for any other position(s).
  - Description of curriculum scope and sequence for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
  - Draft organizational chart
  - Draft Operating Budget: Projected Revenues and Expenditures
  - Proven Provider request, if applicable.
  - School Improvement Plan, for Horace Mann II conversion schools, as applicable.

# COMMONWEALTH AND HORACE MANN CHARTER PROSPECTUS FOR NEW OPERATORS

## *I. HOW WILL THE SCHOOL DEMONSTRATE FAITHFULNESS TO CHARTER?*

### **A. MISSION**

The mission communicates the essence of the proposed charter school and defines the core purpose and key values of the school to its stakeholders and the public. It should be succinct, meaningful, and consistent with high academic standards. A school's mission provides the foundation for the entire charter application and for the five year term of the school's charter. The mission should be reflected throughout all sections of the prospectus.

Provide the proposed mission. The mission and application should address the following criteria:

- ✓ The mission defines the purpose and specialized focus of the school to its stakeholders and the public.
- ✓ The mission speaks to the value of the school, based on its own merit, and communicates the applicant group's core beliefs and values about education.
- ✓ The mission indicates the key design elements proposed to achieve outcomes.
- ✓ The mission is consistent with high academic standards and student success.
- ✓ The mission is succinct and comprehensible.
- ✓ The mission is reflected throughout all sections of the application.

#### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed mission is different from the existing school's mission and how it differs.

### **B. KEY DESIGN ELEMENTS**

The application must contain a clear description of the key design elements of the proposed school that make the school unique and distinct from other public school options, and provide readers with an image of the future the applicant group wishes to create. The key design elements must align with the mission and be reflected throughout the application. This section of the application should further articulate what the school will achieve for the school community—students, parents, teachers, board members, and beyond.

When describing the key design elements, the application should address the following criteria:

- ✓ The application briefly describes the educational philosophy of the applicant group and their core beliefs and values about education which aligns with the school's mission and key design elements.
- ✓ The application describes the key design elements of the proposed school, such as length of school year and day, and aspects of school design, that make the school unique and distinct from other public school options. The key design elements align with the mission statement, and are reflected throughout all sections of the application.
- ✓ The application describes the key academic and nonacademic goals for students that are consistent with the stated mission, key design elements of the academic program, and educational philosophy of the school. Goals should be specific; measurable; action oriented; rigorous, realistic, and results focused objectives that are time-bound and tracked.
- ✓ The application describes how this school will enhance or expand the educational options available to the targeted student population, including whether the innovative methods to be used by the proposed school differ from the district or districts from which the charter school is expected to enroll students.

- ✓ The application illustrates a compelling image of the school's future and what the school will look like in five years if it is achieving its mission. Explicitly reference key pieces of evidence to demonstrate how the school's success will be measured, including the ways in which the school will positively impact all stakeholders in the school.

### C. DESCRIPTION OF THE COMMUNITY(IES) TO BE SERVED

State law asserts that charter schools are to be established to 1) stimulate the development of innovative programs within public education; 2) provide opportunities for innovative learning and assessments; 3) provide parents and students with greater options in choosing schools within and outside of their school districts; 4) provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction, and school structure and management; 5) encourage performance-based educational programs; 6) hold teachers and school administrators accountable for students' educational outcomes; and 7) provide models for replication in other public schools.

The prospectus should describe the community(ies) to be served by the school and how the school will offer educational opportunity to students, including the needs of students and their families. These are essential factors that inform the design of a successful charter school, ultimately driving support for and enrollment in the school. Data on district performance on the MCAS is available on the Department of Elementary and Secondary Education's (Department) website and does not need to be reiterated here.

When describing the community(ies) the school plans to serve, the application should address the following criteria:

- ✓ The application describes the student population that the proposed charter school would serve and the needs of that population.
- ✓ The application discusses the reason for the selection of the community(ies) and the applicant's ability to serve this particular area and current connections to the community.
- ✓ The application describes how the educational option provided by the charter school will address the needs of the student population, including the proposed mission, curriculum, instruction, and services.
- ✓ The application describes how the applicant group has assessed parental support within the proposed sending district(s)/region for the proposed school.
- ✓ In the case of a **Horace Mann charter school**, the application provides a description of how the founding group has assessed parental, district, teacher, and other staff support within the proposed sending district for the proposed school.
- ✓ The application describes supporting evidence for the projected student enrollment at the proposed **Commonwealth charter school**, such as an analysis of eligible potential students in the community(ies) to be served, analysis of documented demand from families with eligible potential students, and/or an analysis of enrollment at schools currently operating in the community(ies) to be served. Applicants should not submit copies of petitions or interest forms in the charter application.
- ✓ The application describes how the school will publicize and market its program to a broad cross-section of prospective students throughout the district(s) that the school plans to serve, including families that may be less informed about options. The application discusses specific strategies of how the proposed school will ensure adequate enrollment and full access to the school and its proposed educational program for all eligible students.
- ✓ The application describes the school's plan to provide families and community members opportunities to support the success of the school.
- ✓ The application explains why a **Commonwealth or Horace Mann charter** is necessary in order for this school to exist or succeed.
- ✓ The application discusses specific ways in which the **Commonwealth charter school** will collaborate with school districts from which it draws students to provide educational models;

including programs, curriculum, and teaching methods that can be replicated by other public schools.

- ✓ The application discusses specific ways in which the **Horace Mann charter school** will collaborate with schools within the district to provide educational models; including programs, curriculum, and teaching methods that can be replicated by other public schools.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application summarizes the School Improvement Plan currently in use including: data used, problem(s) identified, implementation status, and description of what has worked, what has not worked, and why. School Improvement Plan is submitted with prospectus.
- ✓ The application describes what the applicant group perceives as roadblocks to the successful implementation or inadequacies of the current School Improvement Plan.
- ✓ The application provides an analysis of the external and internal factors, strengths, and/or needs that moved the applicant group to propose a Horace Mann charter school.
- ✓ The application explains how this information has informed what the applicant group is proposing and how becoming a Horace Mann charter school will lead to greater academic success for students.

## ***II. HOW WILL THE SCHOOL DEMONSTRATE ACADEMIC SUCCESS?***

### **A. OVERVIEW OF PROGRAM DELIVERY**

All Massachusetts charter schools are expected to deliver academic programs that provide improved academic outcomes and educational success for all students. The proposed educational program should address the diverse needs of the student population and should be founded on an understanding of effective, research-based educational practices and high standards for student learning. The proposed school should incorporate a pedagogical approach, curriculum, assessment, culture, and other elements, based on the applicant group's educational philosophy, that create a comprehensive educational program. The overview of program delivery describes how the educational program will be delivered, and provides evidence that the proposed educational program and its associated educational practices may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population.

When describing the school's program delivery, the application should address the following criteria:

- ✓ The application demonstrates that the proposed educational program will serve the diverse needs of individual students by providing evidence, including **explicit research citations**, that demonstrates their educational program and its associated educational practices may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population. Evidence should include the specific subgroups of students listed in the recruitment and retention plan consistent with requirements of M.G.L. c. 71, § 89, such as students with disabilities, English language learners, and students participating in the federal free/reduced lunch nutrition program.
- ✓ The application describes the school calendar including the number of days school will be in session; and the daily hours of operation, including the length of the school day with start and dismissal times. Please be specific in describing these items and pay attention to the state requirements on minimum number of school days and instructional hours as described in 603 CMR 27.00, which is available online at <http://www.doe.mass.edu/lawsregs/603cmr27.html>. If the school would not meet the minimum number of school days and instructional hours based on the program proposed, provide justification for a waiver of the requirement. All public schools may request from the Board of Elementary and Secondary Education a waiver of student learning time for good cause to support innovative programs or schedules to improve student learning.
- ✓ The application provides a description of the mechanics of the educational program in terms of the daily or weekly organization of students and faculty (e.g., multi-grade, tracking, team-teaching, etc.) to explain the sample schedule.
- ✓ The application indicates if mandatory or optional programming will be offered to students during summer months, and the goals of such programming if offered.
- ✓ The application describes the extra or co-curricular activities or programming that the school will offer, how often they will occur, and the goals of such programming if offered.
- ✓ In the case of a **Horace Mann charter school**, the application describes the proposed school's ability, if any, to access programs offered by the district, including arts or sports programs.

#### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed educational program delivery is different from the existing school's educational program delivery and how it differs.
- ✓ The application describes any proposed changes in expectations for staff related to program delivery, such as length of school year and day.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

## B. CURRICULUM AND INSTRUCTION

Charter schools have the freedom to choose and/or develop curriculum models that best reflect the mission and educational philosophy of the school and that best serve the needs of the expected student population. Regardless of whether the curriculum is purchased or internally developed, it is important that it aligns with the Massachusetts Curriculum Frameworks (MCF) since the state assessment test is based on the learning standards outlined in the MCF. Additional information about the MCF can be found at <http://www.doe.mass.edu/frameworks/>. Charter schools also have the freedom to determine the instructional methods that will be used to deliver the chosen curriculum model(s).

When describing the school's curriculum and instruction, the application should address the following criteria:

<b>Use of Commercial Curriculum</b>	<ul style="list-style-type: none"> <li>✓ If intending to use developed curriculum, the application identifies the curriculum, explains the process utilized to identify the curriculum that will be used by the school, and provide reasons why the curriculum was chosen. Also indicate which individual(s) in the school's organizational chart will be responsible for identifying and selecting curriculum.</li> <li>✓ The application describes the process that is used to ensure alignment of the curriculum to the MCF and identifies the individual(s) who will be responsible for curriculum alignment to the MCF.</li> <li>✓ If modifications to the curriculum will be required, the application explains the process utilized to identify areas for revision and to make adjustments. Indicate the individual(s) that will be responsible for the process.</li> </ul>
<b>New Curriculum Required</b>	<ul style="list-style-type: none"> <li>✓ If intending to develop curriculum, the application explains the process that will be used by the school to develop curriculum. Identify which individual(s) on the school's organizational chart will be responsible for developing curriculum and who will participate in the process.</li> <li>✓ The application describes the process that is used to ensure alignment of the curriculum to the MCF and identify the individual(s) on the school's organizational chart who will be responsible for curriculum alignment to the MCF.</li> </ul>

- ✓ The application contains the curriculum scope and sequence that will be used by the school, including the content and skills to be taught in the core content areas at each grade level.<sup>3</sup> Four grade levels should be included in the text of the application. All additional grade levels must be included in the attachments, but will not be counted toward the page limit. For proposed schools that plan to have fewer than four grade levels, please include all of the intended grades in the application narrative. The curriculum scope and sequence should be clearly aligned with MCF as well as aligned across the grades proposed for implementation.
- ✓ The application describes the processes for the ongoing development, improvement, and refinement of the curriculum. The description should include incorporation of the curricular structures that will be used by the school, e.g. scope and sequence, unit and lesson plans, etc.

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<sup>3</sup> Content is what students should know; skills are what students should be able to do; and the core content areas include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

Identify which individual(s) on the school's organizational chart will be responsible for, and participate in the development, improvement, and refinement of the curriculum.

- ✓ The application describes the process and procedures that will be used to evaluate whether the curriculum is effective and successfully implemented. Identify which individual(s) on the school's organizational chart will be responsible for curriculum evaluation.
- ✓ The application describes the learning environment(s) that will be used to deliver the proposed curriculum model, including the use of technology, and class size and structure.
- ✓ The application describes the pedagogy or instructional methods that will be used to deliver the curriculum model(s).
- ✓ The application contains a detailed plan for a responsive general education classroom that would support the needs of all students. The plan should include how the proposed curriculum and instructional methods will support high standards of achievement for students with a wide range of needs, and be accessible and appropriate for all students at all levels, including students with diverse learning styles; English language learners; students with disabilities; students who enter below grade level, or students identified as at risk; and advanced students who perform significantly above grade level. The plan should also describe the strategies the school will implement to ensure academic success for all students, including students struggling to meet performance standards.
- ✓ The application demonstrates that the proposed curriculum and instruction will serve the diverse needs of individual students by providing evidence or relevant experience, including **explicit research citations**, that demonstrates the proposed curriculum and instruction may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population. Evidence should include the specific subgroups of students listed in the recruitment and retention plan consistent with requirements of M.G.L. c. 71, § 89, such as students with disabilities, English language learners, and students participating in the federal free/reduced lunch nutrition program.
- ✓ The application describes the proposed structures for regular, frequent collaboration and professional development to improve implementation of the curriculum and instructional practice. Include a description of how the school plans to train and support teachers to address the unique needs of all students, including students with disabilities and English language learners.
- ✓ The application describes how the school will determine the professional development needs of the staff, including administrators and teachers, on an on-going basis and how these opportunities will be delivered during and outside of the scheduled school year.
- ✓ The application explains the process and frequency of teacher performance evaluations, including the key elements of the evaluation and who will conduct the evaluations. For more information about educator evaluation in Massachusetts see: <http://www.doe.mass.edu/edeval/>.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed curriculum and instruction is different from the existing school's curriculum and instruction and how it differs.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

### **C. STUDENT PERFORMANCE, ASSESSMENT, AND PROGRAM EVALUATION**

Charter schools must ensure that students will meet the same performance standards and assessment requirements set by the Board of Elementary and Secondary Education for students in other public schools. Performance, promotion, and graduation standards should be based on high expectations that are aligned with the school's mission, educational program, assessment system, and the MCF. An

integrated assessment system, which includes the MCAS/PARCC test,<sup>4</sup> serves as a structure for how teachers and administrators will measure what students know and are able to do as a result of the delivery of curriculum and instruction.

Information from assessments serves to help determine what areas of instruction need additional time, the needs of individual students, the quality of instruction, decisions on improvement strategies, and the school's overall progress in meeting Accountability Plan goals. Ultimately, the assessment system provides information to all stakeholders on whether the school is an academic success. The proposed system should reflect how the school would link curriculum and instruction to assessment by measuring the academic progress of individual students, cohorts of students over time, and the school as a whole, with the goal of continual school improvement.

When describing student performance, assessment, and program evaluation, the application should address the following criteria:

- ✓ The application describes the proposed school's policies and standards for promoting students to the next grade, achievement level, or grouping level in alignment with the educational program.
- ✓ The application describes the graduation requirements or "exit standards" for the school's grade groupings as applicable (e.g., elementary, middle, high school, or primary, upper elementary, etc.). These exit standards should be aligned with the school's mission and provide a clear sense of expected student achievement at the end of the last grade of each school level and/or upon graduation. If the proposed educational program includes a high school, explain how your graduation requirements will ensure student readiness for college and career opportunities.
- ✓ The application describes a thorough, clear, measurable, externally credible, and conceptually sound design for measuring and reporting the performance and progress of the school as a whole, student cohorts over time, and the academic and social development of each student to all relevant stakeholders. Selected assessments are both research based and consistent with the school's mission, broad academic and nonacademic student goals, educational program, and high expectations of students. Descriptions should include, but are not limited to, the following information:
  - The types of internal/school-developed assessments that will be administered to measure and report student progress. Explain why these particular assessments were selected for the targeted student population and how the data will be used to support the goal of student learning and outcomes.
  - Describe the school's philosophy and plans for student homework.
  - A meaningful and practical approach for measuring and supporting student progress toward attaining non-academic goals in alignment with the proposed school's mission and vision as well as students' needs.
  - Evidence of multiple measures of student performance outcomes that may include reports of absolute scores, within-year student gains/losses, and year-to-year student gains/losses.
  - A plan to use student data, including MCAS/PARCC performance, to facilitate decision-making about necessary adjustments to the educational program and the staff development plan that will support the goal of improved student learning and outcomes.
  - Indicate if any additional standardized assessment tools will be used to determine and report student progress. If so, explain why those tools were selected for the targeted population and how the data will be used.

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<sup>4</sup> The Board of Elementary and Secondary Education will decide in fall 2015 whether to adopt PARCC and transition away from MCAS English language arts and math tests.

- Indicate the roles of school leadership and faculty in the collection, analysis, and use of student data, and the individual responsible for oversight of the system.
- Indicate the system for reporting the performance and progress of the school, grades, individual classes, and students, including the frequency of the different forms of assessment, the types of stakeholders who will receive assessment information, and the types of metrics reported.
- ✓ The application describes the processes that will ensure the assessment system is linked to curriculum and instruction, and is used to facilitate timely adjustments that will support the goal of improved student learning and outcomes.
- ✓ The application describes how each of the following stakeholder groups will participate in the review and response to student achievement data:
  - The school's board of trustees
  - School administrators
  - Teachers
  - Students
  - Parents

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed standards for student performance, promotion, and graduation and the proposed assessment system is different from the existing school's standards and assessment system and how it differs.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

#### **D. SUPPORTS FOR DIVERSE LEARNERS**

All charter schools in Massachusetts are public schools that enroll students through a lottery process. Therefore, all charter schools must be prepared to enroll students with diverse learning needs including English language learners and students with disabilities, all of whom must be provided with full and meaningful access to the general educational curriculum.

The general education classroom needs to be responsive to the educational needs of all children, and accommodates their needs. A full continuum of services must be available within the school so that all students can receive needed services in an appropriate setting and participate fully in the educational goals and mission of the school. This section of the application should describe the school's programs and services, and how they will be implemented within the context of your proposed school.

For information on special education, please see the Massachusetts Primer on Special Education and Charter Schools and related documents found at <http://www.doe.mass.edu/charter/sped/default.html>. For information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. Please review the required elements of the special education policies and procedures found at <http://www.doe.mass.edu/charter/new/>. Special education policies and procedures are submitted to the Department during opening procedures of the proposed charter school. Consider the required elements when crafting your response to the application criteria related to the processes and procedures used to identify, assess, and serve students with disabilities.

For information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>. For guidance on English language learners, please see the Department's website at [http://www.doe.mass.edu/ell/guidance\\_laws.html](http://www.doe.mass.edu/ell/guidance_laws.html). Please review the required elements of the English language education policies and procedures found at <http://www.doe.mass.edu/charter/new/>. English language education policies and procedures are submitted to the Department during opening procedures of the proposed charter school. Consider the

required elements when crafting your response to the application criteria related to the processes and procedures used to identify, assess, and serve English language learners.

When describing the school's plan for special student populations and student services, the application should address the following criteria:

- ✓ The application describes the processes and procedures that the proposed school will employ to **identify, assess, and serve students** who are English language learners. In the case of a **Horace Mann charter school**, indicate what role, if any, the district will have in the assessment and delivery of services. Descriptions will be considered incomplete if they do not include:
  - a description of the English language development program and support services to be offered including the curriculum and strategies that will be used;
  - how student identification and assessment will be conducted;
  - the settings in which required services will be implemented;
  - how services will be delivered within the school's daily schedule;
  - the plan to support core academic teachers in obtaining SEI endorsement;
  - the titles, salaries, and qualifications of the individuals delivering the services; and
  - how the program will be evaluated.
- ✓ The application describes the processes and procedures that the proposed school will employ to **identify, assess, and provide specialized instruction** to each student in need of special education services. In the case of a **Horace Mann charter school**, indicate what role, if any, the district will have in the assessment and delivery of services. Descriptions will be considered incomplete if they do not include:
  - a description of support services to be offered and some of the methods that will be used to provide a continuum of services;
  - how student identification and assessment will be conducted;
  - the development of individualized education programs;
  - the settings in which required services will be delivered;
  - how services for students in need of special education services will be delivered within the school's daily schedule;
  - the qualifications of individuals who will be recruited to deliver services;
  - the titles, salaries, and qualifications of each position proposed; and
  - how the program will be evaluated.
- ✓ In the case of a **Horace Mann charter school**, the application indicates clearly the expectations surrounding district involvement in the provision of services for students with disabilities and English language learners.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed plans for special education programming and English language development programming is different from the existing school's programs and how it differs.
- ✓ The application provides an analysis of the existing school's current efforts serving students receiving special education services and English language learners and how the proposed programming addresses identified areas for improvement.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

## E. CULTURE AND FAMILY ENGAGEMENT

Massachusetts charter schools support students' social and emotional health in safe and respectful learning environments that engages families. The application must describe how the proposed school will create a safe school environment and address the physical, social, emotional, and health needs of its anticipated student population. The application must also describe how the proposed school will develop strong working relationships with families/guardians in order to support students' academic progress and social and emotional well-being.

When describing the school's plan for school culture and parent engagement, the application should address the following criteria:

- ✓ The application describes the culture of the school, and a clear plan for establishing a school culture and norms consistent with the school's mission, educational philosophy, and educational program from the first day of the school's operation. The plan should include specific strategies the school will implement to develop and maintain a safe school environment conducive to learning and consistent with the school's mission and educational philosophy. Describe how school culture and climate will be fostered for and by school leadership, teachers, students, and parents.
- ✓ The application describes the school's programs or strategies to address the physical, social, emotional, and health needs of the anticipated student population.
- ✓ The application describes the school's philosophy and plans regarding student behavior and discipline for the general student population and students with special needs. Student discipline should be consistent with requirements and the school's mission and educational philosophy.
- ✓ The application describes how the school plans to involve parents/guardians as partners in the education of their children and to build and maintain family-school partnerships that support students' academic progress and social-emotional well-being. Describe any commitments or volunteer activities the school will offer to parents.
- ✓ The application describes the relationships the applicant group has established or intends to establish with community agencies and organizations that will support the school's educational program and serve the youth who attend the school. Explain the nature of the proposed partnership/relationship(s) and how it will support the school's mission and vision.

### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed school characteristics and culture are different from the existing school's school characteristics and culture and how it differs.
- ✓ The application describes any proposed changes in expectations for staff related to implementation of school culture or parent engagement.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

### ***III. HOW WILL THE SCHOOL DEMONSTRATE ORGANIZATIONAL VIABILITY?***

#### **A. CAPACITY**

A public school charter is granted to a board of trustees. Members of the board of trustees are public agents authorized by the state and are responsible for governing charter schools. In general, it is important that these individuals possess a wide variety of skills and qualifications that will enable them to found and sustain an excellent school. Members of a founding group may be proposed for the school's board of trustees or may assume other roles in the school. Each founding group should be able to clearly define who is proposed to be a member of the board of trustees and what other roles will be assumed. The proposed board of trustees must be of a number sufficient to provide effective oversight of the school and to participate in the considerable amount of work required to open a charter school.

When describing the capacity of the founding group and/or proposed board of trustees the application should address the following criteria:

- ✓ The application describes how the applicant group came together to form this proposed school and why the group is united to establish the proposed charter school.
- ✓ The application explains how often the group meets, how the planning and writing process is completed, and identifies the primary author of the application.
- ✓ The application summarizes briefly within the text of the document each founder's and/or proposed board member's experience and qualifications. The experience and qualifications should demonstrate that the founders and/or proposed board members:
  - have the experience and qualifications necessary to implement the proposal;
  - demonstrate the capacity to found and sustain an excellent charter school;
  - can manage public funds effectively and responsibly;
  - include members who possess skills and experience in areas such as education, management, finance, development, and law; and
  - have tangible ties to, and broad and diverse representation from the communities the school will serve.
- ✓ The application explains how the proposed board of trustees is reflective of or consistent with the school's mission and program.
- ✓ Each member of the applicant must submit a resume as an attachment to the application. The application must indicate if a founder is a proposed board member, proposed school leader, or other school employee. Resumes should indicate the founder's prior experience as it relates to the charter application. Additionally, proposed board members and proposed school employees must complete individual questionnaires to further establish their understanding of their roles and responsibilities.

#### **B. GOVERNANCE AND MANAGEMENT**

As entities of the state, public charter schools must meet a number of legal requirements set forth by the Commonwealth of Massachusetts. Many of these requirements are outlined in the *Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, this document can be found online at <http://www.doe.mass.edu/charter/governance/adminguide.doc>. The guide begins by explaining that a strong board of trustees defines the mission of the school, develops school policies and changes them when appropriate, hires qualified personnel to manage the school's day-to-day operations and holds them accountable for meeting established goals, and formulates a long-range plan and charter school accountability plan that will ensure the school's continued stability. In addition to its many other responsibilities, the board must ensure that the school is complying with all of the state and federal laws that apply to the school and that the board itself is operating in accordance with the rules set out

by all applicable Massachusetts laws and regulations. Finally, the board is responsible for operating the school in accordance with its charter and with any approved amendments to its charter.

A school's ability to carry out its purpose and objectives is largely determined by the governance structure of the school and by developing an effective board of trustees.

### **(1) Governance and Management Structure**

- ✓ The application explains the proposed reporting structure and relationship between the board of trustees and the individual(s) reporting directly to the board regarding the governance and management of the proposed charter school.
- ✓ The application includes an organizational chart that encompasses employees of the school and the board of trustees. The application briefly explains the reporting structure and relationship between the school's leader and administration regarding teachers, specialists, and other staff members.
- ✓ The application indicates if there are any ex-officio members of the board of trustees, denoting seats that are earmarked based on a person's position or status, such as school principal, teacher, parent, or student representative, and explains the rationale for the proposed governance model as applicable.

#### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application describes how the applicant group and potential board of trustees will ensure the successful transition to the new governance structure required for a Horace Mann charter school.

### **(2) Roles and Responsibilities**

- ✓ The application describes the roles and responsibilities of the board of trustees. The application clearly articulates the role distinctions amongst the board, the school district (in the case of **Horace Mann charter schools**), and the school administration as they relate to curriculum, personnel decisions, budget allocation, and vendor selection.
- ✓ The application provides examples of the proposed board's future actions in governing the proposed school that accurately reflect an understanding of the roles and responsibilities of the board of trustees, consistent with public accountability, such as open meeting law, state ethics law, and charter school law.
- ✓ If the applicant group includes the proposed school leader (or any other position at the school), the application describes the process and criteria used to determine that the individual is the best candidate for the position. Identify the skills and experience of the selected individual(s) and describe how their professional background supports their capacity to be successful in founding a high quality charter school and achieving the school's mission as the school leader or a member of the leadership team. If the proposed school leader has never led a school, describe any training programs that she/he has completed or is currently participating in.
- ✓ If the applicant group does not include the proposed school leader, the application describes the desired skills and experience of the ideal individual and the plans for the recruitment and selection of the school leader.
- ✓ The application briefly describes processes related to the board's oversight of the school, including setting priorities and goals; monitoring progress towards priorities and goals; supporting, monitoring, and evaluating the school leader(s); developing the annual budget; monitoring the school's finances; and conducting long-term financial and strategic planning.
- ✓ The application describes the annual process the board uses to evaluate its own performance, and describe the steps taken to guide its development as an effective governing board.
- ✓ The application describes the plan for how the school will make key organizational decisions about curriculum and instruction, student achievement, professional development, culture, staffing, fiscal planning, and operations.

- ✓ If the founding group intends to enter into a contract with another entity to provide substantially all the school's educational or management services, such as an educational management organization (EMO), (whether or not the entity meets the requirements of Proven Provider), the applicant should:
  - o Identify the entity and describe how and why the entity was selected, including its relevance to the proposed school's mission and key design elements.
  - o Include a summary of the entity's history, a description of how it implements its program, past results (including student academic achievement and financial status) of its school management efforts, and its educational philosophy. There should be evidence that the entity has demonstrated positive academic results and responsible fiscal management.
  - o Define the school's board of trustees' relationship with the entity and how the board of trustees will provide effective oversight to the entity.
- ✓ If you are submitting the prospectus with a college, university, museum, educational institution, another not-for-profit entity, or any other partner, please provide the information below:
  - o Identify the partner organization.
  - o Indicate the name of the contact person at the partner organization with the mailing address, phone number, facsimile number, and email address.
  - o Describe the nature and purpose of the school's partnerships with the organization.
  - o Briefly explain how the relationship enhances, complements, and/or supports the mission and educational philosophy of the proposed charter school.
  - o Explain if the partner organization will be involved in the governance of the school.

### (3) Board Sustainability

- ✓ The application describes the recruitment, and selection processes for new board members.
- ✓ The application describes specific plans for the recruitment of additional board members with the skills and expertise that will ensure the sustainability of the proposed charter school, and the targeted qualifications sought in additional board members, if applicable.

## C. SCHOOL FINANCES

Having the capability to manage school finances is essential for accountability and organizational viability. Comprehensive financial planning is an indispensable tool for successful charter school planning, program implementation, and the monitoring and evaluation of resource allocations. In this section, we ask applicants to complete a **draft five year operating budget**; and provide a descriptive budget narrative. The school finances narrative and budget should demonstrate knowledge of the practical matters relevant to the operation of a school. The applicant group **does not submit** a cash flow projection of its first year of operation at the prospectus stage.

- ✓ The application explains how the budget was developed and the process used by the applicant group to ensure the accuracy and realistic nature of their final projections.
- ✓ Applicants must submit a multi-year budget from the school's start-up phase through its fifth year of operation. Download the electronic budget template, including instructions, from <http://www.doe.mass.edu/charter/new/?section=app>.
- ✓ The application summarizes financial forecasts from the school's start-up phase through its fifth year of operation. Financial forecasts must include total expected realistic sources of revenue—including tuition and other grants (federal, state, and private), and fundraising—as well as all expenditures, the timeframe for a positive cash balance, and the anticipated growth of the school. Define and give support for the assumptions behind projections.

- ✓ The budget needs to be realistic and reflect the expenses related to all commitments proposed in the application, through the proposed school's fifth year of operation, including the school's educational program, expected student population of students with disabilities and English language learners, human resources needs, and the acquiring and repayment of potential debt.
- ✓ The budget narrative should discuss and explain the projected revenue and expense amounts in the budget, including generalized descriptions of administrative and instructional staff and other operating expenses. Provide clear and detailed explanations for each of the five years of the draft budget. Define and give support for the assumptions behind projections.
- ✓ The application explains how the school will ensure it has sufficient funds to cover all anticipated expenses, including but not limited to start-up costs, and school operation.
- ✓ The application describes whether the applicant group expects the school to raise additional funds and why. The application briefly describes any planned fundraising efforts and who will lead and coordinate these efforts. The application briefly describes any financing, short-term or long-term, that the school anticipates securing during the period covered by this budget, including the planning and first year implementation period.

#### ***IV. REQUIRED ATTACHMENTS - PROSPECTUS***

The following attachments are **required** and should be sequentially numbered and clearly referred to in the text. Attachments do not count toward the 55-page prospectus text limit.

##### **A. APPLICANT GROUP MEMBERS**

Individual questionnaires and resumes from each applicant group member, indicating if a member is a proposed board member, proposed school leader, or proposed for any other position(s). Resumes indicates the individual's prior experience as it relates to the charter application.

##### **B. CURRICULUM**

Description of the curriculum scope and sequence for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.

##### **C. DRAFT ORGANIZATIONAL CHART**

##### **D. DRAFT OPERATING BUDGET: PROJECTED REVENUES AND EXPENDITURES**

##### **E. PROVEN PROVIDER REQUEST (IF APPLICABLE)**

##### **F. CURRENT SCHOOL IMPROVEMENT PLAN (IF HORACE MANN II – CONVERSION)**

# COMMONWEALTH AND HORACE MANN CHARTER FINAL APPLICATION OUTLINE FOR NEW OPERATORS

*A final application is limited to 75 pages of text and 40 pages of specifically required and optional attachments*

- Cover Page
- Table of Contents
- Applicant Information Sheet
- Certification Statement
- General Statement of Assurances – Application for a Massachusetts Commonwealth Public Charter School
- Statement of Assurances – Federal Charter School Program Grant
- Executive Summary – no more than three pages
- I. How will the school demonstrate faithfulness to charter?
  - A. Mission
  - B. Key Design Elements
  - C. Description of the Community(ies) to be Served
  - D. Enrollment and Recruitment
- II. How will the school demonstrate academic success?
  - A. Overview of Program Delivery
  - B. Curriculum and Instruction
  - C. Student Performance, Assessment, and Program Evaluation
  - D. Supports for Diverse Learners
  - E. Culture and Family Engagement
- III. How will the school demonstrate organizational viability?
  - A. Capacity
  - B. Governance
  - C. Management
  - D. Facilities and Student Transportation
  - E. School Finances
  - F. Action Plan
- IV. Required Attachments counted toward 40 page maximum:
  - Draft Bylaws (use Bylaws Checklist).
  - Draft Recruitment and Retention Plan (use Recruitment and Retention Plan Template).
  - Draft Enrollment Policy and Admission Application (use Enrollment Policy Checklist).
  - Draft School Calendar.
  - Draft Organizational Charts – first year of operation and at full student enrollment.

- Operating Budget: Projected Revenues and Expenditures; and Cash Flow Projection. (use electronic budget template, available on the Department website at <http://www.doe.mass.edu/charter/new/?section=app.>)
  
- V. Required Attachments not counted toward 40 page maximum:
  - Individual resumes from each applicant group member, indicating if an individual is a proposed board member, proposed school leader, or proposed for any other position(s).
  - Individual completed questionnaires of each applicant group member. There are two different versions of the questionnaire: one for proposed board members, and one for proposed school employees and/or founding group members who are playing an advisory role.
  - Description of curriculum scope and sequence for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
  - Draft management or EMO contract, for Proven Provider and non-Proven Provider applicants (if applicable).
  - School Improvement Plan for Horace Mann II (conversion) schools only.
  - Memoranda of Understanding (if applicable).

**Optional:**

The choice of non-required attachments is determined by the applicant group, although attachments should only be used to provide additional evidence, support a particular aspect of the application, or lend insight into the applicant group.

# COMMONWEALTH AND HORACE MANN CHARTER FINAL APPLICATION

## *I. HOW WILL THE SCHOOL DEMONSTRATE FAITHFULNESS TO CHARTER?*

### A. MISSION

The mission communicates the essence of the proposed charter school and defines the core purpose and key values of the school to its stakeholders and the public. It should be succinct, meaningful, and consistent with high academic standards. A school's mission provides the foundation for the entire charter application and for the five year term of the school's charter. The mission should be reflected throughout all sections of the final application.

Provide the proposed mission. The mission and application should address the following criteria:

- ✓ The mission defines the purpose and specialized focus of the school to its stakeholders and the public.
- ✓ The mission speaks to the value of the school, based on its own merit, and communicates the applicant group's core beliefs and values about education.
- ✓ The mission indicates the key design elements proposed to achieve outcomes.
- ✓ The mission is consistent with high academic standards and student success.
- ✓ The mission is succinct and comprehensible.
- ✓ The mission is reflected throughout all sections of the application.

#### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed mission is different from the existing school's mission and how it differs.

### B. KEY DESIGN ELEMENTS

The application must contain a clear description of the key design elements of the proposed school that make the school unique and distinct from other public school options, and provide readers with an image of the future the applicant group wishes to create. The key design elements must align with the mission and be reflected throughout the application. This section of the application should further articulate what the school will achieve for the school community—students, parents, teachers, board members, and beyond.

When describing the key design elements, the application should address the following criteria:

- ✓ The application briefly describes the educational philosophy of the applicant group and their core beliefs and values about education which aligns with the school's mission and key design elements.
- ✓ The application describes the key design elements of the proposed school, such as length of school year and day, and aspects of school design, that make the school unique and distinct from other public school options. The key design elements align with the mission statement, and are reflected throughout all sections of the application.
- ✓ The application describes the key academic and nonacademic goals for students that are consistent with the stated mission, key design elements of the academic program, and educational philosophy of the school. Goals should be specific; measurable; action oriented; rigorous, realistic, and results focused objectives that are time-bound and tracked.
- ✓ The application describes how this school will enhance or expand the educational options available to the targeted student population, including whether the innovative methods to be used by the proposed school differ from the district or districts from which the charter school is expected to enroll students.

- ✓ The application illustrates a compelling image of the school’s future and what the school will look like in five years if it is achieving its mission. Explicitly reference key pieces of evidence to demonstrate how the school’s success will be measured, including the ways in which the school will positively impact all stakeholders in the school.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

**C. DESCRIPTION OF THE COMMUNITY(IES) TO BE SERVED**

State law asserts that charter schools are to be established to 1) stimulate the development of innovative programs within public education; 2) provide opportunities for innovative learning and assessments; 3) provide parents and students with greater options in choosing schools within and outside of their school districts; 4) provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction, and school structure and management; 5) encourage performance-based educational programs; 6) hold teachers and school administrators accountable for students’ educational outcomes; and 7) provide models for replication in other public schools.

The final application should describe the community(ies) to be served by the school and how the school will offer educational opportunity to students, including the needs of students and their families. These are essential factors that inform the design of a successful charter school, ultimately driving support for and enrollment in the school. Data on district performance on the MCAS is available on the Department of Elementary and Secondary Education’s (Department) website and does not need to be reiterated here.

When describing the community(ies) the school plans to serve, the application should address the following criteria:

- ✓ The application describes the student population that the proposed charter school would serve and the needs of that population.
- ✓ The application discusses the reason for the selection of the community(ies) and the applicant’s ability to serve this particular area and current connections to the community.
- ✓ The application describes how the educational option provided by the charter school will address the needs of the student population, including the proposed mission, curriculum, instruction, and services.
- ✓ The application describes how the applicant group has assessed parental support within the proposed sending district(s)/region for the proposed school.
- ✓ In the case of a **Horace Mann charter school**, the application provides a description of how the founding group has assessed parental, district, teacher, and other staff support within the proposed sending district for the proposed school.
- ✓ The application describes supporting evidence for the projected student enrollment at the proposed **Commonwealth charter school**, such as an analysis of eligible potential students in the community(ies) to be served, analysis of documented demand from families with eligible potential students, and/or an analysis of enrollment at schools currently operating in the community(ies) to be served. Applicants should not submit copies of petitions or interest forms in the charter application.
- ✓ The application describes how the school will publicize and market its program to a broad cross-section of prospective students throughout the district(s) that the school plans to serve, including families that may be less informed about options. The application discusses specific strategies of how the proposed school will ensure adequate enrollment and full access to the school and its proposed educational program for all eligible students.

- ✓ The application describes the school’s plan to provide families and community members opportunities to support the success of the school.
- ✓ The application explains why a **Commonwealth or Horace Mann charter** is necessary in order for this school to exist or succeed.
- ✓ The application discusses specific ways in which the **Commonwealth charter school** will collaborate with school districts from which it draws students to provide educational models, including programs, curriculum, and teaching methods that can be replicated by other public schools.
- ✓ The application discusses specific ways in which the **Horace Mann charter school** will collaborate with schools within the district to provide educational models; including programs, curriculum, and teaching methods that can be replicated by other public schools.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application summarizes the School Improvement Plan currently in use including: data used, problem(s) identified, implementation status, and description of what has worked, what has not worked, and why. School Improvement Plan is submitted with the application.
- ✓ The application describes what the applicant group perceives as roadblocks to the successful implementation or inadequacies of the current School Improvement Plan.
- ✓ The application provides an analysis of the external and internal factors, strengths, and/or needs that moved the applicant group to propose a Horace Mann charter school.
- ✓ The application explains how this information has informed what the applicant group is proposing and how becoming a Horace Mann charter school will lead to greater academic success for students.

**D. ENROLLMENT AND RECRUITMENT**

Charter schools are public schools and are therefore open to all students. This means that a charter school may not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, ancestry, athletic performance, special need, proficiency in the English language or in a foreign language, or prior academic achievement when recruiting or admitting students. Moreover, a charter school may not set admissions criteria that are intended to discriminate or that have the effect of discriminating based upon any of these characteristics.

All Massachusetts charter schools are required to have a student recruitment and retention plan that includes deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from which the charter school enrolls students, contains a comparable demographic and academic profile. The plan must include strategies for recruiting and retaining students including, limited English-proficient, special education, free lunch, and reduced price lunch students, as well as those who are sub-proficient on the MCAS, at risk of dropping out of school, have dropped out of school, or other at risk students who should be targeted to eliminate achievement gaps.

When preparing the enrollment and recruitment section of the application, the application should address the following criteria:

- ✓ The application indicates in a table the projected number of students to be enrolled by grade each year over the five year term of the charter, **as well as** up to the year of operation when the overall maximum enrollment requested will be reached. Explain in detail your rationale for selecting the particular enrollment size for your school as well as the growth strategy you have developed. In your projection, indicate clearly the potential for variation in enrollment year-to-year that reflects an understanding of potential student retention and attrition within your growth plan. Inclusion of projected maximum and minimum annual levels of student

enrollment will safeguard against the need for a future minor amendment to your growth plan, if chartered.

- ✓ The application includes a draft of the proposed recruitment and retention plan as an attachment. The plan should clearly incorporate strategies that will attract, enroll, and retain a student population that has a comparable academic and demographic profile when compared to students in similar grades in schools from which the charter school is expected to enroll students.
- ✓ The application describes the grade levels at which students will be admitted to the school and the required age for kindergarten admission, if applicable.
- ✓ The application contains a complete draft enrollment policy and application for admission as an attachment. Indicate dates for the application period, including application and lottery deadlines. **Pay close attention to March reporting requirements when setting application deadlines and lottery dates in draft enrollment policy and application for admission.**
- ✓ The application describes how the school will be ready for the required submission of enrollment data to the Department by mid-March prior to opening.

## *II. HOW WILL THE SCHOOL DEMONSTRATE ACADEMIC SUCCESS?*

### **A. OVERVIEW OF PROGRAM DELIVERY**

All Massachusetts charter schools are expected to deliver academic programs that provide improved academic outcomes and educational success for all students. The proposed educational program should address the diverse needs of the student population and should be founded on an understanding of effective, research-based educational practices and high standards for student learning. The proposed school should incorporate a pedagogical approach, curriculum, assessment, culture, and other elements, based on the applicant group's educational philosophy, that create a comprehensive educational program. The overview of program delivery describes how the educational program will be delivered, and provides evidence that the proposed educational program and its associated educational practices may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population.

When describing the school's program delivery, the application should address the following criteria:

- ✓ The application demonstrates that the proposed educational program will serve the diverse needs of individual students by providing evidence, including **explicit research citations**, that demonstrates their educational program and its associated educational practices may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population. Evidence should include the specific subgroups of students listed in the recruitment and retention plan consistent with requirements of M.G.L. c. 71, § 89, such as students with disabilities, English language learners, and students participating in the federal free/reduced lunch nutrition program.
- ✓ The application describes the school calendar including the number of days school will be in session; and the daily hours of operation, including the length of the school day with start and dismissal times. Please be specific in describing these items and pay attention to the state requirements on minimum number of school days and instructional hours as described in 603 CMR 27.00, which is available online at <http://www.doe.mass.edu/lawsregs/603cmr27.html>. If the school would not meet the minimum number of school days and instructional hours based on the program proposed, provide justification for a waiver of the requirement. All public schools may request from the Board of Elementary and Secondary Education a waiver of student learning time for good cause to support innovative programs or schedules to improve student learning.
- ✓ The application provides an annual calendar for the first year of operation as an attachment to your application. Draft calendar should reflect the required inclusion of five days within the school year for unanticipated school closures pursuant to 603 CMR 27.03.
- ✓ The application provides a sample weekly schedule for one grade in each grade level grouping at which the school intends to serve (e.g., elementary, middle, high school, or early, primary, upper elementary, etc.). The schedules should clearly describe any variation across the grades proposed that are related to the educational programming and school design.
- ✓ The application provides a description of the mechanics of the educational program in terms of the daily or weekly organization of students and faculty (e.g., multi-grade, tracking, team-teaching, etc.) to explain the sample schedule.
- ✓ The application indicates if mandatory or optional programming will be offered to students during summer months, and the goals of such programming if offered.
- ✓ The application describes the extra or co-curricular activities or programming that the school will offer, how often they will occur, and the goals of such programming if offered.
- ✓ In the case of a **Horace Mann charter school**, the application describes the proposed school's ability, if any, to access programs offered by the district, including arts or sports programs.
- ✓ The application illustrates a typical day from the perspective of a student in a grade level of your choice.

- ✓ The application illustrates a typical day from the perspective of a teacher of any subject or grade of your choice.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed educational program delivery is different from the existing school’s educational program delivery and how it differs.
- ✓ The application describes any proposed changes in expectations for staff related to program delivery, such as length of school year and day.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

**B. CURRICULUM AND INSTRUCTION**

Charter schools have the freedom to choose and/or develop curriculum models that best reflect the mission and educational philosophy of the school and that best serve the needs of the expected student population. Regardless of whether the curriculum is purchased or internally developed, it is important that it aligns with the Massachusetts Curriculum Frameworks (MCF) since the Massachusetts Comprehensive Assessment System (MCAS) is based on the learning standards outlined in the MCF. Additional information about the MCF can be found at <http://www.doe.mass.edu/frameworks/>. Charter schools also have the freedom to determine the instructional methods that will be used to deliver the chosen curriculum model(s).

When describing the school’s curriculum and instruction, the application should address the following criteria as applicable:

<p><b>Use of Commercial Curriculum</b></p>	<ul style="list-style-type: none"> <li>✓ If intending to use developed curriculum, the application identifies the curriculum, explains the process utilized to identify the curriculum that will be used by the school and provide reasons why the curriculum was chosen for the school. Identify which individual(s) in the school’s organizational chart will be responsible for identifying and selecting curriculum.</li> <li>✓ The application describes the process that is used to ensure alignment of the curriculum to the MCF and identifies the individual(s) who will be responsible for curriculum alignment to the MCF.</li> <li>✓ If modifications to the curriculum will be required, the application explains the process utilized to identify areas for revision and to make adjustments. Indicate the individual(s) that will be responsible for the process.</li> </ul>
<p><b>New Curriculum Required</b></p>	<ul style="list-style-type: none"> <li>✓ If intending to develop curriculum, the application explains the process that will be used by the school to develop curriculum. Identify which individual(s) on the school’s organizational chart will be responsible for developing curriculum and who will participate in the process.</li> <li>✓ The application describes the process that is used to ensure alignment of the curriculum to the MCF and identifies the individual(s) who will be responsible for curriculum alignment to the MCF.</li> </ul>

- ✓ The application contains the curriculum scope and sequence that will be used by the school, including the content and skills to be taught in the core content areas at each grade level.<sup>5</sup> Four grade levels should be included in the text of the application. All additional grade levels must be included in the attachments, but will not be counted toward the page limit. For proposed schools that plan to have fewer than four grade levels, please include all of the intended grades in the application narrative. The curriculum scope and sequence should be clearly aligned with MCF as well as aligned across the grades proposed for implementation.
- ✓ The application describes the processes for the ongoing development, improvement, and refinement of the curriculum. The description should include incorporation of the curricular structures that will be used by the school, e.g. scope and sequence, unit and lesson plans, etc. Identify which individual(s) on the school's organizational chart will be responsible for, and participate in the development, improvement, and refinement of the curriculum.
- ✓ The application describes the process and procedures that will be used to evaluate whether the curriculum is effective and successfully implemented. Identify which individual(s) on the school's organizational chart will be responsible for curriculum evaluation.
- ✓ The application describes the learning environment(s) that will be used to deliver the proposed curriculum model, including the use of technology, and class size and structure.
- ✓ The application describes the pedagogy or instructional methods that will be used to deliver the curriculum model(s).
- ✓ The application contains a detailed plan for a responsive general education classroom that would support the needs of all students. The plan should include how the proposed curriculum and instructional methods will support high standards of achievement for students with a wide range of needs, and be accessible and appropriate for all students at all levels, including students with diverse learning styles; English language learners; students with disabilities; students who enter below grade level, or students identified as at risk; and advanced students who perform significantly above grade level. The plan should also describe the strategies the school will implement to ensure academic success for all students, including students struggling to meet performance standards.
- ✓ The application demonstrates that the proposed curriculum and instruction will serve the diverse needs of individual students by providing evidence or relevant experience, including **explicit research citations**, that demonstrates the proposed curriculum and instruction may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population. Evidence should include the specific subgroups of students listed in the recruitment and retention plan consistent with requirements of M.G.L. c. 71, § 89, such as students with disabilities, English language learners, and students participating in the federal free/reduced lunch nutrition program.
- ✓ The application describes the proposed structures for regular, frequent collaboration and professional development to improve implementation of the curriculum and instructional practice. Include a description of how the school plans to train and support teachers to address the unique needs of all students, including students with disabilities and English language learners.
- ✓ The application describes how the school will determine the professional development needs of the staff, including administrators and teachers, on an on-going basis and how these opportunities will be delivered during and outside of the scheduled school year.
- ✓ The application explains the process and frequency of teacher performance evaluations, including the key elements of the evaluation and who will conduct the evaluations. For more information about educator evaluation in Massachusetts see: <http://www.doe.mass.edu/eval/>.

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<sup>5</sup> Content is what students should know; skills are what students should be able to do; and the core content areas include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed curriculum and instruction is different from the existing school’s curriculum and instruction and how it differs.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

**C. STUDENT PERFORMANCE, ASSESSMENT, AND PROGRAM EVALUATION**

Charter schools must assure that students will meet the same performance standards and assessment requirements set by the Board of Elementary and Secondary Education for students in other public schools. Performance, promotion, and graduation standards should be based on high expectations that are aligned with the school’s mission, educational program, assessment system, and the MCF. An integrated assessment system, which includes the MCAS test, serves as a structure for how teachers and administrators will measure what students know and are able to do as a result of the delivery of curriculum and instruction.

Information from assessments serves to help determine what areas of instruction need additional time, the needs of individual students, the quality of instruction, decisions on improvement strategies, and the school’s overall progress in meeting Accountability Plan goals. Ultimately, the assessment system provides information to all stakeholders on whether the school is an academic success. The proposed system should reflect how the school would link curriculum and instruction to assessment by measuring the academic progress of individual students, cohorts of students over time, and the school as a whole, with the goal of continual school improvement.

When describing student performance, assessment, and program evaluation, the application should address the following criteria:

- ✓ The application describes the proposed school’s policies and standards for promoting students to the next grade, achievement level, or grouping level in alignment with the educational program.
- ✓ The application describes the graduation requirements or “exit standards” for the school’s grade groupings as applicable (e.g., elementary, middle, high school, or primary, upper elementary, etc.). These exit standards should be aligned with the school’s mission and provide a clear sense of expected student achievement at the end of the last grade of each school level and/or upon graduation. If the proposed educational program includes a high school, explain how your graduation requirements will ensure student readiness for college and career opportunities.
- ✓ The application describes a thorough, clear, measurable, externally credible, and conceptually sound design for measuring and reporting the performance and progress of the school as a whole, student cohorts over time, and the academic and social development of each student to all relevant stakeholders. Selected assessments are both research based and consistent with the school’s mission, broad academic and nonacademic student goals, educational program, and high expectations of students. Descriptions should include, but are not limited to, the following information:
  - The types of internal/school-developed assessments that will be administered to measure and report student progress. Explain why these particular assessments were selected for the targeted student population and how the data will be used to support the goal of improved student learning and outcomes.
  - Describe the school’s philosophy and plans for student homework.
  - A meaningful and practical approach for measuring and supporting student progress toward attaining non-academic goals in alignment with the proposed school’s mission and vision as well as students’ needs.

- Evidence of multiple measures of student performance outcomes that may include reports of absolute scores, within-year student gains/losses, and year-to-year student gains/losses.
- A plan to use student data, including MCAS performance, to facilitate decision-making about necessary adjustments to the educational program and the staff development plan that will support the goal of improved student learning and outcomes.
- Indicate if any additional standardized assessment tools will be used to determine and report student progress. If so, explain why those tools were selected for the targeted population and how the data will be used.
- Indicate the roles of school leadership and faculty in the collection, analysis, and use of student data, and the individual responsible for oversight of the system.
- Indicate the system for reporting the performance and progress of the school, grades, individual classes, and students, including the frequency of the different forms of assessment, the types of stakeholders who will receive assessment information, and the types of metrics reported.
- ✓ The application describes the processes that will ensure the assessment system is linked to curriculum and instruction, and is used to facilitate timely adjustments that will support the goal of improved student learning and outcomes.
- ✓ The application describes how each of the following stakeholder groups will participate in the review and response to student achievement data:
  - The school’s board of trustees
  - School administrators
  - Teachers
  - Students
  - Parents
- ✓ The application briefly describes the process to create an effective accountability plan<sup>6</sup> during the first year of operation. The application identifies who will be primarily responsible for defining and overseeing this process, as well as for collecting and analyzing the data to evaluate the school’s progress towards accountability plan objectives and measures.
- ✓ The application contains draft objectives and measures related to mission and key design elements. Review the Guidelines for Writing Charter School Accountability Plans at <http://www.doe.mass.edu/charter/acct.html?section=guidelines> for additional information.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed standards for student performance, promotion, and graduation and the proposed assessment system are different from the existing school’s standards and assessment system and how it differs.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

**D. SUPPORTS FOR DIVERSE LEARNERS**

All charter schools in Massachusetts are public schools that enroll students through a lottery process. Therefore, all charter schools must be prepared to enroll students with diverse learning needs including English language learners and students with disabilities, all of whom must be provided with full and meaningful access to the general educational curriculum.

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<sup>6</sup> The *Guidelines for Writing Charter School Accountability Plans* may be found online at [http://www.doe.mass.edu/charter/guides/acctplan\\_guidelines.pdf](http://www.doe.mass.edu/charter/guides/acctplan_guidelines.pdf).

The general education classroom needs to be responsive to the educational needs of all children, and accommodates their needs. A full continuum of services must be available within the school so that all students can receive needed services in an appropriate setting and participate fully in the educational goals and mission of the school. This section of the application should describe the school's programs and services, and how they will be implemented within the context of your proposed school.

For information on special education, please see the Massachusetts Primer on Special Education and Charter Schools and related documents found at <http://www.doe.mass.edu/charter/sped/default.html>. For information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. Please review the required elements of the special education policies and procedures found at <http://www.doe.mass.edu/charter/new/>. Special education policies and procedures are submitted to the Department during opening procedures of the proposed charter school. Consider the required elements when crafting your response to the application criteria related to the processes and procedures used to identify, assess, and serve students with disabilities.

For information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>. For guidance on English language learners, please see the Department's website at [http://www.doe.mass.edu/ell/guidance\\_laws.html](http://www.doe.mass.edu/ell/guidance_laws.html). Please review the required elements of the English language education policies and procedures found at <http://www.doe.mass.edu/charter/new/>. English language education policies and procedures are submitted to the Department during opening procedures of the proposed charter school. Consider the required elements when crafting your response to the application criteria related to the processes and procedures used to identify, assess, and serve English language learners.

When describing the school's plan for special student populations and student services, the application should address the following criteria:

- ✓ The application describes the processes and procedures that the proposed school will employ to **identify, assess, and serve students** who are English language learners. In the case of a **Horace Mann charter school**, indicate what role, if any, the district will have in the assessment and delivery of services. Descriptions will be considered incomplete if they do not include:
  - a description of the English language development program and support services to be offered including the curriculum and strategies that will be used;
  - how student identification and assessment will be conducted;
  - the settings in which required services will be implemented;
  - how services will be delivered within the school's daily schedule;
  - the plan to support core academic teachers in obtaining SEI endorsement;
  - the titles, salaries, and qualifications of the individuals delivering the services; and
  - how the program will be evaluated.
- ✓ The application describes the English language development program **staffing levels** the school intends to provide by year for each of your school's first five years. Include qualified individuals who will work with your school, administrators, teachers, and other staff, as well as the number of staff you propose to hire each year and their qualifications, salary, and the percentage of their time that will be devoted to English language learner education.
- ✓ The application describes the processes and procedures that the proposed school will employ to **identify, assess, and provide specialized instruction** to each student in need of special education services. In the case of a **Horace Mann charter school**, indicate what role, if any, the district will have in the assessment and delivery of services. Descriptions will be considered incomplete if they do not include:
  - a description of support services to be offered and some of the methods that will be used to provide a continuum of services;
  - how student identification and assessment will be conducted;
  - the development of individualized education programs;
  - the settings in which required services will be delivered;

- how services for students in need of special education services will be delivered within the school’s daily schedule;
  - the qualifications of individuals who will be recruited to deliver services;
  - the titles, salaries, and qualifications of each position proposed; and
  - how the program will be evaluated.
- ✓ The application describes the special education **staffing levels** the school intends to provide by year for each of your school’s first five years. Include the Special Education Administrator who will work with your school, teachers, aides, and other staff, as well as the number of staff you propose to hire each year and their qualifications, salary, and the percentage of their time that will be devoted to special education. Specify the amounts of time the administrator will allocate to administrative duties and to service delivery. Indicate if you anticipate outsourcing services such as occupational therapy, physical therapy, or speech therapy and if possible, with whom you anticipate contracting for the provision of services.
- ✓ In the case of a **Horace Mann charter school**, the application indicates clearly the expectations surrounding district involvement in the provision of services for students with disabilities and English language learners.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed plans for special education programming and English language development programming is different from the existing school’s programs and how it differs.
- ✓ The application provides an analysis of the existing school’s current efforts serving students receiving special education services and English language learners and how the proposed programming addresses identified areas for improvement.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

**E. CULTURE AND FAMILY ENGAGEMENT**

Massachusetts charter schools support students’ social and emotional health in safe and respectful learning environments that engages families. The application must describe how the proposed school will create a safe school environment and address the physical, social, emotional, and health needs of its anticipated student population. The application must also describe how the proposed school will develop strong working relationships with families/guardians in order to support students’ academic progress and social and emotional well-being.

When describing the school’s plan for school culture and parent engagement, the application should address the following criteria:

- ✓ The application describes the culture of the school, and a clear plan for establishing a school culture and norms consistent with the school’s mission, educational philosophy, and educational program from the first day of the school’s operation. The plan should include specific strategies the school will implement to develop and maintain a safe school environment conducive to learning and consistent with the school’s mission and educational philosophy. Describe how school culture and climate will be fostered for and by school leadership, teachers, students, and parents.
- ✓ The application describes the school’s programs or strategies to address the physical, social, emotional, and health needs of the anticipated student population.
- ✓ The application describes the school’s philosophy and plans regarding student behavior and discipline for the general student population and students with special needs. Describe proposed policies regarding student discipline, including suspension and expulsion, or a reasonable plan for the development of the required discipline policies. Student discipline should be consistent with requirements and the school’s mission and educational philosophy.

- ✓ The application describes how the school's discipline policy will be implemented for teachers, students, and parents starting from the first day of the school's operation to ensure a safe environment conducive to learning with consistent and transparent implementation.
- ✓ The application describes how the school plans to involve parents/guardians as partners in the education of their children and to build and maintain family-school partnerships that support students' academic progress and social-emotional well-being. Describe any commitments or volunteer activities the school will offer to parents.
- ✓ The application describes how stakeholder satisfaction will be gauged and the process for collecting and publicizing results. Stakeholders include parents, faculty, and students.
- ✓ The application describes the relationships the applicant group has established or intends to establish with community agencies and organizations that will support the school's educational program and serve the youth who attend the school. Explain the nature of the proposed partnership/relationship(s) and how it will support the school's mission and key design elements. Letters of support or commitment should be included as attachments.
- ✓ The application explains how the school plans to deliver nutrition program services to students, including what meals and/or snacks will be served and when. Describe how you plan to administer the free and reduced lunch program and in the case of a Horace Mann charter school, indicate what role, if any, the district will have in delivery of the school's nutritional program. All public schools in the Commonwealth are required to make a school lunch available to students, including a free or reduced price lunch for students who meet income eligibility requirements. Regardless of a school's participation in the National School Lunch Program, school lunches must be made available and under certain circumstances, breakfast as well.
- ✓ The application describes any ancillary and support services you expect to offer students and families, for example counseling, family outreach, and/or relationships with community organizations or service agencies. Any wrap-around services described by the school should indicate committed partners and provide letters of commitment as attachments.
- ✓ The application describes your plan to hire a school nurse and his/her role in your school.

**Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed school characteristics and culture are different from the existing school's school characteristics and culture and how it differs.
- ✓ The application describes any proposed changes in expectations for staff related to implementation of school culture or parent engagement.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

### **III. HOW WILL THE SCHOOL DEMONSTRATE ORGANIZATIONAL VIABILITY?**

#### **A. CAPACITY**

A public school charter is granted to a board of trustees. Members of the board of trustees are public agents authorized by the state and are responsible for governing charter schools. In general, it is important that these individuals possess a wide variety of skills and qualifications that will enable them to found and sustain an excellent school. Members of a founding group may be proposed for the school's board of trustees or may assume other roles in the school. Each founding group should be able to clearly define who is proposed to be a member of the board of trustees and what other roles will be assumed. The proposed board of trustees must be of a number sufficient to provide effective oversight of the school and to participate in the considerable amount of work required to open a charter school.

When describing the capacity of the founding group and/or proposed board of trustees the application should address the following criteria:

- ✓ The application describes how the applicant group came together to form this proposed school and why the group is united to establish the proposed charter school.
- ✓ The application explains how often the group meets, how the planning and writing process is completed, and identifies the primary author of the application.
- ✓ The application summarizes briefly within the text of the document each founder's and/or proposed board member's experience and qualifications. The experience and qualifications should demonstrate that the founders and/or proposed board members:
  - have the experience and qualifications necessary to implement the proposal;
  - demonstrate the capacity to found and sustain an excellent charter school;
  - can manage public funds effectively and responsibly;
  - include members who possess skills and experience in areas such as education, management, finance, development, and law; and
  - have tangible ties to, and broad and diverse representation from the communities the school will serve.
- ✓ The application explains how the proposed board of trustees is reflective of or consistent with the school's mission and program.
- ✓ Each member of the applicant must submit a resume as an attachment to the application. The application must indicate if a founder is a proposed board member, proposed school leader, or other school employee. Resumes should indicate the founder's prior experience as it relates to the charter application. Additionally, proposed board members and proposed school employees must complete individual questionnaires to further establish their understanding of their roles and responsibilities.

#### **B. GOVERNANCE**

As entities of the state, public charter schools must meet a number of legal requirements set forth by the Commonwealth of Massachusetts. Many of these requirements are outlined in the *Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, this document can be found online at <http://www.doe.mass.edu/charter/governance/adminguide.doc>. The guide begins by explaining that a strong board of trustees defines the mission of the school, develops school policies and changes them when appropriate, hires qualified personnel to manage the school's day-to-day operations and holds them accountable for meeting established goals, and formulates a long-range plan and charter school accountability plan that will ensure the school's continued stability. In addition to its many other responsibilities, the board must ensure that the school is complying with all of the state and federal laws that apply to the school and that the board itself is operating in accordance with the rules set out by all applicable Massachusetts laws and regulations. Finally, the board is responsible for operating the school in accordance with its charter and with any approved amendments to its charter.

A school's ability to carry out its purpose and objectives is largely determined by the governance structure of the school and by developing an effective board of trustees.

### **(1) Governance and Management Structure**

- ✓ The application explains the proposed reporting structure and relationship between the board of trustees and the individual(s) reporting directly to the board regarding the governance and management of the proposed charter school.
- ✓ The application includes a brief job description for each officer of the board of trustees.
- ✓ The application describes any committees, advisory groups, and/or task forces and their role in supporting school development and success.
- ✓ The application includes a copy of your complete bylaws in the attachments.
- ✓ The application and draft bylaws indicates if there are any ex-officio members of the board of trustees, denoting seats that are earmarked based on a person's position or status, such as school principal, teacher, parent, or student representative, and explains the rationale for the proposed governance model as applicable.

#### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application describes how the applicant group and potential board of trustees will ensure the successful transition to the new governance structure required for a Horace Mann charter school.

### **(2) Roles and Responsibilities**

- ✓ The application describes the roles and responsibilities of the board of trustees. The application clearly articulates the role distinctions amongst the board, the school district (in the case of Horace Mann charter schools), and the school administration as they relate to curriculum, personnel decisions, budget allocation, and vendor selection.
- ✓ The application provides examples of the proposed board's future actions in governing the proposed school that accurately reflect an understanding of the roles and responsibilities of the board of trustees, consistent with public accountability, such as open meeting law, state ethics law, and charter school law.
- ✓ The application describes the processes related to the board's oversight of the school, including setting priorities and goals; monitoring progress towards priorities and goals; supporting, monitoring, and evaluating the school leader(s); developing the annual budget; monitoring the school's finances; and conducting long-term financial and strategic planning.
- ✓ The application describes the proposed systems that will be put into place to ensure clear decision-making and communication processes that facilitate and ensure public accountability, including board meetings that are designed to foster open, deliberate, and thorough discussions.
- ✓ The application describes the proposed process and procedure for handling inquiries and complaints made to the board.
- ✓ The application describes the proposed annual process the board uses to evaluate its own performance, and describe the steps taken to guide its development as an effective governing board.

### **(3) Policy Development**

- ✓ The application describes the proposed process by which the board of trustees will develop policies and make decisions. Provide specific examples whenever possible.
- ✓ The application describes the plan for seeking feedback from the school staff, parents, and the larger community when setting policy. Provide specific examples whenever possible.

#### (4) Board Sustainability

- ✓ The application describes the recruitment, and selection processes for new board members.
- ✓ The application describes specific plans for the recruitment of additional board members with the skills and expertise that will ensure the sustainability of the proposed charter school, and the targeted qualifications sought in additional board members, if applicable.
- ✓ The application describes the orientation and development process for new board members.
- ✓ The application describes the succession planning for board officers.

#### (5) Memoranda of Understanding (MOU)<sup>7</sup>

##### **For all Horace Mann Applicants (I, II, and III)**

All final applications for Horace Mann charter schools must include a **Type A Memorandum of Understanding**, and if the information in the application indicates that modifications are required to the collective bargaining agreement(s), the final application must also include a draft Type B Memorandum of Understanding. The memoranda of understanding ensure that the proposed charter school, the school committee of the district in which the charter school is located, and the collective bargaining unit understand and agree to the relevant portions of the charter application. Collective bargaining employees continue to be members of the local collective bargaining unit; accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement. Employees may be exempt from specific provisions of the local collective bargaining agreement (including work rules) to the extent provided by the charter and the executed memorandum of understanding.

##### **Type A: Agreements with District**

MOU with the school committee of the district in which the charter school is located and the proposed charter school's board of trustees. **A final signed copy of this type of MOU is required in the final application for all types of Horace Mann charter schools.**

##### **Type B: Agreements with Staff**

MOU with the school committee, the collective bargaining unit, and the proposed charter school board of trustees. The timeline and potential faculty vote vary by type of Horace Mann charter school. The requirements regarding the submission of this type of MOU vary, as follows:

##### **Horace Mann I**

- ✓ Attach the **signed final draft (Type B) MOU** that describes any modifications to the collective bargaining agreement(s) between the proposed charter school, the school district and the local collective bargaining unit(s).

##### **Horace Mann II**

- ✓ Attach the **final draft (Type B) MOU** that describes any proposed modifications to the collective bargaining agreement(s). **This MOU must be approved by a majority of the faculty at the school within 30 days of submission of application.**

##### **Horace Mann III**

- ✓ Attach the **final draft (Type B) MOU** that describes any proposed modifications to the collective bargaining agreement(s). The charter school's board of trustees must negotiate with

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<sup>7</sup> For Guidance for the Memoranda of Understanding, see <http://www.doe.mass.edu/charter/governance/MOU-hm.pdf>

the collective bargaining unit and school committee in good faith regarding any modifications to collective bargaining agreements following the award of a charter.

#### **(6) School Management Contract<sup>8</sup>**

If the proposed board intends to enter into a contract with another entity to provide substantially all the school's educational or management services, such as an educational management organization (EMO), (whether or not the entity was granted Proven Provider status), the applicant group must include the following information:

- Identify the entity.
- Include a comprehensive summary of the entity's history, a description of how it implements its program, extensive evidence of past results (including student academic achievement and financial status) of its school management efforts, and its educational philosophy. There should be strong evidence that the entity has demonstrated positive academic results and responsible fiscal management, as well as success in serving similar student populations.
- Explain how and why the entity was selected, what due diligence has been conducted, and how contracting with this entity will assist the school in meeting the challenges outlined in your description of the community(ies). Provide a clear description of the services to be provided by the entity.
- Describe the respective roles and responsibilities of the proposed school's board of trustees and the entity for the financial management and effective oversight of the school, and the internal controls that the board will put into place, including a plan to monitor the performance of the entity to hold them accountable.
- Include a draft of the proposed contract. The draft contract may be submitted as an attachment and does not count towards the page limit for the application. The contract must include a delineation of the roles and responsibilities of the other entity and the school, a description of how the charter school board of trustees will monitor the academic performance and fiscal activity of the school, performance evaluation measures (including student academic performance), the total fee paid for management services, a description of the payment structure, clarification of authority over hiring and firing, and the conditions and procedures for the contract's renewal and termination.

#### **(7) Programmatic Relationship with Other Organizations**

If you are filing the application with a college, university, museum, educational institution, other not-for-profit entity, or any other partner, the applicant group must provide the following information:

- Identify the partner organization. Indicate the name of the contact person at the partner organization with the mailing address, phone number, and email address.
- Provide a letter of commitment from the organization indicating the proposed affiliation, and the terms and scope of the partnership.
- Describe the nature and purpose of the school's partnership with the organization.
- Briefly explain how the relationship enhances, complements, and/or supports the mission and educational philosophy of the proposed charter school.
- Explain if the partner organization will be involved in the governance of the school.

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<sup>8</sup> Please see the Management Contract section of the *Opening Procedures Handbook*, available online at <http://www.doe.mass.edu/charter/new/?section=handbook> ; and the Purchasing section of the *Charter School Administrative and Governance Guide*, available online at <http://www.doe.mass.edu/charter/governance/adminguide.doc>. (This document indicates the Department's review criteria and protocol for management contracts.)

## C. MANAGEMENT

School management is fundamental to creating an environment that can support a successful charter school. In this section we ask applicants to write about (1) school management structure; (2) school leadership roles and responsibilities; and (3) human resources.

### (1) School Management Structure

- ✓ The application includes a school organizational chart for year one of operation and at full student enrollment that encompasses all employees of the proposed school and the board of trustees. The application describes how the applicant group determined the structure shown in the organizational chart.
- ✓ The application includes a narrative that clearly explains the reporting structure and relationship between the school's leader and administration regarding teachers, specialists, and other staff members.
- ✓ The application describes the lines of authority and communication among school leadership (e.g. executive director, principal, instructional leader, operational leaders, and other key leaders and administrators) and staff at the proposed school.

#### **Additional criterion for Horace Mann II (conversion) applicants:**

- ✓ The application indicates whether the proposed school management structure is different from the existing school's management structure and how it differs.
- ✓ The application describes any proposed changes in expectations for staff.
- ✓ The application describes the process the applicant group and proposed board of trustees will use to make these changes and support successful implementation.

### (2) School Leadership Roles and Responsibilities

- ✓ The application describes the plan for how the school will make key organizational decisions about curriculum and instruction, student achievement, professional development, culture, staffing, fiscal planning, and operations.
- ✓ The application describes the roles and primary responsibilities of the school's leader and other administrative staff. Articulate key role distinctions with regard to curriculum development and implementation, instructional leadership, student achievement, personnel decisions, financial management, and operations.
- ✓ If the applicant group includes the proposed school leader (or any other position at the school), the application describes the process and criteria used to determine that the individual is the best candidate for the position. Identify the skills and experience of the selected individual(s) and describe how their professional background supports their capacity to be successful in founding a high quality charter school and achieving the school's mission as the school leader or a member of the leadership team. If the proposed school leader has never led a school, describe any training programs that s/he has completed or is currently participating in.
- ✓ If the applicant group does not include the proposed school leader, the application describes the desired skills and experience of the ideal individual and the plans for the recruitment and selection of the school leader.
- ✓ If the educational/instructional leader is different from the school leader, the application describes the desired skills and experience of the ideal individual and the plans for the recruitment and selection of the instructional leader.
- ✓ The application describes how administrators will be evaluated and by whom. For more information about educator evaluation in Massachusetts see: <http://www.doe.mass.edu/e/eval/>.
- ✓ The application describes how the proposed board of trustees will address potential human resource challenges as it grows to scale over the next five years. The application describes the actions that will be taken to attract, develop, and retain an effective leadership team to implement the proposed school.

### (3) Human Resources

- ✓ The application describes the qualifications and attributes of an ideal teacher for the proposed school.
- ✓ The application describes the school's plan for staff recruitment, advancement, and retention. The plan should include specific strategies for recruiting and retaining effective teachers.
- ✓ The application describes briefly the teaching program of typical teachers. Indicate how many hours they will be performing instructional duties and other school-related responsibilities they will have outside the classroom (lunch duty, dismissal, advisory group, after-school program).
- ✓ The application explains the school's working conditions and compensation package(s) that will attract highly qualified staff. Be clear on the specific commitments expected of and made to school employees, including leadership, administrators, faculty, and non-instructional staff.
- ✓ The application explains how individual base salaries and increases will be determined for all employees, including leadership, administrators, teachers, and non-instructional staff.
- ✓ In the case of a **Horace Mann charter school**, the application describes the procedures for:
  - a) hiring, evaluating, transferring, promoting, and dismissing teachers (including potential layoffs in the district that could affect the charter school faculty);
  - b) hiring, evaluating, transferring, promoting, and dismissing non-teaching staff; and
  - c) communicating and coordinating between the charter school and the school district superintendent on items a) and b).
- ✓ In the case of a **Horace Mann charter school**, the application describes the intended relationship between the proposed charter school and the staff at the school, summarizes the key agreements and specifies the details of any relevant waivers to the local collective bargaining agreement(s) within the Type B MOU. Modifications to these agreement(s) that are made after the charter is granted will require approval from the Commissioner of Elementary and Secondary Education.
- ✓ The application includes a staffing chart and narrative staffing plan, for each year of the proposed charter school within the five year term of the charter that is viable and adequate for the effective implementation of the proposed educational program. Explain the process of determining job positions, roles, and responsibilities that provides evidence of knowledge of opening and operating a high quality charter school. Indicate the number of administrators by title, the number of faculty including classroom teachers by grade and/or subject, the number of aides or assistants, the number of special student service providers, and other specialists, clerical staff, and any other school employees. Include contractors or district resources as applicable. Ensure the chart and plan are consistent with the submitted budget, the organizational chart(s), student enrollment planning, and staffing levels described in other sections of the application. For information on teacher qualifications, please see the technical advisory entitled Teacher Quality in Massachusetts Charter Schools at [http://www.doe.mass.edu/charter/tech\\_advisory/07\\_1.html](http://www.doe.mass.edu/charter/tech_advisory/07_1.html).

### D. FACILITIES AND STUDENT TRANSPORTATION

The school must provide facilities and transportation that meet applicable state and federal requirements, are suited to its programs, and are sufficient to serve diverse student needs.

When describing plans for school facilities and student transportation, the application should address the following criteria:

- ✓ The application describes the process for identifying viable options for a facility for this school and any sites already identified. Explain why these sites were chosen as possibilities. If a specific facility has not been determined, describe the applicant group's plan for identifying possible locations, choosing the final location, securing all necessary local building approvals for use of the facility as a charter school, and securing financing.
- ✓ In the case of a proposed Horace Mann charter school, the application indicates the facilities that will be provided by the local school district and at what cost to the charter school.

- ✓ If possible, the application includes a layout and description of the proposed charter school facility. Include the number and size of classrooms, common areas, and recreational space.
- ✓ If a facility has not been selected, the application includes potential locations that are under consideration and discusses the process and timeline for selecting, acquiring, renovating as applicable, and occupying a suitable facility.
- ✓ The application describes the financing plans and proposed budget for acquisition (purchase or lease) of a facility and any necessary renovations to meet the school’s needs, to meet all local building requirements for use of the facility as a charter school, and to meet accessibility requirements. Please be aware that Commonwealth charter schools may take out loans, but the loan may not extend beyond the term of the charter without approval of the Board of Elementary and Secondary Education, M.G.L. c. 71, § 89(k) (6).
- ✓ The application includes plans for student transportation and describes how transportation services will be provided to eligible students. The application states explicit intent to utilize district transportation services or to provide services independently of the district.
- ✓ In the case of a proposed Horace Mann charter school, the application describes the capacity of the district to adapt to a district wide school, as opposed to “neighborhood schools.”
- ✓ The application explains how students who are physically challenged will be transported and how all students, staff, parents, and the general public who are physically challenged will have access to the school facility in accordance with state and federal law.<sup>9</sup>

## E. SCHOOL FINANCES

Having the capability to manage school finances is essential for accountability and organizational viability. Comprehensive financial planning is an indispensable tool for successful charter school planning, program implementation, and the monitoring and evaluation of resource allocations. In this section, we ask applicants to describe their proposed fiscal policies and procedures; complete a five year operating budget; complete a cash flow projection for the first year of operation; and provide a descriptive budget narrative. The school finances narrative and budget should demonstrate knowledge of the practical matters relevant to the operation of a school.

### (1) Fiscal Management<sup>10</sup>

- ✓ The application explains the systems and procedures for managing the school’s finances, describes the role(s) responsible for financial oversight and managements and describes his/her qualifications.
- ✓ The application describes the fiscal controls and financial management policies the board of trustees employs to remain informed of the school’s financial position.
- ✓ The application describes how the school will track finances in its daily business operations in order to maintain needed cash-flow.
- ✓ The application describes contingency planning for potential challenges in cash flow or budget shortfalls due to lower than anticipated student enrollment or other financial challenges in the early years of operation, including specific strategies.

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<sup>9</sup> For more information, please see the Coordinated Program Review Procedures, Special Education Methods of Administration at <http://www.doe.mass.edu/pqa/review/cpr>, Criterion SE49A; the Coordinated Program Review Procedures, Civil Rights Methods of Administration at <http://www.doe.mass.edu/pqa/review/cpr>, MOA 22 and the ADA checklist; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and its accompanying regulations (34 CFR 104.21 and 104.22); and Title II of the Americans with Disabilities Act (42 U.S.C. 12132) and its accompanying regulations (28 CFR 35.149 and 35.150).

<sup>10</sup> Please refer to the Department’s *Recommended Fiscal Policies and Procedures Manual*, available online at <http://www.doe.mass.edu/charter/finance/auditing/>.

- ✓ In the case of a proposed Horace Mann charter school, the application explains the financial arrangement with the local district described within the attached final draft Type A MOU. The financial arrangement ensures the charter school's autonomy over its operations, ensures that the school receives district funds as scheduled, and indicates the dates when school district funds will be transferred to the school's account. Horace Mann charter schools are required to open their own bank account.
- ✓ In the case of a proposed Horace Mann charter school, the application describes the basis that will be used for calculating the district's payments to the school, and indicates the specific services that will be provided by the local school district and at what cost to the charter school.
- ✓ In the case of a proposed Horace Mann charter school, the application describes the capacity of the district to keep a separate accounting for the Horace Mann charter school.

## **(2) Operating Budget and Budget Narrative**

- ✓ The application explains how the budget and cash flow projection were developed and the process used by the applicant group to ensure the accuracy and realistic nature of their final projections.
- ✓ The application summarizes financial forecasts from the school's start-up phase through its fifth year of operation. Financial forecasts must include total expected realistic sources of revenue—including tuition and other grants (federal, state, and private), and fundraising—as well as all expenditures, the timeframe for a positive cash balance, and the anticipated growth of the school. Define and give support for the assumptions behind projections.
- ✓ Applicants must submit a cash flow projection for the first year of operation, and a multi-year budget from the school's start-up phase through its fifth year of operation. Download the electronic budget template, including instructions, from <http://www.doe.mass.edu/charter/new/?section=app>. Cash flow projections are expected to reflect a similar level of detail to the budget template used for the annual budgets – see templates.
- ✓ The cash flow projection and budget need to be realistic and reflect the expenses related to all commitments proposed in the application, through the proposed school's fifth year of operation, including the school's educational program, expected student population of students with disabilities and English language learners, human resources needs, and the acquiring and repayment of potential debt.
- ✓ The cash flow projection narrative should discuss and explain the assumptions behind the projections made for the first year of operation.
- ✓ The budget narrative should discuss and explain the projected revenue and expense amounts in the budget, including descriptions of administrative and instructional staff and other operating expenses. Provide detailed explanations for each of the five years of the draft budget. Define and give support for the assumptions behind projections.
- ✓ The application explains how the school will ensure it has sufficient funds to cover all anticipated expenses, including but not limited to start-up costs, and school operation.
- ✓ The application describes whether the applicant group expects the school to raise additional funds and why. The application briefly describes any planned fundraising efforts and who will lead and coordinate these efforts. The application briefly describes any financing, short-term or long-term, that the school anticipates securing during the period covered by this budget, including the planning and first year implementation period.

## F. ACTION PLAN

After a charter is granted, but before the school opens is a time of great activity. The action plan outlines the steps that need to be taken within a clear timeline for opening the school.

The applicant group's Action Plan should:

- ✓ Outline the strategies, steps, designated point person and provide a clear timeline for opening the school, dating from March 1<sup>st</sup>, in the year the charter is granted to the first day of school. The action plan should be specific and consistent with the proposal's objectives, and outline the steps that need to be taken for a successful school launch. In a chart, describe the timeline; action(s) to be taken (specific to and consistent with the application's objectives); designated point person; and start date and projected completion date.

Applicant groups are encouraged to consult the *Opening Procedures Handbook* for specific requirements, available online at <http://www.doe.mass.edu/charter/new/?section=handbook>.

## ***IV. REQUIRED ATTACHMENTS – FINAL APPLICATION***

*Limited to 40 pages*

*All attachments should be sequentially numbered and clearly referred to in the text. The choice of non-required attachments is up to the applicant group, though attachments should be used to provide additional evidence, support a particular aspect of the application, or lend insight into the applicant group.*

### **Required and counted toward 40 page maximum:**

- Draft Bylaws (use Bylaws Checklist).
- Draft Recruitment and Retention Plan (use Recruitment and Retention Plan Template).
- Draft Enrollment Policy (use Enrollment Policy Checklist).
- Draft Organizational Chart.
- Operating Budget: Projected Revenues and Expenditures, and Cash Flow Projection. (use electronic budget template, available at <http://www.doe.mass.edu/charter/new/?section=app.>)

### **Required, but not counted toward 40 page maximum:**

- Cover Sheet
- Table of Contents
- Applicant Information Sheet
- Appropriate Certification Statement
- General Statement of Assurances - Application for a Massachusetts Public Charter School
- Statement of Assurances - Federal Charter School Program Grant
- Executive Summary (no more than three pages)
- Individual resumes from each founding group member, indicating if a founder is a proposed board member, proposed school leader, or proposed for any other position(s).
- Individual completed questionnaires of each founding group member. There are two different versions of the questionnaire: one for proposed board members, and one for proposed school employees and/or founding group members who are playing an advisory role.
- Description of curriculum scope and sequence for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
- Draft management or EMO contract (if applicable).
- School Improvement Plan for Horace Mann II (conversion) schools only.
- Memoranda of Understanding (if applicable)

#### **Horace Mann I**

- The signed (Type A) final draft MOU between the board of trustees of the proposed charter school and the school district.
- The signed (Type B) final draft MOU between the board of trustees of the proposed charter school, the school district and the local collective bargaining unit, if there are any modifications to the collective bargaining agreement(s).

#### **Horace Mann II**

- The signed (Type A) final draft MOU between the board of trustees of proposed charter school and the school district.
- The draft (Type B) MOU that describes any proposed modifications to the collective bargaining agreement(s), if there are any modifications to the collective bargaining agreement(s).

#### **Horace Mann III**

- The signed (Type A) final draft MOU between the board of trustees of proposed charter school and the school district.
- The draft (Type B) MOU that describes any proposed modifications to the collective bargaining agreement(s), if there are any modifications to the collective bargaining agreement(s).



## Appendix 7: Charter School Application Criteria

# **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

## **Criteria for Review of Charter School Applications<sup>1</sup>**

### **I. How will the school demonstrate faithfulness to charter?**

#### **A. Mission**

The mission communicates the essence of the proposed charter school and defines the core purpose and key values of the school to its stakeholders and the public. It should be succinct, meaningful, and consistent with high academic standards. A school's mission provides the foundation for the entire charter application and for the five year term of the school's charter. The mission should be reflected throughout all sections of the final application.

Provide the proposed mission. The mission and application should address the following criteria:

- ✓ The mission defines the purpose and specialized focus of the school to its stakeholders and the public.
- ✓ The mission speaks to the value of the school, based on its own merit, and communicates the applicant group's core beliefs and values about education.
- ✓ The mission indicates the key design elements proposed to achieve outcomes.
- ✓ The mission is consistent with high academic standards and student success.
- ✓ The mission is succinct and comprehensible.
- ✓ The mission is reflected throughout all sections of the application.

#### **B. Key Design Elements**

The application must contain a clear description of the key design elements of the proposed school that make the school unique and distinct from other public school options, and provide readers with an image of the future the applicant group wishes to create. The key design elements must align with the mission and be reflected throughout the application. This section of the application should further articulate what the school will achieve for the school community—students, parents, teachers, board members, and beyond.

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<sup>1</sup> *Application for a Massachusetts Public Charter School Proposed Commonwealth or Horace Mann Charter School By a New Operator 2015-2106*

When describing the key design elements, the application should address the following criteria:

- ✓ The application briefly describes the educational philosophy of the applicant group and their core beliefs and values about education which aligns with the school's mission and key design elements.
- ✓ The application describes the key design elements of the proposed school, such as length of school year and day, and aspects of school design, that make the school unique and distinct from other public school options. The key design elements align with the mission statement, and are reflected throughout all sections of the application.
- ✓ The application describes the key academic and nonacademic goals for students that are consistent with the stated mission, key design elements of the academic program, and educational philosophy of the school. Goals should be specific; measurable; action oriented; rigorous, realistic, and results focused objectives that are time-bound and tracked.
- ✓ The application describes how this school will enhance or expand the educational options available to the targeted student population, including whether the innovative methods to be used by the proposed school differ from the district or districts from which the charter school is expected to enroll students.
- ✓ The application illustrates a compelling image of the school's future and what the school will look like in five years if it is achieving its mission. Explicitly reference key pieces of evidence to demonstrate how the school's success will be measured, including the ways in which the school will positively impact all stakeholders in the school.

### **C. Description of the Community(ies) to be Served**

State law asserts that charter schools are to be established to 1) stimulate the development of innovative programs within public education; 2) provide opportunities for innovative learning and assessments; 3) provide parents and students with greater options in choosing schools within and outside of their school districts; 4) provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction, and school structure and management; 5) encourage performance-based educational programs; 6) hold teachers and school administrators accountable for students' educational outcomes; and 7) provide models for replication in other public schools.

The final application should describe the community(ies) to be served by the school and how the school will offer educational opportunity to students, including the needs of students and their families. These are essential factors that inform the design of a successful charter school, ultimately driving support for and enrollment in the school. Data on district performance on the MCAS is available on the Department of Elementary and Secondary Education's (Department) website and does not need to be reiterated here.

When describing the community(ies) the school plans to serve, the application should address the following criteria:

- ✓ The application describes the student population that the proposed charter school would serve and the needs of that population.
- ✓ The application discusses the reason for the selection of the community(ies) and the applicant's ability to serve this particular area and current connections to the community.
- ✓ The application describes how the educational option provided by the charter school will address the needs of the student population, including the proposed mission, curriculum, instruction, and services.
- ✓ The application describes how the applicant group has assessed parental support within the proposed sending district(s)/region for the proposed school.
- ✓ The application describes supporting evidence for the projected student enrollment at the proposed Commonwealth charter school, such as an analysis of eligible potential students in the community(ies) to be served, analysis of documented demand from families with eligible potential students, and/or an analysis of enrollment at schools currently operating in the community(ies) to be served. Applicants should not submit copies of petitions or interest forms in the charter application.
- ✓ The application describes how the school will publicize and market its program to a broad cross-section of prospective students throughout the district(s) that the school plans to serve, including families that may be less informed about options. The application discusses specific strategies of how the proposed school will ensure adequate enrollment and full access to the school and its proposed educational program for all eligible students.
- ✓ The application describes the school's plan to provide families and community members opportunities to support the success of the school.
- ✓ The application explains why a Commonwealth or Horace Mann charter is necessary in order for this school to exist or succeed.
- ✓ The application discusses specific ways in which the Commonwealth charter school will collaborate with school districts from which it draws students to provide educational models, including programs, curriculum, and teaching methods that can be replicated by other public schools.

#### **D. Enrollment and Recruitment**

Charter schools are public schools and are therefore open to all students. This means that a charter school may not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, ancestry, athletic performance, special need, proficiency in the English language or in a foreign language, or prior academic achievement when recruiting or admitting students. Moreover, a charter school may not set admissions criteria that are intended to discriminate or that have the effect of discriminating based upon any of these characteristics.

All Massachusetts charter schools are required to have a student recruitment and retention plan that includes deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from

which the charter school enrolls students, contains a comparable demographic and academic profile. The plan must include strategies for recruiting and retaining students including, limited English-proficient, special education, free lunch, and reduced price lunch students, as well as those who are sub-proficient on the MCAS, at risk of dropping out of school, have dropped out of school, or other at risk students who should be targeted to eliminate achievement gaps.

When preparing the enrollment and recruitment section of the application, the application should address the following criteria:

- ✓ The application indicates in a table the projected number of students to be enrolled by grade each year over the five year term of the charter, as well as up to the year of operation when the overall maximum enrollment requested will be reached. Explain in detail your rationale for selecting the particular enrollment size for your school as well as the growth strategy you have developed. In your projection, indicate clearly the potential for variation in enrollment year-to-year that reflects an understanding of potential student retention and attrition within your growth plan. Inclusion of projected maximum and minimum annual levels of student enrollment will safeguard against the need for a future minor amendment to your growth plan, if chartered.
- ✓ The application includes a draft of the proposed recruitment and retention plan as an attachment. The plan should clearly incorporate strategies that will attract, enroll, and retain a student population that has a comparable academic and demographic profile when compared to students in similar grades in schools from which the charter school is expected to enroll students.
- ✓ The application describes the grade levels at which students will be admitted to the school and the required age for kindergarten admission, if applicable.
- ✓ The application contains a complete draft enrollment policy and application for admission as an attachment. Indicate dates for the application period, including application and lottery deadlines.
- ✓ The application describes how the school will be ready for the required submission of enrollment data to the Department by mid-March prior to opening.

## II. How will the school demonstrate academic success?

### A. Overview of Program Delivery

All Massachusetts charter schools are expected to deliver academic programs that provide improved academic outcomes and educational success for all students. The proposed educational program should address the diverse needs of the student population and should be founded on an understanding of effective, research-based educational practices and high standards for student learning. The proposed school should incorporate a pedagogical approach, curriculum, assessment, culture, and other elements, based on the applicant group's educational philosophy, that create a comprehensive educational program. The overview of program delivery describes how the educational program will be delivered, and provides evidence that the proposed educational program and its associated educational practices may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population.

When describing the school's program delivery, the application should address the following criteria:

- ✓ The application demonstrates that the proposed educational program will serve the diverse needs of individual students by providing evidence, including explicit research citations, that demonstrates their educational program and its associated educational practices may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population. Evidence should include the specific subgroups of students listed in the recruitment and retention plan consistent with requirements of M.G.L. c. 71, § 89, such as students with disabilities, English language learners, and students participating in the federal free/reduced lunch nutrition program.
- ✓ The application describes the school calendar including the number of days school will be in session; and the daily hours of operation, including the length of the school day with start and dismissal times. Please be specific in describing these items and pay attention to the state requirements on minimum number of school days and instructional hours as described in 603 CMR 27.00. If the school would not meet the minimum number of school days and instructional hours based on the program proposed, provide justification for a waiver of the requirement. All public schools may request from the Board of Elementary and Secondary Education a waiver of student learning time for good cause to support innovative programs or schedules to improve student learning.
- ✓ The application provides an annual calendar for the first year of operation as an attachment to your application. Draft calendar should reflect the required inclusion of five days within the school year for unanticipated school closures pursuant to 603 CMR 27.03.
- ✓ The application provides a sample weekly schedule for one grade in each grade level grouping at which the school intends to serve (e.g., elementary, middle, high school, or early, primary, upper elementary, etc.). The schedules should clearly describe any

variation across the grades proposed that are related to the educational programming and school design.

- ✓ The application provides a description of the mechanics of the educational program in terms of the daily or weekly organization of students and faculty (e.g., multi-grade, tracking, team-teaching, etc.) to explain the sample schedule.
- ✓ The application indicates if mandatory or optional programming will be offered to students during summer months, and the goals of such programming if offered.
- ✓ The application describes the extra or co-curricular activities or programming that the school will offer, how often they will occur, and the goals of such programming if offered.
- ✓ The application illustrates a typical day from the perspective of a student in a grade level of your choice.
- ✓ The application illustrates a typical day from the perspective of a teacher of any subject or grade of your choice.

## **B. Curriculum and Instruction**

Charter schools have the freedom to choose and/or develop curriculum models that best reflect the mission and educational philosophy of the school and that best serve the needs of the expected student population. Regardless of whether the curriculum is purchased or internally developed, it is important that it aligns with the Massachusetts Curriculum Frameworks (MCF) since the Massachusetts Comprehensive Assessment System (MCAS) is based on the learning standards outlined in the MCF. Charter schools also have the freedom to determine the instructional methods that will be used to deliver the chosen curriculum model(s).

When describing the school's curriculum and instruction, the application should address the following criteria as applicable:

### **Use of Commercial Curriculum**

- ✓ If intending to use developed curriculum, the application identifies the curriculum, explains the process utilized to identify the curriculum that will be used by the school and provide reasons why the curriculum was chosen for the school. Identify which individual(s) in the school's organizational chart will be responsible for identifying and selecting curriculum.
- ✓ The application describes the process that is used to ensure alignment of the curriculum to the MCF and identifies the individual(s) who will be responsible for curriculum alignment to the MCF.
- ✓ If modifications to the curriculum will be required, the application explains the process utilized to identify areas for revision and to make adjustments. Indicate the individual(s) that will be responsible for the process.

**New  
Curriculum  
Required**

- ✓ If intending to develop curriculum, the application explains the process that will be used by the school to develop curriculum. Identify which individual(s) on the school's organizational chart will be responsible for developing curriculum and who will participate in the process.
- ✓ The application describes the process that is used to ensure alignment of the curriculum to the MCF and identifies the individual(s) who will be responsible for curriculum alignment to the MCF.

- ✓ The application contains the curriculum scope and sequence that will be used by the school, including the content and skills to be taught in the core content areas at each grade level.<sup>2</sup> Four grade levels should be included in the text of the application. All additional grade levels must be included in the attachments, but will not be counted toward the page limit. For proposed schools that plan to have fewer than four grade levels, please include all of the intended grades in the application narrative. The curriculum scope and sequence should be clearly aligned with MCF as well as aligned across the grades proposed for implementation.
- ✓ The application describes the processes for the ongoing development, improvement, and refinement of the curriculum. The description should include incorporation of the curricular structures that will be used by the school, e.g. scope and sequence, unit and lesson plans, etc. Identify which individual(s) on the school's organizational chart will be responsible for, and participate in the development, improvement, and refinement of the curriculum.
- ✓ The application describes the process and procedures that will be used to evaluate whether the curriculum is effective and successfully implemented. Identify which individual(s) on the school's organizational chart will be responsible for curriculum evaluation.
- ✓ The application describes the learning environment(s) that will be used to deliver the proposed curriculum model, including the use of technology, and class size and structure.
- ✓ The application describes the pedagogy or instructional methods that will be used to deliver the curriculum model(s).
- ✓ The application contains a detailed plan for a responsive general education classroom that would support the needs of all students. The plan should include how the proposed curriculum and instructional methods will support high standards of achievement for students with a wide range of needs, and be accessible and appropriate for all students at all levels, including students with diverse learning styles; English language learners; students with disabilities; students who enter below grade level, or students identified as at risk; and advanced students who perform significantly above grade level. The plan should also describe the strategies the school will implement to ensure academic success for all students, including students struggling to meet performance standards.
- ✓ The application demonstrates that the proposed curriculum and instruction will serve the diverse needs of individual students by providing evidence or relevant experience, including explicit research citations, that demonstrates the proposed curriculum and

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<sup>2</sup> Content is what students should know; skills are what students should be able to do; and the core content areas include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

instruction may result in high academic achievement and the attainment of the knowledge, skills, and experiences that ensures college and career readiness for the anticipated student population. Evidence should include the specific subgroups of students listed in the recruitment and retention plan consistent with requirements of M.G.L. c. 71, § 89, such as students with disabilities, English language learners, and students participating in the federal free/reduced lunch nutrition program.

- ✓ The application describes the proposed structures for regular, frequent collaboration and professional development to improve implementation of the curriculum and instructional practice. Include a description of how the school plans to train and support teachers to address the unique needs of all students, including students with disabilities and English language learners.
- ✓ The application describes how the school will determine the professional development needs of the staff, including administrators and teachers, on an on-going basis and how these opportunities will be delivered during and outside of the scheduled school year.
- ✓ The application explains the process and frequency of teacher performance evaluations, including the key elements of the evaluation and who will conduct the evaluations.

### **C. Student Performance, Assessment, and Program Evaluation**

Charter schools must assure that students will meet the same performance standards and assessment requirements set by the Board of Elementary and Secondary Education for students in other public schools. Performance, promotion, and graduation standards should be based on high expectations that are aligned with the school's mission, educational program, assessment system, and the MCF. An integrated assessment system, which includes the MCAS test, serves as a structure for how teachers and administrators will measure what students know and are able to do as a result of the delivery of curriculum and instruction.

Information from assessments serves to help determine what areas of instruction need additional time, the needs of individual students, the quality of instruction, decisions on improvement strategies, and the school's overall progress in meeting Accountability Plan goals. Ultimately, the assessment system provides information to all stakeholders on whether the school is an academic success. The proposed system should reflect how the school would link curriculum and instruction to assessment by measuring the academic progress of individual students, cohorts of students over time, and the school as a whole, with the goal of continual school improvement.

When describing student performance, assessment, and program evaluation, the application should address the following criteria:

- ✓ The application describes the proposed school's policies and standards for promoting students to the next grade, achievement level, or grouping level in alignment with the educational program.
- ✓ The application describes the graduation requirements or "exit standards" for the school's grade groupings as applicable (e.g., elementary, middle, high school, or primary, upper elementary, etc.). These exit standards should be aligned with the school's mission and provide a clear sense of expected student achievement at the end of the last grade of each school level and/or upon graduation. If the proposed educational program includes a high

school, explain how your graduation requirements will ensure student readiness for college and career opportunities.

- ✓ The application describes a thorough, clear, measurable, externally credible, and conceptually sound design for measuring and reporting the performance and progress of the school as a whole, student cohorts over time, and the academic and social development of each student to all relevant stakeholders. Selected assessments are both research based and consistent with the school's mission, broad academic and nonacademic student goals, educational program, and high expectations of students. Descriptions should include, but are not limited to, the following information:
  - The types of internal/school-developed assessments that will be administered to measure and report student progress. Explain why these particular assessments were selected for the targeted student population and how the data will be used to support the goal of improved student learning and outcomes.
  - Describe the school's philosophy and plans for student homework.
  - A meaningful and practical approach for measuring and supporting student progress toward attaining non-academic goals in alignment with the proposed school's mission and vision as well as students' needs.
  - Evidence of multiple measures of student performance outcomes that may include reports of absolute scores, within-year student gains/losses, and year-to-year student gains/losses.
  - A plan to use student data, including MCAS performance, to facilitate decision-making about necessary adjustments to the educational program and the staff development plan that will support the goal of improved student learning and outcomes.
  - Indicate if any additional standardized assessment tools will be used to determine and report student progress. If so, explain why those tools were selected for the targeted population and how the data will be used.
  - Indicate the roles of school leadership and faculty in the collection, analysis, and use of student data, and the individual responsible for oversight of the system.
  - Indicate the system for reporting the performance and progress of the school, grades, individual classes, and students, including the frequency of the different forms of assessment, the types of stakeholders who will receive assessment information, and the types of metrics reported.
- ✓ The application describes the processes that will ensure the assessment system is linked to curriculum and instruction, and is used to facilitate timely adjustments that will support the goal of improved student learning and outcomes.
- ✓ The application describes how each of the following stakeholder groups will participate in the review and response to student achievement data:
  - The school's board of trustees
  - School administrators
  - Teachers
  - Students
  - Parents
- ✓ The application briefly describes the process to create an effective accountability plan during the first year of operation. The application identifies who will be primarily responsible for defining and overseeing this process, as well as for collecting and

analyzing the data to evaluate the school's progress towards accountability plan objectives and measures.

- ✓ The application contains draft objectives and measures related to mission and key design elements as an attachment.

#### **D. Supports for Diverse Learners**

All charter schools in Massachusetts are public schools that enroll students through a lottery process. Therefore, all charter schools must be prepared to enroll students with diverse learning needs including English language learners and students with disabilities, all of whom must be provided with full and meaningful access to the general educational curriculum.

The general education classroom needs to be responsive to the educational needs of all children, and accommodates their needs. A full continuum of services must be available within the school so that all students can receive needed services in an appropriate setting and participate fully in the educational goals and mission of the school. This section of the application should describe the school's programs and services, and how they will be implemented within the context of your proposed school.

For information on special education, please see the Massachusetts Primer on Special Education and Charter Schools and related documents found at <http://www.doe.mass.edu/charter/sped/default.html>. For information on special education laws and regulations see <http://www.doe.mass.edu/sped/laws.html>. Please review the required elements of the special education policies and procedures found at <http://www.doe.mass.edu/charter/new/>. Special education policies and procedures are submitted to the Department during opening procedures of the proposed charter school. Consider the required elements when crafting your response to the application criteria related to the processes and procedures used to identify, assess, and serve students with disabilities.

For information on the laws and regulations relating to English language learners, see <http://www.doe.mass.edu/lawsregs/603cmr14.html>. For guidance on English language learners, please see the Department's website at [http://www.doe.mass.edu/ell/guidance\\_laws.html](http://www.doe.mass.edu/ell/guidance_laws.html). Please review the required elements of the English language education policies and procedures found at <http://www.doe.mass.edu/charter/new/>. English language education policies and procedures are submitted to the Department during opening procedures of the proposed charter school. Consider the required elements when crafting your response to the application criteria related to the processes and procedures used to identify, assess, and serve English language learners.

When describing the school's plan for special student populations and student services, the application should address the following criteria:

- ✓ The application describes the processes and procedures that the proposed school will employ to identify, assess, and serve students who are English language learners. Descriptions will be considered incomplete if they do not include:
  - a description of the English language development program and support services to be offered including the curriculum and strategies that will be used;

- how student identification and assessment will be conducted;
  - the settings in which required services will be implemented;
  - how services will be delivered within the school's daily schedule;
  - the plan to support core academic teachers in obtaining SEI endorsement;
  - the titles, salaries, and qualifications of the individuals delivering the services; and
  - how the program will be evaluated.
- ✓ The application describes the English language development program staffing levels the school intends to provide by year for each of your school's first five years. Include qualified individuals who will work with your school, administrators, teachers, and other staff, as well as the number of staff you propose to hire each year and their qualifications, salary, and the percentage of their time that will be devoted to English language learner education.
- ✓ The application describes the processes and procedures that the proposed school will employ to identify, assess, and provide specialized instruction to each student in need of special education services. Descriptions will be considered incomplete if they do not include:
  - a description of support services to be offered and some of the methods that will be used to provide a continuum of services;
  - how student identification and assessment will be conducted;
  - the development of individualized education programs;
  - the settings in which required services will be delivered;
  - how services for students in need of special education services will be delivered within the school's daily schedule;
  - the qualifications of individuals who will be recruited to deliver services;
  - the titles, salaries, and qualifications of each position proposed; and
  - how the program will be evaluated.
- ✓ The application describes the special education staffing levels the school intends to provide by year for each of your school's first five years. Include the Special Education Administrator who will work with your school, teachers, aides, and other staff, as well as the number of staff you propose to hire each year and their qualifications, salary, and the percentage of their time that will be devoted to special education. Specify the amounts of time the administrator will allocate to administrative duties and to service delivery. Indicate if you anticipate outsourcing services such as occupational therapy, physical therapy, or speech therapy and if possible, with whom you anticipate contracting for the provision of services.

## **E. Culture and Family Engagement**

Massachusetts charter schools support students' social and emotional health in safe and respectful learning environments that engages families. The application must describe how the proposed school will create a safe school environment and address the physical, social, emotional, and health needs of its anticipated student population. The application must also describe how the proposed school will develop strong working relationships with families/guardians in order to support students' academic progress and social and emotional well-being.

When describing the school's plan for school culture and parent engagement, the application should address the following criteria:

- ✓ The application describes the culture of the school, and a clear plan for establishing a school culture and norms consistent with the school's mission, educational philosophy, and educational program from the first day of the school's operation. The plan should include specific strategies the school will implement to develop and maintain a safe school environment conducive to learning and consistent with the school's mission and educational philosophy. Describe how school culture and climate will be fostered for and by school leadership, teachers, students, and parents.
- ✓ The application describes the school's programs or strategies to address the physical, social, emotional, and health needs of the anticipated student population.
- ✓ The application describes the school's philosophy and plans regarding student behavior and discipline for the general student population and students with special needs. Describe proposed policies regarding student discipline, including suspension and expulsion, or a reasonable plan for the development of the required discipline policies. Student discipline should be consistent with requirements and the school's mission and educational philosophy.
- ✓ The application describes how the school's discipline policy will be implemented for teachers, students, and parents starting from the first day of the school's operation to ensure a safe environment conducive to learning with consistent and transparent implementation.
- ✓ The application describes how the school plans to involve parents/guardians as partners in the education of their children and to build and maintain family-school partnerships that support students' academic progress and social-emotional well-being. Describe any commitments or volunteer activities the school will offer to parents.
- ✓ The application describes how stakeholder satisfaction will be gauged and the process for collecting and publicizing results. Stakeholders include parents, faculty, and students.
- ✓ The application describes the relationships the applicant group has established or intends to establish with community agencies and organizations that will support the school's educational program and serve the youth who attend the school. Explain the nature of the proposed partnership/relationship(s) and how it will support the school's mission and key design elements. Letters of support or commitment should be included as attachments.
- ✓ The application explains how the school plans to deliver nutrition program services to students, including what meals and/or snacks will be served and when. Describe how you plan to administer the free and reduced lunch program and in the case of a Horace Mann charter school, indicate what role, if any, the district will have in delivery of the school's nutritional program. All public schools in the Commonwealth are required to make a

school lunch available to students, including a free or reduced price lunch for students who meet income eligibility requirements. Regardless of a school's participation in the National School Lunch Program, school lunches must be made available and under certain circumstances, breakfast as well.

- ✓ The application describes any ancillary and support services you expect to offer students and families, for example counseling, family outreach, and/or relationships with community organizations or service agencies. Any wrap-around services described by the school should indicate committed partners and provide letters of commitment as attachments.
- ✓ The application describes your plan to hire a school nurse and his/her role in your school.

### III. How will the school demonstrate organizational viability?

#### A. Capacity

A public school charter is granted to a board of trustees. Members of the board of trustees are public agents authorized by the state and are responsible for governing charter schools. In general, it is important that these individuals possess a wide variety of skills and qualifications that will enable them to found and sustain an excellent school. Members of a founding group may be proposed for the school's board of trustees or may assume other roles in the school. Each founding group should be able to clearly define who is proposed to be a member of the board of trustees and what other roles will be assumed. The proposed board of trustees must be of a number sufficient to provide effective oversight of the school and to participate in the considerable amount of work required to open a charter school.

When describing the capacity of the founding group and/or proposed board of trustees the application should address the following criteria:

- ✓ The application describes how the applicant group came together to form this proposed school and why the group is united to establish the proposed charter school.
- ✓ The application explains how often the group meets, how the planning and writing process is completed, and identifies the primary author of the application.
- ✓ The application summarizes briefly within the text of the document each founder's and/or proposed board member's experience and qualifications. The experience and qualifications should demonstrate that the founders and/or proposed board members:
  - have the experience and qualifications necessary to implement the proposal;
  - demonstrate the capacity to found and sustain an excellent charter school;
  - can manage public funds effectively and responsibly;
  - include members who possess skills and experience in areas such as education, management, finance, development, and law; and
  - have tangible ties to, and broad and diverse representation from the communities the school will serve.
- ✓ The application explains how the proposed board of trustees is reflective of or consistent with the school's mission and program.
- ✓ Each member of the applicant must submit a resume as an attachment to the application. The application must indicate if a founder is a proposed board member, proposed school leader, or other school employee. Resumes should indicate the founder's prior experience as it relates to the charter application. Additionally, proposed board members and proposed school employees must complete individual questionnaires to further establish their understanding of their roles and responsibilities.

#### B. Governance

As entities of the state, public charter schools must meet a number of legal requirements set forth by the Commonwealth of Massachusetts. Many of these requirements are outlined in the *Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, this document can be found online at <http://www.doe.mass.edu/charter/governance/adminguide.doc>. The guide begins by explaining

that a strong board of trustees defines the mission of the school, develops school policies and changes them when appropriate, hires qualified personnel to manage the school's day-to-day operations and holds them accountable for meeting established goals, and formulates a long-range plan and charter school accountability plan that will ensure the school's continued stability. In addition to its many other responsibilities, the board must ensure that the school is complying with all of the state and federal laws that apply to the school and that the board itself is operating in accordance with the rules set out by all applicable Massachusetts laws and regulations. Finally, the board is responsible for operating the school in accordance with its charter and with any approved amendments to its charter.

A school's ability to carry out its purpose and objectives is largely determined by the governance structure of the school and by developing an effective board of trustees.

### **(1) Governance and Management Structure**

- ✓ The application explains the proposed reporting structure and relationship between the board of trustees and the individual(s) reporting directly to the board regarding the governance and management of the proposed charter school.
- ✓ The application includes a brief job description for each officer of the board of trustees.
- ✓ The application describes any committees, advisory groups, and/or task forces and their role in supporting school development and success.
- ✓ The application includes a copy of your complete bylaws in the attachments.
- ✓ The application and draft bylaws indicates if there are any ex-officio members of the board of trustees, denoting seats that are earmarked based on a person's position or status, such as school principal, teacher, parent, or student representative, and explains the rationale for the proposed governance model as applicable.

### **(2) Roles and Responsibilities**

- ✓ The application describes the roles and responsibilities of the board of trustees. The application clearly articulates the role distinctions amongst the board, the school district (in the case of Horace Mann charter schools), and the school administration as they relate to curriculum, personnel decisions, budget allocation, and vendor selection.
- ✓ The application provides examples of the proposed board's future actions in governing the proposed school that accurately reflect an understanding of the roles and responsibilities of the board of trustees, consistent with public accountability, such as open meeting law, state ethics law, and charter school law.
- ✓ The application describes the processes related to the board's oversight of the school, including setting priorities and goals; monitoring progress towards priorities and goals; supporting, monitoring, and evaluating the school leader(s); developing the annual budget; monitoring the school's finances; and conducting long-term financial and strategic planning.
- ✓ The application describes the proposed systems that will be put into place to ensure clear decision-making and communication processes that facilitate and ensure public accountability, including board meetings that are designed to foster open, deliberate, and thorough discussions.

- ✓ The application describes the proposed process and procedure for handling inquiries and complaints made to the board.
- ✓ The application describes the proposed annual process the board uses to evaluate its own performance, and describe the steps taken to guide its development as an effective governing board.

### **(3) Policy Development**

- ✓ The application describes the proposed process by which the board of trustees will develop policies and make decisions. Provide specific examples whenever possible.
- ✓ The application describes the plan for seeking feedback from the school staff, parents, and the larger community when setting policy. Provide specific examples whenever possible.

### **(4) Board Sustainability**

- ✓ The application describes the recruitment, and selection processes for new board members.
- ✓ The application describes specific plans for the recruitment of additional board members with the skills and expertise that will ensure the sustainability of the proposed charter school, and the targeted qualifications sought in additional board members, if applicable.
- ✓ The application describes the orientation and development process for new board members.
- ✓ The application describes the succession planning for board officers.

### **(5) School Management Contract**

If the proposed board intends to enter into a contract with another entity to provide substantially all the school's educational or management services, such as an educational management organization (EMO), (whether or not the entity was granted Proven Provider status), the applicant group must include the following information:

- Identify the entity.
- Include a comprehensive summary of the entity's history, a description of how it implements its program, extensive evidence of past results (including student academic achievement and financial status) of its school management efforts, and its educational philosophy. There should be strong evidence that the entity has demonstrated positive academic results and responsible fiscal management, as well as success in serving similar student populations.
- Explain how and why the entity was selected, what due diligence has been conducted, and how contracting with this entity will assist the school in meeting the challenges outlined in your description of the community(ies). Provide a clear description of the services to be provided by the entity.
- Describe the respective roles and responsibilities of the proposed school's board of trustees and the entity for the financial management and effective oversight of the school, and the internal controls that the board will put into place, including a plan to monitor the performance of the entity to hold them accountable.
- Include a draft of the proposed contract. The draft contract may be submitted as an attachment and does not count towards the page limit for the application. The contract must include a delineation of the roles and responsibilities of the other

entity and the school, a description of how the charter school board of trustees will monitor the academic performance and fiscal activity of the school, performance evaluation measures (including student academic performance), the total fee paid for management services, a description of the payment structure, clarification of authority over hiring and firing, and the conditions and procedures for the contract's renewal and termination.

#### **(6) Programmatic Relationship with Other Organizations**

If you are filing the application with a college, university, museum, educational institution, other not-for-profit entity, or any other partner, the applicant group must provide the following information:

- Identify the partner organization. Indicate the name of the contact person at the partner organization with the mailing address, phone number, and email address.
- Provide a letter of commitment from the organization indicating the proposed affiliation, and the terms and scope of the partnership.
- Describe the nature and purpose of the school's partnership with the organization.
- Briefly explain how the relationship enhances, complements, and/or supports the mission and educational philosophy of the proposed charter school.
- Explain if the partner organization will be involved in the governance of the school.

### **C. Management**

School management is fundamental to creating an environment that can support a successful charter school. In this section we ask applicants to write about (1) school management structure; (2) school leadership roles and responsibilities; and (3) human resources.

#### **(1) School Management Structure**

- ✓ The application includes a school organizational chart for year one of operation and at full student enrollment that encompasses all employees of the proposed school and the board of trustees. The application describes how the applicant group determined the structure shown in the organizational chart.
- ✓ The application includes a narrative that clearly explains the reporting structure and relationship between the school's leader and administration regarding teachers, specialists, and other staff members.
- ✓ The application describes the lines of authority and communication among school leadership (e.g. executive director, principal, instructional leader, operational leaders, and other key leaders and administrators) and staff at the proposed school.

#### **(2) School Leadership Roles and Responsibilities**

- ✓ The application describes the plan for how the school will make key organizational decisions about curriculum and instruction, student achievement, professional development, culture, staffing, fiscal planning, and operations.
- ✓ The application describes the roles and primary responsibilities of the school's leader and other administrative staff. Articulate key role distinctions with regard to curriculum

development and implementation, instructional leadership, student achievement, personnel decisions, financial management, and operations.

- ✓ If the applicant group includes the proposed school leader (or any other position at the school), the application describes the process and criteria used to determine that the individual is the best candidate for the position. Identify the skills and experience of the selected individual(s) and describe how their professional background supports their capacity to be successful in founding a high quality charter school and achieving the school's mission as the school leader or a member of the leadership team. If the proposed school leader has never led a school, describe any training programs that s/he has completed or is currently participating in.
- ✓ If the applicant group does not include the proposed school leader, the application describes the desired skills and experience of the ideal individual and the plans for the recruitment and selection of the school leader.
- ✓ If the educational/instructional leader is different from the school leader, the application describes the desired skills and experience of the ideal individual and the plans for the recruitment and selection of the instructional leader.
- ✓ The application describes how administrators will be evaluated and by whom.
- ✓ The application describes how the proposed board of trustees will address potential human resource challenges as it grows to scale over the next five years. The application describes the actions that will be taken to attract, develop, and retain an effective leadership team to implement the proposed school.

### **(3) Human Resources**

- ✓ The application describes the qualifications and attributes of an ideal teacher for the proposed school.
- ✓ The application describes the school's plan for staff recruitment, advancement, and retention. The plan should include specific strategies for recruiting and retaining effective teachers.
- ✓ The application describes briefly the teaching program of typical teachers. Indicate how many hours they will be performing instructional duties and other school-related responsibilities they will have outside the classroom (lunch duty, dismissal, advisory group, after-school program).
- ✓ The application explains the school's working conditions and compensation package(s) that will attract highly qualified staff. Be clear on the specific commitments expected of and made to school employees, including leadership, administrators, faculty, and non-instructional staff.
- ✓ The application explains how individual base salaries and increases will be determined for all employees, including leadership, administrators, teachers, and non-instructional staff.
- ✓ The application includes a staffing chart and narrative staffing plan, for each year of the proposed charter school within the five year term of the charter that is viable and adequate for the effective implementation of the proposed educational program. Explain the process of determining job positions, roles, and responsibilities that provides evidence of knowledge of opening and operating a high quality charter school. Indicate the number of administrators by title, the number of faculty including classroom teachers by grade and/or subject, the number of aides or assistants, the number of special student service

providers, and other specialists, clerical staff, and any other school employees. Include contractors or district resources as applicable. Ensure the chart and plan are consistent with the submitted budget, the organizational chart(s), student enrollment planning, and staffing levels described in other sections of the application.

#### **D. Facilities and Student Transportation**

The school must provide facilities and transportation that meet applicable state and federal requirements, are suited to its programs, and are sufficient to serve diverse student needs.

When describing plans for school facilities and student transportation, the application should address the following criteria:

- ✓ The application describes the process for identifying viable options for a facility for this school and any sites already identified. Explain why these sites were chosen as possibilities. If a specific facility has not been determined, describe the applicant group's plan for identifying possible locations, choosing the final location, securing all necessary local building approvals for use of the facility as a charter school, and securing financing.
- ✓ If possible, the application includes a layout and description of the proposed charter school facility. Include the number and size of classrooms, common areas, and recreational space.
- ✓ If a facility has not been selected, the application includes potential locations that are under consideration and discusses the process and timeline for selecting, acquiring, renovating as applicable, and occupying a suitable facility.
- ✓ The application describes the financing plans and proposed budget for acquisition (purchase or lease) of a facility and any necessary renovations to meet the school's needs, to meet all local building requirements for use of the facility as a charter school, and to meet accessibility requirements. Please be aware that Commonwealth charter schools may take out loans, but the loan may not extend beyond the term of the charter without approval of the Board of Elementary and Secondary Education, M.G.L. c. 71, § 89(k) (6).
- ✓ The application includes plans for student transportation and describes how transportation services will be provided to eligible students. The application states explicit intent to utilize district transportation services or to provide services independently of the district.
- ✓ The application explains how students who are physically challenged will be transported and how all students, staff, parents, and the general public who are physically challenged will have access to the school facility in accordance with state and federal law.

#### **E. School Finances**

Having the capability to manage school finances is essential for accountability and organizational viability. Comprehensive financial planning is an indispensable tool for successful charter school planning, program implementation, and the monitoring and evaluation of resource allocations. In this section, we ask applicants to describe their proposed fiscal policies and procedures; complete a five year operating budget; complete a cash flow projection for the first year of operation; and provide a descriptive budget narrative. The school finances narrative and budget should demonstrate knowledge of the practical matters relevant to the operation of a school.

## **(1) Fiscal Management**

- ✓ The application explains the systems and procedures for managing the school's finances, describes the role(s) responsible for financial oversight and managements and describes his/her qualifications.
- ✓ The application describes the fiscal controls and financial management policies the board of trustees employs to remain informed of the school's financial position.
- ✓ The application describes how the school will track finances in its daily business operations in order to maintain needed cash-flow.
- ✓ The application describes contingency planning for potential challenges in cash flow or budget shortfalls due to lower than anticipated student enrollment or other financial challenges in the early years of operation, including specific strategies.

## **(2) Operating Budget and Budget Narrative**

- ✓ The application explains how the budget and cash flow projection were developed and the process used by the applicant group to ensure the accuracy and realistic nature of their final projections.
- ✓ The application summarizes financial forecasts from the school's start-up phase through its fifth year of operation. Financial forecasts must include total expected realistic sources of revenue—including tuition and other grants (federal, state, and private), and fundraising—as well as all expenditures, the timeframe for a positive cash balance, and the anticipated growth of the school. Define and give support for the assumptions behind projections.
- ✓ Applicants must submit a cash flow projection for the first year of operation, and a multi-year budget from the school's start-up phase through its fifth year of operation. Cash flow projections are expected to reflect a similar level of detail to the budget template used for the annual budgets – see templates.
- ✓ The cash flow projection and budget need to be realistic and reflect the expenses related to all commitments proposed in the application, through the proposed school's fifth year of operation, including the school's educational program, expected student population of students with disabilities and English language learners, human resources needs, and the acquiring and repayment of potential debt.
- ✓ The cash flow projection narrative should discuss and explain the assumptions behind the projections made for the first year of operation.
- ✓ The budget narrative should discuss and explain the projected revenue and expense amounts in the budget, including descriptions of administrative and instructional staff and other operating expenses. Provide detailed explanations for each of the five years of the draft budget. Define and give support for the assumptions behind projections.
- ✓ The application explains how the school will ensure it has sufficient funds to cover all anticipated expenses, including but not limited to start-up costs, and school operation.
- ✓ The application describes whether the applicant group expects the school to raise additional funds and why. The application briefly describes any planned fundraising efforts and who will lead and coordinate these efforts. The application briefly describes any financing, short-term or long-term, that the school anticipates securing during the period covered by this budget, including the planning and first year implementation period.

## **F. Action Plan**

After a charter is granted, but before the school opens is a time of great activity. The action plan outlines the steps that need to be taken within a clear timeline for opening the school.

The applicant group's Action Plan should:

- ✓ Outline the strategies, steps, designated point person and provide a clear timeline for opening the school, dating from March 1<sup>st</sup>, in the year the charter is granted to the first day of school. The action plan should be specific and consistent with the proposal's objectives, and outline the steps that need to be taken for a successful school launch. In a chart, describe the timeline; action(s) to be taken (specific to and consistent with the application's objectives); designated point person; and start date and projected completion date.

## Required Attachments – Final Application

Limited to **40** pages

All attachments should be sequentially numbered and clearly referred to in the text. The choice of non-required attachments is up to the applicant group, though attachments should be used to provide additional evidence, support a particular aspect of the application, or lend insight into the applicant group.

Required and counted toward 40 page maximum:

- Draft Bylaws (use Bylaws Checklist).
- Draft Recruitment and Retention Plan (use Recruitment and Retention Plan Template).
- Draft Enrollment Policy (use Enrollment Policy Checklist).
- Draft Organizational Chart.
- Operating Budget: Projected Revenues and Expenditures, and Cash Flow Projection.

Required, but not counted toward 40 page maximum:

- Cover Sheet
- Table of Contents
- Applicant Information Sheet
- Appropriate Certification Statement
- General Statement of Assurances - Application for a Massachusetts Public Charter School
- Statement of Assurances - Federal Charter School Program Grant
- Executive Summary (no more than three pages)
- Individual resumes from each founding group member, indicating if a founder is a proposed board member, proposed school leader, or proposed for any other position(s).
- Individual completed questionnaires of each founding group member. There are two different versions of the questionnaire: one for proposed board members, and one for proposed school employees and/or founding group members who are playing an advisory role.
- Description of curriculum scope and sequence for grade levels beyond those required in the text of the application, including the content and skills to be taught in the core content areas.
- Draft management or EMO contract (if applicable).

# Appendix 8: Opening Procedures Handbook



## **Opening Procedures Handbook:** A Guide for Boards of Trustees and Leaders of New Charter Schools

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April 2016

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# Introduction

The Office of Charter Schools and School Redesign has created the Opening Procedures Handbook as a tool to assist charter school founding groups prepare for the exciting, yet challenging task of opening a Massachusetts public charter school. The opening procedures process begins with a charter award by the Board of Elementary and Secondary Education (BESE) and concludes in the June of the school's first year of operation when the school submits a draft accountability plan to the Department of Elementary and Secondary Education (Department). The Handbook summarizes this process, identifies the action items that must be completed prior to the school's opening, lists documents that must be submitted to the Department as part of the opening procedures process (as well as their due dates), and lists additional resources available to the school founders as they prepare to open the school's doors to students. Throughout the opening procedures process, the Department provides technical assistance to support the development of the appropriate documentation required from each new charter school. **We require schools to submit opening procedures documentation to the Department for feedback *prior* to any board vote to accept the new policy or procedure.**

The opening procedures process focuses founding groups on further articulating the terms on which the school's charter was granted. The material terms of the charter become the contract between the charter school and the Commonwealth of Massachusetts, and compose one of the standards against which charter schools will be evaluated during regular site visits and upon the occasion of renewal. For purposes of completing the opening procedures process, new charter schools are required to submit certain documents to the Department. These documents hold a place in the charter school's permanent file; any changes to the material terms of the charter require that the board of trustees submit a request for a charter amendment to either the BESE or the Commissioner of Elementary and Secondary Education (Commissioner). **Unless otherwise indicated, the Department asks schools to submit electronic documents in the following format: 'School Acronym.Document Name.DATE.'**

In addition, the Opening Procedures Handbook alerts school founders to regulations around the hiring, evaluation, and professional development of staff, as well as ensures that new charter schools are prepared to offer a full range of programs and services to their students, including English language education, special education, transportation, and nutrition services. **The Department works closely with school founders during the opening procedures process to ensure these processes are in place; however, once the opening procedures process is complete, individual schools must update and maintain this information internally, and communicate regularly with the appropriate unit within the Department regarding any changes.**

The Opening Procedures Handbook also provides guidance to ensure that charter schools have the processes in place to perform due diligence in the responsible management of the school's fiscal affairs. During the opening procedures process, schools are asked to provide a description of their fiscal policies and procedures, an updated copy of their budget, written assurance and evidence that the school is participating in the Massachusetts Teacher's Retirement System (MTRS), and a copy of all relevant insurance policies.

The Opening Procedures Handbook identifies sources of additional information that may be useful to new charter schools as they grow from proposal to implementation. Icons throughout the document draw your attention to these resources, which range from statutory and regulatory citations to technical assistance and advisories published by the Department, as well as criteria for approval for many of the documents requiring approval by the Department.

Throughout the Handbook, several references are made to the General Laws of Massachusetts (M.G.L.) and the Code of Massachusetts Regulations (CMR). The General Laws are available online at <https://malegislature.gov/Laws/GeneralLaws/>. The state regulations related to education are available at <http://www.doe.mass.edu/lawsregs/stateregs.html>.



*The checklist icon denotes that there are action items related to the section. A due date for the action items will appear above and/or below the checklist icon.*



*The book icon appears next to additional sources of information related to a section. Related sources of information generally include statutory and/or regulatory citations with additional references to useful websites, documents, and appendix items that may be helpful in completing the related action items.*



*The light bulb icon highlights "did you know" information. Typically, this information relates to processes a school will encounter in operation or further clarifies laws or regulations.*

Successful completion of the opening procedures process, which is based on charter school statute and regulations as well as the statutes applying to all public schools, ensures that the charter school has addressed critical elements of building the infrastructure required for operation. This also gives an opportunity for the charter school to demonstrate to BESE, the Department, and the public-at-large that the school is prepared to open and serve public school students. **However, failure to demonstrate preparedness to meet legal obligations prior to the school's opening can have serious consequences, including refusal of authorization to open, placing the charter on probation, withholding of funds, or revocation of the charter.**

## Deadlines for New Schools Opening In the Calendar Year Chartered

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### Within 45 days of charter granting

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- |   |  |
|---|--|
| <input type="checkbox"/> Draft board bylaws                         | <input type="checkbox"/> New board members approval request, if applicable     |
| <input type="checkbox"/> Board complaint procedures                 | <input type="checkbox"/> Financial disclosures (30 days post-charter granting) |
| <input type="checkbox"/> Draft management contract, if applicable   | <input type="checkbox"/> Pre-enrollment report (mid-March)                     |
| <input type="checkbox"/> Memorandum of Understanding, if applicable | <input type="checkbox"/> Waitlist report (mid-March)                           |
| <input type="checkbox"/> Grants/tuition required finance documents  |  |

### Five months prior to opening (April)

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- |   |   |
|---|---|
| <input type="checkbox"/> Projected enrollment data for low income, special education, and English language learners (prior to April 30) | <input type="checkbox"/> Annual school calendar     |
| <input type="checkbox"/> Draft enrollment policy and application for admission  | <input type="checkbox"/> School schedule template   |
|   | <input type="checkbox"/> Sample student schedule(s) |

### Three months prior to opening (June)

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- |  |  |
|--|--|
| <input type="checkbox"/> Fiscal policies and procedures              | <input type="checkbox"/> Background check/CHRI policy  |
| <input type="checkbox"/> Budget (5 year)                             | <input type="checkbox"/> Contact ESE Food and Nutrition Programs office and indicate if school will participate in the National school lunch program (NSLP), as applicable |
| <input type="checkbox"/> Cash flow projection (First year operation) |  |
| <input type="checkbox"/> Contact MTRS employer services              |  |
| <input type="checkbox"/> CORI policy                                 |  |

### Two months prior to opening (July)

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- |   |  |
|---|--|
| <input type="checkbox"/> Special education program plan                             | <input type="checkbox"/> Health plan and medications plan  |
| <input type="checkbox"/> Code of conduct and/or student handbook (expulsion policy) | <input type="checkbox"/> School wellness policy  |
| <input type="checkbox"/> Bullying prevention and intervention plan                  | <input type="checkbox"/> English language education policies and procedures  |
| <input type="checkbox"/> Evaluation criteria and professional development plan      | <input type="checkbox"/> Special education policies and procedures   |
| <input type="checkbox"/> District curriculum accommodation plan                     | <input type="checkbox"/> Copy of lease or sale agreement   |
| <input type="checkbox"/> Update school profile listing                              | <input type="checkbox"/> Multi-hazard evacuation plan  |
|   | <input type="checkbox"/> Medical emergency response plan   |
|   | <input type="checkbox"/> Receive notification from Department and submit initial Title I application (in early July) |

### One month prior to opening (August)

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- |  |  |
|--|--|
| <input type="checkbox"/> Nutrition service contract                              | <input type="checkbox"/> CORI & Background check assurances                                  |
| <input type="checkbox"/> Transportation services agreement                       | <input type="checkbox"/> Building permits and certificates                                   |
| <input type="checkbox"/> School nurse agreement                                  | <input type="checkbox"/> Building accessibility assurance and/or plan                        |
| <input type="checkbox"/> School physician/medical consultant agreement           | <input type="checkbox"/> Asbestos inspection report and AHERA management plan, if applicable |
| <input type="checkbox"/> Teacher qualification summary                           | <input type="checkbox"/> Lead inspection certification, if applicable                        |
| <input type="checkbox"/> Organizational chart and brief narrative, if applicable | <input type="checkbox"/> Insurance coverage  |

### Post Opening ASAP

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- MTRS Evidence

## Deadlines for New Schools with 18 Month Planning Period

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### Within 45 days of charter granting

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- |   |  |
|---|--|
| <input type="checkbox"/> Draft board bylaws                         | <input type="checkbox"/> New board members approval request, if applicable     |
| <input type="checkbox"/> Board complaint procedures                 | <input type="checkbox"/> Financial disclosures (30 days post-charter granting) |
| <input type="checkbox"/> Draft management contract, if applicable   | <input type="checkbox"/> Pre-enrollment report (mid-March)                     |
| <input type="checkbox"/> Memorandum of Understanding, if applicable | <input type="checkbox"/> Waitlist report (mid-March)                           |
| <input type="checkbox"/> Grants/tuition required finance documents  |  |

### 1 year prior to opening (September)

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- Draft enrollment policy and application for admission

### Six months prior to opening (March)

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- |  |  |
|--|--|
| <input type="checkbox"/> Pre-enrollment report (mid-March) | <input type="checkbox"/> Waitlist report (mid-March) |
|--|--|

### Five months prior to opening (April)

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- |   |   |
|---|---|
| <input type="checkbox"/> Projected enrollment data for low income, special education, and English language learners (prior to April 30) | <input type="checkbox"/> Annual school calendar     |
|   | <input type="checkbox"/> School schedule template   |
|   | <input type="checkbox"/> Sample student schedule(s) |

### Three months prior to opening (June)

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- |   |  |
|---|--|
| <input type="checkbox"/> Fiscal policies and procedures                 | <input type="checkbox"/> Background check/CHRI policy  |
| <input type="checkbox"/> Budget (5 year)                                | <input type="checkbox"/> Contact ESE Food and Nutrition Programs office and indicate if school will participate in the National school lunch program (NSLP), as applicable |
| <input type="checkbox"/> Cash flow projection (First year of operation) |  |
| <input type="checkbox"/> Contact MTRS employer services                 |  |
| <input type="checkbox"/> CORI policy                                    |  |

### Two months prior to opening (July)

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- |   |  |
|---|--|
| <input type="checkbox"/> Special education program plan                             | <input type="checkbox"/> Health plan and medications plan  |
| <input type="checkbox"/> Code of conduct and/or student handbook (expulsion policy) | <input type="checkbox"/> School wellness policy  |
| <input type="checkbox"/> Bullying prevention and intervention plan                  | <input type="checkbox"/> English language education policies and procedures  |
| <input type="checkbox"/> Evaluation criteria and professional development plan      | <input type="checkbox"/> Special education policies and procedures   |
| <input type="checkbox"/> District curriculum accommodation plan                     | <input type="checkbox"/> Copy of lease or sale agreement   |
| <input type="checkbox"/> Update school profile listing                              | <input type="checkbox"/> Multi-hazard evacuation plan  |
|   | <input type="checkbox"/> Medical emergency response plan   |
|   | <input type="checkbox"/> Receive notification from Department and submit initial Title I application (in early July) |

### One month prior to opening (August)

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- |  |  |
|--|--|
| <input type="checkbox"/> Nutrition service contract                              | <input type="checkbox"/> CORI & Background check assurances                                  |
| <input type="checkbox"/> Transportation services agreement                       | <input type="checkbox"/> Building permits and certificates                                   |
| <input type="checkbox"/> School nurse agreement                                  | <input type="checkbox"/> Building accessibility assurance and/or plan                        |
| <input type="checkbox"/> School physician/medical consultant agreement           | <input type="checkbox"/> Asbestos inspection report and AHERA management plan, if applicable |
| <input type="checkbox"/> Teacher qualification summary                           | <input type="checkbox"/> Lead inspection and report, if applicable                           |
| <input type="checkbox"/> Organizational chart and brief narrative, if applicable | <input type="checkbox"/> Insurance coverage  |

### Post Opening ASAP

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- MTRS Evidence

## Chapter 1: Material Terms of the Charter

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The complete final application for the charter school is kept on file in the Charter School Office (Department). This document serves as the basis on which the charter was granted, and defines the material terms of the school's charter.

These terms include:

- school name;
- mission;
- governance or leadership structure;
- educational program, curriculum models, or whole-school design;
- bylaws;
- membership of the board of trustees<sup>1</sup>;
- Memorandum of Understanding for Horace Mann charter schools;
- accountability plan;
- enrollment policy and application for admission;
- schedule (e.g., length of school year, school week, and school day);
- expulsion policy;
- location of facilities, if such change involves relocating to or adding a facility in another municipality or school district, in a district already specified in the school's charter;
- district(s) specified in a school's charter;
- maximum enrollment;
- grades served; and
- contractual relationships with an education management organization providing or planning to provide substantially all the school's educational services.

Amendments to the material terms of a school's charter during the life of a charter school (including between the granting of the charter and the school's first day with students) must be approved by the Commissioner of Elementary and Secondary Education and/or Board of Elementary and Secondary Education (BESE). The process for requesting the above listed amendments to a school's charter is outlined in the [Charter Amendment Guidelines](#).

A number of changes at a charter school may not require an amendment request but **do require** that the school officially inform the Department in a timely fashion. Notification requires an individual authorized by the board, usually the school leader or a member of the school's administration, to submit a letter to the Office of Charter Schools and School Redesign informing the Department of the change. Letters may be submitted via email to [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu). Please refer to the Charter Amendment Guidelines for a list of the changes that require Department notification.

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<sup>1</sup> Board member *must* be approved **before** they become voting members (as specified under [603 CMR 1.04\(3\)\(h\)](#), [603 CMR 1.04\(6\)\(a\)](#), and [603 CMR 1.10\(2\)\(f\)](#))

	<b><i>Related Sources of Information</i></b>	
	State Law	<u>M.G.L. c. 71 Section 89</u>
	State Regulation	<u>603 CMR 1.00</u>
Archived Administrative and Governance Guide	<u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>	
Charter Amendment Guidelines	<u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>	



Did you know...?

that the school committee of each district where a Horace Mann charter school is located is required to develop a plan to disseminate innovative practices of the charter school to other public schools within the district. Additionally, both Commonwealth and Horace Mann charter schools are required to collaborate with other schools in its district on the sharing of innovative practices.

## Chapter 2: Governance

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As entities of the state, charter schools must meet a number of legal requirements set forth by the Commonwealth. Many of these requirements are outlined in *The Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*. Upon being chartered, school leaders and members of the board of trustees will find it helpful to review the archived version of the *Administrative and Governance Guide*, online at: <http://www.doe.mass.edu/charter/governance/?section=all>. The *Guide* is being updated to reflect changes in various laws and regulations.

The archived *Administrative and Governance Guide* addresses the legal and fiscal requirements that a new charter school faces during its nascent phase. The *Guide* also provides the proper guidance to new charter schools as they design and implement systematic processes that set the stage for a healthy and sustainable organization. An additional resource is the *Superintendents' and Charter Leaders' Reporting Checklist* delivered every July in the Commissioner's Update. The checklist is designed to facilitate school leader use of Department resources and provide notification of different time sensitive tasks for leader completion or review.

### Boards of Trustees

Proposed board members whose resumes are submitted along with the charter application are considered approved by the Department at the time the charter is granted. All new board members will be sent electronic documentation to complete based on their new status as board members of a charter school board of trustees. New schools must also identify **system users** of the Board Member Management System who will be responsible for updating board member information, requesting approval of new board members, and monitoring the compliance of the board with requirements related to charter school law, conflict of interest law, and open meeting law. In addition, schools are required to notify the Department via the Board Member Management System when individuals have been identified for officer positions, and when members leave the school's Board of Trustees.

When additional board members are proposed after the charter is granted, a letter must be submitted to the Department via the Board Member Management System, along with the proposed trustee's resume, stating that a new trustee has been approved by a vote of the board of trustees during a public meeting in compliance with open meeting law. A template letter to request approval of new board members can be found online at <http://www.doe.mass.edu/charter/governance/>. New members of the board of trustees may not vote until approval is received from the Commissioner.

When recruiting additional board members, founding groups should ensure that proposed members:

- possess the experience and qualifications necessary to implement the proposal outlined in the charter application;
- possess skills and experience in areas such as education, management, finance, development, law, or as determined by the board of trustees;
- demonstrate the capacity to found and sustain an excellent school;
- are able to manage public funds effectively and responsibly;

- represent the communities the school will serve; and
- have tangible ties to those communities.



Did you know...?

Anyone who is covered by the conflict of interest law may request free legal advice about how the law applies to them in a particular situation from the legal division of the State Ethics Commission. The State Ethics Commission provides additional guidance at <http://www.mass.gov/ethics/>.

## **Bylaws**

Developing bylaws, the document that governs the activities of the board, is one of the activities of a charter school board of trustees. In drafting its bylaws, the board of trustees should take the school’s mission and educational philosophy into account, review examples of board bylaws from other charter schools, and consult sources such as the Department bylaws checklist ([Appendix A](#)). Charter school boards are cautioned that they are entities of the state, and that they must comply with state law and regulations that do not, in general, apply to most non-profit organizations. The Department *strongly* encourages each board of trustees to review their proposed bylaws with the board’s own legal counsel, as many of the legal responsibilities of the board and its members should be incorporated within the bylaws. The Department will review the bylaws and if necessary, require and suggest changes **prior** to any board vote to accept the bylaws.

## **Complaint Procedure**

Any parent, guardian, or other individuals or groups who believe that the charter school has violated any of the provisions of charter school law and/or regulation may file a complaint directly with the school’s board of trustees as described in [603 CMR 1.09](#). The complaint procedure includes the procedure for filing complaints with the board of trustees and the board of trustees’ procedure for responding to any complaints filed with them. The complaint procedure should be detailed in a complaint policy disseminated to all school community members (such as the code of conduct and/or student handbook) and made available upon request. The procedure for responding to any complaints filed with the board of trustees must also be described in the board’s bylaws (see [Appendix A](#) and [Appendix B](#)).

## **Leadership Structure/Organizational Chart**

During the application process, the applicant group provides a description of the leadership structure that is to be implemented at the school. The Department understands changes may occur once the school begins the opening procedures process. If the leadership structure has changed from what was submitted during the application process or will change dramatically within its first charter term, charter schools are required to submit an *updated* organizational chart **and** a narrative explaining the changes. Charter schools that are part of a larger school network must also include an *updated network level* organizational chart in addition to the updated school level organizational chart.



Did you know...?

All charter schools, as public elementary and secondary schools in the Commonwealth, are **required** to adhere to the requirements of M.G.L. c. 71 Section 59C and form a **school council**. Please review the legal advisory on school councils for additional information at <http://www.doe.mass.edu/lawsregs/advisory/schoolcouncils/>

Action Items - Governance	
<p><b>Due within 45 days of charter award.</b></p>	<input type="checkbox"/> Complete board recruitment so that minimum membership requirements (as defined by the bylaws) are met.
	<input type="checkbox"/> All board members must complete the financial disclosure, conflict of interest, and open meeting law requirements via the Board Member Management System.
	<input type="checkbox"/> Submit to the Department via the Board Member Management System requests <b>approval</b> of any <i>new</i> member of the board of trustees who were not included in the charter application.
	<input type="checkbox"/> Submit draft bylaws, <i>with completed checklist attached (Appendix A)</i> , to the Department to begin review process for <b>Commissioner approval</b> and ultimately submit final board-approved bylaws.
	<input type="checkbox"/> Submit a draft complaint procedure to the Department that is aligned with the criteria for approval ( <u>Appendix B</u> ) to begin review process for <b>approval</b> and ultimately submit final board-approved complaint procedure.
<p><b>Due Aug prior to opening.</b></p>	<input type="checkbox"/> If applicable, submit updated organizational chart(s) to the Department for review, including the narrative that explains the <i>changes</i> to the reporting structure to the board of trustees for <b>approval</b> .
<p><b>Ongoing</b></p>	<input type="checkbox"/> From the <b>date of charter award through the date of preliminary approval of the school's accountability plan</b> (typically February of award through June of first year of operation), the school must send to the Department the agendas of board meetings, if they are not posted on the school's website, and the approved minutes of board meetings. The meeting agendas and minutes will serve as records of the board's approval of policies finalized during the opening procedures process, and serve to support the Department's efforts to provide technical assistance during the first year of operation as needed.

	<b><i>Related Sources of Information</i></b>	
	State Law	<u>M.G.L. c. 71 Section 89</u>
	State Regulation	<u>603 CMR 1.04(3), 603 CMR 1.04(7)(b), and 603 CMR 1.09</u>
Archived Administrative and Governance Guide	Responsibilities of the Board of Trustees (Section I and II) <u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>	
Charter School Governance	<u><a href="http://www.doe.mass.edu/charter/governance/">http://www.doe.mass.edu/charter/governance/</a></u>	
Superintendent and Charter School Leader's Checklist	<u><a href="http://www.doe.mass.edu/commissioner/checklist.html">http://www.doe.mass.edu/commissioner/checklist.html</a></u>	
Commissioner's Weekly Update	<u><a href="http://www.doe.mass.edu/commissioner/updates.html">http://www.doe.mass.edu/commissioner/updates.html</a></u>	
Open Meeting Law Guide	<u><a href="http://www.mass.gov/ago/government-resources/open-meeting-law/">http://www.mass.gov/ago/government-resources/open-meeting-law/</a></u>	
Use of Board Member Management System	<u><a href="http://www.doe.mass.edu/charter/governance/?section=bmms">http://www.doe.mass.edu/charter/governance/?section=bmms</a></u>	
Appendix	<u>A: Board of Trustees Bylaws Checklist</u> <u>B: Required Elements of Complaint Procedures</u>	

## Chapter 3: Enrollment

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### Enrollment Policy

A school's enrollment policy serves as a means through which the school clearly communicates the applicable laws and regulations to its constituents, as well as the public at large, with the objective of creating a transparent and fair enrollment process. As stated in 603 CMR 1.04(3)(o), new charter schools are required to submit an enrollment policy as a condition of having been granted a charter.

Both Commonwealth and Horace Mann charter schools are subject to certain restrictions when recruiting and accepting students for admission. Enrollment policies must be consistent with the requirements of M.G.L. c. 71 Section 89 (m) and (n) and 603 CMR 1.05. New charter schools are advised to review the Department's August 30, 2011 enrollment policy memorandum and the associated implementation document at <http://www.doe.mass.edu/news/news.aspx?id=6394> to assist in the development of their respective enrollment policies. The criterion checklist for the approval of an enrollment policy for both Commonwealth and Horace Mann charter schools is attached as Appendix C.

### Application for Admission

Although a charter school may produce a variety of admission materials that are distributed to potential applicants during the recruitment process, the school's application for admission is the primary document that families will read most closely. Charter schools are required to submit a copy of the application for admission to the Department for approval to ensure that a charter school's application for admission is consistent with the charter school law and regulations, the school's enrollment policy, and the mission of the school. Charter schools are required to obtain from their application for admission the following information for each applicant: student's name (first, middle, last); date of birth; city or town of residence; and anticipated grade level for the upcoming school year. **Schools may not use an application that has not been approved by the Department.**

### Directions for Accessing the Security Portal | MassEdu Gateway

The Department has created a Directory Administration system for charter schools to view, add, update, and delete their own school information over the web. New schools must establish a directory administrator, who can assign the various responsibilities and roles within the system as required. It is important that each role is assigned to an individual so that they may have access to the security portal | MassEdu Gateway and be able to submit several *secure* requirements identified throughout the Opening Procedures Handbook. If you have problems accessing any of the Department's security portal, you may not have adequate security clearance and need to contact your school's directory administrator. If you have questions about the security portal and submitting required documents, please contact the Office of Charter Schools and School Redesign at (781) 338 – 3227.

- Go to the Department's Security Portal | MassEdu Gateway:  
<https://gateway.edu.state.ma.us/>
- Login using your user name and password

- Click the Application List found within the menu box on the left-hand side of the page or within the Featured Services box on the center of the page
- Select from the list of applications displayed on the page

#### For DropBox Submissions

- Go to DropBox Central
- Choose Charter School File Exchange (*security role required*), click next
- Select your school from the Select Organization menu list, click next
- Click on **Browse** and locate your school's document required for submission on your computer, hard drive, or server
- Select the file to upload
- Click the **Upload File Button**

#### Pre-Enrollment Report

The Charter School Pre-Enrollment Report is used by the Department to collect projected enrollment data each March in order to determine each charter school's monthly tuition payments for the upcoming fiscal year. This report represents the **maximum** number of students on which each charter school's tuition calculation will be based for the upcoming fiscal year. It is also used to notify sending school districts by April 1<sup>st</sup>, as required by law, of the number of students enrolled in charter schools for the upcoming school year. The deadline for submitting the Charter School Pre-Enrollment Report through the Department's security portal is set annually each year for mid-March. For more information on how the Department calculates and disburses charter tuition payments, please see our Advisory Memo: Understanding Monthly Tuition Payments at: <http://www.doe.mass.edu/charter/finance/tuition/calculation.html>.

#### Significant Expansion Report

In order to ensure that the Department has accurate enrollment numbers from which to calculate allocations for entitlement grants<sup>2</sup>, new charter schools must provide projected low income, special education, and limited English proficient students prior to April 30 each year for the upcoming school year. New schools should make every effort to submit accurate projections based on information collected via student enrollment/registration forms after offers of admission have been extended to prospective students or by using data from students' sending districts.

#### Waitlist Report

Pursuant to 603 CMR 1.05(10)(a), charter schools must keep accurate records of its waitlist containing students' names (first, middle, last), dates of birth, cities or towns of residence, and grade levels for students who entered the lottery but did not gain admission. The Department currently requires charter schools to submit their waitlist twice a year, based on your initial waitlist in mid-March and an update to your initial waitlist in late fall. Your waitlist submissions should reflect accurate student waitlist information for the upcoming and current school year,

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<sup>2</sup> Please see Chapter 6: Access to Grants and Tuition Payments—Grants and Chapter 11: Student Services Delivery—Title I and Title III, for more information.

respectively. Each charter school must submit their waitlist report through the DropBox Central within the Department’s Security Portal | MassEdu Gateway. The Department will review each submitted waitlist for any errors, inconsistencies, or duplicate student records. The Department will follow-up with schools, as necessary, detailing the identified concerns.

New charter schools are advised to review the Department’s annually updated Pre-Enrollment, Waitlist and Significant Expansion memorandum for additional details about these reports.



Did you know...?

that charter schools must be prepared to report on a range of student demographic data when submitting pre-enrollment information? Charter schools should collect the following information during the application and enrollment process: low income status, and whether a student has received special education and/or ELL services in the past.

**Charter schools must make it absolutely clear to parents and guardians that this information will neither be used to discriminate against the child during enrollment, nor will it affect the child’s enrollment status at any time.**

Action Items - Enrollment Policies and Application for Admission	
<p><b>Due mid-March</b></p>	<input type="checkbox"/> Prepare to file Pre-Enrollment Report, <b>due in mid-March</b> of the spring prior to opening.
	<input type="checkbox"/> Prepare to file Waitlist data to the Security Portal, <b>due in mid-March</b> of the spring prior to opening.
<p><b>Due 5 months prior to opening</b></p>	<input type="checkbox"/> If opening immediately, submit the draft enrollment policy and draft application for admission, with appropriate checklist, to the Department to begin the process for <b>Commissioner approval</b> and ultimately submit final board-approved enrollment policy and application.  (See <u>Appendix C</u> for the charter schools enrollment policy and application for admission checklist.)
	<input type="checkbox"/> Prepare to submit projected enrollment data for the upcoming school year for low income, special education, and limited English proficient students prior to the <b>April 30 deadline</b> .
<p><b>18 month Planning:</b></p> <p><b>Due 1 year prior to opening</b></p>	<input type="checkbox"/> If utilizing an extended planning period, submit the draft enrollment policy and draft application for admissions, with appropriate checklist, to the Department to begin the process for <b>approval</b> and ultimately submit final board-approved enrollment policy and application 1 year prior to opening. <b>You must have your enrollment policy and application for admission approved before you can start your enrollment process.</b>  (See <u>Appendix C</u> for the charter schools enrollment policy and application for admission checklist.)

## **Recruitment and Retention Plans**

As defined in M.G.L. c. 71 Section 89 and 603 CMR 1.00, Massachusetts charter schools must receive approval from ESE for a recruitment and retention plan which is updated annually. Each new charter school submitted a draft recruitment and retention plan in their final application which schools are expected to utilize during their inaugural enrollment process. In developing the activities to be included in your recruitment plan, please review the regulations governing charter school enrollment and student recruitment, found at 603 CMR 1.05.

The plan must list deliberate, specific strategies the school will use to attract, enroll, and retain a student population that, when compared to students in similar grades in schools from which the charter school enrolls students, contains a comparable demographic profile, including special education students, limited English-proficient students, students eligible for free or reduced lunch, as well as students who are sub-proficient on the MCAS test (those students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts MCAS tests for 2 of the past 3 years), students at risk of dropping out of school, students who have dropped out of school, or other at-risk students who should be targeted to eliminate achievement gaps. BESE will consider the extent to which the school has followed and updated its recruitment and retention plan as one of the factors in making a renewal decision (M.G.L. c. 71 Section 89(i)(3)).

For purposes of a mailing to prospective students, once each year, a Commonwealth charter school may request from the school district(s) it is chartered to serve, the names and addresses of district students eligible to enroll in the charter school. Likewise, for purposes of a mailing, a school district may request from Commonwealth charter schools, the names and addresses of charter school students who are enrolled in the charter school and reside in the district. Upon receiving such a request, the Commonwealth charter school or the school district must send within 30 days, in an electronic form, the names and addresses of such students to an approved third party mail house as stated in 603 CMR 1.05(6)(e). Please view the Commissioner of Elementary and Secondary Education's February 2015's technical advisory 15-01 about the use of an approved mail house for charter schools and districts found at <http://www.doe.mass.edu/charter/guidance/>.

In order to comply with the mail house provision of the charter school statute, M.G.L. c. 71, Section 89(g), all schools must include notice in their student handbook, or the routine information letter the school publishes under the Massachusetts Student Records Regulation, 603 CMR 23.07(4), that the school will release the names and addresses of students to a third party mail house, upon request, unless the parent, legal guardian, or eligible student requests that the school withhold that student's information.

## Action Items - Recruitment and Retention Plans

	<input type="checkbox"/>	For the purposes of recruitment, consider requesting from the sending school district(s) the names and addresses of district students eligible to enroll in the charter school.
	<input type="checkbox"/>	After the 1 <sup>st</sup> year of operation, submit the school's recruitment and retention plan <b>for approval</b> , and report on its implementation within the school's annual report. See template in the <u>Annual Report Guidelines</u> for reference.

 <b>Related Sources of Information</b>	
State Law	M.G.L. c. 71 Section 89 (m) and (n); <u>M.G.L. c. 71,</u>
State Regulation	<u>603 CMR 1.05; 603 CMR 1.04(7)(b); 603 CMR 23.07(4)</u>
Archived Administrative and Technical Advisory 15-01:	<a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>
Pre-enrollment, Waitlist, and Advisory Memo: Understanding Appendix	<a href="http://www.doe.mass.edu/charter/enrollment/">http://www.doe.mass.edu/charter/enrollment/</a> <a href="http://www.doe.mass.edu/charter/finance/tuition/">http://www.doe.mass.edu/charter/finance/tuition/</a> C: Charter School Enrollment Policy and Application for

## Chapter 4: Management Contract

As stated in 603 CMR 1.04(7)(a), charter school boards of trustees that intend to procure substantially all educational services with another person or organization must provide a copy of the management contract terms for review and **approval**. Detailed requirements of a contract with an educational management organization (EMO) or charter management organization (CMO) are outlined in the archived *Administrative and Governance Guide*. Charter schools that plan to contract with an EMO or CMO are required to submit a draft of the proposed contract to the Department for BESE approval. The internal Department review process in preparation for a BESE vote is complex and can take several weeks. The process will likely include multiple conversations and drafts between the charter school board of trustees and the Department. **The proposed draft is due 45 days after the charter is granted.** The document *must have final approval* by BESE prior to any aspect of the contract becoming operational.

Action Items - Management Contract (if applicable)		
<p><b>DRAFT Due 45 days after charter is granted.</b></p> 	<input type="checkbox"/>	Submit the management contract to the Department, after review by legal counsel to the school (not the management or support company counsel) in order <b>to begin</b> the process of review.
	<input type="checkbox"/>	Provide to the Department a copy of the management contract with any changes mandated by the Department incorporated into the contract.
	<input type="checkbox"/>	To obtain final <b>approval</b> , a <i>signed</i> management contract must be submitted (signed by representatives of the management or support organization and the school's board chair) as well as a signed letter from the board chair detailing the vote to adopt the contract by the board.

 <b>Related Sources of Information</b>	
State Law	Ch. 71 Section 89(k)(5)
State Regulation	603 CMR 1.04(7)(a)
Archived Administrative and Governance Guide	Purchasing Services from an Educational Management Organization (EMO), p. 30: <a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>
Appendix	D: Required Elements of Contracts for Educational Services

## Chapter 5: Memorandum of Understanding (Horace Mann Only)

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All applications for Horace Mann charter schools include two Memoranda of Understanding (MOU):

### ***Type A: Agreements with District***

The first type of MOU is with the school committee of the district in which the charter school is located and the proposed charter school's board of trustees. A signed final draft copy of this type of MOU is required in the final application for all types of Horace Mann charter schools.

### ***Type B: Agreements with Staff***

The second type of MOU is with the school committee, the collective bargaining unit, and the proposed charter school board of trustees. Unless otherwise indicated, all final applications include a draft of the Type B MOU. The timeline and potential faculty vote vary by type of Horace Mann charter school.

Once chartered, the Department will review the "Type A" final draft MOU once again to determine if any modifications are required. If modifications are required, the board of trustees and district school committee must sign and adopt the modified "Type A" MOU *after* ESE approval. The board of trustees must submit evidence of the vote to adopt the "Type A" MOU during a board meeting, such as meeting minutes or a letter from the board chair.

The agreements with the district must indicate the dates when school district funds will be transferred into the school's bank account, describe the basis for calculating the district's payment to the school, and indicate the specific services that will be provided by the local school district and at what cost to the charter school. Review M.G.L. c. 71 Section 89(w) and 603 CMR 1.07(1) for complete information. The Memorandum of Understanding should also indicate the facilities that will be provided by the local school district and at what cost to the charter school and whether the school or the district is responsible for securing federal and state entitlement grants for the charter school. We encourage all Horace Mann charter schools to consult their own legal counsel regarding the adoption of the MOU with the district.

The agreements with staff must indicate, based on information included in the application, the details of any relevant waivers to the local collective bargaining agreement.

Refer to Appendix E for information on the elements of a Memorandum of Understanding.

<b>Action Items - Memorandum of Understanding (Horace Mann)</b>		
<p><b>DRAFT Due 45 days after charter is granted.</b></p> 	<input type="checkbox"/>	After the charter is granted, the Department will begin the process of <b>review</b> of the final draft of the “Type A” MOU. Ultimately, the school will submit the final signed Type A MOU and evidence of the vote to adopt the “Type A” MOU during a board meeting, such as meeting minutes or a letter from the board chair.
	<input type="checkbox"/>	Submit a signed draft of the “Type B” MOU to the Department for final <b>Commissioner approval</b> . Once approved by the Department, provide evidence of the vote to adopt the “Type B” MOU during a board meeting, such as meeting minutes or a letter from the board chair.
	<input type="checkbox"/>	If there are changes to either the “Type A” and/or “Type B” MOUs, new versions need to be submitted to the Department in a timely manner for <b>Commissioner approval</b> .

 <b>Related Sources of Information</b>	
State Law	M.G.L. c. 71 Section 89(w)
State Regulation	603 CMR 1.07(1)
Technical Advisory 03-1: Horace Mann Charter Schools	<a href="http://www.doe.mass.edu/charter/guidance/">http://www.doe.mass.edu/charter/guidance/</a>
Appendix	E: Guidance for Memorandum of Understanding

## Chapter 6: Access to Grant and Tuition Payments

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### Massachusetts Management Accounting and Reporting System (MMARS) Access

In order to receive money from the Commonwealth of Massachusetts, whether grant or tuition payments, the school **must** obtain a vendor number or vendor code assigned by the Commonwealth and **must** obtain access to the Massachusetts Management and Accounting Reporting System (MMARS).

Along with 5 forms that each school will need to complete in order to get set up in the business office and grants, you will also need an EIN number and a DUNS number; the DUNS number also must be registered.

Each school will need a DUNS number to receive federal funds. This is separate from the federal identification number. Here is the link to apply for one: <http://fedgov.dnb.com/webform>  
Once a DUNS number is received, it must be registered at <https://www.sam.gov/portal/public/SAM/>.

You must all fill out the MA W-9 with the Federal Tax ID number you have already received; here is the link to receive the federal tax id number: <http://www.ein-gov.us/>

The following 5 forms **are required** to establish the organization as a vendor on the Commonwealth's accounting system, MMARS:

1. **Request for Taxpayer Identification Number and Certification (MA Substitute W-9 Format):**  
<http://www.mass.gov/osc/docs/forms/vendorcustomer/newmass-w9.pdf>  
This form requests the organization's Federal Employer Identification. Only the first page needs to be submitted.
2. **Commonwealth Terms and Conditions:**  
<http://www.mass.gov/osc/docs/forms/contracts/comm-termsconditions.pdf>  
This form establishes a contract between the organization and the Commonwealth and is used by the State Comptroller to create a vendor account that will enable the state to transfer funds to the school's bank account.
3. **Authorization for Electronic Funds Payment:**  
[https://massfinance.state.ma.us/VendorWeb/EFT\\_FORM.pdf](https://massfinance.state.ma.us/VendorWeb/EFT_FORM.pdf)  
This form authorizes the Department to transfer payments (grants or tuition) to your organization's designated bank account electronically. Please be sure to click "Print Form" to generate a printed form that can be signed. Attaching a voided check from the designated bank account will expedite the process.
4. **Contractor Authorized Signatory Listing:**  
<http://www.mass.gov/osc/docs/forms/contracts/casl-form.pdf>

This form lists the authorized signers from your organization. You do not have to fill in the section at the top that asks for the vendor code as this code has not been assigned to your school yet.

5. **New Standard Contract Form:**

<http://www.mass.gov/osc/docs/forms/contracts/standard-contract-frm.pdf>

The Department will provide you with a pre-populated New Standard Contract form. For more information please contact the New Schools unit in the Office of Charter Schools and School Redesign (781-338-3227, [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu)). You **do not** have to fill in the sections that ask for the *vendor code* or the *vendor code address id* as these codes have not been assigned to your school yet.

**Please send these forms to:**

**Victoria Munoz, Grants Management** [REDACTED]  
**Massachusetts Department of Elementary and Secondary Education**  
**75 Pleasant Street**  
**Malden, MA 02148**

## **Grants**

Beyond the per-pupil tuition payments that charter schools receive from local Chapter 70 state aid distributions, state and federal grant funds represent the largest source of revenue for many charter schools.

### Grants for Charter Schools Only

Massachusetts currently does not have funds available from the federal Charter School Program grant. The Department will inform new schools if and when this funding is made available.

### Entitlement/Allocation Grants

Charter schools, like all public schools, are entitled to federal funds provided under a formula grant program generally established by law and the U.S. Department of Education. Eligibility for these entitlement/allocation grants (also called “formula grants”) is usually based on a set of demographic criteria such as the proportion of low-income or special education students a school serves.<sup>3</sup> As of January 2000, new U.S. Department of Education regulations ensure that charter schools opening for the first time or significantly expanding their enrollment **will receive funds from the state in a timely manner**. Public notice of how to apply for these federal funds is made available each spring on the Grants homepage located at <http://www.doe.mass.edu/grants/>.

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<sup>3</sup> For example, the Title I, Part A program targets low-achieving students in high-poverty school and the Title III program targets immigrant and limited English proficient (LEP) students.

Discretionary Grants

A discretionary grant, otherwise known as a competitive grant, is one that the U.S. Department of Education, the Department, or other branches of the government award through a competitive process. These grants require the establishment of criteria for eligibility, for program size and growth, and a mechanism for competition among applicants.

Similar to formula grants, many federal discretionary grants are available only to state Departments of Education, which then award subgrants to schools or districts. In some cases, however, a charter school or district may elect to not participate in a federal program. In these cases, the charter school may choose to apply directly to the federal government to access these funds. Information about competitive grants offered through the Department can be found at the Grants homepage; information about competitive grants offered directly from the federal government can be found through the E-Grants Initiative at <http://www.g5.gov/>. Please be mindful of the requirements all G5 users must meet in order gain access to the Grants Administration System.

Action Items – MMARS and Grants		
<p><b>Due 45 days after charter is granted.</b></p>  <p><b>Check ESE Grants homepage.</b></p>	<input type="checkbox"/>	<p>Submit a W-9 form; a Terms and Conditions form; an EFT form; a Standard Contract Form and a Contractor Authorized Signatory Listing to ESE’s Grants Management Unit.</p> <p><b>All five required forms must have original signatures.</b></p>
	<input type="checkbox"/>	<p>Charter school leaders should visit the Grants homepage at <a href="http://www.doe.mass.edu/grants/">http://www.doe.mass.edu/grants/</a> for information on grants reserved for Massachusetts charter schools, entitlement grants, and discretionary grants.</p>

	<i>Related Sources of Information</i>	
	Federal Non-regulatory Guidance	<a href="http://www.ed.gov/policy/elsec/guid/cschools/cguidedec2000.pdf">http://www.ed.gov/policy/elsec/guid/cschools/cguidedec2000.pdf</a>
National Charter School Resource Center	<a href="http://www.charterschoolcenter.org/">http://www.charterschoolcenter.org/</a>	
ESE Grants Homepage	<a href="http://www.doe.mass.edu/grants/">http://www.doe.mass.edu/grants/</a>	
ESE Grants Management Procedural Manual	<a href="http://www.doe.mass.edu/grants/procedure/manual.html">http://www.doe.mass.edu/grants/procedure/manual.html</a>	
Listing of Federal Discretionary Grants (E-Grants Initiative)	<a href="http://www2.ed.gov/about/offices/list/ocfo/grants/grants.html">http://www2.ed.gov/about/offices/list/ocfo/grants/grants.html</a>	
G5 Grants Administration System	<a href="https://www.g5.gov/ext/wps/portal">https://www.g5.gov/ext/wps/portal</a>	

## Chapter 7: Student Learning Time

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The length of school year, school week, and school day are considered a material term of a school's charter. Accordingly, the Department requires new charter schools to submit a copy of the annual calendar and complete the school schedule template (found in [Appendix F](#)) as part of the opening procedures process. Schools are also asked to submit a sample student schedule to corroborate the implementation of the educational program as proposed in the charter application.

As a public school, each charter school must schedule the number of instructional days promised in the charter application, meeting or exceeding the state requirement of a school calendar of at least 185 days each year, during which the school must operate for at least 180 days. **For example, a school that proposed a 190-day school year in its charter application must schedule a 195-day school year, which includes the additional 5 days required for snow days and other unexpected school closings, and must operate for at least 190 of those days.** Elementary schools must offer a minimum of 900 hours of structured learning time per school year, and secondary schools must offer a minimum of 990 hours of structured learning time. An optional student learning time worksheet can be used to calculate the number of hours of student learning time provided by the educational program, and verify that the program meets or exceeds requirements. You may request a copy of the optional student learning time worksheet at any time, please contact the New Schools unit in the Office of Charter Schools and School Redesign (781-338-3227, [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu)). The Department may require completion of the student learning time worksheet if the program proposed appears to not meet requirements.

Structured learning time is when students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for the study of the "core subjects" and "other subjects." The Commissioner has issued [policy guidance](#) related to the measurement of student learning time in the classroom, and the Department's support of breakfast in the classroom. *Policy Guidance on "Breakfast in the Classroom" and Student Learning Time Requirements* states that when instruction is provided during the breakfast period, instructional time may satisfy the school's structured learning time requirement as long as students eat in the classroom or other separate space conducive to learning, a teacher is present and actively leading instructional activities, and that the distribution of breakfast, eating, and cleanup takes no more than 15 minutes.

Time not counted toward the 900/990 hours of structured learning includes time scheduled for school breakfast in the cafeteria or other common space shared with other classes and lunch, passing between classes, homeroom, and recess *as well as* time in non-directed study, receiving school services, and in optional school programs.

The complete set of definitions and requirements for student learning time are found in [603 CMR 27.00](#).

Action Items - Student Learning Time		
<p><b>Due 5 months prior to opening</b></p> 	<input type="checkbox"/>	<p>Submit the annual school calendar and school schedule template (Appendix F) consistent with <u>603 CMR 27.00</u> and the school's charter application to the Department <b>for Commissioner approval</b>. Do not distribute your annual calendar until the Department has reviewed for accuracy.</p>
<p><b>Due June</b></p> 	<input type="checkbox"/>	<p>Submit sample student schedules consistent with the school's charter application to the Department <b>for review</b>. <i>If grades have different schedules, submit a sample schedule for each representative schedule. (e.g. kindergarten and 5<sup>th</sup> grade).</i></p>

 <b>Related Sources of Information</b>	
State Law	<u>M.G.L. c. 69 Section 1(g)</u>
State Regulation	<u>603 CMR 27.00</u>
Archived Administrative and Governance Guide	School Schedule and Structured Learning Time Requirements <a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>
Student Learning Time – Regulations Guide	<a href="http://www.doe.mass.edu/lawsregs/advisories.html">http://www.doe.mass.edu/lawsregs/advisories.html</a>
Commissioner Policy Guidance on “Breakfast in the Classroom” and Student Learning Time Requirements	<a href="http://www.doe.mass.edu/boe/docs/fy2015/2015-02/item3.html">http://www.doe.mass.edu/boe/docs/fy2015/2015-02/item3.html</a>
Commissioner Memorandum on “Alternative Structured Learning Day Programs”	<a href="http://www.doe.mass.edu/redesign/asld-memo.html">http://www.doe.mass.edu/redesign/asld-memo.html</a>
Appendix	<u>F: School Schedule Template</u>

## Chapter 8: Student-Related School Policies

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### Code of Conduct and Student Handbook

Code of conducts and student handbooks are an important point of contact between the school and parents. Codes and handbooks provide community members with notice as to the expectations and requirements of your school. Some elements of these documents are required by law. In particular, the school's code of conduct must include required language concerning the principal's authority to expel students under certain circumstances as described in M.G.L. c. 71 Section 37H, M.G.L. c. 71 Section 37H<sup>1</sup>/<sub>2</sub>, and M.G.L. c. 71 Section 37H<sup>3</sup>/<sub>4</sub> and state the school's specific discipline procedures for students with disabilities, as required by 34 CFR 300.530-537. Secondary schools must also include the hazing provision in either their code of conduct or student handbook, as required by M.G.L. c. 269 Section 17-19. In addition to the code of conduct, charter schools with grades 9 thru 12 are required to prepare and distribute a student handbook. A school's code of conduct may be included as part of the student handbook or may be distributed separately. The required elements for student handbooks are outlined in M.G.L. c. 71 Section 37H.

As stated in 603 CMR 1.04(7)(c), the charter school must submit their "criteria and procedures for suspension and expulsion of students" to the Department. The Department will review your code of conduct and may provide feedback. However, only your code of conduct's expulsion policy section is required to receive approval. The Department strongly encourages schools to consult with their legal counsel in the creation and adoption of a code of conduct.

### Requirements Regarding Expulsion Policies

It is important to develop a code of conduct that is clear and consistent and meets all federal and state regulations. The Department has regulatory oversight of the expulsion policy found in the code of conduct. When developing your expulsion policy you must include the required elements that are found in the criterion checklist (see Appendix H).

*An Act Relative to Student Access to Educational Services and Exclusion from School*, passed by the Legislature and signed into law on August 6, 2012 as Chapter 222 of the Acts of 2012, contains provisions ensuring that students who are suspended or expelled from school continue to have an opportunity to make academic progress through educational services provided by their district or charter school. For the full text of the law and regulations, please see: <http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter222> and <http://www.doe.mass.edu/lawsregs/603cmr53.html>, respectively. For a highlight summary of the law and regulations (Appendix G), see: <http://www.doe.mass.edu/ssce/discipline/highlights.pdf>.

More information on student codes of conduct is available from the Office of Student Support's website at <http://www.doe.mass.edu/ssce/discipline/> and in the archived *Administrative and Governance Guide*. For restrictions on a school's discipline policies and details about information that discipline policies must include, charter school administrators should review the Department's Advisory on Student Discipline under Chapter 222 of the Acts of 2012.



Did you know...?

that the final regulations for the reauthorized Individuals with Disabilities Act (IDEA) became effective October 13, 2006? These regulations affect how schools may discipline students with disabilities. Links to additional information on the regulations for school administrators have been provided in the related sources of information table for this section.

In addition to the above mandatory elements of the code of conduct and student handbook, schools are strongly encouraged to develop a code of conduct and/or student handbook which is comprehensive in regard to student-related policies and clearly explains expectations for student conduct and the sanctions or range of sanctions which will be imposed in the case of misconduct. Schools may also choose to include policies regarding:

- school uniforms or dress code;
- student attendance; and
- parent or guardian observation of classroom instruction.

When adopting policies, school leaders and board members should review all pertinent laws and applicable requirements before drafting the policy to ensure consistency.



Did you know...?

that public schools in Massachusetts are required to give annual notice of the school's sexual harassment policy to staff, students, and parents? The notice should contain the federal definition of sexual harassment and clearly define a process for reporting sexual harassment. See Title VII of the Civil Rights Act and Title IX of the Educational Amendments of 1972 for more information.

## **Bullying Prevention and Intervention Plan**

Chapter 86 of the Acts of 2014, *An Act Relative to Bullying in Schools*, requires each charter school to develop and implement a plan to address bullying prevention and intervention. The plan must detail the specific steps your school will take to support students who are “vulnerable” to bullying, as well as to provide the skills, knowledge, and strategies all students need to prevent or respond to bullying or harassment. As described in M.G.L. c. 71 Section 37O(d), the local bullying prevention and intervention plan for each charter school must also include a provision for ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying. The Department has created a number of tools for charter schools to use to develop their plan, including the policies, procedures, and protocols required to address bullying prevention and intervention. The tools include a checklist that can be used to track if all required elements are included in the plan, a model plan, a sample reporting form, draft summaries of the new law, and various guidance documents including a technical advisory regarding the specific implications of the new law for students with disabilities. Please review the Bullying Prevention and Intervention Resources at <http://www.doe.mass.edu/bullying/> prior to developing policies, procedures, and protocols within your plan. Develop and self-assess the school's proposed Bullying Prevention and Intervention Plan using the Required Elements (Appendix K) and the Checklist and Model Plan prior to submission. Plans must be submitted

via the security web portal's Bullying Prevention and Intervention Plan Drop Box or via email to [ssca@doe.mass.edu](mailto:ssca@doe.mass.edu). Local Directory Administrators must assign the "Bullying Prevention and Intervention Plan Drop Box" role in the Security Portal's (MassEdu Gateway's) Directory Administration area to be able to see the appropriate drop box for submission.



Did you know...?

that public schools in Massachusetts are required to develop and implement written restraint prevention and behavior support policy and procedures consistent with the updated 603 CMR 46.00 regulation, which took effect on January 1, 2016, regarding appropriate responses to student behavior that may require immediate intervention. Such policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.

**Annual Notifications and Release of Student Directory Information**

Charter school leaders and board members should carefully review the laws and regulations governing student records. The Massachusetts Student Records Law, M.G.L. c. 71, Section 34A-H, and its implementing regulations, 603 CMR 23.00, are consistent with Family Educational Rights and Privacy Act (FERPA). Schools should make copies of 603 CMR 23.00 available to students and their parents upon request. In addition, at least once during every school year, the school should notify students and their parents about any standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year. Federal law governing student records is found in FERPA, 20 U.S.C. Section 1232g, and its accompanying regulations, 34 C.F.R. Part 99.

In order to comply with the mail house provision of the charter school statute, M.G.L. c. 71, Section 89(g), all schools must include notice in their student handbook, or an information letter the school publishes under the Massachusetts Student Records Regulation, 603 CMR 23.07(4), that the school will release the names and addresses of students to a third party mail house, upon request, unless the parent or eligible student requests that the school withhold that student's information.

Action Items - Student-Related Policies		
<p><b>Due July</b></p>	<input type="checkbox"/>	Prepare the school's code of conduct containing your proposed expulsion policy so that it is consistent with the program and school characteristics outlined in your charter application, as well as <u>M.G.L. c. 71 Section 37H, 71 Section 37H½, M.G.L. c. 71 Section 37H¾, 34 CFR 300.530-537, and M.G.L. c. 269 Section 17-19</u> .
	<input type="checkbox"/>	Submit the draft code of conduct and/or student handbook to the Department for review and <b>approval of your expulsion policy</b> .  (See <u>Appendix H</u> for the Expulsion Policy Checklist)
	<input type="checkbox"/>	Submit the school's proposed Bullying Prevention and Intervention Plan for review and <b>approval</b> via the security web portal's Bullying Prevention and Intervention Drop Box or via email to <a href="mailto:ssca@doe.mass.edu">ssca@doe.mass.edu</a> . Submit a copy of the plan to the Department.

	<b><i>Related Sources of Information</i></b>	
	Federal Law	Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g, <a href="http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html">http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html</a>
	Federal Regulation	Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, <a href="#">34 CFR 300</a> ; Family Educational Rights and Privacy Act Regulations, <a href="#">34 C.F.R. Part 99</a> .
	State Law	<a href="#">M.G.L. c. 71 Section 37H</a> , <a href="#">71 Section 37H½</a> , <a href="#">M.G.L. c. 71 Section 37H¾</a> , and <a href="#">M.G.L. c. 269 Section 17-19</a> ; <a href="#">M.G.L. c. 71 Section 37O</a>
	State Regulation	<a href="#">603 CMR 1.04(7)(c)</a> ; <a href="#">603 CMR 23.00</a> ; <a href="#">603 CMR 49.00</a>
Archived Administrative and Governance Guide	Student Conduct and Records <a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>	
Advisory on Student Discipline under Chapter 222 of the Acts of 2012	<a href="http://www.doe.mass.edu/lawsregs/advisory/discipline/StudentDiscipline.html">http://www.doe.mass.edu/lawsregs/advisory/discipline/StudentDiscipline.html</a>	
Questions and Answers on Student Discipline Laws and Regulations	<a href="http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html">http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html</a>	
Reauthorized <i>IDEA</i> Regulations Discipline	<a href="http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C6%2C">http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C6%2C</a>	
Chart on Disciplinary Procedures for Individuals with Disabilities	<a href="http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc">http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc</a>	
Questions and Answers on Discipline Procedures for Individuals with Disabilities	<a href="http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C7%2C">http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C7%2C</a>	
Bully Prevention and Intervention Resources	<a href="http://www.doe.mass.edu/bullying/">http://www.doe.mass.edu/bullying/</a>	
Appendix	<a href="#">G: Highlights of Massachusetts Student Discipline Statutes and Regulations</a> <a href="#">H: Criteria for Expulsion Policy Checklist</a> <a href="#">I: Discipline of Special Education Students under IDEA 2004</a> <a href="#">J: Hazing Policies Requirements</a> <a href="#">K: Bullying Prevention and Intervention Plans Requirements</a>	

## Chapter 9: Hiring of Staff

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### Highly Qualified Teachers and the Charter School Statute

Charter school teachers must meet the requirements of the Massachusetts charter school statute and regulations. Core academic teachers in Commonwealth charter schools must possess a bachelor's degree and demonstrate subject matter competence in each of the core academic subjects they teach. The licensure requirement is waived for Massachusetts Commonwealth charter school teachers because it is not a requirement of the state charter school statute. All teachers in Horace Mann charter schools **are required** to hold an appropriate Massachusetts teaching license because employees are, for collective bargaining purposes, employees of a school district. All Commonwealth charter school teachers hired after August 10, 2000 must either take and pass, within their first year of employment at a charter school, the Massachusetts Test for Educator Licensure or be already licensed to teach in Massachusetts.

All charter schools with English language learners (ELL) enrolled, including Commonwealth charter schools, under a provision in M.G.L. c. 71A, **are required** to employ at least one **licensed** English as a Second Language (ESL) teacher.

Any staff implementing specialized instruction included in an Individual Education Plan (IEP) must meet the qualifications for service delivery provider established by the Department pursuant to IDEA § 34 CFR 300.156(a):

"The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities."

The appropriate qualifications for Commonwealth charter school staff to independently deliver specialized instruction are:

- Hold a valid (in or out-of-state) license or its equivalent as a special education teacher for the appropriate grades and severity level and/or
- Have successfully completed an undergraduate or graduate degree in an approved special education program

Specialized instruction provided by personnel who do not meet the above qualifications must be delivered in consultation with a qualified individual who provides supervision and oversight of the delivery of the specialized instruction. For more information regarding these requirements, please contact the Access and Equity unit in the Office of Charter Schools and School Redesign (781-338-3227, [charterschools@doe.mass.edu](mailto:charterschools@doe.mass.edu)).

All charter schools must appoint an administrator of special education. The administrator supervises all special education for the charter school and ensures compliance with all federal and state special education laws. The administrator of special education is appropriately licensed or holds a current waiver for an appropriate license or otherwise demonstrates that he or she has

the qualifications to perform all of the duties of the administrator. As appropriate, and in accordance with the requirements of M.G.L. c.71B Section 3A, the administrator may designate other school personnel to carry out some of the duties of the administrator.

The Charter School Technical Advisory 07-1 Teacher Qualifications in Massachusetts Charter Schools is currently being updated and will be made available in the upcoming months.

<b>Action Items - Summary of Instructional Staff and Administrators</b>	
<p><b>Due August</b></p> 	<input type="checkbox"/> Recruit and hire special education teachers and teachers of English language learners (ELLs).
	<input type="checkbox"/> Establish a relationship with a qualified special education administrator.
	<input type="checkbox"/> Maintain copies of professional credentials for all staff including: transcripts, current resume, state and/or professional licenses, and evidence of having taken and passed any MTEL exams. Determine if any teachers will need to complete additional federal and or state qualification requirements.
	<input type="checkbox"/> Prepare and submit a summary of qualifications, including: a determination of whether all teachers have met the state teacher qualification standards, and how all teachers will meet the state teacher qualification requirements within the first year of employment. <b>Teachers and administrators of ELLs and special education, related licensed service providers, and paraprofessionals are to be included.</b> Refer to <u>Appendix L</u> for the expected level of detail and the recommended template.

	<b>Related Sources of Information</b>	
	Federal Regulation	<u>IDEA § 34 CFR 300.156; IDEA § 34 CFR 300.18</u>
	State Law	<u>M.G.L. c. 71 Section 89(e)(xii); M.G.L. c. 71A; M.G.L. c.71B Section 3A</u>
	State Regulation	<u>603 CMR 1.06(4); 603 CMR 28.02(3); 603 CMR 28.03(2)</u>
Archived Administrative and Governance Guide	Qualifications for Charter School Teachers <u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>	
Charter School Technical Advisory 07-1: Teacher Qualifications in Massachusetts Charter Schools	<u><a href="http://www.doe.mass.edu/charter/guidance/">http://www.doe.mass.edu/charter/guidance/</a></u>	
Appendix	<u><a href="#">L: Suggested Worksheet and Template for the Summary of Qualifications</a></u>	

## School Nurse and School Physician

Schools must appoint one or more school physicians and registered nurses and provide students with access to at least one physician and one registered nurse. Charter schools may meet this requirement in various ways, including hiring a part-time physician or sharing a physician with other charter schools or with the public school system in their community. School physicians must be a doctor of medicine or hold a license of osteopathy. For the most up-to-date information on School Nurse licensure requirements, please visit the Executive Office of Education's (EOE) [Educator Licensure website](#) and [Licensure Requirements Tool](#).

New charter schools must submit a signed letter of agreement attesting to a formal relationship between a physician and the school as part of the opening procedures process. The school is also required to hire a licensed school nurse and provide a signed letter of agreement attesting to the formal relationship between a nurse and the school. The charter school must provide appropriate facility space in which the physician and nurse can fulfill their duties.

Schools may arrange for the administration of prescription medications during school hours by using either licensed professionals, or by using certain unlicensed personnel to administer medications only if the school is registered with Department of Public Health (DPH) to administer medications in this manner consistent with requirements. If you have questions about school health programming, contact the [School Health Services Unit](#) at the DPH at 617-624-6060.

Action Items - School Nurse and School Physician		
<p><b>Due August</b></p> 	<input type="checkbox"/>	Recruit a local physician to meet the state school health requirements as the school physician/medical consultant and submit a letter of agreement as evidence of the relationship to the Department.
	<input type="checkbox"/>	Recruit and hire a licensed school nurse and submit a letter of agreement as evidence of the relationship to the Department.
	<input type="checkbox"/>	Maintain copies of all professional credentials on file at the school.

	<i>Related Sources of Information</i>	
	State Law	<u>M.G.L. c. 71 Section 53</u>
Archived Administrative and Governance Guide	Health Policy	<u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>
DPH's School Health Services		<u><a href="http://www.mass.gov/dph/fch/schoolhealth">http://www.mass.gov/dph/fch/schoolhealth</a></u>
DPH's Template For Massachusetts School Physician/Medical Consultant Role		<u><a href="http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/publications/template-for-school-physicianmedical-consultant.html">http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/publications/template-for-school-physicianmedical-consultant.html</a></u>
DPH's Comprehensive School Health Manual		<u><a href="http://www.maclearinghouse.com/SCH/SH3001R.html">http://www.maclearinghouse.com/SCH/SH3001R.html</a></u>
Executive Office of Education's Educator Licensure		<u><a href="http://www.mass.gov/edu/government/departments-and-boards/ese/programs/educator-effectiveness/licensure/">http://www.mass.gov/edu/government/departments-and-boards/ese/programs/educator-effectiveness/licensure/</a></u>

### **CORI Policy and Mandatory Criminal Record Checks**

M.G.L. c. 71 Section 38R requires schools to adopt and maintain a Criminal Offender Record Information (CORI) policy and a Criminal History Record Information (CHRI) policy that describes the school's processes, consistent with law, for performing criminal background checks, including fingerprint-based state and national criminal records checks on current and prospective employees, contractors, and volunteers who may have direct and unmonitored contact with children. School employees include educators, substitutes, maintenance staff, cafeteria workers, and bus drivers. Additionally, employees must continue to submit their state CORI checks at least once every three years. Volunteers at schools will continue to be required to submit to state CORI checks at least once every three years, as currently required by statute, but the decision to require the submission of fingerprints by volunteers for the fingerprint-based state and national checks can be made by the school.

To assist you with developing your school's policies, the Department strongly recommends consulting the Model CORI Policy prepared by the Department of Criminal Justice Information Services (DCJIS) and the Model CHRI Policy prepared by the Department, which are available at <http://www.mass.gov/eopss/agencies/dcjis/> and <http://www.doe.mass.edu/chri/schools.html>, respectively. The Department strongly encourages schools to consult with their legal counsel in the creation and adoption of a CORI Policy and CHRI Policy.

As stated in 603 CMR 1.04(7)(d), charter schools must provide written assurance (signed letter from board chair or their designee) that **CORI and national criminal history checks** have been completed for all school personnel and volunteers who come into "direct and unmonitored" contact with the school's students. These should be completed with all **newly hired and prospective** school personnel.

The Department's Advisory on CORI Law gives detailed information on the steps a school must follow to apply for access to criminal record information from the CORI Support Services Unit,

requesting criminal record information, and the fees associated with such requests. If you have any other questions, or require additional information, please contact the DCJIS CORI Unit at (617) 660-4640.

Executive Office of Education's Frequently Asked Questions Regarding Background Checks Law provides information on the timeline and process for submitting fingerprints, the fees associated with the process, and the format of the National Criminal History Record Information (CHRI) Reports. For questions specific to the implementation of the fingerprint-based criminal record check at your school, please contact the Department of Elementary and Secondary Education at [expandedbackgroundchecks@doe.mass.edu](mailto:expandedbackgroundchecks@doe.mass.edu). For general questions about the fingerprinting law, please call the Executive Office of Education at (617) 979-8340.



Did you know...

that schools must conduct CORI checks on employees of taxicab companies that have contracted to provide transportation to pupils pursuant to M.G.L. c. 71 Section 7A? Contracting taxicab companies are required to submit the names of employees who may have direct and unmonitored contact with pupils to the board of trustees prior to transporting any pupil. See the Advisory on CORI Law for more information.

Action Items - CORI Policy and Mandatory Criminal Record Checks	
 <p><b>Due June</b></p>	<input type="checkbox"/> Read <u>Advisory on CORI Law</u> at <a href="http://www.doe.mass.edu/lawsregs/advisory/cori.html">http://www.doe.mass.edu/lawsregs/advisory/cori.html</a> . Review EOE's <u>Frequently Asked Questions Regarding Background Checks Law</u> .
	<input type="checkbox"/> Submit a draft CORI Policy to the Department <b>for review</b> . Please ensure that the draft CORI policy reflects elements of the <u>Model Policy</u> published by DCJIS.
	<input type="checkbox"/> Submit a draft CHRI Policy to the Department <b>for review</b> . Please ensure that the draft CHRI policy reflects elements of the <u>Model Policy</u> published by the Department.
	<input type="checkbox"/> Apply for access to Criminal Offender Record Information (CORI) through the <u>CORI Support Services Unit at the Massachusetts Department of Criminal Justice Information Services</u> .
 <p><b>Due August</b></p>	<input type="checkbox"/> Conduct CORI and fingerprint checks on all school staff and volunteers who come into "direct and unmonitored contact" with the school's students.
	<input type="checkbox"/> Submit a signed letter from the board chair or their designee to the Department assuring that CORI and fingerprint checks have been completed on all school staff, contracted employees, and volunteers who come into "direct and unmonitored contact" with the school's students.

	<i>Related Sources of Information</i>	
	State Law	M.G.L. c. 71 Section 38R; Chapter 459 of the Acts of 2012
State Regulation	603 CMR 1.04(7)(d); 603 CMR 51.00	
Archived Administrative and Governance Guide	Criminal Background Checks <a href="http://www.doe.mass.edu/charter/governance/adminguide.pdf">http://www.doe.mass.edu/charter/governance/adminguide.pdf</a>	
ESE Advisory on CORI Law	<a href="http://www.doe.mass.edu/lawsregs/advisory/cori.html">http://www.doe.mass.edu/lawsregs/advisory/cori.html</a>	
Department of Criminal Justice Information Services – CORI Services Unit Contact	617-660-4640; <a href="http://www.mass.gov/eopss/agencies/dcjis/">http://www.mass.gov/eopss/agencies/dcjis/</a>	
DCJIS iCORI Service	<a href="https://icori.chs.state.ma.us/icori/ext/global/landing.action?page=1&amp;bod=1430770906264&amp;m=presentLanding">https://icori.chs.state.ma.us/icori/ext/global/landing.action?page=1&amp;bod=1430770906264&amp;m=presentLanding</a>	
Executive Office of Education – FAQs regarding Background Checks Law	<a href="http://www.mass.gov/edu/birth-grade-12/early-education-and-care/laws-regulations-and-policies/background-records-check-regulations-and-policies/frequently-asked-questions-regarding-background-checks.html">http://www.mass.gov/edu/birth-grade-12/early-education-and-care/laws-regulations-and-policies/background-records-check-regulations-and-policies/frequently-asked-questions-regarding-background-checks.html</a>	
Statewide Applicant Fingerprint Identification Services (SAFIS)	<a href="http://www.mass.gov/eopss/agencies/safis/statewide-applicant-fingerprint-identification-services.html">http://www.mass.gov/eopss/agencies/safis/statewide-applicant-fingerprint-identification-services.html</a> Registration guide: <a href="http://www.mass.gov/eopss/docs/safis/safis-registration-guide-ese-fv1-0.pdf">http://www.mass.gov/eopss/docs/safis/safis-registration-guide-ese-fv1-0.pdf</a>	

## Participation in the Massachusetts Teachers' Retirement System

Eligible employees of Commonwealth and Horace Mann charter schools are required to participate in a state retirement system, such as the Massachusetts Teachers' Retirement System (MTRS). Horace Mann charter schools should verify if the municipality where they are located uses MTRS or another retirement system, such as Boston's use of the Boston Retirement System. New charter schools must first determine the eligibility of each of their employees and then enroll eligible employees in the retirement system. The Massachusetts Teachers' Retirement Board (MTRB) should be contacted directly at 617-679-6895 or [emp sup@trb.state.ma.us](mailto:emp sup@trb.state.ma.us) for assistance in determining the eligibility of individual charter school employees.

After determining each employee's eligibility to participate in the system, new charter schools must contact the MTRS' Employer Reporting Unit to establish a contributing relationship with the MTRB. To find out which Employer Services representative is assigned to your charter school, see <http://www.mass.gov/mtrs/docs/employers/gp6-viewingemployerinfo.pdf>. Payments to the MTRS must be made in a timely fashion. As part of the opening procedures process, new charter schools are **required to submit** evidence of payment to the Department.

Action Items - Massachusetts Teachers' Retirement System		
	<input type="checkbox"/>	Read <u>M.G.L. c. 71 Section 89(y)</u> and <u>M.G.L. c. 32</u> and visit <u>About the MTRS</u> .
	<input type="checkbox"/>	Contact the MTRS Employer Services <b>prior to June 1</b> to determine employee eligibility as well as initiate the process for making contributions.
	<input type="checkbox"/>	Submit, to the Department, a payroll summary statement as evidence of MTRS contributions <b>after</b> the first payroll for eligible employees.
<p><b>Due June</b></p>		
<p><b>Due Post Opening ASAP</b></p>		

Related Sources of Information					
	<table border="1"> <tr> <td>State Law</td> <td><u>M.G.L. c. 71 Section 89(y), M.G.L. c. 32</u></td> </tr> <tr> <td>State Regulation</td> <td><u>807 CMR 4.00 – 807 CMR 5.00</u></td> </tr> </table>	State Law	<u>M.G.L. c. 71 Section 89(y), M.G.L. c. 32</u>	State Regulation	<u>807 CMR 4.00 – 807 CMR 5.00</u>
State Law	<u>M.G.L. c. 71 Section 89(y), M.G.L. c. 32</u>				
State Regulation	<u>807 CMR 4.00 – 807 CMR 5.00</u>				
Archived Administrative and Governance Guide	Teacher Retirement System Requirements <a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>				
MTRS	617-679-6895; <a href="mailto:emp sup@trb.state.ma.us">emp sup@trb.state.ma.us</a> ; <a href="http://www.mass.gov/mtrs/employers/">http://www.mass.gov/mtrs/employers/</a> <a href="http://www.mass.gov/mtrs/docs/employers/gp6-viewingemployerinfo.pdf">http://www.mass.gov/mtrs/docs/employers/gp6-viewingemployerinfo.pdf</a>				
MyTRS guides	<a href="http://www.mass.gov/mtrs/employers/training-and-reference/mytrs-guides/">http://www.mass.gov/mtrs/employers/training-and-reference/mytrs-guides/</a>				

## Chapter 10: Evaluation and Professional Development

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### Evaluation of the School Leader, School Administrators, and Teachers

Effective systems and criteria for evaluation of school personnel are critical to the success of any school. Before school administrators and teachers begin the daily work of teaching and learning, it is essential that the process and criteria through which their performance will be measured are clearly defined and communicated to them. Therefore, as part of the opening procedures process, the school must submit a copy of the evaluation plans and performance criteria for the school leader, school administrators, and teachers to the Department.

While it is typically the role of school administrators to evaluate teachers, it is the role of the board of trustees to establish a process for the evaluation of the school leader. The development of the evaluation process and the identification of specific performance criteria for each role can be a valuable opportunity for the school community to further articulate the vision of the school and prioritize its values.

The new regulations on the evaluation of educators adopted by the Board of Elementary and Secondary Education (603 CMR 35.00) *apply specifically to Horace Mann charter schools* whom are *required* to employ teachers licensed in Massachusetts. The Department supports the characteristics of strong teacher and administrator evaluation plans championed by the new regulations and encourage all Commonwealth charter schools to review the regulations when developing their own evaluation systems. Recommended elements of school leader, school administrator, and teacher evaluation plans incorporating changes from the new regulations have been included as Appendix M. Please note that the Department has recently updated several parts of the Model System for Education Evaluation, with more revisions to follow in summer 2016.

<b>Action Items - Evaluation of School Leader, School Administrators, and Teachers</b>	
<p style="text-align: center;"><b>Due July</b></p> 	<input type="checkbox"/> Determine performance evaluation criteria and design an evaluation plan for the school leader.
	<input type="checkbox"/> Determine performance evaluation criteria and design an evaluation plan for other school administrators and non-instructional staff.
	<input type="checkbox"/> Determine performance evaluation criteria and design an evaluation plan for teachers.
	<input type="checkbox"/> Self-assess evaluation plans against the Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans ( <u>Appendix M</u> ).
	<input type="checkbox"/> Submit all three sets of performance evaluation criteria and evaluation plans to the Department <b>for review</b> .

	<b><i>Related Sources of Information</i></b>	
	State Law	<u>M.G.L. c. 71 Section 89(e)(xiii)</u>
	State Regulations	<u>603 CMR 35.00</u>
	ESE Educator Evaluation Guidance	<u><a href="http://www.doe.mass.edu/eeval/">http://www.doe.mass.edu/eeval/</a></u>
	Massachusetts Model System for Educator Evaluation	<u><a href="http://www.doe.mass.edu/eeval/model/">http://www.doe.mass.edu/eeval/model/</a></u>
	Appendix	<u>M: Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans</u>

### **Professional Development for School Administrators and Teachers**

Under M.G.L. c. 71 Section 38(q), it is required that every school district in the Commonwealth (including charter schools as independent districts) adopt and implement a professional development plan for all principals, teachers, other professional staff, professional support teams such as paraprofessionals and teacher assistants as well as school council members. **These professional development plans must be updated annually and include a budget.** This is true of both Horace Mann and Commonwealth charter schools, in accordance with M.G.L. c. 71 Section 89(e)(xiii). To access Department Resources and Tools for Educators and PD Leaders, please see: <http://www.doe.mass.edu/pd/standards.pdf>.

The law<sup>4</sup> requires that the professional development plan include the following:

- training in the teaching of new curriculum frameworks and other skills required for the effective implementation of this act, including participatory decision making, and parent and community involvement;
- training in analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles;
- methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate such styles;
- training for teachers in second language acquisition techniques; and
- training for members of school councils, pursuant to M.G.L. c. 71 Section 59C.

The plan may also include:

- training in the provision of curricular accommodation services within regular education; and
- teacher training which addresses the effects of gender bias in the classroom.

In addition to these requirements, the Department recognizes that strong teacher and administrative professional development plans will:

- align with individual and school-wide improvement goals;

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<sup>4</sup> M.G.L. c. 71 Section 38(q)

- connect individual and school-wide professional development goals and resources with the school mission;
- establish and maintain a professional culture centered on reflection and learning;
- foster communities of practice among the school’s educational professionals;
- demonstrate how the proposed strategies are linked to improving student achievement;
- encourage professionals to document their progress towards stated goals; and
- provide adequate resources and support to individuals throughout the year as they work toward those goals.

For the complete set of Massachusetts Standards for Professional Development, please see: <http://www.doe.mass.edu/pd/standards.html>.

<b>Action Items - Professional Development for School Administrators and Teachers</b>		
	<input type="checkbox"/>	Design a professional development plan for school administrators.
	<input type="checkbox"/>	Design a professional development plan for teachers.
	<input type="checkbox"/>	Submit both proposed professional development plans to the Department <b>for review</b> .

<i>Related Sources of Information</i>		
	State Law	<u>M.G.L. c. 71 Section 38(q), M.G.L. c. 71 Section 89(e)(xiii); M.G.L. c. 71 Section 59C.</u>
	ESE Professional Development	<u><a href="http://www.doe.mass.edu/pd/">http://www.doe.mass.edu/pd/</a></u>
	MA Standards for Professional Development	<u><a href="http://www.doe.mass.edu/pd/standards.pdf">http://www.doe.mass.edu/pd/standards.pdf</a></u>
	Department Resources and Tools for Educators and PD Leaders	<u><a href="http://www.doe.mass.edu/pd/leaders.html">http://www.doe.mass.edu/pd/leaders.html</a></u>

## Chapter 11: Student Services Delivery

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The Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965, was signed into law on December 10, 2015. While the ESSA replaces No Child Left Behind (NCLB), there will be a transition period before it is fully implemented in school year 2017-2018. Until then, many of the current NCLB provisions will continue. The Department will provide updates regarding ESSA's implementation during the upcoming year.

### District Curriculum Accommodation Plan

Pursuant to M.G.L. c. 71 Section 38Q½, charter schools must adopt and implement a District Curriculum Accommodation Plan (DCAP) to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan must assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan must also include provisions encouraging teacher mentoring and collaboration and parental involvement.

The District Curriculum Accommodation Plan *may* also:

- describe how the school schedule will benefit instruction of all students;
- describe how the curriculum meets state learning standards;
- describe how the school's policies or discipline code enhances instruction;
- discuss how school staff or other consultants will address behavioral issues or literacy development;
- identify after-school options such as homework assistance and peer coaching; and
- identify strategies for using community agencies and volunteers to assist students and teachers.

Action Items - District Curriculum Accommodation Plan		
<p><b>Due July</b></p> 	<input type="checkbox"/>	Design and adopt a District Curriculum Accommodation Plan in alignment with requirements.
	<input type="checkbox"/>	Submit the DCAP to the Department <b>for review</b> .

	<b>Related Sources of Information</b>	
	State Law	<u>M.G.L. c. 71 Section 38Q1/2 and M.G.L. c. 71 B Section 2</u>
	State Regulation	<u>603 CMR 28.03(3)(a)</u>
Archived Administrative and Governance Guide	District Curriculum Accommodation Plan <u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>	

## English Language Education Policies and Procedures

Pursuant to 603 CMR 14.00, charter schools are required to establish procedures, in accordance with Department guidelines, to identify those students who may be English learners and assess their level of English proficiency upon their enrollment in the school. Prior to opening, new schools must submit a detailed description of their policies and program practices for English language learner education. Refer to Appendix N for information on the required elements of this submission.

<b>Action Items – English Language Education Policies and Procedures</b>		
	<input type="checkbox"/>	Review the Required Elements for English Language Education Policies and Procedures ( <u>Appendix N</u> ).
	<input type="checkbox"/>	Develop and submit policies and procedures for an English Language Education to the Department <b>for review</b> .

	<b>Related Sources of Information</b>	
	State Law	<u>M.G.L. c. 71A</u>
	State Regulation	<u>603 CMR 14.00</u>
	ESE English Language Learner Guidance	<u><a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a></u>
	RETELL (Rethinking Equity and Teaching for ELLs)	<u><a href="http://www.doe.mass.edu/retell/">http://www.doe.mass.edu/retell/</a></u>
Appendix	<u>N: Required Elements for English Language Education Policies and Procedures</u>	

## Special Education Policies and Procedures

Pursuant to 603 CMR 28.00, charter schools are required to provide or arrange for the provision of special education and related services for eligible students in accordance with state and federal law and regulations. Prior to opening, new schools are required to submit a detailed description of their policies and program practices to meet the needs of students. The policies and procedures must address the elements found in Appendix O.

Action Items – Special Education Policies and Procedures		
	<input type="checkbox"/>	Review the Required Elements for Special Education Policies and Procedures ( <u>Appendix O</u> ).
	<input type="checkbox"/>	Develop and submit policies and procedures for an Special Education to the Department <b>for review</b> .

Related Sources of Information		
	State Law	<u>M.G.L. c. 71B</u>
	State Regulation	<u>603 CMR 28.00</u>
	Primer on Special Education in Charter Schools	<u><a href="http://www.doe.mass.edu/charter/sped/primer_sIII.pdf">http://www.doe.mass.edu/charter/sped/primer_sIII.pdf</a></u>
	Appendix	<u>O: Required Elements for Special Education Policies and Procedures</u>

## Special Education Program Plan

Prior to opening, and in preparation for each Coordinated Program Review, charter school leaders must read and complete a Program Plan for Special Education. This document provides school leaders with a means of verifying their awareness of the requirements and assuring ESE that all local actions and procedures are completely consistent with these requirements to ensure uninterrupted access to federal special education funds.

An electronic version of the Special Education Program Plan, updated August 2015, is available online at <http://www.doe.mass.edu/sped/advisories/programplan/>. To the greatest extent possible, the program plan should be completed electronically prior to printing. Once the electronic information is complete, schools should print the program plan. Each requirement must then be initialed and signed by the *special education administrator* working with the charter school, the *instructional leader* of the school, and the *chairperson* of the board of trustees. **An original document (with original initials and signatures) must be submitted to the Department’s Special Education Planning and Policy Development Office as part of the opening procedures process.** Subsequent submissions (approximately every three years, coinciding with the Coordinated Program Review process) are submitted to the Special Education Planning and Policy Development Office as per instructions contained within the program plan document.

**Action Items - Special Education Program Plan**

 <p><b>Due June</b></p>	<input type="checkbox"/>	Review the <u>Massachusetts Primer on Special Education and Charter Schools</u> , which contains information for charter school operators, at <a href="http://www.doe.mass.edu/charter/sped/primer_sIII.pdf">http://www.doe.mass.edu/charter/sped/primer_sIII.pdf</a> .
	<input type="checkbox"/>	Download the <u>Special Education Program Plan</u> at <a href="http://www.doe.mass.edu/sped/advisories/programplan/">http://www.doe.mass.edu/sped/advisories/programplan/</a> .
	<input type="checkbox"/>	Thoroughly read all sections, completing school information throughout the document.
	<input type="checkbox"/>	Ensure that the Special Education Administrator, Charter School Leader, and Chairperson of the board of trustees have all read, initialed, and signed the Program Plan.
	<input type="checkbox"/>	<b>Submit the original completed program plan with original initials and signatures to the Office of Special Education Planning and Policy Development.</b>

	<b>Related Sources of Information</b>	
	State Regulation	<a href="#">603 CMR 28.03(4)</a>
	Program Plan	<a href="http://www.doe.mass.edu/sped/advisories/programplan/">http://www.doe.mass.edu/sped/advisories/programplan/</a>

**Title I Program Plan: Schoolwide or Targeted Assistance**

Title I Part A is a federal entitlement grant program that provides funding for supplemental educational opportunities for children who are most at risk of failing to meet the state's challenging content and performance standards. Title I provides districts the opportunity to create one of two types of school-based programs: targeted assistance or schoolwide. You will be contacted by the Department's School Improvement Grants Program in early July and will be provided with the application and related resources. It is important to update your school profile to include the contact information of your identified Title I Director in order to receive notifications from the Department. As a new school, the initial allocation is 25% of your estimated Title I grant allocation. Your full Title I grant allocation will not be available until *winter* when your enrollment has been finalized and low-income data has been determined. At that point, however, you will be able to amend your initial Title I application in order to apply for your full Title I grant allocation. The application for Title I funds is filed through the security web portal.

A targeted assistance program is one in which individual students in a school are targeted to receive Title I services. Students are identified based upon multiple, educationally related objective criteria. Services may be delivered in a number of ways. Title I teachers in targeted assistance schools are responsible for providing these services, coordinating with other school personnel as needed, and involving parents in the planning, implementation, and evaluation of the Title I program.

A schoolwide program permits schools that have at least 40% poverty to use Title I Part A funds in combination with state and local resources, and most other federal education program funds to upgrade the entire educational program of the school to raise the academic achievement of all students. In contrast to targeted assistance programs, schoolwide programs are not required to deliver services to specific students, since every student in the school is involved in the program.

For more information, please access the Title I website at <http://www.mass.gov/ese/titlei> as well as the related sources of information found below. For additional guidance, please contact School Improvement Grants Program at 781-338-6230 or [titlei@doe.mass.edu](mailto:titlei@doe.mass.edu).

<b>Action Items – Title I</b>		
<p><b>Update School Profile July 1</b></p> 	<input type="checkbox"/>	Download <i>Designing Schoolwide Programs</i> from the U.S. Department of Education website at: <a href="http://www2.ed.gov/policy/elsec/guid/designingswpguid.doc">http://www2.ed.gov/policy/elsec/guid/designingswpguid.doc</a> .
	<input type="checkbox"/>	Determine if the school plans to operate a Title I schoolwide program or targeted assistance program during its first year of operation.
	<input type="checkbox"/>	If applying for Title I as a schoolwide program, develop schoolwide program plan and submit schoolwide program plan justification and assurances document with grant application.  See <b>Schoolwide Programs</b> section at <a href="#">Title I website</a> for program design for guidance and assurances document.
<p><b>Submit initial application in early July.</b></p>		

<b>Related Sources of Information</b>		
	Detailed Overview for Title I directors	<a href="http://www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/financial-support/title-i-and-other-federal-support-programs/">http://www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/financial-support/title-i-and-other-federal-support-programs/</a>
	Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program	<a href="https://www2.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf">https://www2.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf</a>  <a href="https://www2.ed.gov/programs/titleiparta/schoolwideguidance10132015.pdf">https://www2.ed.gov/programs/titleiparta/schoolwideguidance10132015.pdf</a>
	Federal Non Regulatory Guidance on Designing Schoolwide Programs	<a href="http://www2.ed.gov/policy/elsec/guid/designingswpguid.doc">http://www2.ed.gov/policy/elsec/guid/designingswpguid.doc</a>

**Title III: Language Instruction for Limited English Proficient & Immigrant Students Program**

Title III is a federal program that assists immigrant and limited English proficient (LEP) students in achieving grade-level and graduation standards, as well as acquiring the English language. The purpose of the program is to assist charter schools and other school districts in teaching English to LEP students. Additionally, the Title III funds are to be used in helping these students meet the same challenging state standards required of all students. All Title III funds must be used to supplement, not supplant, the level of local, state, and federal funds that, in the absence of Title III funding would otherwise be expended for programs for LEP students and immigrant children and youth.

In order to be eligible to receive Title III funding, charter schools must have at least 101 students identified as English language learners in the March SIMS report or experienced a significant growth in immigrant children and youth over time. More information about determining immigrant eligibility and “significant growth” can be found on the [Title III website](#). Districts wishing to participate in Title III but not able to enroll the minimum number of ELL students will join a consortium of other districts wishing to receive Title III funding. Charters and districts interested in forming a consortium must submit a letter of intent to the Department in early June and should contact Melanie Manares, Title III Coordinator, [REDACTED] or [REDACTED] ([REDACTED]) or Beth O’Connell ([REDACTED]) or [REDACTED] ([REDACTED]) for further information.

For additional guidance, please contact Melanie Manares or Beth O’Connell at the Office of English Language Acquisition and Academic Achievement.

Action Items – Title III		
<p><b>June of 1<sup>st</sup> year of operation</b></p> 	<input type="checkbox"/>	<p>Determine if the school is eligible to receive Title III funding. Contact Melanie Manares [REDACTED] or [REDACTED] [REDACTED] or Beth O’Connell [REDACTED] or [REDACTED] at the Office of English Language Acquisition and Academic Achievement to pursue funding, if eligible.</p>

<i>Related Sources of Information</i>	
Federal Law	<a href="#"><u>NCLB: PL 107-110 Title III</u></a>
State Law	<a href="#"><u>M.G.L. c. 71A</u></a>
State Regulation	<a href="#"><u>603 CMR 14.00</u></a>
Required and Authorized Activities Using Title III	<a href="http://www.doe.mass.edu/grants/2015/180-186/RAActivities.pdf"><u>http://www.doe.mass.edu/grants/2015/180-186/RAActivities.pdf</u></a>
OELAAA Title III	<a href="http://www.doe.mass.edu/ell/titleIII.html"><u>http://www.doe.mass.edu/ell/titleIII.html</u></a>
FY16 Title III Carryover Grant Availability	<a href="http://www.doe.mass.edu/news/news.aspx?id=7759"><u>http://www.doe.mass.edu/news/news.aspx?id=7759</u></a>
Title III Consortium Guidance Memo	<a href="http://www.doe.mass.edu/news/news.aspx?id=20015"><u>http://www.doe.mass.edu/news/news.aspx?id=20015</u></a>



### **Health Plan and Medications Administration Plan**

Each charter school must develop policies and a plan to address health services in accordance with the law. A comprehensive school health program should focus on health risk factors, take into account the diversity of student needs, and use specially trained staff to deliver the program. School leaders should work with the school physician and school nurse to create a School Health Plan and Medications Administration Plan that meets the requirements of [105 CMR 210](#). Charter schools should visit the School Health Services web page within DPH to review the available sample [Model Policies and Forms](#) to review the requirements and responsibilities before developing their own documents. Schools may decide to adapt some of the forms available for use within their own school health programs.

For additional information, charter schools should consult the *Comprehensive School Health Manual* published by DPH’s School Health Services. The manual is a comprehensive resource about school health policy and practice with basic information, guidelines, and recommendations. In addition, charter school leaders may contact the School Health Services at 617-624-6060 as they develop their school health services.

Charter school health policies should include, but are not limited to, the following requirements in accordance with [M.G.L. c. 71 Section 57](#) and [105 CMR \(200, 210 & 220\)](#):

- Students must have a physical examination in the six months preceding their entry into the school or during their first year of attendance and every three to four years thereafter. Physical examinations are also required for students who are frequently absent due to unexplained illness, or who have known physical conditions requiring repeated appraisal. In addition, annual physical examinations are required prior to participation in competitive athletics. The child's primary care provider who knows the child's health history best should perform physical examinations. The physician for the charter school may perform the health assessments on students who do not have access to a primary care provider. The results of the examination must be recorded on forms approved by DPH.

- In the absence of a waiver from the DPH, the hearing and vision of every public school child must be screened annually.
- All schools must provide postural screening to all students in grades 5 through 9. If a parent or guardian refuses to have a postural screening done by the school, the parent or guardian must submit written documentation of a postural screening from the child's primary care provider.
- In the absence of a waiver from DPH, school-aged children must be weighed and measured annually. Measurements should be both accurate and plotted on standardized National Center for Health Statistics sex-specific growth charts.
- Schools may arrange for the administration of prescription medications during school hours by using either **licensed professionals**, such as nurses, physicians, and dentists; or by using certain unlicensed personnel to administer medications **only if** the school is registered with DPH to administer medications in this manner.
- DPH requires certain immunizations for students before admission to school.

Action Items - School Health Plan and Medications Administration Plan		
	<input type="checkbox"/>	Read <u>M.G.L. c. 71 Section 57</u> and <u>105 CMR (200, 210 &amp; 220)</u> thoroughly.
	<input type="checkbox"/>	Submit a School Health Plan and Medications Administration Plan consistent with the relevant laws and regulations to the Department <b>for review</b> .

	Related Sources of Information	
	State Law	<u>M.G.L. c. 71 Section 57, M.G.L. c. 111 Section 5-7, M.G.L. c. 76 Section 15 and 15C.</u>
State Regulation	<u>105 CMR 200, 105 CMR 210, and 105 CMR 220</u>	
Archived Administrative and Governance Guide	Health Policy <a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>	
DPH's Comprehensive School Health Manual	<a href="http://www.maclearinghouse.com/SCH/SH3001R.html">http://www.maclearinghouse.com/SCH/SH3001R.html</a>	
DPH's Sample Medication Administration Policies and Forms	<a href="http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/medicine-admin/sample-policies-and-forms.html">http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/primarycare-healthaccess/school-health/medicine-admin/sample-policies-and-forms.html</a>	

### School Wellness Policy and Local Wellness Committee

Charter schools that have elected to receive federal nutrition funds are required to develop a School Wellness Policy and a local wellness committee to ensure policy compliance. The wellness policy should guide school efforts to establish a school environment that promotes students' health, well-being, and ability to learn. Policies must include guidelines for all foods

available and include goals for nutrition education, physical activity, and other activities designed to promote student wellness such as nutrition promotion. The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) issued an implementation memo (SP-42-2011) (<http://www.fns.usda.gov/tn/local-school-wellness-policy>) to guide LEAs in implementing the school wellness policy provisions. in the Healthy, Hunger-Free Kids Act of 2010. For additional resources for developing and implementing a School Wellness Policy, review the websites listed in the Related Sources of Information table.

<b>Action Items - School Wellness Policy</b>	
	<input type="checkbox"/> Read the Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296) at <a href="http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm">http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm</a> .
	<input type="checkbox"/> Create a School Wellness Policy consistent with federal requirements.
	<input type="checkbox"/> Submit the School Wellness Policy to the Department <b>for review</b> .

<i>Related Sources of Information</i>	
	Federal Regulation <a href="#">Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296)</a> .
	State Regulation <a href="#">105 CMR 225.00</a>
	USDA Food and Nutrition Service <a href="http://www.fns.usda.gov/cnd/">http://www.fns.usda.gov/cnd/</a>
School Wellness Policy Implementation Memo (USDA)	<a href="http://www.fns.usda.gov/sites/default/files/SP42-2011_os.pdf">http://www.fns.usda.gov/sites/default/files/SP42-2011_os.pdf</a>
USDA Competitive Food Regulations: Tools for Schools - Smart Snacks	<a href="http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks">http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks</a>
The John C. Stalker Institute for Food and Nutrition at Framingham State College	Wellness policies resources: <a href="http://www.johnstalkerinstitute.org/wellness/">http://www.johnstalkerinstitute.org/wellness/</a> List of snacks that meet the Smart Snack Nutritional Requirements: <a href="http://www.johnstalkerinstitute.org/alist/">http://www.johnstalkerinstitute.org/alist/</a>

## Chapter 12: Financial Organization

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### Fiscal Policies and Procedures

As an entity of the Commonwealth of Massachusetts, all charter schools must establish fiscal policies and procedures that are consistent with state requirements and the responsible use of public funds. In an effort to provide some guidance, the Department has published a *Recommended Fiscal Policies and Procedures Guide*, available online at <http://www.doe.mass.edu/charter/finance/auditing/>. The fiscal policies and procedures of any new charter school **are required** to adopt the *Procurement Policies* (Section 700) of the *Recommended Fiscal Policies and Procedures Guide*. While it is not required that new charter schools adopt all of the fiscal policies and procedures recommended in the *Guide*, the Department strongly encourages charter schools to align their fiscal policies and procedures to those recommended by the *Guide* to the greatest possible extent. Any deviations from the *Guide* should be carefully considered. Charter schools must submit the board of trustee approved Fiscal Policies and Procedures to the Department as part of the opening procedures process.

Since Horace Mann charter school employees are considered, for some purposes, employees of municipal entities, and the schools are funded directly by municipalities, they are by definition subject to the procurement requirements of M.G.L. c. 30B, the Uniform Procurement Act. In addition, while the Uniform Procurement Act does not apply to Commonwealth charter schools, they are required to follow sound business practices and generally accepted governmental auditing standards as conditions of their charter.

**Please note that both Commonwealth and Horace Mann charter schools must ensure that the procurement officer of the charter school participates in the Massachusetts Certified Public Purchasing Official Program conducted by the Office of the Inspector General in order to earn a Massachusetts public purchasing official certificate.** The Office of the Inspector General has developed training specifically for charter schools. More information can be found at <http://www.mass.gov/ig/mcppo/>.

Action Items - Financial Organization	
<p><b>Due June</b></p> 	<input type="checkbox"/> Read <i>Recommended Fiscal Policies and Procedures Guide</i> at: <a href="http://www.doe.mass.edu/charter/finance/auditing/">http://www.doe.mass.edu/charter/finance/auditing/</a>
	<input type="checkbox"/> Collaborate with the board of trustees to develop the school's own fiscal policies and procedures or adopt those recommended by the Department.
	<input type="checkbox"/> Submit the school's board of trustees approved fiscal policies and procedures to the Department <b>for review</b> of the required procurement policies.
	<input type="checkbox"/> Ensure that the procurement officer of <u>any</u> charter school participates in the <u>Massachusetts Certified Public Purchasing Official Program</u> at <a href="http://www.mass.gov/ig/mcppo/">http://www.mass.gov/ig/mcppo/</a> .

	<b>Related Sources of Information</b>	
	State Law	<u>M.G.L. c. 71 Section 89(jj)</u> <u>M.G.L. c. 30B; M.G.L. c. 30 Section 39M; M.G.L. c. 149 Section 44A; M.G.L. c. 149 Section 26-27H; Section 11 of Chapter 46 of the Acts of 1997</u>
	Recommended Fiscal Policies & Procedures Guide	<a href="http://www.doe.mass.edu/charter/finance/auditing/">http://www.doe.mass.edu/charter/finance/auditing/</a>
	Massachusetts Certified Public Purchasing Official Program	<a href="http://www.mass.gov/ig/mcppo/">http://www.mass.gov/ig/mcppo/</a>
	Operational Services Division's Procurement Information Center	<a href="http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/procurement-information-center.html">http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/procurement-information-center.html</a>
	Inspector General's Chapter 30B Procurement Assistance and Enforcement	<a href="http://www.mass.gov/ig/procurement-assistance/">http://www.mass.gov/ig/procurement-assistance/</a>
	Office of Management and Business Circular A-110 Sections 40-48	<a href="http://www.whitehouse.gov/omb/circulars_a110/">http://www.whitehouse.gov/omb/circulars_a110/</a>

### Budget and Cash Flow

The Department recognizes that budget adjustments will often be necessary after chartering due to a number of factors. For that reason, the Department requires that new charter schools submit updated, board-approved budget proposals for the first year of operation, including both a **budget summary** and a **detailed cash flow projection**, and **projected budgets for the subsequent four years of operation** based on the enrollment growth plan. The Department strongly recommends that the board undertake a long-range budget plan for the entire five years of the charter term and encourages new charter schools to create detailed, cash-flow projections as part of their future fiscal practices.

<b>Action Items - Action Items - Budget and Cash Flow</b>		
 <b>Due June</b>	<input type="checkbox"/>	Update and revise budget summaries for the first five years after chartering as well as create a detailed cash flow projection for the first year of operation.
	<input type="checkbox"/>	Obtain board of trustee approval of the school's revised budget for the first year of operation.
	<input type="checkbox"/>	Submit the school's revised budgets for the first five years of operation and the cash flow projection for the first year of operation to the Department <b>for review</b> .

	<b><i>Related Sources of Information</i></b>	
	State Law	<a href="#">M.G.L. c. 71 Section 89(w)</a>
	State Regulation	<a href="#">603 CMR 1.08(1)</a>
Archived Administrative and Governance Guide	<a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a>	
Annual Report Guidelines	<a href="http://www.doe.mass.edu/charter/acct.html?section=annual">http://www.doe.mass.edu/charter/acct.html?section=annual</a>	

## Audits

Each charter school must have, as required in [M.G.L. c. 71 Section 89\(jj\)](#), an annual independent audit conducted of its accounts to be completed and filed on or before November 1 with the Department and the State Auditor. This applies to all charter schools, even during the planning period—the period between the granting of the charter and the opening of the school to enrolled students. New charter schools are not permitted to combine the first two fiscal years for the purposes of an audit, whether planning or operational years. The [Massachusetts Charter School Audit Guide](#) at <http://www.doe.mass.edu/charter/finance/auditing/> contains specific guidance regarding the requirements for these audits.

During the charter school’s planning period, the charter school may request to have an independent accountant’s review performed, which is less in scope than an audit, in lieu of an audit. **If a charter school wishes to have a review performed in lieu of an audit for fiscal years during the planning period, a formal request by the charter school’s board of trustees, or their designee, should be made in writing to the Department on or before June 1 of the fiscal year in question. The Department’s approval must be obtained prior to contracting for the services.** The review must be performed by a certified public accountant in accordance with the *Statement on Accounting and Review Services* issued by the American Institute of Certified Public Accountants. If a review is performed, Section 1000 of this *Guide* is not applicable, and the Acceptance of Board of Trustees (*Appendix A*) must be modified to describe the scope of services provided. If during the planning period the charter school expends in excess of \$500,000 in federal expenditures a full audit must be performed in accordance with OMB Circular A-133.

<b>Action Items - Audit</b>		
<p style="text-align: center;"><b>Due November 1 annually</b></p> 	<input type="checkbox"/>	Review the various options for an audit or financial review of the school’s fiscal year(s) during the planning period. <b>Notify or seek approval from the Department prior to June 1 of the fiscal year in question as appropriate.</b>
	<input type="checkbox"/>	Ensure that the school’s board of trustees begins the process of engaging an independent auditor to review the school’s accounts in time to meet the November 1 statutory deadline.

	<b><i>Related Sources of Information</i></b>	
	State Law	<u>M.G.L. c. 71, Section 89 (jj)</u>
	State Regulation	<u>603 CMR 1.08(3)</u>
Archived Administrative and Governance Guide	Audit	<u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>
Audit Guide		<u><a href="http://www.doe.mass.edu/charter/finance/auditing/">http://www.doe.mass.edu/charter/finance/auditing/</a></u>

## Chapter 13: Business and Contractual Relationships

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### Transportation Services Plan

Prior to securing transportation services for all eligible students, charter school leaders should carefully read M.G.L. c. 71 Section 89(cc) and 603 CMR 1.07(3) and the Technical Advisory 16-1 (See Appendix R) to understand their obligations to provide transportation and the reimbursement programs available. When arranging for student transportation, new charter schools should pay particular attention to federal laws governing the privacy of student records and the school's board-approved student records policy.

If transportation will be provided by the local school district, charter school leaders should identify when and how the district's local school committee sets its budget so that they can proactively inform the committee of the charter school's needs in a timely manner. **The Department strongly encourages school leaders to inform the local district prior to April 1 if they will require district transportation services.**

Prior to opening, the charter school must submit evidence of adequate transportation services which align with the school's approved schedule (such as a longer school day or Saturday school). Required evidence includes a copy of the signed services contract or letter of agreement between the entity providing the transportation (bus company or public school district) and the charter school as well as a general description of services to establish alignment with the school's schedule. **The services contract or letter of agreement is to be signed by the head of the bussing company or the district employee who oversees transportation if receiving transportation services from the local district.** If the school is to open in a temporary facility, the charter school leader must make separate arrangements for student transportation for the duration as well as submit evidence of transportation services for the temporary facility

Action Items - Transportation Services Plan		
 <p><b>Due August</b></p>	<input type="checkbox"/>	Read <u>M.G.L. c. 71 Section 89(cc)</u> and <u>603 CMR 1.07(3)</u> thoroughly as well as the Charter School <u>Technical Advisory on Transportation 16-1</u> on at: <a href="http://www.doe.mass.edu/charter/guidance/">http://www.doe.mass.edu/charter/guidance/</a> or <u>Appendix R</u> .
	<input type="checkbox"/>	Arrange for transportation services to be provided to all eligible students.
	<input type="checkbox"/>	Submit a (signed) services contract or letter of agreement to the Department <b>for review</b> .

	<b><i>Related Sources of Information</i></b>	
	State Law	<u>M.G.L. c. 71 Section 89(cc)</u>
	State Regulation	<u>603 CMR 1.07(3)</u>
Charter School Technical Advisory on Transportation 16-1		<u><a href="http://www.doe.mass.edu/charter/guidance/">http://www.doe.mass.edu/charter/guidance/</a></u>
Archived Administrative and Governance Guide	Transportation	<u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>
Appendix		<u>R: Transportation Technical Advisory</u>

### **Nutrition Services Program**

All public schools in the Commonwealth are required to make a school lunch available to students, including a free or reduced price lunch for students who meet income eligibility requirements. Under certain circumstances, charter schools must also make breakfast available. Through the National School Lunch Program (NSLP), charter schools are eligible to receive reimbursement for school breakfast and lunch. If an after school snack is provided as a part of an approved, regularly scheduled educational or enrichment activity, it may also be eligible for reimbursement. **Regardless of a school's participation in the National School Lunch Program, school lunches must be made available and under certain circumstances, breakfast as well.** Both breakfast and lunch must meet current USDA meal pattern requirements.

Please review information about the federal and state reimbursement program through the National School Lunch Program at <http://www.doe.mass.edu/cnp/nprograms/nslp.html>. If your school decides to participate in the federal reimbursement program, you must request an application from the Office for Food and Nutrition Programs (formerly the Office of Nutrition, Health, and Safety) and you may begin working with staff in Nutrition Programs once you have obtained a charter. Upon receipt of your complete application, Department staff will work closely with you to ensure successful implementation and reimbursement of your school meal program. Training opportunities will also be available during Summer Institute programming organized by ESE. For additional information, please contact Food and Nutrition Programs at 781-338-6480 or [nutrition@doe.mass.edu](mailto:nutrition@doe.mass.edu).

As part of the opening procedures process, charter schools must submit written assurance (signed letter from board chair or their designee) stating if the school will/will not participate in the National School Lunch Program. If your school chooses to participate, this letter must also provide assurance that school has begun to work with staff in the Nutrition, Health, and Safety office.

Action Items - Nutrition Services Program		
<b>Contact the ESE Food and Nutrition Programs Office prior to June 1.</b>	<input type="checkbox"/>	Request an application in writing from the Food and Nutrition Office if your school will/will not participate in NSLP.
	<input type="checkbox"/>	Submit a signed letter from the board chair stating whether the school will participate in the NSLP. If yes, assurance must state that the school has begun to work with the Food and Nutrition Programs Office.
<p style="text-align: center;"><b>Due Aug 1</b></p> 	<input type="checkbox"/>	Read <u>M.G.L. c. 69 Section 1(c)</u> thoroughly.
	<input type="checkbox"/>	Watch the <b>Making It Count</b> training videos for an overview of USDA school nutrition program requirements at <a href="http://www.makingitcount.info">www.makingitcount.info</a> .
	<input type="checkbox"/>	Identify and contract with a food service provider, or determine how nutrition services will be delivered through internal processes. Submit a copy of the signed contract to the Department.
	<input type="checkbox"/>	Prior to being approved to participate in the USDA School Nutrition Program, the school's menu must be certified to be compliant with meal pattern standards <b>and</b> the school will receive a pre-approval visit by ESE Office for Food and Nutrition Programs staff.
	<input type="checkbox"/>	Schools should send a minimum of two staff to <b>The Nuts and Bolts of School Nutrition</b> training. Register at <a href="http://www.johnstalkerinstitute.org/conference/NutsBolts2015/">http://www.johnstalkerinstitute.org/conference/NutsBolts2015/</a> .
	<input type="checkbox"/>	By law, all LEA's participating in the National School Lunch Program must utilize the direct certification process. Massachusetts requires all LEA's to conduct all direct certifications using the Executive Office of Health and Human Services Virtual Gateway. Please contact our office via email link at <a href="mailto:ESENUTVG@doe.mass.org">ESENUTVG@doe.mass.org</a> to request the legal documents that must be completed to obtain access to the Virtual Gateway and schedule a training on how to perform the required direct certification process.

	<b>Related Sources of Information</b>	
	State Law	<u>M.G.L. c. 69 Section 1(c)</u>
	State Regulation	<u>105 CMR 225</u>
Federal Laws and Regulations	<u>P.L. 111-296; 7 CFR 210-245</u>	
Archived Administrative and Governance Guide	Nutrition Policy <u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>	
USDA: Food and Nutrition Service Homepage	<u><a href="http://www.fns.usda.gov/cnd">http://www.fns.usda.gov/cnd</a></u>	
USDA: School Meals Eligibility Manual	<u><a href="http://www.fns.usda.gov/2015-edition-eligibility-manual-school-meals">http://www.fns.usda.gov/2015-edition-eligibility-manual-school-meals</a></u>	
USDA: Nutrition Standards for School Meals	<u><a href="http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm">http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm</a></u>	
ESE Child Nutrition Programs	<u><a href="http://www.doe.mass.edu/cnp/nprograms/">http://www.doe.mass.edu/cnp/nprograms/</a></u>	
National School Lunch Program	<u><a href="http://www.doe.mass.edu/cnp/nprograms/nslp.html">http://www.doe.mass.edu/cnp/nprograms/nslp.html</a></u>	

### Insurance Policies

New charter schools must submit evidence of required insurance coverage prior to beginning operation. In particular, the school should seriously consider purchasing adequate liability insurance, as well as directors' and officers' insurance. The Department strongly encourages new charter schools to consult with their legal counsel when determining the amount of insurance to ensure adequate coverage.

<b>Action Items - Insurance Policies</b>		
<b>Due Aug 1</b> 	<input type="checkbox"/>	Read <u>603 CMR 1.08(9)</u> ; <u>603 CMR 1.04(7)(h)</u>
	<input type="checkbox"/>	Consult with the school's legal counsel to determine which insurance is required and how much will be adequate coverage.
	<input type="checkbox"/>	Submit evidence the details that type and amount of insurance coverage to the Department.

	<b>Related Sources of Information</b>	
	State Regulation	<u>603 CMR 1.04(7)(h)</u> and <u>603 CMR 1.08(9)</u>
	Archived Administrative and Governance Guide	Liability of the School <u><a href="http://www.doe.mass.edu/charter/governance/?section=all">http://www.doe.mass.edu/charter/governance/?section=all</a></u>

## Chapter 14: School Facility and Building Safety

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Procuring, renovating, and maintaining facilities are significant challenges for charter schools in Massachusetts. Federal and state laws require all public school facilities, including those of charter schools, to pass certain inspections and to be programmatically accessible to persons with physical disabilities. Additionally, charter schools must comply with state law regarding designer selection, public bidding, and prevailing wage when constructing or renovating a facility. For these reasons, it is essential that charter school administrators and boards of trustees maintain an open dialogue with the Department during the facility search.

Charter schools may contact the Department to tour prospective facilities to provide a perspective on its programmatic accessibility in addition to the opinion provided by the school's outside legal counsel, architects, and realtors. Please note that new schools unable to submit the required facility and building safety certifications and inspections before the first day of school will be unable to open school as scheduled until requirements are met for the health and safety of students and staff.

### **Provision and Location of a School Facility**

The particular municipality in which a charter school's facility is located is a material term of the school's charter, and must be approved by BESE. When considering the purchase or lease of any facility for school use, school leaders must either locate the school within the municipality stated in the charter application<sup>5</sup>, or seek a charter amendment from the Commissioner. A regional charter school must locate in the municipality indicated in the final application or receive approval from BESE if the school wishes to change municipalities. To demonstrate that the charter school has identified and obtained a facility within the municipality stated in the charter application, schools are asked to submit a copy of a **signed** lease or purchase and sale agreement to the Department during the opening procedures process.

When charter schools decide to construct new facilities or renovate existing facilities, there are a number of federal and state laws with which they need to comply. Schools should obtain outside legal counsel familiar with public construction to ensure compliance with all applicable laws and must notify the Department of that compliance.

Please note that charter schools may take out loans to finance the purchase and/or renovations to the school building, but the loan may not extend beyond the term of the charter, pursuant to M.G.L. c. 71, Section 89(k)(6) **without** the approval of BESE. For information on approval of loans beyond a charter term, refer to Technical Advisory 15-2 at: <http://www.doe.mass.edu/charter/guidance/>.

### **Accessibility of the Facility to Handicapped Persons**

Charter schools must ensure that all educational programs and services offered at each level in the school are available and entirely accessible to students with disabilities. In signing the

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<sup>5</sup> Changes in location of the school's facilities within the same municipality and documentation of the school's compliance with state and federal laws, including, but not limited to, all fire, health, and safety laws and accessibility requirements for new facilities or renovations to existing facilities.

Statement of Assurances that was submitted as part of the charter school application, the school's primary founder has provided BESE with written assurance (signed letter from board chair or their designee) that the charter school will "adhere to all applicable provisions of federal law relating to students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990" (*Application for a Massachusetts Public School Charter, Statement of Assurances*). Charter school facilities must not only be accessible to students with disabilities, but also any individual with a disability wishing to access the school.

As a result, charter schools are required to submit written assurance that the specific facility selected for the school will be programmatically accessible to individuals with a physical handicap. **The Department may sanction new charter schools that are not programmatically accessible to physically handicapped persons at opening.** Further review of the accessibility of programs to handicapped and other disabled persons will be performed when the Program Quality Assurance Unit conducts its review of programmatic accessibility during the school's Coordinated Program Review.

### **Multi-Hazard Evacuation Plan**

Schools must be prepared and practiced in responding to various threats. Chapter 159, Section 363, of the Acts of 2000<sup>6</sup> requires that each public school in the Commonwealth of Massachusetts have a school specific multi-hazard evacuation plan that is reviewed annually and updated as appropriate. New charter schools must design a building-specific school safety plan, or multi-hazard evacuation plan, in consultation with the fire chief and police chief of the city, town, or district where the school is located and submit the plan to the Department as part of the opening procedures process. The approval criterion for Multi-Hazard Evacuation Plans has been included as Appendix P.

At the beginning of each school year, students at each school shall be instructed in the different response strategies within the developed plan. Additional information on school safety plans may be found in the archived *Administrative and Governance Guide*.

### **Medical Emergency Response Plan**

In the spring of 2012, *An Act Relative to Medical Emergency Response Plans for Schools*, Chapter 77 of the Acts of 2012 (Medical Emergency law) was signed into law. The full text of the law is at: <http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter77>. Under the law, every school committee and charter school board of trustees must ensure that every school under its jurisdiction has a written Medical Emergency Response Plan. The purpose of the Medical Emergency Response Plan is twofold: 1) "to reduce the incidence of life-threatening emergencies," and 2) "to promote efficient responses to such emergencies." The plan shall be in addition to the multi-hazard evacuation plan required under section 363 of chapter 159 of the acts of 2000. Plans shall be developed in consultation with the school nurse, school athletic team physicians, coaches, trainers and the local emergency medical services agency, as appropriate.

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<sup>6</sup> See Appendix 4 of the Medical Emergency Response Plans for Schools: Frequently Asked Questions, a Template, and a Model for the Plan memorandum for statutory language.

Schools shall practice the response sequence at the beginning of each school year and periodically throughout the year and evaluate and modify the plan as needed. Plans shall be submitted once every 3 years to the Department. Plans shall be updated in the case of new construction or physical changes to the school campus. The approval criterion for Medical Emergency Response Plans has been included as Appendix R. See the Commissioner’s memorandum from August 16, 2012 regarding Medical Emergency Response Plans for Schools: Frequently Asked Questions, a Template, and a Model for the Plan for more details.

Charter schools are encouraged to use the “MERP” Drop Box in the Security Portal to submit their plan. Similar to the Bullying Prevention and Intervention Plan submission, a district-level Directory Administrator must assign the MERP Drop Box role in order to submit via the drop box. If you have any difficulty using the Drop Box, you may email the plan to the Department at [MERP@doe.mass.edu](mailto:MERP@doe.mass.edu). Before submitting your plan, please name the file with the following name: “*8DigitSchoolCode\_School Name\_Date*.” For example:

“01650003\_BrickandMortarCharter School\_08-28-15.” If you need assistance, please contact the Learning Support Services unit via [MERP@doe.mass.edu](mailto:MERP@doe.mass.edu) or 781-338-3010.

### **Inspection Certificates and/or Permits**

Charter schools must provide copies of current inspection and occupancy certificates during the opening procedures process. Different municipalities may utilize different permit systems and inspection procedures. Schools should be aware of these differences and be mindful that the local inspectional services department and fire department can provide helpful guidance in navigating a potentially complex and time-consuming process. The certificates that are submitted to the Department certify the use of the building as a school; provide occupancy capacity information; demonstrate adherence to the requirements of health, safety, and fire regulations. Please note obtaining inspection certifications and/or permits can be a lengthy process. Once you have secured a facility, school leaders should initiate contact with the Inspectional Services Department of the municipality in which the school facility will be located **as soon as possible** to discuss their inspectional process and arrange for the necessary inspections.

In addition, charter schools are required to adhere to AHERA federal regulations (40 CFR 763.80 – 99) as applicable. AHERA requires that schools identify the presence of asbestos-containing materials through an original inspection on the school facility; develop and maintain a management plan and conduct re-inspections (every three years), as applicable; as well as provide annual written notification to parents, teachers, and staff regarding the availability of the Asbestos Management Plan. In most cases, a full AHERA inspection is required prior to use of the facility as a school. The inspection may only be waived if a certification statement is submitted by the architect, building engineer, or a licensed inspector that they have reviewed facility documentation of the new construction, and can verify that there were no asbestos-containing materials used in the building.

New charter schools that will be located in a building constructed prior to 1978, will serve children under the age of six, and anticipate conducting any renovations, repairs, or painting to common areas must submit a lead inspection report during opening procedures, and comply with Renovation, Repair, and Painting de-leading rule and regulations (40 CFR 745.80-92; 454 CMR

22.00). Additionally, the Department of Environmental Protection (DEP) has recently notified school administrators of its coordinated statewide effort to “reduce or eliminate lead in drinking water at schools.” The DEP has issued a 2016 Notice to School Administrators to provide more information regarding lead and copper in school drinking water. School administrators are asked to provide information about lead and copper at their facilities by completing the online checklist at <http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8>.

As stated in 603 CMR 1.04(7)(e)-(h), the following types of inspection certificates/permits must be submitted to the Department during the opening procedures process:

- Certificate of Occupancy/ Occupancy Permit/ Certificate of Use and Occupancy
- Fire Inspection Certificate/ Fire Department Field Inspection Report
- Building Safety Inspection/ Certificate of Inspection
- Health Inspection/ Health Permit
- Flammable Compounds and Liquids Certificate (if applicable)
- Asbestos Inspection and Management Plan
- Lead Inspection Certification (for schools that will serve children under the age of six)

**Action Items - School Facility and Building Safety**

<p><b>Due July 1</b></p> 	<input type="checkbox"/> Submit a proposed Multi-Hazard Evacuation Plan to the Department that is aligned to the approval criterion found in <u>Appendix P</u> .
	<input type="checkbox"/> Submit a proposed Medical Emergency Response Plan to the Department that is aligned to the approval criterion found in <u>Appendix Q</u> .
	<input type="checkbox"/> Update official contact information for school profile listing on ESE website (school leader, address, phone number, email, and website) via the security web portal.
	<input type="checkbox"/> Submit a copy of a <b>signed</b> lease or purchase and sales agreement to the Department.
<p><b>Due Aug 1</b></p> 	<input type="checkbox"/> Initiate contact with the Inspectional Services Department of the municipality in which the school facility will be located as soon as possible to discuss their inspectional process and arrange for the necessary inspections.
	<input type="checkbox"/> Conduct an assessment of the programmatic accessibility of the school to handicapped persons by using the <u>ADA facilities checklist</u> at <a href="http://www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf">www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf</a>
	<input type="checkbox"/> Submit signed letter from board chair or their designee that the facility selected for the school is programmatically accessible to physically handicapped individuals.
	<input type="checkbox"/> Contact the Department of Labor Standards to identify a licensed asbestos inspector and a licensed lead inspector, if necessary, to provide inspectional services. Management plans may be required.
	<input type="checkbox"/> Submit current Certificate of Occupancy to the Department.
	<input type="checkbox"/> Submit current Fire Inspection Certificate to the Department.
	<input type="checkbox"/> Submit current Building Safety Inspection Certificate to the Department.
	<input type="checkbox"/> Submit current Flammable Compounds and Liquids Certificate to the Department, if applicable.
	<input type="checkbox"/> Submit current Health Inspection and/or Health Permit to the Department.
	<input type="checkbox"/> Submit current Asbestos Inspection Report and Management Plan to the Department.
<input type="checkbox"/> If applicable, submit de-leading Renovation, Repair, and Painting (RRP) certifications.	
<input type="checkbox"/> Complete online <u>Lead and Copper Maintenance Checklist</u> at <a href="http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8">http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8</a> .	

	<b><i>Related Sources of Information</i></b>	
	State Law	<u>M.G.L. c. 71 Section 89(e)(xi); Chapter 159 of the Acts of 2000, Section 363; M.G.L. c. 148</u>
	State Regulations	<u>603 CMR 1.04(7)(e)-(h); 603 CMR 28.03(1)(b)(1); 527 CMR 10.09; 454 CMR 22.00</u>
	Federal Law and Regulation	<u>29 U.S.C. Section 794; 34 CFR Part 104.21, and 104.22; Title II: 42 U.S.C. Section 12132; 28 CFR Part 35.149, 35.150; 40 CFR 745.80-92</u>
Guidance: Approval of Loans Beyond Charter Terms	<u><a href="http://www.doe.mass.edu/charter/guidance/">http://www.doe.mass.edu/charter/guidance/</a></u>	
Health, Safety and Student Support Services	<u><a href="http://www.doe.mass.edu/cnp/safe/multi_hazard_plan.html">http://www.doe.mass.edu/cnp/safe/multi_hazard_plan.html</a></u>	
Fire Safety Massachusetts School Regulations	<u><a href="http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/fire-prev/schools/">http://www.mass.gov/eopss/agencies/dfs/dfs2/osfm/fire-prev/schools/</a></u>	
Americans with Disabilities Act Facilities Checklist	<u><a href="http://www.usdoj.gov/crt/ada/racheck.pdf">http://www.usdoj.gov/crt/ada/racheck.pdf</a></u>	
Department of Labor Standards (DLS) Asbestos in Schools	<u><a href="http://www.mass.gov/lwd/labor-standards/asbestos-program/in-schools/asbestos-in-school-.html">http://www.mass.gov/lwd/labor-standards/asbestos-program/in-schools/asbestos-in-school-.html</a></u>	
Department of Labor Standards (DLS) Lead in Schools	<u><a href="http://www.mass.gov/lwd/labor-standards/lead-program/lead-rrp/lead-safe-rrp-for-schools-and-child-daycares.html">http://www.mass.gov/lwd/labor-standards/lead-program/lead-rrp/lead-safe-rrp-for-schools-and-child-daycares.html</a></u>	
Department of Energy and Environmental Affairs (DEEA) Lead & Copper in Schools	<u><a href="http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8">http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-and-other-contaminants-in-drinking-water.html#8</a></u>	
Appendix	<u>P: Criteria for Approval of Multi-Hazard Evacuation Plan</u> <u>Q: Criteria for Approval of Medical Emergency Response Plan</u>	

## Chapter 15: Draft Accountability Plan

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The increased freedom coupled with increased accountability infuses all aspects of the Department's oversight of charter schools, began with the rigorous application process that groups must go through to receive a charter. The new charter school has the freedom to organize around the core mission, curriculum, theme, and/or teaching method described in the application. It is allowed to control its own budget and hire (and fire) teachers and staff. In return for this freedom, a charter school must demonstrate good results within five years or risk losing its charter.

BESE is obligated by Massachusetts General Law, Chapter 71, Section 89, and regulations under 603 CMR 1.00 to conduct an ongoing review of charter schools and, by the fifth year of a school's operation, decide whether its charter should be renewed. Furthermore, the regulations under 603 CMR 1.04(3)(1) specifically require that the charter school "develop an accountability plan at the end of the first year of the school's charter, establishing specific five-year performance objectives to help measure the school's progress and success in raising student achievement, establishing a viable organization and fulfilling the terms of the charter."

**As the last requirement of the opening procedures we request that all new charter schools submit a draft of this Accountability Plan by May 15 of the first year of operation.** This is the last step in the opening procedures. The draft plan will be submitted to the Charter School Accountability department for review. **The final approved version of the Accountability Plan, by both the Department and school's board, is due to the Accountability department by August 1 prior to the start of its second year of operation (after the first year of the school's charter.) The approved Accountability Plan will be reflected in the school's first annual report (See Chapter 16).**

Evaluation of the school's success in the areas of academic success, organizational viability, and faithfulness to the terms of the charter is based on a variety of information that is provided by the school and gathered by the Department. One of the key components of this process is the school's Accountability Plan, which defines the schools internally set performance objectives, and how progress toward these objectives will be measured. Because success will be gauged by a school's progress over time in relation to its own objectives, The Department requires each charter school to submit an Accountability Plan that is clear, rigorous, and measurable. The Plan must receive approval from the Accountability department of the Department. The plan must also define how progress toward those objectives is measured. A new plan is then submitted with each Application for Renewal for the term of a new charter and must also be approved by the Department.

Action Items – Draft Accountability Plan		
<p><b>Draft Due May 15 after 1<sup>st</sup> year of operation</b></p>  <p><b>Final Due August 1 after 1<sup>st</sup> year of operation</b></p>	<input type="checkbox"/>	Carefully read <u>M.G.L. c. 71 Section 89 (jj) and 603 CMR 1.04, 1.08, and 1.11</u> and <u>Guidelines for Writing Charter School Accountability Plans</u> .
	<input type="checkbox"/>	Use the template provided in the <u>Guidelines</u> to draft an Accountability Plan.
	<input type="checkbox"/>	Submit a draft Accountability Plan <b>no later than June 1 of the school's first year of operation</b> to the Department for review.
	<input type="checkbox"/>	Revise and make necessary changes on the proposed Accountability Plan based on Department feedback.
	<input type="checkbox"/>	The school's board of trustees approves the Accountability Plan and submits the final Accountability Plan <b>no later than August 1</b> of the school's first year of operation.

 <b>Related Sources of Information</b>	
State Law	<u>M.G.L. c. 71 Section 89 (jj) and (dd)</u>
State Regulation	<u>603 CMR 1.04, 1.08, and 1.11</u>
Department Accountability Resources	<u><a href="http://www.doe.mass.edu/charter/acct.html">http://www.doe.mass.edu/charter/acct.html</a></u>
Accountability Guide	<u><a href="http://www.doe.mass.edu/charter/acct.html?section=guide">http://www.doe.mass.edu/charter/acct.html?section=guide</a></u>
Charter School Performance Criteria	<u><a href="http://www.doe.mass.edu/charter/acct.html?section=criteria">http://www.doe.mass.edu/charter/acct.html?section=criteria</a></u>

## Chapter 16: Annual Report

Each charter school must submit an annual report to the Department, its local school committee, and publish their annual report publicly (on the school’s website) by August 1 every year. New schools submit their first annual report after their first year of operation. The annual report provides a picture of the recently completed academic year as it relates to the school’s accountability plan objectives and evidence regarding the three areas guiding charter school accountability:

- faithfulness of the school to the terms of its charter,
- success of the academic program, and
- viability of the organization.

The annual report is a critical document in charter school accountability; it is intended to be a clear, concise report regarding school performance and its progress toward meeting accountability plan objectives and areas of the Charter School Performance Criteria. Required elements that must be included in each report are set forth in Annual Report Guidelines. Please note that reports that do not fully and clearly document the required information may be returned for revision.

The annual report will be used by the Department to review the school’s performance and progress for the past academic year, and will serve as one of the primary pieces of evidence that the Board and/or Commissioner of Elementary and Secondary Education will review when it considers a school’s application for charter renewal. Each charter school will be required to submit their annual report through the DropBox Central within the Department’s Security Portal | MassEdu Gateway on or before August 1.

Action Items – Annual Report	
<p><b>Due August 1 after 1<sup>st</sup> year of operation</b></p> 	<p><input type="checkbox"/> The annual report must be received, through the drop box function in the security portal on the Department’s website, on or before <b>August 1 after the first year of operation</b>. The school is no longer required to submit hard copies of the annual report. Electronic copies may be either Word or PDF documents. Waivers or extended deadline requests cannot be granted as this is a statutory deadline.</p> <p>New regulatory requirements ( ) state that each charter school must make the annual report available on the school’s website.</p>

	Related Sources of Information	
	State Law	<u>M.G.L. c. 71 Section 89 (hh) and (jj)</u>
State Regulation	<u>603 CMR 1.06(1)(c), 1.07(5), 1.08 and 1.11</u>	
Annual Report Guidelines	<u><a href="http://www.doe.mass.edu/charter/acct.html?section=annual">http://www.doe.mass.edu/charter/acct.html?section=annual</a></u>	

## Appendix A: Board of Trustees Bylaws Checklist

### [School Name] Board of Trustees Bylaws Checklist

The bylaws of every board of trustees must comply with state and federal laws and contain certain provisions. Please use the following checklist to guide the creation of your charter school bylaws.

The Bylaws must:	Location in Bylaws (page and section number)
1. State the name and purpose of the school and that the school is a public school. The name of the school must include the words “charter school”. Citation: G.L. c. 71, § 89(c) and 89(k)(1)	
2. Specify that the board of trustees holds the charter granted by the Commonwealth of Massachusetts. Citation: G.L. c. 71, § 89(c)	
3. Specify that the school’s fiscal year begins on July 1 and ends on June 30 of the following calendar year.	
4. Specify that the board of trustees of a charter school is a public entity, which operates independently of any school committee. Citation: G.L. c. 71, § 89(c)	
5. Specify that individual board members are considered special state employees. Citation: G.L. c. 71, § 89(c)	
6. Specify that members of the board of trustees will comply with the Commonwealth’s state ethics requirements including, but not limited to, meeting all training requirements; complying with G.L. c. 268A, the conflict of interest law; filing all required disclosures under G.L. c. 268A; and filing all statements of financial interest in a timely fashion as required by G.L. c. 71, § 89(u). Failure to comply with state ethics requirements may result in removal of individual board members by the board of trustees or by the Commissioner. Citation: G.L. c. 71, § 89(u); 603 CMR 1.06(2)(e)	
7. Specify the frequency of board meetings, which must be held in Massachusetts, and occur at least quarterly. Citation: 603 CMR 1.06(2)(c)	
8. Specify that the board of trustees and its committees, irrespective of what the title may be, will comply in all respects with the open meeting law, G.L. c. 30A, §§ 18-25, and the regulations, guidance, and directives of the Office of the Attorney General. This includes, but is not limited to, training, notice of meetings, records of meetings, and executive sessions. Citation: G.L. c. 30A, § 18-25	
9. Specify that a member of the board of trustees may participate remotely in a meeting provided that such participation complies with the requirements of 940 CMR 29.10 including, but not limited to, meeting the permissible reasons for remote participation.	
10. Specify that the board of trustees is a public employer for the purposes of tort liability under Chapter 258 of the General Laws and for collective bargaining purposes under Chapter 150E of the General Laws.	

<p>In <u>Horace Mann</u> charter schools, state that the school committee is the public employer for collective bargaining purposes under Chapter 150E of the General Laws.</p> <p>Citation: G.L. c. 71, § 89(y)</p>	
<p>11. Specify that board of trustees will not exercise managerial powers over the day-to-day operations of the school.</p> <p>Citation: 603 CMR 1.06(1)</p>	
<p>12. Specify that the board of trustees will fulfill their fiduciary responsibilities, including but not limited to, the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget.</p> <p>Citation: 603 CMR 1.06(1)</p>	
<p>13. Specify that the boards of trustees must ensure that school operates in compliance with all applicable state and federal laws including, but not limited to (<i>please include each component in the school's bylaws</i>):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Successfully completing the opening procedures process in accordance with G.L. c. 70, § 89; 603 CMR 1.00; and any guidelines issued by the Department;</li> <li><input type="checkbox"/> Requesting the Commissioner's appointment of any new trustees and receiving that approval prior to any new trustees beginning their service as members;</li> <li><input type="checkbox"/> Submitting timely annual reports;</li> <li><input type="checkbox"/> Submitting timely annual independent audits;</li> <li><input type="checkbox"/> Hiring, evaluating, and removing, if necessary, qualified personnel to manage the charter school's day-to-day operations and holding these administrators accountable for meeting specified goals;</li> <li><input type="checkbox"/> Approving and monitoring progress towards meeting the goals of the school's Accountability Plan;</li> <li><input type="checkbox"/> Adopting and revising school policies, including plans for student recruitment and retention;</li> <li><input type="checkbox"/> Responding to complaints in writing as required by 603 CMR 1.09; and</li> <li><input type="checkbox"/> Ensuring that members of the board receive an orientation and training regarding their duties and obligations as members of a board of trustees.</li> </ul> <p>Citation: 603 CMR 1.06(1)(a-i)</p>	
<p>14. Specify the number of members of the board of trustees; the board of trustees must have a minimum of five members.</p> <p>Citation: 603 CMR 1.06(1)</p>	
<p>15. If the board of trustees includes one or two employees of the school as members of the board of trustees, explicitly identify these categories of membership by position and identify the numbers of such members.</p> <p>Citation: 603 CMR 1.06(2)(f)</p>	
<p>16. Specify the number of years that shall constitute a board member's term and set a specific, reasonable limit on successive and total terms that a board member may serve.</p> <p>Citation: 603 CMR 1.06(2)(a)</p>	
<p>17. Specify that the board of trustees will exercise due diligence in assessing the suitability of candidates for board membership with respect to potential conflicts of interest and areas of skill and expertise that will be of value to the board of trustees, such due diligence to occur prior to a vote by the board of trustees to request the Commissioner to appoint the proposed member(s). Prior to submitting a candidate to the Commissioner for approval, the board of trustees must determine that no financial interests under G.L. c. 268A exist which may preclude a majority of the board from participating in deliberations or voting on</p>	

<p>certain matters within the scope of the board's authority. Citation: 603 CMR 1.06(2)(b)</p>	
<p>18. Specify the process by which a trustee may resign or be removed from the board.</p>	
<p>19. Specify that action by the board requires a majority vote of a quorum of trustees and, to the degree required, specify the situations for which approval may require a special majority. Specify that a quorum is a majority of the trustees serving on the board. Absent such a provision defining a quorum, a quorum will be the majority of trustees of the "body as constituted," irrespective of vacancies.</p> <p><u>See Gamache v. Town of Acushnet</u>, 14 Mass. App. Ct. 215, 219 (1982) (noting that a Town bylaw established a board of appeals of five members, and a temporary vacancy did not alter that bylaw).</p>	
<p>20. Specify the number and titles of board officers, describe the responsibilities of each officer, and describe the process for electing officers.</p>	
<p>21. Specify the process by which committees are formed.</p>	
<p>22. Describe the procedure for bringing complaints to the board of trustees and for the board of trustees to respond in writing to any such complaints filed with it. Citation: G.L. c. 71, § 89(11); 603 CMR 1.06(1)(h) and 1.09</p>	

## Appendix B: Required Elements of Complaint Procedure<sup>7</sup>

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The Complaint Procedure must indicate that:

- A parent, guardian, or other individuals or groups who believe that [insert school name] has violated or is violating any provision of M.G.L. c. 71, § 89, or 603 CMR 1.00 may file a complaint with [insert school name]'s board of trustees.
- The board of trustees shall respond in writing to the complaining party no later than 45 days from receipt of the complaint.
- The board of trustees shall, pursuant to a complaint received under 603 CMR 1.09, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89, and 603 CMR 1.00. [Insert school name] and the specific individuals involved shall cooperate to the fullest extent with such review.
- A complaining party who believes a complaint pursuant to 603 CMR 1.09(1) has not been adequately addressed by [insert school name] board of trustees may submit the complaint in writing to the Commissioner, who shall investigate such complaint and make a written response.
- In the event [insert school name] is found in violation of M.G.L. c. 71, § 89, or 603 CMR 1.00, the Commissioner or Board may take such action deemed appropriate including, but not limited to, suspension or revocation of the charter, or referral of the matter to the District Attorney, the Office of the Attorney General, or other appropriate agencies for action.
- A parent, guardian, or other individuals or groups who believe that [insert school name] has violated or is violating any state or federal law or regulation regarding special education may file a complaint directly with the Department.

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<sup>7</sup> 603 CMR 1.09

## Appendix C: Charter School Enrollment Policy and Application for Admission Checklist

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Please use the following checklist to guide the creation of your charter school enrollment policy. Please record in the right column the location or page number of each of the required elements within your draft enrollment policy.

<b>1. General Policy Statement(s) (or Introduction):</b>	
<b>a.</b> States the grades into which the school enrolls (or does not enroll) new students. G.L. c. 71, § 89(m).	
<b>b.</b> States a non-discrimination policy that includes “[name of school] does not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement.” G.L. c. 71, § 89(m); 603 CMR 1.05(2).	
<b>c.</b> States that the school will develop and implement a student recruitment and retention plan as outlined in G.L. c. 71, § 89(f) and 603 CMR 1.05(1).	
<b>d.</b> States whether the enrollment process is integrated with that of the school district(s). 603 CMR 1.05(11).	
<b>e.</b> States that all applicants will be notified in writing of the rights of students with diverse learning needs to attend the charter school and to receive accommodations and support services, including students who may have disabilities, require special education, or are English language learners. 603 CMR 1.05(4).	
<b>f.</b> States where the information regarding the availability of services is presented, including the school’s outreach materials, the student handbook, and on the school’s website. 603 CMR 1.05(4).	
<b>g.</b> States that the school does not use financial incentives to recruit students. 603 CMR 1.05(3)(a).	
<b>h. (Regional charter school)</b> States whether the school intends to provide transportation to all residents of its charter region in accordance with the <u>Charter School Technical Advisory 07-2: Transportation</u> . A regional charter school’s commitment to provide transportation services to residents of the charter region during the scheduled school year, including those students who reside outside the city or town where the school is located, will establish the school’s eligibility for regional transportation aid. <i>[Note: This is generally described in the transportation plan included in the school’s final application for a charter school, but it is included in the enrollment policy to facilitate clear communication to families and other stakeholders in a current policy document].</i>	
<b>a.</b> States that the applicant must be a resident of Massachusetts to apply to enroll, and to attend a Massachusetts charter school. G.L. c. 71, § 89(ff).	
<b>b.</b> Defines requirements for reasonable proof of residency, including reasonable requirements for homeless students.	
<b>c.</b> States that the school does not require potential students or their families to attend interviews or informational meetings as a condition of application or enrollment. 603 CMR 1.05(3)(a).	
<b>d.</b> States that the school does not administer tests to potential applicants or predicate enrollment on results from any test of ability or achievement. 603 CMR 1.05(3)(a).	
<b>e.</b> Specifies age thresholds for kindergarten and, to the extent desired, age ceilings for high school programs. 603 CMR 1.05(12). Schools may request reasonable proof of age related to these requirements but may not require all students to provide a birth certificate.	

<b>3. Description of the Enrollment Process:</b>	
<b>a.</b> Describes the school's enrollment processes, including the initial application process, as well as any subsequent application and lottery processes. 603 CMR 1.05(6).	
<b>b.</b> States that the school will not set any principal application deadlines or hold any enrollment lotteries for student admission for the upcoming school year until after January 1, and shall conclude its principal enrollment process no later than March 15 of each year. 603 CMR 1.05(3)(c).	
<b>c.</b> States that the school will give reasonable public notice, of at least one month, of all application deadlines. 603 CMR 1.05(5).	
<b>d.</b> States the charter school's policy regarding disclosure of student information. G.L. c. 71, § 89(g) and (n).	
<b>e.</b> States the process for students and parents to consent or deny disclosure of student information. G.L. c. 71, § 89(g).	
<b>f.</b> States that, upon request, the school will provide the names and addresses of students to a third party mail house for mailings unless the parent requests that the school withhold their child's information. G.L. c. 71, § 89(g); 603 CMR 1.05(6)(e).	
<b>g.</b> If the charter school operates multiple campuses under a single charter, the policy states that the school may assign students, in accordance with the charter school's enrollment policy, to a specific campus for reasons of geographic proximity, student safety, or program delivery. 603 CMR 1.05(13).	
<b>h.</b> Reasonable proof of current residency or sibling status is required at the time an offer of admission is made. 603 CMR 1.05(10)(a).	
<b>a.</b> States that the school will determine the number of spaces available each year by grade level. 603 CMR 1.05 (10)(c).	
<b>b.</b> States that, in cases where there are fewer spaces than eligible applicants, students shall be accepted for admission by a lottery process. 603 CMR 1.05(6)(a) and (c).	
<b>c.</b> States that reasonable public notice is given at least one week prior to each enrollment lottery. 603 CMR 1.05(9).	
<b>d.</b> States that each lottery is conducted in public and indicates the location of the lottery. 603 CMR 1.05(9).	
<b>e.</b> States that a neutral party draws the lottery. 603 CMR 1.05(9).	
<b>f.</b> States whether the lottery will be conducted electronically, and, if so, that a neutral party shall certify that the process is fair and that selection is random. 603 CMR 1.05(9).	
<b>g.</b> Defines siblings as students who have a common parent, either biologically or legally through adoption. 603 CMR 1.02.	
<b>h. (Commonwealth)</b> States that siblings of students who attend the school at the time an offer of admission is made are given preference for admission over non-siblings. 603 CMR 1.05(6)(b).	
<b>i. (Commonwealth)</b> States that residents of the city/town(s) served by the school are given preference for admission over non-resident students. Reasonable proof of current residency is required at the time an offer of admission is made. G.L. c. 71, § 89(m); 603 CMR 1.05(6)(b).	

<p><b>j. (Horace Mann)</b> States that in such cases where there are fewer spaces for admission than eligible applicants, students shall be accepted for admission from among applicants by lottery.</p> <ol style="list-style-type: none"> <li>1. for the initial lottery, any students attending said school, or attending school in the school building previously occupied by said school, on the date that the final application is filed with the Board;</li> <li>2. for the initial lottery, siblings, of any students attending said school, or attending school in the school building previously occupied by said school, on the date that the final application is filed with the Board;</li> <li>3. in all subsequent lotteries, siblings of students currently attending the school;</li> <li>4. students who are currently enrolled in the public schools of the district in which the Horace Mann charter school is located; and</li> <li>5. students who reside in the city or town in which the Horace Mann charter school is located, reasonable proof of current residency is required at the time an offer of admission is made. 603 CMR 1.05 (7).</li> </ol>	
<p><b>k. (Commonwealth)</b> States that in cases where the enrollment of a student, who is not a sibling of another currently enrolled student, from the waitlist would exceed the district charter tuition cap, the student will be skipped but kept on the waitlist. In cases where the enrollment of a student in and of itself who is a sibling of a student currently attending a charter school would exceed the district charter school tuition cap, the sibling may be enrolled and the Commonwealth of Massachusetts will provide tuition for the sibling, subject to appropriation. G.L. c. 71, 89(i); 603 CMR 1.05(10)(b).</p>	
<p><b>l.</b> States that the school shall place the names of students not selected in an enrollment lottery on a waitlist in the order the names were selected. 603 CMR 1.05(10). When admitting students off a waitlist, schools must remember to take into account current sibling and resident preferences.</p>	
<p><b>m.</b> States that if the principal enrollment process fails to fill the available admission spaces, the school may repeat the process more than once providing such process is fair and open and that the school gives reasonable public notice at least one month prior to the application deadline. 603 CMR 1.05(8).</p>	
<p><b>n.</b></p>	
<p><b>a.</b> States that if a student stops attending the charter school or declines admission, the next available student on the waitlist for that grade, taking into account the current status of enrollment preferences, will be offered admission until the vacant seat is filled. G.L. c. 71, 89(n).</p>	
<p><b>b.</b> o student may be admitted ahead of other eligible students who were previously placed on a waitlist during a prior enrollment process, except in cases where enrollment preferences change or as described in 603 CMR 1.05(10)(b).</p>	
<p><b>c.</b> States how students on the waitlist will be informed of an offer of admission.</p>	
<p><b>d.</b> States the school’s policy for students who have declined an offer of admission and states that such students would need to reapply for admission.</p>	
<p><b>e.</b> States that the school shall maintain waitlists only for the school year for which the students applied, provided that a charter school may choose to maintain any waitlists that were established prior to March 31, 2014 until such waitlists are exhausted. 603 CMR 1.05(10)(a).</p>	
<p><b>f.</b> States that the school will keep accurate records of its waitlist containing students’ names (first, middle, last), dates of birth, cities or towns of residence, and grade levels for students who entered the lottery but did not gain admission. 603 CMR 1.05(10)(a).</p>	

<p><b>g.</b> States that in conformance with G.L. c. 71, § 89, charter schools shall, when a student stops attending the school for any reason, fill vacant seats up to February 15, excluding seats in the last half of the grades offered and grades 10, 11, and 12 . If a school has an odd number of grades, more than half of grades offered shall be included in grades for which the school must fill vacant seats. 603 CMR 1.05(10)(c).</p>	
<p><b>h.</b> States the school’s policy for students who have withdrawn from the school and states that such students would need to reapply for admission.</p>	
<p><b>i.</b> States that a vacancy not filled after February 15 moves into the subsequent grade, to be filled the following September if such grade is not in the last half of the grades offered and is not grades 10, 11, or 12. Seats for students who have accepted an offer of admission in the charter school but have never attended are exempt from this provision. 603 CMR 1.05(10)(c).</p>	
<p><b>a.</b> The application does not require dual parent/guardian signatures.</p>	
<p><b>b.</b> The application does not require submission of the student’s social security number.</p>	
<p><b>c.</b> Application form for admission must be submitted for approval with the draft enrollment policy. 603 CMR 1.05(3)(b).</p>	
<p><b>d.</b> The application form includes all student information required for every student:</p> <ul style="list-style-type: none"> <li>• Student’s names (first, middle, last);</li> <li>• Dates of birth;</li> <li>• Cities or towns of residence; and</li> <li>• Grade levels of student.</li> </ul>	
<p><b>e.</b> States a non-discrimination policy that includes “[name of school] does not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement.” G.L. c. 71, § 89(m); 603 CMR 1.05(2).</p>	
<p><b>f.</b> States that any and all information requested in the application, such as language spoken at home or race/ethnicity, is not intended and will not be used to discriminate. G.L. c. 71, § 89(m); 603 CMR 1.05(2).</p>	
<p><b>a.</b> If the charter school is new or is expanding grade levels or its maximum enrollment, includes the growth plan for adding those grades or seats. The growth plan must conform to the enrollment policy.</p>	

## Appendix D: Required Elements of Contracts for Educational Services

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- The contract must comply with all applicable laws and regulations. The contract's choice of law provision, a standard provision in most contracts, must specify that Massachusetts law applies to any legal proceeding arising out of a dispute between the board of trustees and the education management organization (EMO).
- The contract must include a description of the specific services that the EMO will provide and the board of trustees' responsibilities. Be sure to address those responsibilities required of the charter school by law, such as the development of an annual report.
- The contract must include a description of the relationship between the EMO and the board. For example, the contract should clarify how the parties will hire, evaluate, and dismiss the school leader.
- The board cannot abdicate its legal or fiduciary responsibilities as the entity holding the charter. For example, the contract must provide for sufficient board oversight of the EMO and the school cannot assign to the EMO the board's responsibilities as defined in M.G.L. c. 71, Section 89.
- The contract must include a direct reference to the school's Accountability Plan as approved by the Department, a commitment by the EMO to achieve the goals stated in the plan, and a description of how the board will evaluate the EMO's progress toward achieving the plan's goals.
- The contract must include a description of how the parties will develop, approve, and oversee the school's budget and curriculum and how the board of trustees will monitor and oversee the EMO's financial and management services.
- The contract should reflect that the board of trustees has the ultimate responsibility for establishing the school's budget and determining its curriculum pursuant to M.G.L. c. 71, Section 89(w).
- The contract should include clear methods for determining the EMO's compensation. Ideally, methods of compensation should create incentives for the EMO that parallel the board's goals for the school. The method of compensation should indicate all contract payments, lease payments, management fees, administrative fees, licensing fees, expenses, and other amounts payable to the EMO and under what conditions these amounts are payable.
- The contract should indicate upon what sources of revenue the fee is based, especially if it is based upon a percentage of the school's revenues.
- The contract should include a provision specifying that the board of trustees hires the school's independent auditor pursuant to M.G.L. c. 71, Section 89(jj).

- The contract should require that the EMO furnish the charter school with all information deemed necessary by the school for the proper completion of the budget, financial reports and audits.
- Budgets prepared by the charter school should include all revenue anticipated and all actual expenses, as well as anticipated expenses and incidentals, associated with the operation and management of the charter school. The EMO must submit invoices and supporting documentation to justify expenses.
- The contract should indicate that all financial reports provided or prepared by the EMO will follow generally accepted auditing principles and will also comply with ESE's prescribed format for charter school reporting.
- All loans to, or investments in, the charter school by the EMO must be evidenced by appropriate documentation. In the case of investments, such documentation must explain how the investment will be treated on the books of the charter school and clearly state the EMO's expected return on equity.
- The contract must include provisions dealing with ownership of physical and intellectual property developed by the ESP or EMO or by the school's employees. Keep in mind that the charter school has an obligation to disseminate information to other schools in the Commonwealth pursuant to M.G.L. c. 71, Section 89(dd). All contract provisions must conform to this requirement.
- Boards should pay special attention to the public records law, M.G.L. c. 66, which requires schools to provide access to certain records to any member of the public upon request.
- The term of the contract with the EMO may not exceed the term of the school's charter or contain an automatic contract renewal provision.
- The contract must include provisions addressing termination of the contract by the board of trustees and termination of the contract by the EMO. The contract should protect the board of trustees from unwarranted termination by the EMO and give the board an opportunity to terminate the contract if the EMO fails to meet mutually agreed upon goals or standards.

## Appendix E: Guidance for Memorandum of Understanding

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### ***Type A: Agreements with District***

The first type of MOU is with the school committee of the district in which the charter school is located and the proposed charter school's board of trustees. A final signed copy of this type of MOU is required in the final application for all types of Horace Mann charter schools.

### ***Type B: Agreements with Staff***

The second type of MOU is with the school committee, the collective bargaining unit, and the proposed charter school board of trustees. The timeline and potential faculty vote vary by type of Horace Mann charter school.

The memoranda of understanding ensure that the proposed charter school, the school committee of the district in which the charter school is located, and the collective bargaining unit understand and agree to the relevant portions of the charter application. Collective bargaining employees continue to be members of the local collective bargaining unit; accrue seniority; and receive, at a minimum, the salary and benefits established by the local collective bargaining agreement. Employees may be exempt from specific provisions of the local collective bargaining agreement (including work rules) to the extent provided by the charter and the executed memorandum of understanding.

### **Type A: Agreements with District**

The Memorandum of Understanding (MOU) between a charter school board of trustees and the school committee must include the following elements:

#### **A. General**

1. Provide the effective date and duration of the MOU.
2. Outline the procedures to be utilized for dispute resolution.
3. Articulate the process for amending the MOU.
4. Clarify the severability clauses, if any.
5. Articulate the structure for official communication between the Horace Mann charter school and the district.
6. Describe the coordination with and/or participation by the Horace Mann charter school in district leadership structures, curricular initiatives, review processes, professional development, or other programs, in accordance with the description of these areas in the charter application.
7. Be approved by the school's board of trustees and the school committee.
8. Be signed by the chairperson of the school's board of trustees and the school committee.

#### **B. Budget/Funding/Budget Development & Management**

1. The required deadline for submission of a budget request by the Horace Mann charter school, (CMR 603 1.08(1) requires no later than April 1).
2. The criteria to be used for determining the Horace Mann charter school's annual budget allocation from the district. Specify the process for negotiating budget disagreements, and

- any formulas, financial reporting, enrollment and/or other data required to determine the amount.
3. The timeline for disbursement of funds to the Horace Mann charter school. Designation of whether the disbursement will be an annual lump sum deposited into an account controlled by the Horace Mann charter school or quarterly payments.
  4. Describe the basis for calculating the district's payment to the school.
  5. Provide the dates when school district funds will be transferred into the school's bank account.
  6. The process for timely completion of the required independent audit for the Horace Mann.
  7. Specify which party will apply for grants, particularly federal entitlements and if the district applies for these funds, specify how they will be disbursed to the charter school.
  8. The fees or costs, if any, that may be levied against the Horace Mann charter school's annual budget allocation for *Other Services* (see below) rendered on its behalf by the district.

### **C. Other Services**

1. Provide specific information on the following areas and how the Horace Mann charter school's budget will impacted or charged:

a. **Instruction:** Specify what, if any instructional services will be provided by the district to the charter school.

b. **Professional Development:** Specify what, if any, access to professional development resources of the district will be provided to the charter school.

c. **Nutrition:** Specify what, if any, nutritional services will be provided by the district to the school, such as staffing, school lunch, and snacks. Specify also which party will apply for reimbursements.

d. **Special education; English language learners:** Specify if district staff and services will be shared and the basis on which the Horace Mann charter school expects to provide these services. Describe who will identify, assess, and serve special student populations. Specify if the district can provide potential interim placements. If the district is not providing services, specify if the charter school will contract out for these services.

e. **Technology:** Specify what, if any, district technology will be available to the charter school, including technical support and professional development.

f. **Athletics:** Specify if the Horace Mann charter school students will be allowed to participate in district-sponsored athletic programs.

g. **Facilities:** Specify what facility the district provides or how will it assist the Horace Mann charter school in securing an adequate educational facility for the school. Specify which party will be responsible for maintenance, utilities, capital improvements, etc. Please specify, what costs if any, the district will be responsible for if the charter school locates in a non-district facility.

h. **Transportation:** Specify the basis on which the district will provide transportation to the Horace Mann charter school.

## **D. Financial Management**

1. Which party is responsible for the following:
  - Procurement;
  - Administration of payroll and fringe benefits for both staff members who are part of collective bargaining units and those who are not; and
  - Responsibility for general financial management: accounts receivable, payable, etc.

## **E. Enrollment & Data Submissions**

1. The basis on which students are enrolled in the school, in alignment with the charter school statute and regulations, the school's approved enrollment policy, and the maximum enrollment for which the school was chartered.
2. Specify which entity is responsible for submission of SIMS data and other required data submissions to the Department, such as EPIMS.

## **F. Employee Status**

1. Define the process that will be used to hire, evaluate, and if necessary, terminate, the Horace Mann charter school's leader and how the Horace Mann charter school board of trustees and the superintendent of the district will interact in relation to evaluating the performance of the Horace Mann charter school leader.

## **Type B: Agreements with Staff**

The following requirements apply for the different types of Horace Mann charter schools:

- Horace Mann I applicants must include a signed Type B final draft MOU with the final application.
- Horace Mann II applicants must include a draft of the Type B MOU with the final application and it must be approved by a majority of faculty at the school within 30 days of the submission of the final application. Because it is not clear who must sign an MOU for a Horace Mann II school that modifies provisions of a collective bargaining agreement, we encourage Horace Mann II applicants and school districts to consult their own legal counsel regarding any collective bargaining issues.
- Horace Mann III applicants must include a draft of the Type B MOU with the final application and the charter school's board of trustees must negotiate with the collective bargaining unit and the school committee in good faith following the award of a charter. If an agreement is not reached at least 30 days before the scheduled opening, the charter school operates under the terms of its charter. We encourage Horace Mann III charter school applicants and school districts to consult their own legal counsel regarding any collective bargaining issues.

The Memorandum of Understanding (MOU) between a charter school board of trustees, the school committee, and the local collective bargaining unit **must** include the following elements:

**A. General**

1. Indicate, based on information included in the application, the details of any relevant waivers to the local collective bargaining agreement.
2. Provide the effective date and duration of the MOU.
3. Outline the procedures to be utilized for dispute resolution.
4. Articulate the process for amending the MOU.
5. Clarify the severability clauses, if any.
6. Must include signatories required to execute the MOU.

**B. Employee Status**

1. Outline the elements of collective bargaining agreements that are waived in accordance with information in the charter application.
2. Clarify the adjustments that will be made to work rules for members of collective bargaining units (processes and procedures for teacher placement, the teacher work schedule: including length of work day and year, expectations for professional development, etc.).
3. Explain the process for transferring existing teachers who do not volunteer to work at the Horace Mann charter school. (The charter school statute stipulates that “Upon approval of a Horace Mann charter school by the board of education, the superintendent of the school district where the Horace Mann charter school is to be located shall reassign, to the extent provided by the terms of its charter, any faculty member who wishes to be reassigned to another school located within said district” (MGL c. 71, § 89(x)).
4. Describe the process for evaluating members of the collective bargaining unit, in accordance with the description provided in the charter application.
5. Be clear about non-teaching staff; they are required to be members of the local collective bargaining unit if the positions they hold are covered in a collective bargaining agreement with the district. For example, custodial staff members in a school district are usually covered by a collective bargaining agreement with the school committee that remains in effect and covers staff at the charter school. If the MOU affects the terms of any collective bargaining agreement for non-teaching staff, that collective bargaining unit may need to sign the MOU.

## Appendix F: School Schedule Template

### SCHOOL SCHEDULE TEMPLATE

[SCHOOL NAME]

[DATE]

[OFFICIAL DEPARTMENT APPROVAL DATE]

*Please see page 2 for guidance on each item.*

<b>ITEM 1 DAILY/WEEKLY SCHEDULE FOR STUDENTS</b>	
<b>Day</b>	<b>Typical Total Hours</b>
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Other <i>(if applicable)</i>	

<b>ITEM 2 YEARLY SCHEDULE FOR STUDENTS</b>		
<b>Minimum Number of Days</b>	<b>Scheduled Emergency/Snow Days</b>	<b>Total number of scheduled school days</b>
Please note below if the schedule includes <b>mandatory</b> special programming for <b>all</b> students, such as Saturday school or summer school.		

## Schedule Template Guidance

### ITEM 1



- If the school changes its start and end times without changing the total hours scheduled during the school day (for example a shift from a school day that runs from 7:15-3:15 to a school day that runs from 7:30 to 3:30), please communicate these changes directly to the district by the required deadline of February 1st prior to the start of the school year. No amendment would be required in this scenario.
- Elementary school students must receive a minimum of 900 hours per school year of structured learning time, as defined in 603 CMR 27.02. Secondary schools must receive a minimum of 990 hours per school year of structured learning time, as defined in 603 CMR 27.02. Please see School Day and Structured Learning Time Requirements for more information. <http://www.doe.mass.edu/news/news.aspx?id=6682>
- Small variations in your day of 10 minutes or less to accommodate transportation needs also do not require amendments.
- Please note that the total hours should be mandatory hours applicable to **all students**. For example, if after school is optional and not all students are required to attend after school programming, do not include those hours in the total number of hours.
- Please note standard scheduled variations. For example, weekly or monthly Friday professional development days where students have an early release, or Saturday school.

#### EXAMPLE

Day	Typical Total Hours
Monday	7 hours 5 min
Tuesday	7 hours 5 min
Wednesday	5 hours 10 min
Thursday	7 hours 5 min
Friday	7 hours 5 min
Other ( <i>if applicable</i> )	No other mandatory programming for all students

### ITEM 2



- Schools are required to schedule at least 5 snow days but operate for a **minimum of 180 days** (603 CMR 27.03) unless the charter promises a longer school year. Please see School Day and Structured Learning Time Requirements for more information <http://www.doe.mass.edu/news/news.aspx?id=6682>
- For example, if a school's charter states the school will operate for 190 days, the school would at a minimum operate for 190 days and schedule 5 additional snow days for a total of 195 scheduled days.
- The minimum number of days below is the number of days that the school commits to holding, regardless of snow cancellations or other emergencies.
- The school can also note how many snow days it plans to schedule (at minimum 5), but will commit, at minimum, to the number in the proposed minimum number of days.

#### EXAMPLE

Minimum Number of Days	Scheduled Emergency/Snow Days	Total number of scheduled school days
185 <i>(the school is chartered to have 185 days)</i>	5 <i>(the school schedules the required 5 additional snow days)</i>	190 <i>(the school schedules 190 days, but if snow days are used, will operate 185 days at minimum)</i>

## Appendix G: Highlights of Massachusetts Student Discipline Statutes and Regulations as of July 1, 2014

This chart is a basic overview of requirements found in state statutes and the Department’s Student Discipline Regulations, 603 CMR 53 (Regulations), as approved by the Board of Elementary and Secondary Education on April 29, 2014. The Regulations, as well as amended §37H and new §37H ¾ of chapter 71, and new §21 of G.L. c. 76, are effective July 1, 2014. School administrators should become familiar with the state statutes and Regulations before responding to student misconduct on or after July 1, 2014. It is also advisable to consult with local counsel on questions involving specific incidents of student misconduct.

G.L. Chapter 71, §37H	G.L. Chapter 71, §37H ½	G.L. Chapter 71, §37H ¾
<p><b>Offenses:</b> On school premises or at school-sponsored events or activities:</p> <ul style="list-style-type: none"> <li>• Possession of a dangerous weapon</li> <li>• Possession of a controlled substance</li> <li>• Assault on a member of the educational staff</li> </ul>	<p><b>Offenses:</b></p> <ol style="list-style-type: none"> <li>1. A felony charge or felony delinquency complaint against a student.</li> <li>2. Conviction, adjudication, or admission of guilt with respect to such felony.</li> </ol>	<p><b>Offenses:</b> Any offense that is not addressed in <u>§37H</u> or <u>§37H ½</u>.</p>
<p><b>Consequence:</b></p> <ul style="list-style-type: none"> <li>• Exclusion for amount of time up to expulsion;</li> <li>• Principal may suspend and not expel as he or she deems appropriate</li> </ul>	<p><b>Consequence:</b></p> <ol style="list-style-type: none"> <li>1. Felony charge or felony delinquency complaint: suspension for a period of time deemed appropriate by principal <i>if</i> the principal determines the student’s continued presence would have a substantial detriment on the general welfare of the school.</li> <li>2. Felony or felony delinquency conviction or adjudication or admission of guilt with respect to such felony: removal for a period of time up to expulsion (i.e. permanent exclusion) <i>if</i> the principal determines that the student’s continued presence would have a substantial detriment on the general welfare of the school.</li> </ol>	<p><b>Consequence:</b></p> <ul style="list-style-type: none"> <li>• Avoid suspending a student from school long-term (i.e. more than 10 days) until other remedies and consequences have been considered; consider ways to re-engage the student in learning.</li> <li>• Consequences other than suspension may draw from evidence- based strategies and programs such as mediation, conflict resolution, restorative justice, and behavioral interventions and supports.</li> <li>• No student may be suspended for more than 90 school days in a school year.</li> </ul>

<b>G.L. Chapter 71, §37H</b>	<b>G.L. Chapter 71, §37H ½</b>	<b>G.L. Chapter 71, §37H ¾</b>
<p><b>Due Process:</b></p> <ul style="list-style-type: none"> <li>• Prior notice to student of charge and written notice of right to hearing prior to expulsion or suspension for more than 10 days;</li> <li>• Right to representation at hearing; and to present evidence and witnesses at hearing.</li> </ul>	<p><b>Due Process (for either suspension or expulsion):</b></p> <ul style="list-style-type: none"> <li>• Written notice of the charges and of the reasons before the suspension takes effect;</li> <li>• Principal may determine the appropriate amount of time for suspension;</li> <li>• Written notice of the right to appeal to the superintendent;</li> <li>• Suspension remains in effect pending appeal to the superintendent.</li> </ul>	<p><b>Due Process:</b></p> <ul style="list-style-type: none"> <li>• Except for in-school suspension and emergency removals, prior oral and written notice of the charge to the student, and to the student’s parent, and the opportunity for a meeting/hearing with the principal before suspension takes effect. Consult 603 CMR 53:08 for details on notices, which vary for long- and short- term suspensions.</li> <li>• Consult 603 CMR 53:07 for emergency removal process and 603 CMR 53:10 for in-school suspension process</li> <li>• Explicit requirement to translate notice of the charges and the reasons in primary language of the home if other than English, or other means of communication where appropriate.</li> <li>• Principal must make and document reasonable efforts to include the parent in meeting/hearing with the student.</li> <li>• Principal must audiotape the hearing if requested by the parent and all those attending the hearing must be informed of the taping.</li> <li>• Following hearing, principal must provide a written decision; and if a long-term suspension imposed, must</li> </ul>

		<p>inform student and parent in writing of the right to appeal to the superintendent and the process to be followed; translate notice of appeal rights in primary language of the home, or other means of communication where appropriate.</p> <ul style="list-style-type: none"> <li>• Before any out-of-school suspension of a student in preschool or grades K – 3, principal must notify superintendent in writing of the alleged misconduct and the reasons for suspending the student out-of-school.</li> </ul>
<b>G.L. Chapter 71, §37H</b>	<b>G.L. Chapter 71, §37H ½</b>	<b>G.L. Chapter 71, §37H ¾</b>
<p><b>Appeal from Principal’s Decision:</b></p> <ul style="list-style-type: none"> <li>• Right to appeal <b>expulsion</b> decision to superintendent</li> <li>• Timeline for requesting appeal: ten days from date of expulsion</li> <li>• Right to counsel at hearing</li> <li>• Superintendent can make factual determinations as well as determine consequence.</li> </ul>	<p><b>Appeal from Principal’s Decision to Suspend or to Expel:</b></p> <ul style="list-style-type: none"> <li>• Timeline for requesting appeal: no later than 5 calendar days following the effective date of the suspension/expulsion</li> <li>• Superintendent must hold hearing within 3 calendar days of receipt of request and issue a decision within 5 calendar days.</li> <li>• Superintendent may overturn or alter the decision.</li> </ul> <p><b>A student may appeal a suspension decision and the subsequent expulsion decision (following the conviction, adjudication or admission of guilt) regarding the same offense.</b></p>	<p><b>Appeal from Principal’s Decision:</b></p> <ul style="list-style-type: none"> <li>• Timeline for requesting appeal: written request not later than 5 calendar days following effective date of suspension; parent can request extension for up to 7 calendar days, which must be granted.</li> <li>• The superintendent must hold hearing within 3 calendar days of the parent’s request for a hearing. The student or parent may request up to 7 additional calendar days. If so, the superintendent must allow the extension. The superintendent may have the hearing without the parent if the superintendent has made a good faith effort to include the parent.</li> </ul>

		<ul style="list-style-type: none"> <li>• The student has the right to present oral and written testimony, to cross examine witnesses, and to counsel at his or her expense at the hearing.</li> <li>• The superintendent must audiotape the hearing and notify hearing participants that the hearing will be taped.</li> <li>• The superintendent determines the facts and consequences, if any, but cannot impose a consequence greater than the principal decided. A written decision is due within 5 calendar days of the hearing.</li> </ul>
<b>G.L. Chapter 71, §37H</b>	<b>G.L. Chapter 71, §37H ½</b>	<b>G.L. Chapter 71, §37H ¾</b>
<p><b>Provision of Education Services:</b> Provide every student an opportunity to make <i>academic progress</i> during the period of suspension (whether in-school or out-of-school) or expulsion, to make up assignments, and earn credits missed. A district that suspends or expels a student for <i>more than 10 consecutive days</i> must provide the student and the parent with <i>a list</i> of alternative educational services.</p> <p>See <b><u>G.L. c. 76, §21</u></b> and <b><u>603 CMR 53.13</u></b> for details, including required notice.</p>	<p><b>Provision of Education Services:</b> <b>Same</b></p>	<p><b>Provision of Education Services:</b> <b>Same</b></p>

<b>G.L. Chapter 71, §37H</b>	<b>G.L. Chapter 71, §37H 1/2</b>	<b>G.L. Chapter 71, §37H 3/4</b>
<p><b>Discipline Collection and Reporting:</b></p> <ul style="list-style-type: none"> <li>• Collect and report to the Department data concerning the types and lengths of removals, suspensions, and expulsions, and access to education services</li> <li>• Periodically review discipline data by selected student populations; determine extent of disciplinary removals and the impact on such populations; adjust practice as appropriate</li> <li>• Department will provide assistance to school(s) if Commissioner identifies school(s) in district that have the highest percentage of suspensions or expulsions in Massachusetts for more than 10 cumulative days in a school year.</li> <li>• Create a plan to address disparities if Commissioner determines that school or district discipline data reflect significant disparities by race and ethnicity, or disabilities.</li> </ul> <p><b>See <u>603 CMR 53.14</u> for details.</b></p>	<p><b>Discipline Collection and Reporting:</b> <b>Same</b></p>	<p><b>Discipline Collection and Reporting:</b> <b>Same</b></p>

## Appendix H: Criteria for Expulsion Policy Checklist

### CHECKLIST FOR EXPULSION POLICY

Please use the following checklist to guide the creation/revision of your charter school expulsion policy. Schools are required to submit their expulsion policies for Department approval. Please record the page number and location of each of the required elements within your draft policy under the Page/Section column. While these are the minimum rights that must be afforded by law, consult with legal counsel while preparing your expulsion policy, as counsel may suggest additional processes. If revisions are needed, this document will be returned with an **X** under the “revision required” column next to the corresponding section. Revision notes will be provided on your draft expulsion policy.

Each policy must state or describe the following elements:

Expulsion Policy	Page/	Revision
1. Policy identifies specific discipline offenses subject to expulsion <sup>8</sup> Chapter 71, Section 37H (a), (b); Chapter 71, Section 37H ½ (2)		
2. Standards and procedures assuring due process for expulsion. <sup>9</sup>		
a. Written notice to student of the charges and of the reasons and evidence for expulsion before the expulsion takes effect.		
b. Written notice to student of student’s right to a hearing <sup>10</sup> with the principal before the expulsion takes effect, including date, time and location. <sup>11</sup> Student’s parent or guardian will be present at the hearing <sup>12</sup> .		
c. If the principal decides to expel the student after the hearing the principal shall give written notification at the hearing to student and parent of student of the right to appeal, the process for appealing the expulsion and of the opportunity to receive educational services. <sup>13</sup> Chapter 71, Section 37H; paragraph 2, (c) and 37H½ and 603 CMR 53.08		

<sup>8</sup> Upon a student being convicted of a felony or upon adjudication or admission in court of guilt with respect to such a felony or felony delinquency, possession of a dangerous weapon or an illegal/controlled substance or assault of educational personnel / felony charge or felony offense, the principal of a school in which the student is enrolled may expel the student if such principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

<sup>9</sup> At a student hearing, any decision maker (principal, executive director, head of school) deciding the consequence for the student shall exercise discretion.

<sup>10</sup> At the hearing, students and parents have the right to: bring counsel (at the student’s expense), present evidence (through the student’s own testimony or witnesses and through written evidence) and cross-examine witnesses presented by the school.

<sup>11</sup> After the hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either Chapter 71, Section 37H, paragraph (a) or (b). The expulsion

shall remain in effect prior to any appeal hearing conducted by the superintendent.

<sup>12</sup> Chapter 71, Section 37H½

<sup>13</sup> The expulsion will remain in effect prior to any appeal hearing. For a 37H ½ charge, delinquency complaint, conviction, adjudication or admission of guilt principal may remove student for period of time up to expulsion if principal determines the student’s continued presence would have a substantial detriment on the general welfare of the school. The student has 10 days from the date of the expulsion to notify the superintendent of an appeal.

<p><b>3. Any student who has been expelled from a school district shall have the right to appeal to the superintendent.</b></p> <p><b>a.</b> The student or parent of the student shall notify the superintendent in writing of his request for an appeal<sup>14</sup></p> <p style="padding-left: 40px;">i. Per 37H: ten days from date of expulsion.</p> <p style="padding-left: 40px;">ii. Per 37H½: five days from date of expulsion.</p>		
<p><b>b.</b> The superintendent shall hold a hearing with the student and the student’s parent or guardian<sup>15</sup>.</p>		
<p><b>c.</b> At the hearing, the student shall have the right to present oral and written testimony, the right to counsel and the right to confront and cross examine witnesses presented by the school<sup>16</sup>.</p>		
<p><b>d.</b> The superintendent shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. That decision shall be the final decision of school district with regard to the expulsion.</p> <p>Chapter 71, Section 37H (d), 37H ½ (2) and 603 CMR 53.09</p>		
<p><b>4. Description of the educational services that will be made available for a student to make academic progress during the period of expulsion once it is imposed.</b><sup>17</sup></p> <p><b>a.</b> The principal shall inform the student and parent of this opportunity in writing to receive education services at the time the student is expelled.<sup>18</sup></p> <p>Chapter 76, Section 21; Chapter 71, Section 37H, (e); 603 CMR 53.01 and 53.13(1), (2), (4)</p>		
<p><b>5. Disciplinary measures taken in serious cases</b><sup>19</sup></p> <p>Chapter 71, Section 37H (paragraph 2), 37H ½</p>		

<sup>14</sup> The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal.

<sup>15</sup> Superintendent holds hearing within 3 days of receipt of request per 37H½.

<sup>16</sup> The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of section 37H.

<sup>17</sup> If the student moves to another district during the period of expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan.

<sup>18</sup> Notice shall be provided in English and in the primary language spoken in the student’s home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a specific school district staff member to arrange services.

<sup>19</sup> Serious case is defined as involving the possession or use of illegal substances or weapons, assault, vandalism, or violation of a student’s civil rights. In practice, the decision to suspend rather than expel in serious cases may depend on whether the principal determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school.

## **Definitions:**

The **board of trustees** of a charter school shall designate in the school discipline code who will serve as the principal for purposes of 603 CMR 53.00.

**Expulsion** is defined at 603 CMR 53.02 as more than 90 school days. A student may not be expelled for a §37H  $\frac{3}{4}$  offense.

**Parent** means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian. *603 CMR 53.02.*

**Principal** is defined in 603 CMR 53.02 as: the instructional administrative leader or headmaster of a public school or his or her designee for purposes of disciplinary matters.

**Superintendent** means the chief executive officer employed by a school committee or board of trustees to administer a school system, charter school, or virtual school pursuant to M.G.L. c. 71, §§ 59, 59A, 89, or 94, or his or her designee appointed for purposes of conducting a student disciplinary hearing. The board of trustees of a charter school shall designate in the school's discipline code who will serve as the superintendent for the purposes of 603 CMR 53.00.

## Appendix I: Discipline of Special Education Students under IDEA 2004

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The Code of Conduct must describe the discipline procedures that apply to students who have been identified as having special needs including the implementation of potential modifications to the regular code of conduct, as required by their Individualized Education Plans (34 CFR 300.530-537), and the need to conduct manifestation determination meetings when a suspension of a special needs students constitutes a change in placement.

- In general, the discipline of a student who has been identified as having special needs pursuant to the state's Special Education Regulation (603 CMR 28.00) and the Individuals with Disabilities Education Act (IDEA) is subject to the requirements of the student's Individualized Education Plan (IEP). The IEP for every special needs student should indicate whether the student can meet the requirements of the regular discipline code, or if a modification is necessary.
- If a modification of the code of conduct is necessary, it must be described in the student IEP.
- A record must be maintained of all suspensions imposed on students enrolled in special education including the nature of the infraction and the duration of the exclusion.
- A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, convene within 10 days of the decision to suspend to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP – "a manifestation determination."

## Appendix J: Hazing Policies Requirements

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Secondary schools must include the hazing provision in either their Code of Conduct or Student Handbook, as required by M.G.L. c. 269 Section 19.

Section 17 of Chapter 269 states,

- ☐ “Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.”

Section 18 of Chapter 269 states,

- ☐ “Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.”

## Appendix K: Bullying Prevention and Intervention Plans Requirements<sup>20</sup>

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Each plan shall include, but not be limited to:

- as required by M.G.L. c. 71 § 37O, the Plan must be developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially. The Plan should identify the ways that each of the various constituencies will be involved.
- descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining, and reporting, bullying incident data. The data shall include, but not be limited to:
  - a) the number of reported allegations of bullying or retaliation;
  - b) the number and nature of substantiated incidents of bullying or retaliation;
  - c) the number of students disciplined for engaging in bullying or retaliation; and
  - d) any other information required by the department.
- the definition of “bullying”, which includes cyber-bullying, the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:
  - a) causes physical or emotional harm to the victim or damage to the victim's property;
  - b) places the victim in reasonable fear of harm to himself or of damage to his property;
  - c) creates a hostile environment at school for the victim;
  - d) infringes on the rights of the victim at school; or
  - e) materially and substantially disrupts the education process or the orderly operation of a school.
- clear procedures for students, staff, parents, guardians and others to report bullying or retaliation;
- a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;

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<sup>20</sup> Chapter 86 of the Acts of 2014, *An Act Relative to Bullying in Schools*; M.G.L. c. 71 Section 37O, and 603 CMR 49.00.

- clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior;
- clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;
- strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying;
- procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification by the principal, or person who holds a comparable role, to the local law enforcement agency when criminal charges may be pursued against the perpetrator;
- a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and
- a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.
- a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to:
  - a) developmentally appropriate strategies to prevent bullying incidents;
  - b) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;
  - c) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying;
  - d) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
  - e) information on the incidence and nature of cyber-bullying; and
  - f) internet safety issues as they relate to cyber-bullying.
- provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to:
  - a) how parents and guardians can reinforce the curriculum at home and support the school district or school plan;
  - b) the dynamics of bullying; and
  - c) online safety and cyber-bullying.

- ❑ each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each charter school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A charter school may establish separate discrimination or harassment policies that include additional categories of students.
- ❑ Chapter 86 of the Acts of 2014 amended Section 37O of chapter 71 of the General Laws to include (g) (v): The Plan shall inform parents or guardians of the target about the Department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system. This information will be made available in both hard copy and electronic formats:

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information is also available at the Superintendent's office.

Appendix L: Suggested Worksheet and Template for the Summary of Staff Qualifications

A	B	C	D	E	F	G	H	I
Staff	Grade	Assignments	Earned Degree (s)	Academic Major	MA Licensure (Level and Area)	C&L MTEL and Date Passed	MTEL Subject test and Date Passed	MA Charter School Law Teacher Requirements Met <sup>21</sup> (Box F OR G, L, H)
Anton	Pre-K	Pre-K Teacher	Associate Degree	Early Childhood Development	No	No	No	No
Victoria	K1-8	ELL teacher; ELL Coordinator	BA MS	Spanish; Bilingual Education	ESL PreK-6; 5-12	C & L (6/11)	ESL PreK-6; 5-12 (6/11)	Yes
Chettina	4	Grade 4 Teacher	BA	Elementary Education	Elementary 1-6	C & L (4/10)	General Curriculum (4/10) Foundations of Reading (4/10)	Yes
Steven	6-8	Special Education Teacher; Special Education Coordinator	BA	Special Education	No	No	No	No
Lisa	5-12	ELA teacher	BA	English	No	C & L (9/11)	English 5-8; 8-12 (9/11)	Yes

<sup>21</sup> If MA Charter School Law Teacher Requirements are not met, include a narrative plan to describe how the teacher will take and pass MTEL tests within the first year of hire.

A	B	C	D	E	F	G	H	I
Staff	Grade	Assignments	Earned Degree (s)	Academic Major	MA Licensure (Level and Area)	C&L MTEL and Date Passed	MTEL Subject test and Date Passed	MA Charter School Law Teacher Requirements Met <sup>22</sup> (Box F OR G and H)
Deidre	7	Algebra	BA MS	History; Political Science	No	No	No	No
Purvi	6-8	General Science	BS	Chemistry	No	C & L (11/11)	General Science (11/11)	Yes
Lorelei	5-12	ESL teacher	BA	Ethnic Studies	No <sup>23</sup>	C & L (6/12)	ESL; 5-12 (6/12)	Yes
James	5-12	Math	BA	History	No	No	No	No
Josephina	9-12	Special Education Teacher & Coordinator	BA MA	History; Special Education	No	No	No	No
Reinaldo	10	ELA	BA	English Literature	No	C & L (6/10)	English; 8-12 (6/10)	Yes
Susan	9-12	Special Education Coordinator	BA	Management	No	No	No	No
Jigisha	12	AP Biology	BS	Engineering	No	No	No	No

Note: Clearly identify all ELL/ESL teachers with a Massachusetts ESL teacher license.

<sup>22</sup> If MA Charter School Law Teacher Requirements are not met, include a narrative plan to describe how the teacher will take and pass MTEL tests within the first year of hire.

<sup>23</sup> A Massachusetts ESL teacher license is required at hire for all ELL/ESL teachers in BOTH Commonwealth and Horace Mann charter schools.

## Appendix M: Recommended Elements of School Leader, Administrator, and Teacher Evaluation Plans

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The regulations (603 CMR 35.00), which apply to the school leader, administrator(s), and teachers, are designed to:

- promote growth and development amongst leaders and teachers,
- place student learning at the center, using multiple measures of student learning, growth, and achievement,
- recognize excellence in teaching and leading,
- set a high bar for professional teaching status, and
- shorten timelines for improvement.

Each of the three types of evaluation plans should:

- identify the purpose(s) for conducting regular teacher, administrator, or school leader evaluations, such as
  - to promote student learning, growth, and achievement by providing educators with feedback for improvement, enhanced opportunities for professional growth, and clear structures for accountability, and
- to provide a record of facts and assessments for personnel decisions; identify a time-frame for the evaluation system cycle, including the frequency with which formative evaluations of teacher, administrator, and leader performance will be conducted and a date by which summative evaluations will have been completed;

### **For Teachers:**

- identify the specific areas of performance which will be evaluated, such as
  - curriculum, planning, and assessment,
  - teaching all students,
  - family and community engagement, and
  - professional culture;

### **For School Leader and/or Administrator(s):**

- identify the specific areas of performance which will be evaluated, such as
  - instructional leadership,
  - management and operations,
  - family and community engagement, and
  - professional culture;

- identify standard criterion for success in each performance area;
- connect the evaluation system and individual plans to organizational and academic, school improvement, and individual professional development goals;
- identify the methods through which performance data will be collected (e.g. measures of student learning, growth, and achievement, observations of professional practice, pre- and post-observation conferences, self-assessment and other evidence submitted by the educator, student/family/peer evaluations, etc.);
- describe the type and range of performance descriptors to be used, such as exemplary, proficient, needs improvement, and/or unsatisfactory; and
- serve as a basis for individual professional development plans and professional growth.

## Appendix N: Required Elements of English Language Education Policies and Procedures

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To ensure that your school will be prepared to operate programs and services which meet the requirements of law and meet the needs of students, you are required to submit an English Language Education (ELE) Policies and Procedures document which responds to the items below:

1. Describe the steps that will be followed in your school for identifying students who may be English Language Learner (ELL) students.

Districts are expected to have policies and procedures in place for accurately identifying ELs in a timely, valid and reliable manner. It is important to define these policies clearly and to maintain the consistency of the practices by providing ample training opportunities to the staff who are in charge of the process. This ensures that districts are in compliance with federal and state laws and regulations. Districts' policies and procedures will emphasize the following in order to increase the validity and reliability of the process:

- Clearly state the purposes and intended uses of the HLS to those who will administer and those who will complete the survey. Clarify that the HLS does not intend to confirm citizenship status, or predetermine ELE services.
  - Establish clear procedures for administering the survey and clarifying responses.
  - Establish clear procedures for analyzing survey results.
  - Clarify how students' educational background information will be utilized to determine whether a language proficiency screening test is required.
2. Describe your procedures for the annual assessment of ELL students ACCESS and MCAS/PARCC.
  3. Describe the school's policy concerning the manner in which ELL students are required to participate in the annual administration of MCAS/PARCC.
  4. Describe the qualified staff and appropriate procedures and assessments you will use to identify students who are ELL and to assess their level of English proficiency in reading, writing, speaking, and listening.
  5. Submit the school's waiver policy consistent with the requirements of 603 CMR 14.04(3).
  6. Describe the school's English as a second Language (ESL) program. In most cases, this will be the school's plan for provision of sheltered English immersion (SEI) to all ELL students including:
    - a. the provision of content by appropriately qualified instructional staff available at all grade levels and in all content areas;
    - b. the manner in which the school will ensure that instructional staff are or become qualified at all grade levels and in all content areas;

- c. the provision of ESL instruction by an appropriately licensed teacher in quantities appropriate to the student's identified English proficiency level;
  - d. the manner in which the school will group ELL students for English as a second language (ESL) instruction;
  - e. the qualifications of staff who will provide ESL instruction;
  - f. the qualifications of staff who will provide sheltered content instruction (SCI)
  - g. the ESL curriculum that will be used for ESL instruction;
  - h. the manner in which the school will ensure the provision of follow-up monitoring and support to students who have been exited from the ELE program;
  - i. the manner in which the school will ensure that ELL students receive content instruction that is based on the Massachusetts Curriculum Frameworks;
  - j. the manner in which the school will ensure that the content is made comprehensible and accessible for ELL students;
  - k. the manner in which the school will ensure that it provided ESL instruction that is based on the WIDA (World-Class Instructional Design and Assessment) ELD standards; and
  - l. the manner in which the school will use assessment data to plan and implement educational programs for students at different instructional levels.
7. Describe the procedures you will employ to determine student readiness to be exited from the ELE program (or reclassified from LEP to former limited English proficient (FLEP)).
  8. Describe the criteria for reclassification from LEP to former limited English proficient (FLEP).
  9. Describe how you will involve parents and guardians of ELL students in their children's education.
  10. Describe the manner in which the school will ensure that it provides parents and guardians of ELL students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. Include a description of the manner in which the school will ensure that the reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.
  11. Describe the school's policy concerning the appropriate provision of English language support to students whose parents have declined entry into the school's ELE program and how the school will monitor their progress.
  12. Describe how the school will comply with notice requirements described under 603 CMR 14.02, including the role of staff that will be responsible for implementing this activity.
  13. Describe how you will conduct oversight of your program in manner that ensures all ELL students receive equal access to education programs as described in 603 CMR 26.07(8) and 603 CMR 26.06(2).

14. Describe how the school will ensure that ELL students are provided with facilities, materials and services that are comparable in all respects to those provided to the overall student population.
15. Describe the manner in which the school will ensure that ELL students are provided with equal access to all academic programs and services.
16. Describe the manner in which the school will ensure that ELL students are provided with equal access to all non-academic and extracurricular programs.
17. Describe how information, including but not limited to descriptions of academic and non-academic programs and services will be communicated to ELL students and their families in a language they can understand.
18. Describe the school's plan to support core academic content teachers of ELL students in earning an SEI Teacher Endorsement within the prescribed timelines, as well as the building administrator(s) who supervise those teachers.
19. Describe the manner in which the school will conduct periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program.
20. Describe how the school will document that the program is or is not effective and what steps it will take to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.

## Appendix O: Required Elements of Special Education Policies and Procedures

To ensure that your school will be prepared to operate programs and services which meet the requirements of law and meet the needs of students, you are required to submit a Special Education Policies and Procedures document which responds to the items below:

### **A. Evaluations**

1. Describe the process for identification of students who may be in need of special education services (school and parent referrals).
2. Describe the evaluation process, including timelines, for students, including how decisions regarding the choice of optional assessments will be made.
3. Describe the process, including timelines, for three year re-evaluations.
4. Describe the process for end-of-school year assessments.
5. Describe the process for independent education evaluations.
6. Describe how evaluations will be conducted if the student's primary language is not English.

### **B. IEP Development and Placement**

1. Describe the process and procedures for individual education program (IEP) amendments when students enter your school.
2. Describe the school's timeline for sending home proposed IEPs.
3. Describe the school's process for communication and meetings to make decisions regarding potential out-of-district placements.

### **C. IEP Implementation**

1. If the school serves students ages 14 and older, describe how transition planning will be conducted, and/or who will create written transition plans.
2. Describe the school's process for developing amendments for any students, including those new students who enter the school on an existing IEP.
3. Describe how IEP progress reports are developed and how often they are sent home.
4. Describe how families will be provided with IEPs, progress reports, and other notices and evaluations if they speak a language other than English.
5. Describe the school's process for managing instructional group sizes and age span requirements.
6. Describe the school's policy concerning the manner in which students with disabilities are required to participate in the annual administration of MCAS/PARCC, including information about accommodations.

### **D. Student and Parent Rights**

1. Describe the school's process for obtaining parental consent for educational evaluations and special education services, including the process if a parent waives or requests additional assessments.
2. Describe the school's process if a parent revokes consent to special education service.
3. Describe the school's process if a parent rejects or partially rejects an IEP or proposed placement.

4. Describe the process for providing parents with the Notice of Procedural Safeguards, including the timing and frequency with which these will be provided.
5. Describe how the school will provide equal access to educational, nonacademic, extracurricular and ancillary programs for all students.

**E. Confidentiality**

1. Describe the school's process for releasing student information.
2. Describe the school's process for the transfer of records from former schools (if applicable) and to new schools (upon request).

## Appendix P: Criteria for Approval of Multi-Hazard Evacuation Plan<sup>24</sup>

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The Multi-Hazard Evacuation Plan must:

- contain a **plan for evacuation** of the school building in the case of fire, hurricane, or other hazardous storms or disasters in which bodily injury might occur, shootings and other terrorist activities, and bomb threats;
- identify and establish a **Crisis Response Team**;
- designate who is in charge** of the Crisis Response Team and **designate substitutes**;
- contain a **plan for communication** during any crisis situation;
- identify crisis **procedures for safe entrance to and exit from** the school by students, parents and employees; and
- identify **policies for enforcing school discipline** and maintaining a safe and orderly environment during the crisis.

It is strongly recommended that the Multi-Hazard Evacuation Plan also address the following emergency situations:

- abuse of a child/student;
- accidents, injury, or other medical emergencies;
- assault;
- death of a student or staff member;
- emergency security lockdown;
- field trip accidents;
- hostage situations;
- kidnapping;
- missing child/student;
- rape or suspected rape;
- shootings or stabbings;
- strangers or intruders in the building;
- suicide – threatened or attempted;
- universal precautions to reduce the risk of infection of blood-borne organisms; and
- weapon.

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<sup>24</sup> From Chapter 159, Section 363, of the Acts of 2000. See [Appendix 4](#) of the Medical Emergency Response Plans for Schools: Frequently Asked Questions, a Template, and a Model for the Plan memorandum for statutory language.

## Appendix Q: Criteria for Approval of Medical Emergency Response Plan<sup>25</sup>

The Medical Emergency Response Plan must include:

- a method for establishing a **rapid communication system** linking all parts of the school campus, including outdoor facilities and practice fields, to the emergency medical services system and protocols to clarify when the emergency medical services system and other emergency contact people shall be called;
- a determination of **emergency medical service response time** to any location on campus;
- a list of relevant **contacts and telephone numbers** with a protocol indicating when each person shall be called, including names of professionals to help with post-emergency support;
- a method to efficiently **direct emergency medical services personnel** to any location on campus, including to the location of available rescue equipment;
- safety precautions** to prevent injuries in classrooms and on the facilities;
- a method of providing access to **training in cardiopulmonary resuscitation and first aid** for teachers, athletic coaches, trainers, and other school staff, which may include training high school students in cardiopulmonary resuscitation; and
- in the event the school possesses an **automated external defibrillator (AED)**,
  - the location of the device;
  - whether or not its location is either fixed or portable; and
  - those personnel who are trained in its use.

With respect to automated external defibrillators (AEDs), the law further requires information on:

- the total number of AEDs in each school (*note: the law does not require schools to possess AEDs*);
- any volunteers (as well as school personnel) who are trained in the AED use;
- personnel who have access to AEDs during regular school hours and after school; and
- the total estimated number of AEDs necessary to ensure campus-wide access during school hours and in after-school activities and public events (*the estimate is required whether or not the school currently has AEDs*).

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<sup>25</sup> Chapter 77 of the Acts of 2012.

**Charter School Technical Advisory 16-1: Transportation**

To: Charter School Leaders and Superintendents  
From: Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary Education  
Date: April 12, 2016

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The purpose of this technical advisory is to interpret, clarify, and provide guidance about the obligations to provide transportation to charter school students and the reimbursement programs currently available to charter schools for the provision of transportation services. Charter schools and school districts are strongly encouraged to work cooperatively to ensure that all eligible students receive the appropriate transportation services. Charter school leaders should identify when and how the district’s local school committee sets its budget so that they can proactively inform the superintendent and school committee of the charter school’s needs in a timely manner.

**I. Legal Obligations to Transport Charter School Students**

The Massachusetts charter school statute, M.G.L. c. 71, § 89(cc), states that the

*“children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district’s school committee on the same terms and conditions as transportation is provided to children attending local district schools. In providing such transportation, said school committee shall accommodate the particular school day and school year of the charter school; provided, however, that in the event that a school committee limits transportation for district school students, the school district shall not be required to provide transportation to any commonwealth charter school beyond said limitations. A charter school and the sending district shall meet to plan bus routes and charter school starting and ending times in order to assist the district with cost effective means of transportation.”*

(Emphasis added). The Department of Elementary and Secondary Education (Department) has consistently interpreted this language to require both municipal and regional school districts to provide transportation to students who reside in the district and who attend a charter school located within the district. In the event that a district is not meeting its obligations to provide transportation for eligible students, a charter school should contact the Department’s Office of Charter School and School Redesign (<http://www.doe.mass.edu/charter/contact.html>) for more information. A charter school may choose voluntarily to provide transportation to some or all of its eligible students in lieu of the district of residence. In these cases, the charter school will receive reimbursement as described below in Transportation Reimbursement for Commonwealth Charter Schools.

The meaning of particular phrases follows.

“School district”

The phrase “school district” refers to the school district within which the charter school is physically located. For a municipal school district, the charter school must be located within the municipality’s boundaries. For a regional school district, the charter school must be located within the boundaries of the regional school district and its member municipalities.

“On the same terms and conditions”

The phrases “on the same terms and conditions” and subject to the same limitations means that there should be no significant differences in the transportation services offered to students attending district schools and students attending charter schools. A school district that provides transportation to students attending its own schools beyond what is legally required to provide, it must provide transportation to charter school students on the same basis. If a school district charges a reasonable fee to students attending its own schools that it is not legally required to transport, the school district may charge the same reasonable fee to charter school students who are similarly situated. Drop-off and pick-up distances and riding times to and from the charter school should be comparable to those of students attending district schools.

Districts that utilize neighborhood zones to establish eligibility for transportation services for its students, however, may not impose a geographical zone around a charter school and limit transportation for students attending the charter school to only those students who reside within this zone. See 603 CMR 1.07(3)(a). Charter schools are district-wide schools whose “zone” is the entire school district, such as a single high school or vocational school. The school district’s obligations to transport students who attend a charter school extend to all students who reside within the school district because all students who reside within the school district within which the charter school is located have a similar opportunity to attend the charter school.

“Accommodate the particular school year and school day of the charter school”

The schedule of a charter school is a material term of the schools charter as granted by the Board of Elementary and Secondary Education (Board). A charter school can change this term only by requesting, and receiving approval for, an amendment from the Commissioner of Elementary and Secondary Education (Commissioner). Schedules of charter schools may deviate significantly, including early dismissals and extended programming, from that of the districts in which they are located. Nevertheless, the law requires that the school district make arrangements to accommodate the charter school’s schedule, even if that requires scheduling additional bus runs at times when the district normally does not pick-up or drop-off students. The charter school statute requires, and Department strongly encourages, charter schools to work cooperatively with their local school districts. If a change in a school’s schedule as described is desired, the charter school should consider requesting an amendment, as appropriate, to its charter in order to achieve the most cost-efficient transportation, particularly when transporting small numbers of students.

The table that follows summarizes the types of charter school students who are eligible for free transportation services under state and federal law.

Eligible Students	Statutory/Regulatory Reference	Transportation Provider
<p><b><u>Charter Schools located in a Municipal School District:</u></b> All students in grade K through 6 who live in a <u>municipal school district</u> where the charter school is located and who reside more than two miles from their school and those who would be provided transportation in attending the district’s schools.</p>	<p>Massachusetts public school transportation law: <u>M.G.L. c. 71, § 68</u> and <u>603 CMR 1.07(3)</u>.</p>	<p>All students in grades K through 6 who reside more than two miles from their school, and those who would be provided transportation in attending the district’s schools, must be provided with transportation to school by their school district, with a bus stop one mile or less from the student’s residence.</p>
<p><b><u>Charter Schools located in a Regional School District:</u></b> All students in grade K through 12 who live in a <u>regional school district</u> where the charter school is located and who reside more than two miles from their school and those who would be provided transportation in attending the district’s schools.</p>	<p>Massachusetts public school transportation law for regional school districts: <u>M.G.L. c. 71, § 16C</u>; and <u>M.G.L. c. 71, § 68</u>.</p>	<p>All students in grades K through 12 who reside more than two miles from their school, and those who would be provided transportation in attending the district’s schools, must be provided with transportation to school by their regional school district, with a bus stop one mile or less from the student’s residence.</p>
<p>Disabled students who have transportation specified as a related service in their <u>Individualized Educational Plans (IEPs)</u> and/or <u>Section 504 Plans</u>.</p>	<p>Individuals with Disabilities Education Act: <u>34 C.F.R. § 300.24(b)(15)</u>.</p> <p>Section 504 of the Rehabilitation Act of 1973: <u>34 C.F.R. § 104.37</u>.</p>	<p>For students who reside in the district in which the charter school is located, the school district is obligated to provide transportation to all students irrespective of whether they are “regular education” students or whether they are disabled and require special transportation. For disabled students enrolled in a charter school and who reside outside of the district in which the charter school is located, the charter school is obligated to provide these services.</p>

Eligible Students	Statutory/Regulatory Reference	Transportation Provider
Homeless Students	McKinney-Vento Homeless Education Assistance Act: <u>McKinney-Vento Homeless Education Assistance Act Advisory 2002-3: School Selection and Requirements for Homeless Students.</u>	Homeless students, including students who become homeless while enrolled in a charter school, may have additional transportation rights under McKinney-Vento. Such students may have additional rights even if they reside outside the district where the charter school is located. Contact the Department’s Office for the Education of Homeless Children and Youth ( <a href="http://www.doe.mass.edu/my">http://www.doe.mass.edu/my</a> ) for further information.

## II. Transportation Reimbursement for Charter Schools

Charter schools may seek reimbursement for transportation services through two reimbursement programs. First, if a Commonwealth charter school chooses to transport children who reside in the district in which the school is physically located, it may seek reimbursement as indicated in Transportation Reimbursement for Commonwealth Charter Schools. Second, if a regional charter school transports students who reside outside of the district in which the school is physically located but within the region specified in the school’s charter, it may seek reimbursement as indicated in Transportation Reimbursement for Regional Charter Schools.

### A. Transportation Reimbursement for Commonwealth Charter Schools

A charter school may choose to transport students who reside in the district in which the school is located and seek reimbursement for the costs incurred if the district and the charter school are unable to reach agreement on the district’s provision of transportation. See 603 CMR 1.07(3)(c). If the charter school receives reimbursement, the amount is determined by multiplying the eligible pupil full-time equivalency (FTE) by a reimbursement rate determined for particular charter school. The eligible pupil FTE is determined by the dates of enrollment for each student who is eligible for transportation, as provided to the Department by the charter school on the *February 15<sup>th</sup> Charter School Claim Form*. The reimbursement rate is the lesser of the district or charter school’s average transportation cost per student. In general, the data used to generate average cost per student is based on transportation costs for the prior school year as submitted by both the charter school and the district. The charter school provides this data on *Schedule 7C* in the *Charter School End of Year Financial Report*. The district provides transportation data on *Schedule 7* of the *End of Year Pupil and Financial Report*. If a charter school is in its first year of providing new or substantially different transportation services, however, no comparable prior year data may be available. **Under these circumstances, in order to be eligible for reimbursement, the charter school must contact the Office of Charter Schools and School Redesign prior to the provision of transportation for further instructions.**

The Department's *Pupil Transportation Guide: A Guide for Massachusetts School Administrators* provides guidance regarding the types of costs that are potentially eligible for reimbursement. These costs include the annual cost of leased bus services based on the cost of fuel, operation, and common line maintenance of school buses; salaries of student transportation supervisors, school bus drivers, and bus monitors; employee benefits; insurance programs; and other related expenditures. Schools that own vehicles should refer to the Guidelines when determining their transportation expenditures.

Reimbursement of eligible transportation costs is distributed to charter schools in the same manner as their monthly tuition payments. If in the previous school year a charter school receives reimbursement for local district pupil transportation, the school will receive a proportionate amount of this reimbursement in the first five tuition payments of the fiscal year, paid July through November. No payments are made for transportation in December through May. Once ridership data is received and reviewed, as part of the *February 15<sup>th</sup> Charter School Claim Form* data collection, the charter school will receive any balance due as part of its final tuition payment in June.

## B. Regional Transportation Reimbursement

In order to be eligible to seek reimbursement through the regional transportation reimbursement program, a charter school must:

1. Be designated a regional charter school by the Board of Elementary and Secondary Education; and
2. Have a charter, or approved enrollment policy, that requires the school to provide transportation for all students who live in the school's designated region, more than 1½ miles from the school, and live outside of the district in which the school is located.<sup>26</sup>

Eligibility for regional transportation reimbursement also requires the charter school to provide the transportation free of charge to students who live more than 2 miles from the school. While the charter school may charge a transportation fee to students who live 1½ to 2 miles from the school, the Department discourages doing so, and such fees are removed from the transportation costs claimed for reimbursement.<sup>27</sup> It is uncommon for regional school districts to charge a transportation fee to students who live more than 1½ miles from their school.

A charter school that claims state regional transportation aid reimbursement may maintain a waitlist for buses provided that the school ensures any student who lives more than 2 miles from the school receives transportation.

A regional charter school meeting these conditions may seek reimbursement of the costs of transporting students who reside outside the district in which the charter is located and 1½ miles or more from the charter school. See M.G.L. c. 71, § 89(cc), and M.G.L. c. 71, §

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<sup>26</sup> A regional charter school that provides transportation to students who reside within the district in which the school is located may seek reimbursement for those students as indicated in *Transportation Reimbursement for Commonwealth Charter Schools*.

<sup>27</sup> While a regional charter school may choose to provide transportation to regular education students who live less than 1½ miles from school, it may not seek reimbursement for these transportation costs. It may, however, charge a transportation fee to such students. PR/Award # U282A160013

16C. Reimbursement is made in the year following the school year in which the costs are incurred. For example, eligible costs incurred during the 2015-2016 school year are reimbursed during the 2016-2017 school year.

Please note that this reimbursement program is funded through line item in the state budget and is subject to appropriation. It has been funded at varying levels, from 57 percent to 71 percent of the costs eligible for reimbursement, from FY10 through FY15. If funding is less than 100 percent, reimbursement is determined by multiplying the total allowable claimed costs by the funding percentage permitted by the appropriation. The cost data for this program is also collected on the *Schedule 7C* in the Charter School End of Year Financial Report.

Questions about information contained in this advisory should be directed to the Department's Office of Charter Schools and School Redesign (<http://www.doe.mass.edu/charter/contact.html>) or the School Finance and District Support Office (<http://www.doe.mass.edu/finance/contactus.html>).

## Appendix 9: Accountability Plan Guidelines



Massachusetts Office of Charter Schools and School Redesign

# Accountability Plan Guidelines

Revised April 2015

**Massachusetts Department of Elementary and Secondary Education**

The Office of Charter Schools and School Redesign

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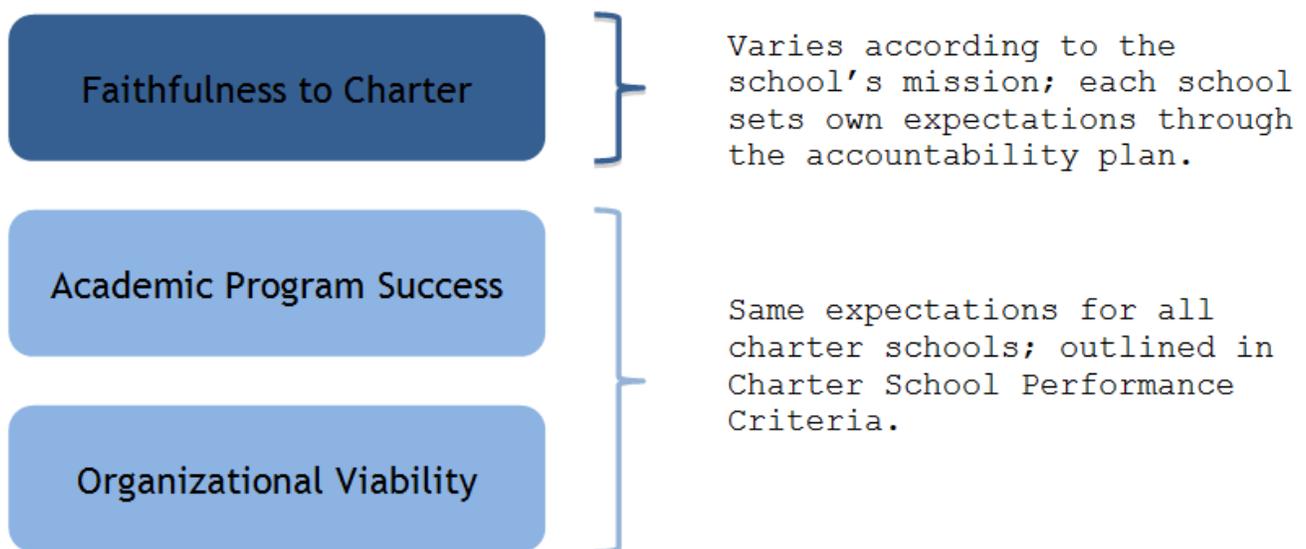
## Overview

The Massachusetts charter school initiative was established to provide students and parents throughout the Commonwealth with greater choice and quality in their public schools. In exchange for the freedom to design its own programs, hire its own teachers, and set its own budget, a Massachusetts charter school embraces a high level of accountability. Like all public schools, charter schools must comply with applicable laws and regulations in order to operate. To earn renewal of their charter, however, charter schools also must demonstrate their effectiveness; they are responsible for *results* rather than relying on plans, methods, or intentions. Charter schools that cannot demonstrate the achievement of their students and the effectiveness of their programs face non-renewal.

One way in which charter schools demonstrate results is through reporting on selected outcomes using an accountability plan (603 CMR 1.02). A charter school creates an accountability plan to publically articulate the goals the school has set to measure its success. These Guidelines for Writing Accountability Plans (Guidelines) are intended to assist in the creation of an accountability plan. Using the Guidelines and the template provided, schools can write rigorous and measurable accountability plans that will clearly demonstrate performance relative to the goals set forth in its charter.

## 2014 Revision of the Guidelines

In the spring of 2014, the Office of Charter Schools and School Redesign released the [Massachusetts Charter School Performance Criteria v. 3.10 \(Criteria\)](#)<sup>1</sup>. The Criteria define charter school success and provide the standards by which schools will be evaluated for all aspects of charter school accountability, from the application process to renewal. The Criteria outline expectations for charter school performance in the three areas of accountability: *faithfulness to charter, academic success, and organizational viability*. While the Criteria define clear standards by which schools will be evaluated in the areas of academic success and organizational viability, and aspects of faithfulness to charter common across schools, the standards for how a school achieves its unique mission and key design elements (Criterion 1) must be outlined and clearly articulated by the school itself. The accountability plan is the vehicle for charter schools to clearly articulate their missions and key design elements and to demonstrate to the public that the school is faithful to its innovative model.



<sup>1</sup> Found at: <http://www.doe.mass.edu/charter/acct.html?section=common>

The accountability plan template, in Appendix A, allows for the creation of measures related to mission and key design elements and dissemination, and also indicates the school’s commitment to be publicly accountable for meeting all ten areas of the Criteria.

## The Accountability Cycle

A prerequisite to writing an effective accountability plan is an understanding of how this document fits into the larger system of charter school oversight. The accountability plan is a critical piece in the submissions, visits, and evaluations that comprise the “Accountability Cycle”<sup>2</sup> and helps inform renewal decisions.

The first element of the Accountability Cycle is the granting of a charter. The charter application serves as a blueprint for the school and outlines the goals to which the school aspires. By the end of its first year of operation, each school must create a specific and measurable accountability plan that is reflective of its mission and the promises contained in its charter. As a part of this process, the school articulates 3-7 key design elements that they will implement to realize the promises of the mission statement and charter. These key design elements should be linked to a page or pages from the charter application or subsequent amendments to provide the Department and the public additional context.

By August 1 after every school year, each charter school submits an annual report to the Department. This report’s purpose is to demonstrate the school’s interim progress on the accountability plan and present evidence to validate this progress. Evidence that is presented in the annual report is corroborated and augmented by a series of additional external evaluations of the charter school, including site visits and a renewal inspection following the submission of an application for renewal. These visits provide context to a school’s quantitative accountability plan measures by adding qualitative detail and evidence in areas that are difficult to measure. Ultimately, the school’s performance relative to its accountability plan goals over the charter term is part of the body of evidence that is considered when making a renewal determination.

## Tips for Creating an Accountability Plan

**Use the appropriate timeline**

### *New Schools*

A draft accountability plan must be submitted to the Department in the spring of a school’s first year of operation, by May 15. The first year of operation can be used to gather baseline achievement data and attain an understanding of the student population in order to create a plan that is both meaningful and realistic. The Department will then work with the school to ensure that a final version, approved by the school’s board of trustees, is in place by August 1st. This timeline is intended to encourage schools to begin gathering data early in the process of implementing their school design. At the same time, it allows schools to develop their measures with the input of school constituents. This timeline also ensures that the plan will be in place prior to the second year site visit that will be conducted by the Department.

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<sup>2</sup> For more information about the Accountability Cycle, please read “Massachusetts Charter Schools Accountability Guide” at <http://www.doe.mass.edu/charter/acct.html?section=guide>.

### *Renewal Schools*

After a school successfully completes the charter renewal process, the Department will work with the school to finalize a new accountability plan. This new plan may build on the prior version, but should create more ambitious measures to reflect heightened expectations and/or increased innovation for an older school. The new plan, approved by the school's board of trustees and by the Department, should be finalized by August 1 of the first year of the new charter term. Schools who have gone through renewal should expect to submit the first draft of the plan by the spring; Department staff will communicate specific deadlines to each renewal cohort via email.

### *Schools in the middle of a charter term*

Schools are expected to create a plan at the beginning of the five year charter term that they can adhere to for the duration of charter period. Of course, it is possible that during the course of a charter term, a school may want to reexamine the objectives and measures that it set for itself at the beginning of its charter. Nonetheless, the desire to change a plan must be balanced against the importance of creating a track record that extends over the duration of the charter term. According to the Charter School Regulations, changes to an Accountability Plan must be processed as an amendment requiring Commissioner approval.

**Use the appropriate template**

The template provided by the Department includes all the necessary elements of the plan, including the school profile, board approval dates, and commitment to all ten criteria. Please use the existing template rather than creating your own (Appendix A).

**Engage in a process of feedback and revision with ESE**

Finalizing an accountability plan involves on-going discussion within the school community as well as between the school and the Department.

First, school stakeholders create an accountability plan draft. These stakeholders might include school leadership, teachers, data directors, and board of trustees members.

The draft is sent to the Department for review by a member of the accountability team responsible for accountability plans. Multiple drafts are frequently required. Because the accountability plan sets the standards by which the school will seek to demonstrate its effectiveness in terms of its mission and key design elements, the Department may require or recommend additional clarity on various measures contained in a school's plan.

When the school and the Department arrive at a draft that is acceptable to both parties, the accountability team member will grant provisional approval and the school's board of trustees must vote to approve the provisional plan. The final draft is then submitted to the Department as part of an amendment request requiring Commissioner approval, according to the [Amendment Guidelines](#).

## Required Elements of an Accountability Plan

Accountability plans contain several required elements, detailed below:

### **School profile**

This table includes key information about the school such as grade span, maximum enrollment, and mission statement.

### **Key design elements**

This is a list of elements that the school commits to implementing in order to realize the vision set out in its charter. More detail about the key design elements is provided in the next section: The process of developing an Accountability Plan.

### **Objectives**

The accountability plan must include objectives that the school intends to achieve during its charter term. These are general, declarative statements in the areas of faithfulness to charter and dissemination. Optionally, schools can include “reach objectives”. More detail about developing objectives is provided in the next section: The Process of Developing an Accountability Plan.

### **Measures and data collection plans**

Measures are the metrics by which schools will determine whether each objective in the accountability plan has been met. Measures should be aligned, specific, measurable, action-oriented, rigorous, and time-sensitive. Schools should also explain what data they will collect annually in order to determine whether the measure has been met. More detail about developing measures and data collection plans is provided in the next section: The Process of Developing an Accountability Plan.

### **Commitment to other criteria**

Although the Accountability Plan is specifically focused on Faithfulness to Charter and Dissemination, schools must include a statement formally committing to meeting all ten charter school performance criteria. This statement is included in the template.

## The Process of Developing an Accountability Plan

This section outlines the steps that your stakeholder group should follow when developing an accountability plan (beginning with the mission statement, stating key design elements, developing objectives, and developing measures and data collection plans). Throughout this section, the Guidelines provide an example from a fictional charter school: The Road to Excellence Charter School (RTE). The RTE examples serve to highlight the thought processes required to formulate an Accountability Plan that reflects the mission and goals of a charter school. The examples also illustrate common challenges that schools face when developing plans and provide sample solutions to these challenges. The completed Accountability Plan for this fictional charter school is provided as a sample in Appendix B of the Guidelines.

### Step One *Begin with the mission statement*

The mission statement is the foundation of the Accountability Plan. Key design elements, objectives, and measures will align to the mission statement as well as intentions set in the school's charter.

*Example:*

The Road to Excellence Charter School (RTE) is dedicated to the principles of developing great teachers, promoting deep and conceptual academic understanding in its students, and putting students on the path to college and career.

### Step Two

**State the key design elements that support the implementation of the school's mission and make the school unique and distinct from any other school. These elements can fall into the following broad categories:**

- **governance model (if the school has a unique model)**
- **beliefs and values**
- **vision**
- **curricular model, educational program, or whole school design**

Stakeholders should articulate 3-7 additional elements that stakeholders believe to be key design elements. It is not necessary to have a key design element for each category listed above. **However, key design elements should all map directly to the mission statement or intentions set out in the school's original charter. Schools are therefore asked to include a parenthetical citation to excerpts/pages from the charter that provide further context to each key design element. If there is not enough information in the charter application to support a key design element, the school should consider amending its charter or mission statement.**

*Example:*

When the staff of RTE sits down to reflect on their mission and daily school operations, they brainstorm a list of some of the things that make the school special and different from other schools. Their first list is as follows:

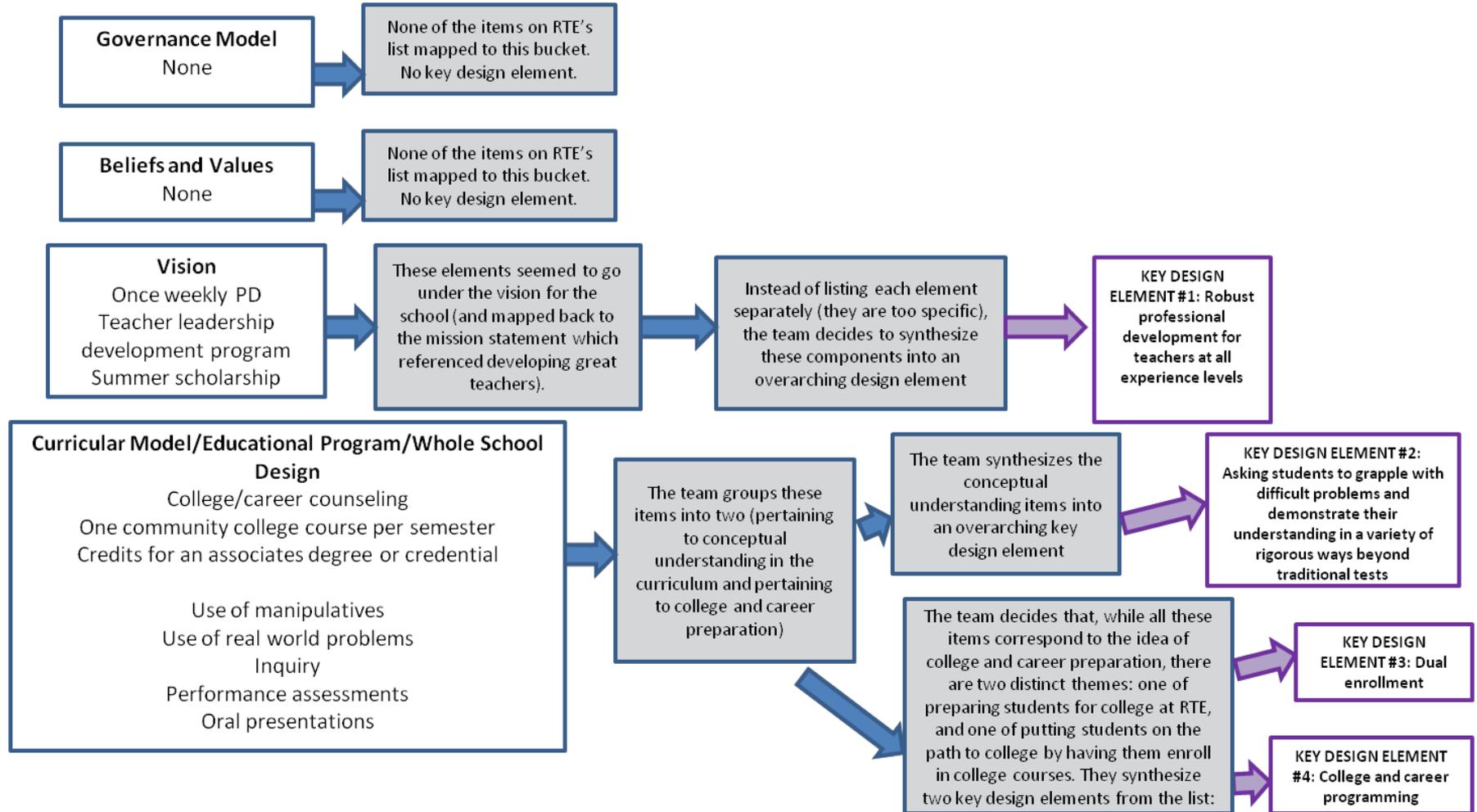
- once weekly PD on days when students are released early
- use of manipulatives and real world problems
- a teacher leadership development program in which teachers lead departments and supervise/mentor other teachers
- all high school students are required to take at least one community college course per semester
- a summer scholarship for teachers to pursue independent PD opportunities
- in order to graduate, seniors must have earned the credits necessary for an associate's degree or a vocational credential
- a curriculum that promotes inquiry and performance assessments in order to build true understanding
- writing across the curriculum
- Intense college and career counseling beginning in grade 7, including administering career diagnostics and setting students up with summer internships
- A focus on oral presentations or assessments in which students have to explain their thinking
- A restorative justice behavioral approach

An initial brainstorm will likely yield many specific program elements. In order to articulate key design elements, which are slightly broader, it may be helpful for schools to first group common items and assign them to the larger key design element categories. There may be items that could reasonably be assigned to more than one category, and their final placement is up to stakeholder discretion.

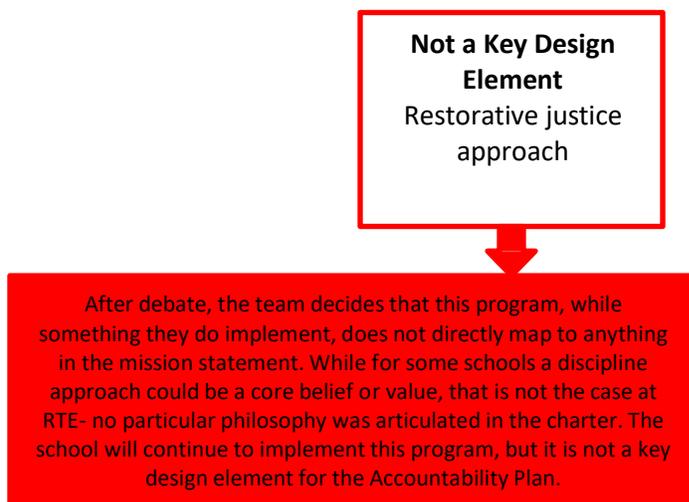
Because key design elements are broad, rather than specific programmatic elements, the second step will be for stakeholders to synthesize these smaller items into larger themes that will comprise the key design elements.

An example of this process in action at RTE Charter School is captured in a diagram on the next page.

*Example*  
RTE Process of Identifying Key Design Elements



In going through this process, schools may encounter items that are important to the operations of the school but do not map back to the mission statement or charter. These items should be excluded from the final list of key design elements. Please see the example below from the RTE brainstorming and grouping session.



Stakeholders should end this process with 3-7 key design elements that can be written in the key design elements section of the Accountability Template (see Appendix A and B). Stakeholders should also include parenthetical citations to pages in the charter application that reference and more fully explain each key design element.

### Step Three

After stating the key design elements, schools should *develop objectives related to the mission and key design elements*.

Objectives are broad, declarative statements about what the school intends to achieve over the five year charter term. If the school has multiple components to its mission statement, or key design elements in different thematic areas, stakeholders should make an effort to draft at least one objective per component or thematic area.

#### *Example*

From the mission statement of RTE, it is clear to stakeholders that the school has three overarching principles (teacher development, conceptual understanding, and college/career development). In order to fully commit to meeting its mission, the stakeholders decide to develop an objective in each of the three areas.

- RTE will develop highly effective teachers in a professional working environment.
- RTE will effectively prepare students to succeed in college and or career.
- RTE will encourage deep student learning that requires critical thinking and conceptual understanding.

**Step Four**  
***Develop objectives related to dissemination***

Dissemination of innovative practices to other Massachusetts schools is a statutory requirement and one of the Charter School Performance Criteria<sup>3</sup>. Because dissemination efforts are required in order for charters to be successfully renewed, it is important for stakeholders to set intentions to disseminate at the beginning of each charter term. The dissemination objective will probably be a multi-year objective and does not need to be met annually. In order to set an objective, stakeholders should think broadly about what type of practices the school would like to disseminate or what partnerships the school is interested in forming.

*Example 1*

RTE stakeholders are proud of the math curriculum that they have developed in house; it emphasizes inquiry- and problem-based writing with performance tasks. Therefore, they set the following objective:

- RTE will share its math curriculum with other schools in Massachusetts over the course of the charter term.

*Example 2*

RTE stakeholders have been cultivating a partnership with the school's sending district, ABC City Public Schools and they want to commit to this partnership over the next charter term

- RTE will form a working partnership and share best practices with at least one high school in ABC City Public School district over the course of the charter term.

**Step Five (optional)**  
***Develop "stretch" objectives related to faithfulness to charter***

Charter schools are encouraged to be ambitious about what they can accomplish over the course of the charter term. The Department encourages and supports goals which are extremely rigorous in the spirit of continuous improvement. Schools have the option of setting 1-2 stretch objectives in their accountability plans. Schools will report on the progress towards these objectives and measures in annual reports, but failure to meet these objectives and measures will not be held against the school in terms of Accountability considerations. In fact, success in meeting these stretch goals could help schools to reach a rating of Exceeds for Criterion 1: Mission and Key Design Elements.

*Example*

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<sup>3</sup> (From the Charter School Performance Criteria): The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located.

The Department will also consider efforts made by the charter school to disseminate innovative models for replication and best practices to other schools, districts, and organizations beyond the district where the charter school is located. There are multiple forums and activities through which a charter school may disseminate, including but not limited to: partnerships with other schools implementing key successful aspects of the charter school's program, active participation in district turnaround efforts, sharing resources or programs developed at the charter school, hosting other educators at the charter school, and presenting at professional conferences about its innovative school practices.

RTE is very committed to developing excellent teachers and making it a lifelong profession. For this reason, RTE is very dedicated to retaining its teachers, who are viewed as highly valuable human assets by school leadership. RTE wants to set an objective around teacher retention, but school leadership also recognizes that sometimes teacher retention can be impacted by factors outside the school’s control. In addition, RTE is implementing some new initiatives to retain teachers this charter term, but there is no way to know if the new initiatives will have the desired effect. Therefore, RTE stakeholders decide to set an objective around teacher retention as an ambitious “stretch objective”. They can be publicly accountable for this goal, but will also not be judged negatively if they fall short of meeting it since it is understood to be extremely rigorous.

Stretch objective:

- RTE will create an environment in which teaching is seen as a sustainable, lifelong craft.

### Step Six

#### *Develop aligned and rigorous measures and data collection plans for each objective*

Each objective or reach objective contained in a school’s accountability plan should include at least two measures. Measures allow the school and public to monitor the progress the school is making toward its objectives and ultimate goal of faithfulness to charter. Measures define whether the school is meeting performance expectations.

All stakeholders should be able to read a given measure and have the same understanding of what the result will be, who will achieve the result, when it is expected to be reached, and how to know if it has been reached. As noted earlier, measures should be aligned, specific, measurable, action-oriented, rigorous, and time-sensitive. Each measure should answer the following specific questions:

- What will the result be? (outcome or process)
- How will the result be measured? (specify an assessment tool)
- Who will achieve the result?
- When will the result occur? (set a timeframe or target date)

Measures can take two forms – *outcome measures and process measures*. **Process** measures track the implementation of activities that will lead to the desired ultimate outcomes, while **outcome** measures outline the expected results that will come from the implementation of the activities. **All objectives must be linked with at least one outcome measure that is well-aligned to the objective.** It is not necessary to use process measures in the accountability plan. However, these measures can be a useful addition to outcome measures, particularly for new schools, for when a school launches a significant initiative, or for aspects of the program that are difficult to quantify, such as character development or the implementation of sound governance practices. Such process measures focus on *how* something will be done. See the graphic below for some examples of process versus outcome measures.

#### Examples of Processes:

- Completing workshops
- Completing certifications
- Completing a program (i.e. taking field trips, doing an internship)

#### Examples of Outcomes:

- Performance on an assessment (% proficient, average score)
- Performance on a rubric (% proficient, growth)
- Matriculation to secondary schools (% matriculated)

Drafting measures requires multiple revisions. Stakeholders usually begin with a general idea of what they want to accomplish and refine the measures to become more specific, rigorous, and clear to external audiences. The table below outlines some of the original measures drafted by RTE stakeholders for the school’s accountability plan, identifies of the problems with these measures, and demonstrates how the measures were revised to address the problems.

The Massachusetts School and District Accountability system provides comprehensive analysis of student academic performance. Schools should not use MCAS data in measures unless the data is serving a purpose which is distinct from that of the Accountability system. For example, a measure setting a goal around median Student Growth Percentile (SGP) is redundant with the leveling system because SGP is already incorporated into the leveling system. (For information on when to include additional student performance measures in the accountability plan, see p. 15 of these guidelines).

Original Measure	Problem	Solution/Revised Measure
RTE teachers will attend rigorous and useful professional development each year.	<ul style="list-style-type: none"> <li>• Too vague. It is unclear what rigorous professional development or useful professional development is, or the number of sessions.</li> <li>• It is a process measure</li> </ul>	<p>Each year, RTE teachers will attend 40 professional development sessions aligned to standards contained in the RTE Excellent Teaching Rubric.</p> <p><i>*This is an acceptable measure, but it is still a process measure. RTE stakeholders must also craft an outcome measure for this objective below.</i></p>
From beginning of year to end of year evaluations on the RTE Excellent Teaching Rubric, all teachers will improve an average of one achievement level in a professional development area.	<ul style="list-style-type: none"> <li>• External audiences have no way of knowing why this measure is rigorous. How difficult is it to move a level on the Excellent Teacher Rubric?</li> </ul>	<p>RTE footnotes this measure with data to contextualize it: <i>On average, RTE teachers improve less than one rubric level annually on standards that are not covered in professional development.</i> This footnote helps an external audience to understand why the measure is appropriately rigorous.</p>
100% of graduating seniors will matriculate to a college or credentialing program by January of the year following their graduation.	<ul style="list-style-type: none"> <li>• There could be a time issue here if RTE was still in its first charter term and did not yet have graduating seniors.</li> <li>• Grade specific measures should only be written for grades in existence at the school.</li> </ul>	<p>If a school is too young for a particular measure to be assessed for 2-3 years, the stakeholders should draft an alternate measure that can be assessed annually.</p>

(For DISSEMINATION OBJECTIVE): By the end of this charter term, as measured attendance sheets, RTE will conduct at least ten workshops for sending district teachers interested in its math curriculum to share documents and train teachers on implementation.	<ul style="list-style-type: none"> <li>Although this is a process measure, that is acceptable for the dissemination objective. It clearly describes at least one of the dissemination projects the school plans to undertake during the charter term.</li> </ul>	No revisions; the measure stays the same.
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**Step Seven**  
*Ensure a plan to collect data for each measure*

It is important for stakeholders to plan in advance what types of data will be necessary to assess the measure. Even a well-written measure will not be useful if it is impossible to collect the necessary data to decide whether or not it has been met. For this reason, the Accountability Plan should include a description of what data will be collected for each measure, how it will be collected, and the frequency of collection, if applicable. This way, both the school and ESE know what data will be used in the Annual Report to report on progress towards meeting the measures.

Stakeholders should consider whether the proposed data sources are reliable and efficient. Accountability plans should avoid trying to assess what cannot be measured. The feelings, beliefs, and perceptions of individuals or groups of people, for example, can be hard to measure reliably. For this reason, surveys can often pose problems, either in their wording or in response rates.

Measures are more meaningful when they prompt the collection of evidence that is readily available and integrated in the school’s promised or implemented practices. This can only be determined by considering the perspective of the person(s) collecting the evidence. If the time and effort needed to collect the evidence outweighs the value gained from reflecting on it, there is likely a better way.

The table below details the data collection plan for each of RTE’s proposed measures.

<b>Measure</b>	<b>Kind of data gathered/Data collection plan</b>
Each year, as demonstrated by sign in sheets, RTE teachers will attend 40 professional development sessions aligned to standards contained in the RTE Excellent Teaching Rubric.	Professional Development Schedule for the year with topics, associated rubric rows, and dates (document created by Principal and saved on the shared drive) sign in sheets.

From beginning of year to end of year evaluations on the RTE Excellent Teaching Rubric, all teachers will improve an average of one achievement level in a professional development area.	Aggregated rubric scores for all teaching staff from September and May evaluations, by rubric row. (Principal and Assistant Principal enter the evaluation data; Director of Data aggregates the information).
100% of graduating seniors will matriculate to a college or credentialing program by January of the year following their graduation.	National Student Clearinghouse data (maintained by the Office of College and Career Readiness).

## Optional Objectives and Measures for Student Performance

As noted above, accountability plans are meant to focus on illustrating a school’s record in terms of its unique mission and key design elements. In all other areas that are common to all charter schools, the Charter School Performance Criteria articulate clear standards of performance. However, some schools might find it imperative to create unique objectives and measures other than those articulated in the Criteria in the area of student performance. **Schools will be required to submit additional objectives and measures for student academic performance and growth for the following reasons:**

- If MCAS/PARCC will not be administered to the students because of the school’s current grade span/growth plan
- If the testing cohort is so small that it will not give an accurate picture of student performance
- The school is an alternative school

The school should follow the guidance above to create draft measures in these areas and plan to work with the Department to ensure that measures are valid, reliable, and the best fit for the school’s program.

Note: This is particular important for schools who may serve alternative populations for which standard metrics may not present a clear picture for success. Please refer to the National Association of Charter School Authorizer’s Anecdotes Aren’t Enough report (<http://charteringquality.org/anecdotes-arent-enough/>) for additional information about articulating high quality measures for schools serving alternative populations.

# Appendix A

## Charter School Accountability Plan Template

<i>Name of Charter School (Acronym)</i>			
<b>Type of Charter</b> <small>(Commonwealth or Horace Mann)</small>		<b>Location</b>	
<b>Regional or Non-Regional?</b>		<b>Districts in Region</b> <small>(if applicable)</small>	
<b>Year Opened</b>		<b>Year(s) Renewed</b> <small>(if applicable)</small>	
<b>Maximum Enrollment</b>		<b>Chartered Grade span</b>	
<b>Mission Statement</b>			

Key Design Elements (with parenthetical citations to pages from the charter application):

- 

**The charter school commits to meeting Criteria 1 through 10 as outlined in the Charter School Performance Criteria.**

Date of Preliminary ESE Approval	
Date of Board Approval:	
Date of ESE Approval:	

Objectives and Measures related to Mission and Key Design Elements (*required*):

<b>Objective:</b>	
<b>Measure:</b>	<b>Kinds of data gathered/data collection plan:</b>
<b>Objective:</b>	
<b>Measure:</b>	<b>Kinds of data gathered/data collection plan:</b>

Objective and Measures related to Dissemination (*required*):

<b>Objective:</b>	
<b>Measure:</b>	<b>Kinds of data gathered/data collection plan:</b>

Reach Objectives and Measures related to Mission and Key Design Elements (*optional*):

<b>Objective:</b>	
<b>Measure:</b>	<b>Kinds of data gathered/data collection plan:</b>
<b>Measure:</b>	<b>Kinds of data gathered/data collection plan:</b>

Additional Objectives and Measures Related to Student Performance (required for alternative schools, optional for other schools):

<b>Objective:</b>	
<b>Measure:</b>	<b>Kinds of data gathered/data collection plan:</b>

## Appendix B

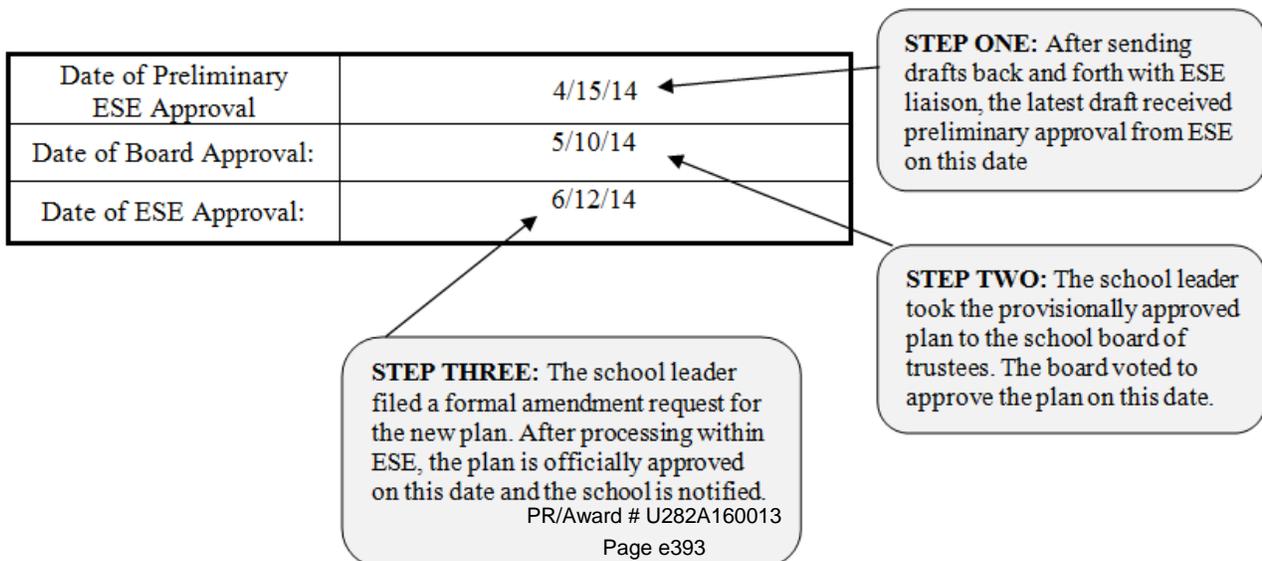
### Charter School Accountability Plan Sample

Road to Excellence Charter School (RTE)			
Type of Charter (Commonwealth or Horace)	Commonwealth	Location	ABC City
Regional or Non-Regional?	Non-regional	Districts in Region (if applicable)	N/A
Year Opened	2004	Year(s) Renewed (if applicable)	2009, 2014
Maximum Enrollment	345	Chartered Grade span	7-12
<b>Mission Statement</b> The Road to Excellence Charter School (RTE) is dedicated to the principles of developing great teachers, promoting deep and conceptual academic understanding in its students, and putting students on the path to college and career.			

#### Key Design Elements:

- Robust professional development for teachers at all experience levels (p. 15, charter application)
- Asking students to grapple with difficult problems and demonstrate their understanding in a variety of rigorous ways beyond traditional tests (p. 20, charter application)
- Dual enrollment with area community college (p. 16, charter application)
- College and career programming (p. 16, charter application)

The charter school commits to meeting Criteria 1 through 10 as outlined in the Charter School Performance Criteria.



Objectives and Measures related to Mission and Key Design Elements (required):

<b>Objective: RTE will develop highly effective teachers in a professional working environment.</b>	
<b>Measure:</b> Each year, RTE teachers will attend 40 professional development sessions aligned to standards contained in the RTE Excellent Teaching Rubric.	<b>Kinds of data gathered/data collection plan:</b> Professional Development Schedule (and sign in sheets) for the year with topics, associated rubric rows, and dates (document created by Principal and saved on the shared drive).
<b>Measure:</b> From beginning of year to end of year evaluations on the RTE Excellent Teaching Rubric, all teachers will improve an average of one achievement level in a professional development area. <sup>4</sup>	<b>Kinds of data gathered/data collection plan:</b> Aggregated rubric scores for all teaching staff from September and May evaluations, by rubric row. (Principal and Assistant Principal enter the evaluation data; Director of Data aggregates the information).
<b>Objective: RTE will effectively prepare students to succeed in college and or career.</b>	
<b>Measure:</b> All RTE students will complete one internship (6 weeks in length, 8 hours a week) by 11 <sup>th</sup> grade and submit a 10-page graded written reflection.	<b>Kinds of data gathered/data collection plan:</b> Internship tracking spreadsheet (created by the Office of College and Career Readiness and maintained throughout the year).
<b>Measure:</b> 85% of internship participants will be rated proficient or higher by their internship supervisors on an internship exit inventory	<b>Kinds of data gathered/data collection plan:</b> Internship exit inventories will be administered to employers by the Office of College and Career Readiness. Data from these inventories is entered into a spreadsheet on an ongoing basis.
<b>Measure:</b> 100% of graduating seniors will matriculate to a college or credentialing program by January of the year following their graduation.	<b>Kinds of data gathered/data collection plan:</b> National Student Clearinghouse data (maintained by the Office of College and Career Readiness).
<b>Objective: RTE will encourage deep student learning that requires critical thinking and conceptual understanding.</b>	
<b>Measure:</b> 100% of seniors will complete an independent research project on the topic of their choice and present their findings orally to a panel of community members.	<b>Kinds of data gathered/data collection plan:</b> Senior project rubrics and program from senior project presentations.
<b>Measure:</b> 85% of seniors will score proficient or above on their senior project performance rubric.	<b>Kinds of data gathered/data collection plan:</b> Senior project rubrics and program from senior project presentations.
<b>Measure:</b> 100% of RTE students will score proficient or above on a performance assessment task in all 4 content areas: math, ELA, science, and social studies annually.	<b>Kinds of data gathered/data collection plan:</b> Teachers input performance task data into the school-wide tracker after each assessment (there are 4-6 performance assessments per year per content area). The director of data aggregates all the data into a school-wide dashboard in January and June.

<sup>4</sup> On average, RTE teachers grow less than one rubric level annually on standards that are not covered in professional development.

Objective and Measures related to Dissemination (required):

<b>Objective: RTE will share its math curriculum with other schools in Massachusetts over the course of the charter term.</b>	
<b>Measure:</b> By the end of this charter term, RTE will conduct at least ten workshops for non-RTE teachers interested in its math curriculum to share documents and train teachers on implementation.	<b>Kinds of data gathered/data collection plan:</b> Workshop sign in sheets and PDPs issued

Reach Objectives and Measures related to Mission and Key Design Elements (optional):

<b>Objective: RTE will create an environment in which teaching is seen as a sustainable, lifelong craft.</b>	
<b>Measure:</b> RTE’s annual retention rate of instructional staff will be 90% or higher.	<b>Kinds of data gathered/data collection plan:</b> Staff rosters, maintained by the School Business Manager.
<b>Measure:</b> In a teacher survey with 70% response rate or above, 85% or more of teachers will agree or strongly agree with the statement: I see RTE as a place where I can build a career (over at least 5-10 years).	<b>Kinds of data gathered/data collection plan:</b> Teacher surveys, administered in January and May by the Director of Operations. The data will be aggregated by the Director of Data.



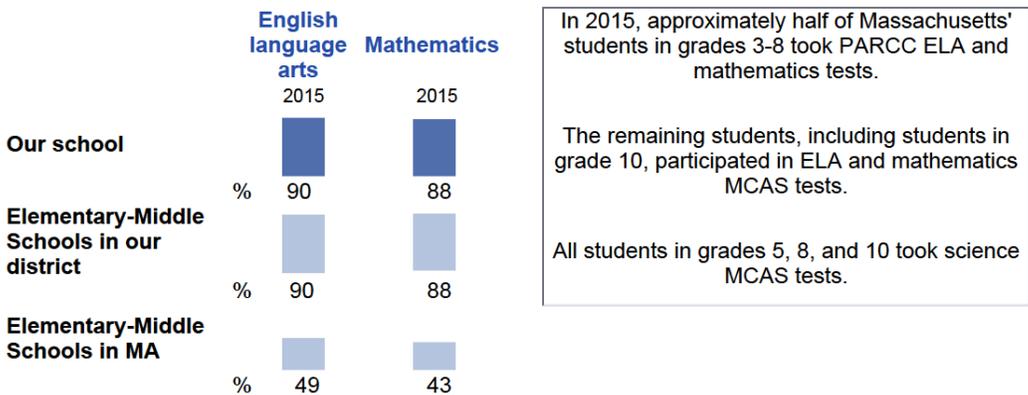
Report cards help parents/guardians and the general public see where schools and districts are succeeding and where there is still work to do. This report card overview answers important questions about our school's performance. For the full report card containing additional data contact the school's principal or visit the Massachusetts Department of Elementary and Secondary Education's website at <http://profiles.doe.mass.edu>. For more information about report card data, visit our [Profiles Help](#) page.

## How is our school doing overall?

<p><b>Accountability and assistance levels</b></p> <p><b>Our school</b> <b>Level 1</b> Meeting gap narrowing goals</p> <p><b>Our district</b> <b>Level 1</b> Meeting gap narrowing goals</p> <p>Most <b>schools</b> are assigned a level from 1-5, with those meeting their proficiency gap-narrowing goals in Level 1 and the lowest performing in Levels 4 and 5. A <b>district</b> is typically assigned a level based on the level of its lowest performing school. Placing schools and districts into levels helps districts know which schools need more support, and helps the state know which districts need the most assistance. More information is available here: <a href="http://www.mass.gov/ese/accountability">http://www.mass.gov/ese/accountability</a>.</p>		<p><b>School percentile</b></p> <p>School percentiles (1-99) indicate how a school is performing overall compared to other schools that serve the same or similar grades. Our school's percentile is below.</p> <p>1 25 50 75 99</p> <p>Lowest performing Highest performing</p>									
<p><b>Overall progress in narrowing gaps</b></p> <p>Massachusetts aims to reduce proficiency gaps by half between 2011 and 2017.</p> <table border="1"> <tr> <td><b>All students</b></td> <td><b>Met Target</b></td> </tr> <tr> <td><b>High needs students</b></td> <td><b>Met Target</b></td> </tr> <tr> <td><b>Economically disadvantaged</b></td> <td>-</td> </tr> <tr> <td><b>Students with disabilities</b></td> <td>-</td> </tr> <tr> <td><b>English language learners &amp; former ELLs</b></td> <td>-</td> </tr> </table>		<b>All students</b>	<b>Met Target</b>	<b>High needs students</b>	<b>Met Target</b>	<b>Economically disadvantaged</b>	-	<b>Students with disabilities</b>	-	<b>English language learners &amp; former ELLs</b>	-
<b>All students</b>	<b>Met Target</b>										
<b>High needs students</b>	<b>Met Target</b>										
<b>Economically disadvantaged</b>	-										
<b>Students with disabilities</b>	-										
<b>English language learners &amp; former ELLs</b>	-										
<p><b>District determination of need for special education technical assistance or intervention</b></p> <p><b>Meets Requirements (MR)</b></p> <p>Districts, including single school districts, are assigned a determination of need for special education technical assistance or intervention. These determinations, which are typically based on the district's accountability and assistance level, range from Meets Requirements (Level 1 districts) to Needs Substantial Intervention (Level 5 districts). The determination level, which incorporates compliance measures also, helps to identify whether the Department will require districts to take additional actions to support improved outcomes for all children, especially students with disabilities.</p>											

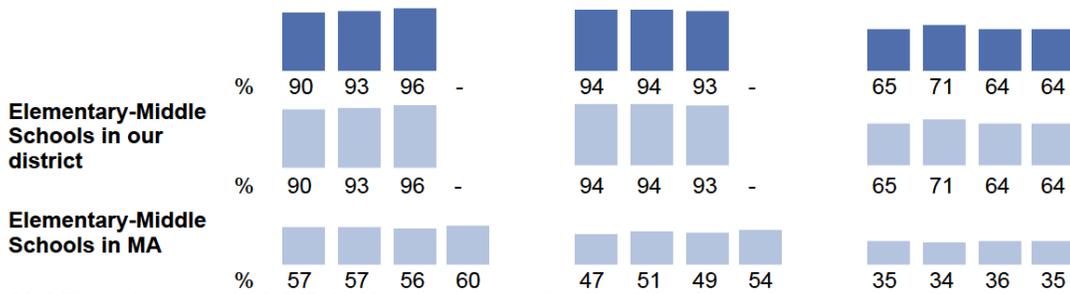
## How does our school's achievement over time compare to the district and the state?

Students scoring Met Expectations or above on **Partnership for Assessment of Readiness for College and Careers (PARCC) in grades 3-8, 2015**



Students scoring proficient or above on **Massachusetts Comprehensive Assessment System (MCAS), 2012-2015**

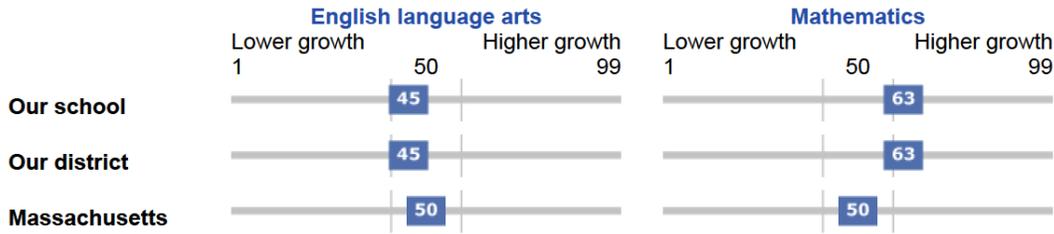




2015 ELA and mathematics MCAS data for our school, our district, and the state are available at [http://profiles.doe.mass.edu/state\\_report/mcas.aspx](http://profiles.doe.mass.edu/state_report/mcas.aspx).

## How does our school's growth compare to the district and the state?

Student Growth Percentiles (SGPs) measure gains in student achievement from year to year. SGPs between 40 and 60 represent moderate growth. Our school's median SGPs for 2015 are below. (Note: Growth values are truncated.)\*



\*Transitional SGPs are displayed for schools that participated in PARCC in 2015. Transitional SGPs are generated using current PARCC and prior MCAS scores.

## How does our school's enrollment compare to the district and the state?

Total enrollment	Our school	Our district	Our state
	506	506	955,844

By high needs population	Our school		Elementary-Middle Schools in our district		Elementary-Middle Schools in MA	
	#	%	#	%	#	%
Economically disadvantaged students	190	37.5	190	37.5	25,379	38.9
Students with disabilities	36	7.1	36	7.1	10,867	16.7
English language learners	4	0.8	4	0.8	12,320	18.9

## How do our school's teachers and classrooms compare to the district and the state?

General information	Our school	Elementary-Middle Schools in our district	Elementary-Middle Schools in MA
Teachers (#)	41.0	41.0	4,879.2
Core academic classes taught by highly qualified teachers (%)	84.7	84.7	89.4
Average class size (#)	-	-	-
Student : teacher ratio	12.3 to 1	12.3 to 1	13.4 to 1

## How is our school doing on other important measures?

Attendance	Our school	Elementary-Middle Schools in our district	Elementary-Middle Schools in MA
2015 Attendance rate (%)	97.5	97.5	95.0
2015 Average days absent per student (#)	4.8	4.8	8.6
2015 Chronic absenteeism rate (%)	2.9	2.9	12.7

Discipline	Our school	Elementary-Middle Schools in our district	Elementary-Middle Schools in MA
2015 In-school suspension rate (%)	2.1	2.1	1.5
2015 Out-of-school suspension rate (%)	15.0	15.0	3.0

High school completion	Our school	Our district	Our state

2013 5-year graduation rate (%)	-	-	87.7
2014 4-year graduation rate (%)	-	-	86.1
2014 annual dropout rate (%)	-	0.0	2.0
2013 graduates attending institutions of higher education* (%)	-	-	76.6
2015 12th graders taking 1+ Advanced Placement courses (%)	-	-	39.7
2015 Advanced Placement tests with scores of 3 or higher (%)	-	-	66.3
2015 SAT average score - Reading	-	-	508
2015 SAT average score - Writing	-	-	497
2015 SAT average score - Math	-	-	521
2014 MassCore** - Completing a rigorous course of study (%)	-	-	72.4

*\*Postsecondary enrollment data includes any student enrolling in an institution of higher education within 16 months of earning a high school diploma*

*\*\*MassCore: 4 years of English & math, 3 years of history & lab-based science, 2 years of a foreign language, 1 year of arts & 5 additional "core" courses*

### What else should you know about our school?

To view our school's full report card, visit <http://profiles.doe.mass.edu>. For more information about report card data, visit our [Profiles Help](#) page.

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## Appendix 11: Sample of Financial Dashboard

### 5-Year Financial Summary

 Low Risk

 Moderate Risk

 Potentially High Risk

Financial Metric	FY10	FY11	FY12	FY13	FY14	5 year AVG	FY14 MA AVG
<b>1. Current Ratio</b> <small>is a measure of operational efficiency and short-term financial health. CR is calculated as current assets divided by current liabilities.</small>	 5.1x	 5.3x	 4.9x	 3.3x	 3.1x	 4.4x	 2.4x
<b>2. Unrestricted Days Cash</b> <small>indicates how many days a school can pay its expenses without another inflow of cash. Calculated as Cash and Cash Equivalents divided by [(Total Expenses-Depreciated Expenses)/365]. *Important Note: This is based on the current quarterly tuition payment schedule.</small>	 111	 110	 120	 123	 32	 99	 51
<b>3. Percentage of Program Paid by Tuition</b> <small>measures the percentage of the school's total expenses that are funded entirely by tuition. Calculated as (Tuition + In-Kind Contributions) divided by Total Expenses.</small>	 86%	 85%	 86%	 89%	 89%	 87%	 88%
<b>4. Percentage of Program Paid by Tuition &amp; Federal Grants</b> <small>measures the percentage of the school's total expenses that are funded by tuition and federal grants. Calculated as (Tuition + In-Kind Contributions + Federal Grants) divided by Total Expenses.</small>	 96%	 94%	 93%	 96%	 95%	 95%	 94%
<b>5. Percentage of Total Revenue Expended on Facilities</b> <small>measures the percentage of Total Revenue spent on Operation &amp; Maintenance and Non-Operating Financing Expenses of Plant. Calculated as Operation &amp; Maintenance plus Non-Operating Financing Expenses of Plant divided by Total Revenues.</small>	 23%	 19%	 19%	 18%	 18%	 19%	 17%
<b>6. Change in Net Assets Percentage</b> <small>measures a school's cash management efficiency. Calculated as Change in Net Assets divided by Total Revenue.</small>	 5.7%	 0.1%	 -0.2%	 0.1%	 0.1%	 1.2%	 3.4%
<b>7. Debt to Asset Ratio</b> <small>measures the extent to which the school relies on borrowed funds to finance its operations. Calculated as Total Liabilities divided by Total Assets.</small>	 0.17x	 0.18x	 0.20x	 0.29x	 0.32x	 0.23x	 0.58x
<b>Enrollment</b>	285	294	291	292	286	290	428
<b>Total Revenues</b>	\$ 4,590,564	\$ 4,722,733	\$ 4,571,008	\$ 4,860,002	\$ 5,203,029	\$ 4,789,467	\$ 6,654,701
<b>Total Expenditures</b>	\$ 4,328,977	\$ 4,718,976	\$ 4,579,753	\$ 4,855,810	\$ 5,195,370	\$ 4,735,777	\$ 6,430,609
<b>Total Net Assets</b>	\$ 1,279,635	\$ 1,283,393	\$ 1,274,648	\$ 1,278,839	\$ 1,286,497	\$ 1,280,602	\$ 3,145,781

#### Optional Comments from School:

FY13 Comment - "City on a Hill's commitment to our students' civic engagement drives us to locate our facilities with easy access to public transportation, city services and non-profit agencies, and government offices, so that Boston can serve as our extended classroom. Similar to other Boston Charter schools, City on a Hill's urban location is associated with higher-than-state-average facility costs. City on a Hill's program enrolls low-performing, traditionally underserved 9th grade students and prepares them for college through an extended-day, extended-week, and extended-year approach. City on a Hill's program includes 25% more time on learning than the state requires. This extended time is paid for with a combination of state tuition, federal Title I funding, and private fundraising."

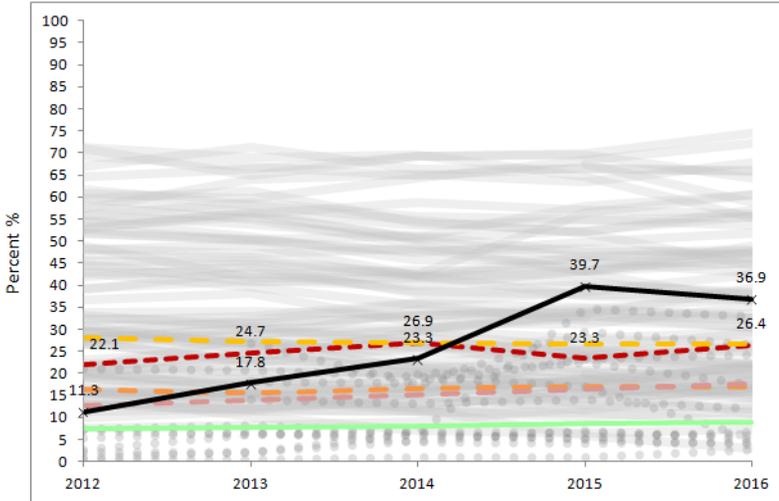
Audit Indicator	FY10	FY11	FY12	FY13	FY14	Optional Comments From School:
A. Did the audit include an unqualified opinion?	Y	Y	Y	Y	Y	
B. Is the audit free of findings of Material Weakness?	Y	Y	Y	Y	Y	
C. Is the audit free of findings of Significant Deficiency?	Y	Y	Y	Y	Y	
D. Is the audit free of Instances of Noncompliance under GAAS?	Y	Y	Y	Y	Y	
E. Is the audit free of Questioned Costs?	Y	Y	Y	Y	Y	

Financial Metric Definitions		Low Risk	Moderate Risk	Potentially High Risk
<b>1. Current Ratio</b>	<i>Current Ratio is a measure of operational efficiency and short-term financial health. CR is calculated as current assets divided by current liabilities.</i>	>= 1.5	Between 1.0 (inclusive) and 1.5	< 1.0
<b>2. Unrestricted Days Cash (Prior to FY14)</b> Applies to 5-year average	<i>The unrestricted days cash on hand ratio indicates how many days a school can pay its expenses without another inflow of cash. Calculated as Cash and Cash Equivalents divided by ((Total Expenses- Depreciated Expenses)/365). Note: This is based on quarterly tuition payment schedule.</i>	>= 75 days	Between 45 (inclusive) and 75 days	< 45 days
<b>2. Unrestricted Days Cash (FY14 forward)</b>	<i>Note: This is based on monthly tuition payment schedule.</i>	>= 60 days	Between 30 (inclusive) and 60 days	< 30 days
<b>3. Percentage of Program Paid by Tuition</b>	<i>This measures the percentage of the schools total expenses that are funded entirely by tuition. Calculated as (Tuition + In-Kind Contributions) divided by Total Expenses (expressed as a percentage). Note: In-Kind Contribution are added to the numerator in this ratio to balance out In-Kind Expenditures which will be captured in the Total Expenses in the denominator, and ratios over 100% are set to 100%.</i>	>= 90%	Between 75% (inclusive) and 90%	< 75%
<b>4. Percentage of Program Paid by Tuition &amp; Federal Grants</b>	<i>This measures the percentage of the schools total expenses that are funded by tuition and federal grants. Calculated as (Tuition + In-Kind Contributions + Federal Grants) divided by Total Expenses (expressed as a percentage). Note: In-Kind Contribution are added to the numerator in this ratio to balance out In-Kind Expenditures which will be captured in the Total Expenses in the denominator, and ratios over 100% are set to 100%.</i>	>= 90%	Between 75% (inclusive) and 90%	< 75%
<b>5. Percentage of Total Revenue Expended on Facilities</b>	<i>This measures the percentage of Total Revenue that is spent on Operation &amp; Maintenance and Non-Operating Financing Expenses of Plant. Calculated as Operation &amp; Maintenance plus Non-Operating Financing Expenses of Plant divided by Total Revenues (expressed as a percentage).</i>	<= 15%	Between 15% and 30% (inclusive)	> 30%
<b>6. Change in Net Assets Percentage</b>	<i>This measures a school's cash management efficiency. Calculated as Change in Net Assets divided by Total Revenue (Expressed as a percentage).</i>	Positive %	Between -2% (inclusive) and 0%	< -2%
<b>7. Debt to Asset Ratio</b>	<i>Measures the extent to which the school relies on borrowed funds to finance its operations. Calculated as Total Liabilities divided by Total Assets.</i>	<= .9	Between .9 and 1 (inclusive)	> 1
<b>FY12 MA AVG Column</b>	<i>All financial metrics indicated in this column are a result of each ratio calculated using statewide totals. For Enrollment, Total Net Assets and Total Expenditures rows, these numbers are averages calculated using the statewide totals of all charter schools' data.</i>			

# Appendix 12: Sample of CHART

## Charter School- Example of C.H.A.R.T.

ENROLLMENT - ELL

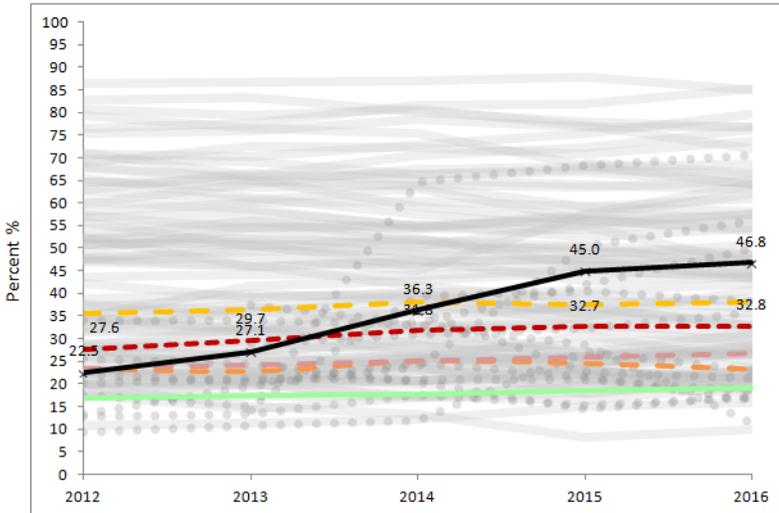


### English Language Learners % Enrolled

	2012	2013	2014	2015	2016
Charter School	11.3	17.8	23.3	39.7	36.9
Statewide Average	7.3	7.7	7.9	8.5	9.0
No District Selected (District)					
Grades served per year	PK-K	PK-1	PK-2	PK-3	PK-4
Median	28.0	27.2	27.0	26.6	26.6
First Quartile	16.4	15.5	16.6	17.1	17.0
Comparison Index	22.1	24.7	26.9	23.3	26.4
Gap Narrowing Target (GNT)	12.6	13.8	15.1	16.3	17.6

— Charter School  
 — Statewide Avg  
 — District  
 - - - Median  
 - - - First Quartile  
 - - - Comparison Index  
 - - - GNT  
 - - - Comp. Charter Schools  
 - - - Comp. District Schools

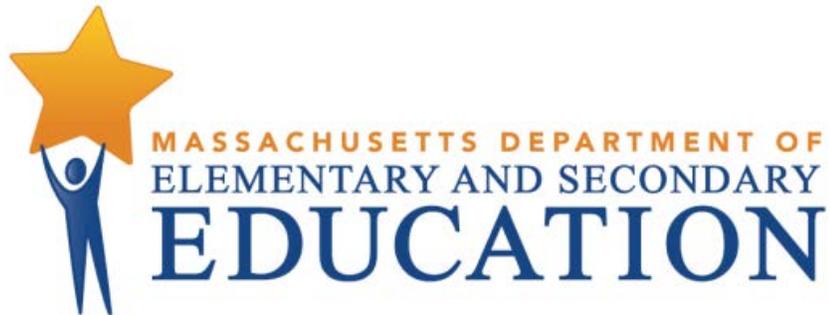
ENROLLMENT - FLNE



### First Language Not English % Enrolled

	2012	2013	2014	2015	2016
Charter School	22.5	27.1	36.3	45.0	46.8
Statewide Average	16.7	17.3	17.8	18.5	19.0
No District Selected (District)					
Grades served per year	PK-K	PK-1	PK-2	PK-3	PK-4
Median	35.5	36.4	38.1	37.5	38.0
First Quartile	23.3	22.7	25.0	24.5	23.2
Comparison Index	27.6	29.7	31.8	32.7	32.8
Gap Narrowing Target (GNT)	23.4	24.2	25.1	25.9	26.8

# Appendix 13: Guide to Charter School Accountability



## **Guide to Charter School Accountability**

September 2014

**Massachusetts Department of Elementary and Secondary Education**

75 Pleasant Street

Malden, MA 02148

Phone: (781) 338-3227

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*This guide aims to provide schools and other interested parties with information on the accountability system that is unique to charter schools in Massachusetts. Each component of the Guide provides specific information regarding a particular aspect of the accountability process. The accountability process was conceived when charter schools first opened in the Commonwealth and has been added to and improved upon through years of implementation.*

## **Introduction**

Authorized by the Commonwealth of Massachusetts' Education Reform Act of 1993, charter schools are independent public schools that operate under five-year charters granted by the Commonwealth's Board of Elementary and Secondary Education (Board).

The Board is required by Massachusetts General Law, Chapter 71, Section 89, and regulations under 603 CMR 1.00 to conduct an ongoing review of charter schools and, by the fifth year of each school's operation, decide whether those charters should be renewed. Throughout the charter term and during renewal, charter schools are held accountable to the Charter School Performance Criteria (Criteria). The Criteria are presented in the three guiding areas of charter school accountability defined in the current regulations (603 CMR 1.00):

**Faithfulness to the Charter**

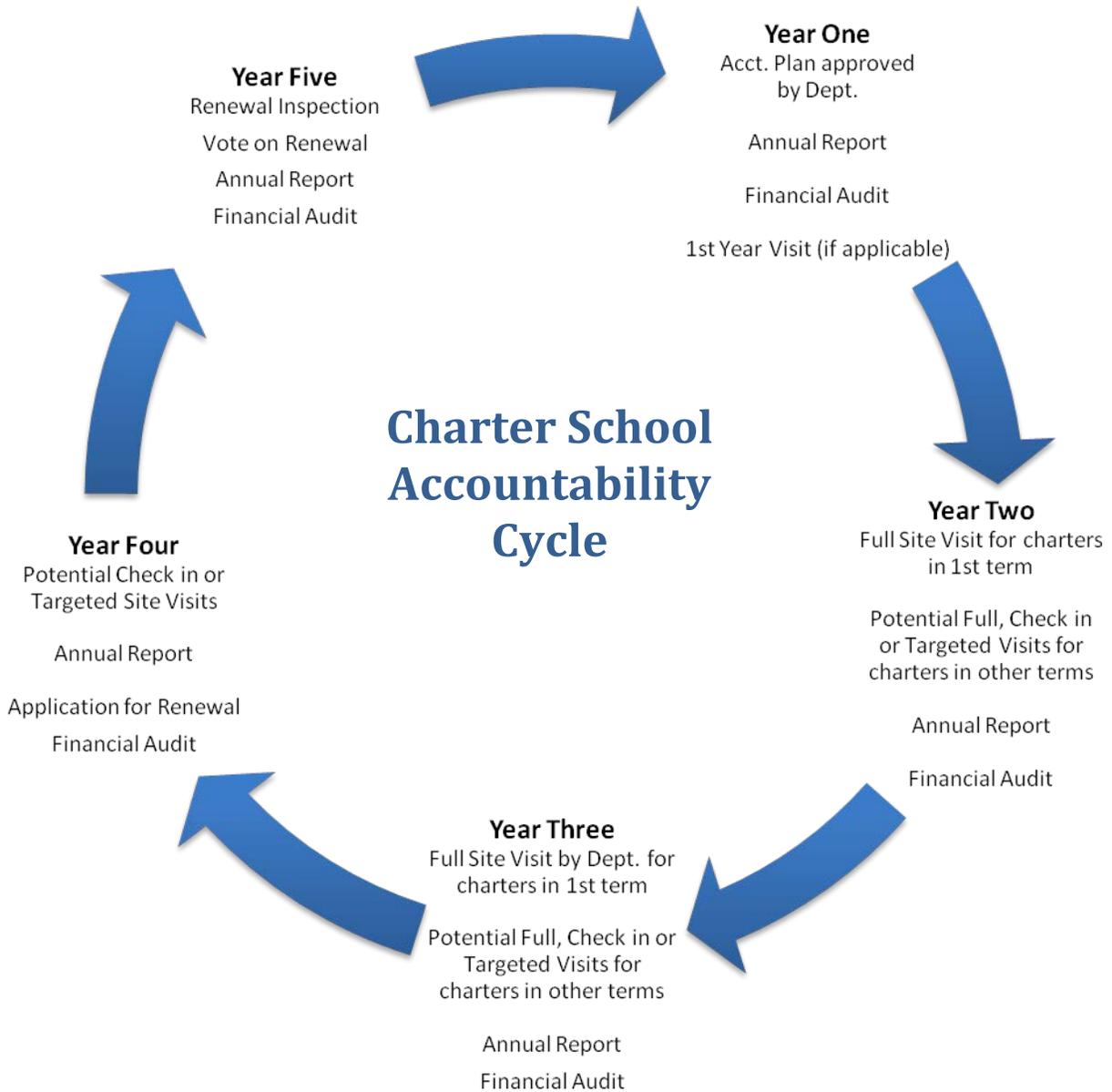
**Academic Program Success**

**Organizational Viability**

In exchange for a high level of autonomy, charter schools are held accountable for results on an ongoing basis by the Department of Elementary and Secondary Education (Department). The increased freedom coupled with increased accountability infuses all aspects of the Department's oversight of charter schools. Evaluation of the school's success in the three guiding areas is based on a variety of information that is provided by the school and gathered by the Department.

**Charter School Accountability Cycle**

Once the Board has awarded a charter on the basis of a successful application, the charter school enters the cycle of accountability. In addition to the responsibility of producing high academic results throughout the term, the school has various accountability requirements during each year of the term. The graphic below displays the components of the accountability cycle of a school during its five-year term.



## Key Components of the Accountability Cycle

Below are brief descriptions of the key components of the accountability cycle. Each description is accompanied by the general timeline/deadline and links to online resources to successfully navigate each requirement.

<b>APPLICATION FOR A CHARTER</b>	<p><b>Timeline:</b> Pre-opening</p>
	<p><b>Description:</b></p> <p>The Board awards charters only to applicants who have met the criteria published by the Department. The questions that guide each application, and the criteria against which applications are judged, are found in the <a href="#">Application for a Public School Charter</a>.</p> <p>The applicant group writes the prospectus in order to communicate plans for a potential charter school and demonstrate that they have the potential to create a high quality public charter school. At the prospectus phase, Office of Charter Schools and School Redesign staff present a synopsis of the information to the Commissioner and, based upon the information presented, the Commissioner determines which applicant groups will be invited to move into the final application stage.</p> <p>The applicant group writes the final application in order to communicate plans for a potential charter school and demonstrate that they have a strong probability of creating a high quality public charter school. If an applicant group's board of trustees is granted a charter, the final application serves to define the material terms of the charter to which the school is held accountable, along with any approved amendments.</p> <p>During the 2014-2015 application cycle, the Department introduced a required one stage process for current charter school boards of trustees who intend to apply for a new charter and operate a charter school network. In the one stage process, current charter school boards of trustees are exempt from submitting a prospectus but must still meet Proven Provider requirements, if applicable, and submit a complete final application addressing the criteria that is set forth in the charter statute.</p> <p>The Commissioner presents his recommendation for chartering to the Board, along with a comprehensive written summary of all materials prepared by the Department evaluating or recommending approval or disapproval of the final application. The Board makes the final decision on the award of charters.</p> <p><b>Resources:</b>  <i>Charter Developer Information:</i> <a href="http://www.doe.mass.edu/charter/new/?section=app">http://www.doe.mass.edu/charter/new/?section=app</a>  <i>Opening Procedures Handbook:</i> <a href="http://www.doe.mass.edu/charter/guides/ophandbook.pdf">http://www.doe.mass.edu/charter/guides/ophandbook.pdf</a>  <i>Charter Application 2014-15:</i> <a href="http://www.doe.mass.edu/charter/app/NewOperators.pdf">http://www.doe.mass.edu/charter/app/NewOperators.pdf</a></p>

<b>ANNUAL REPORT</b>	<b>Timeline:</b> Due Every Year by August 1 <sup>st</sup>
	<b>Description:</b> In accordance with charter school laws and regulations, a charter school must submit an annual report to the Department on or before August 1 <sup>st</sup> of each school year and post annual reports to their school's website(s). The Annual Report will be used by the Department to review the school's performance and progress for the past academic year and will be corroborated and augmented by site visits. The <a href="#">Annual Report Guidelines</a> provide a thorough description of the information that schools must include in an annual report. The Charter School Regulations, 603 CMR 1.08(1)(c)(d) require all charter schools to include the following in the Annual Report: a report on the school's implementation of its current recruitment and retention plan and an updated recruitment and retention plan for the upcoming school year.
	<b>Resources:</b> <i>Annual Report Website:</i> <a href="http://www.doe.mass.edu/charter/acct.html?section=annual">http://www.doe.mass.edu/charter/acct.html?section=annual</a>

<b>ACCOUNTABILITY PLAN</b>	<b>Timeline:</b> End of Year 1 (during first term), End of Year 5 (after first term)
	<b>Description:</b> The Accountability Plan defines the school's internally set performance objectives and how progress toward these objectives will be measured. A charter school creates an Accountability Plan at the end of year one of their first charter term to articulate to the community and the state what goals the school will use to measure its success during following years. Schools in their second term and beyond must submit a new accountability plan to the Department at the end of the fifth year of the charter term. The <a href="#">Guidelines for Writing Charter School Accountability Plans</a> are intended to give schools guidance on the type of data that provide compelling evidence, the desirable structure for goals and objectives, and how to most clearly present results. With these tools in mind, schools can write rigorous and measurable accountability plans that will serve them well as they participate in the charter school accountability process, especially at the time of renewal. The Accountability Plan must receive approval from the Department before a school can begin implementing. If a charter school plans to alter its Accountability Plan, the school's board of trustees must vote on and submit a minor amendment request to do so. Changes to a school's Accountability Plan require approval from the Commissioner.
	<b>Resources:</b> <i>Accountability Plan Guidelines:</i> <a href="http://www.doe.mass.edu/charter/acct.html?section=guidelines">http://www.doe.mass.edu/charter/acct.html?section=guidelines</a> <i>Accountability Plan Website:</i> <a href="http://www.doe.mass.edu/charter/acct.html?section=guidelines">http://www.doe.mass.edu/charter/acct.html?section=guidelines</a> <i>Amendment Guidelines:</i> <a href="http://www.doe.mass.edu/charter/governance/AmendmentGuidelines.pdf">http://www.doe.mass.edu/charter/governance/AmendmentGuidelines.pdf</a>

<b>SITE VISITS</b>	<b>Timeline:</b> Typically 2 – 3 times during a charter term
	<b>Description:</b> The primary purpose of a site visit is to corroborate and augment the information contained in a school’s annual report and to gather evidence on progress the school is making toward meeting the standards articulated in the <a href="#">Charter School Performance Criteria</a> (Criteria). During a site visit, the team conducts <a href="#">classroom observations</a> , conducts focus groups with various stakeholders, and reviews school documents. Site visits are organized and executed according to the <a href="#">Charter School Site Visit Protocol</a> . Following the site visit, the team will compose a report on the evidence gathered under each criterion. Each criterion addressed during the visit will receive a rating based on evidence gathered. The report will become part of the body of evidence used by the Commissioner when making a renewal decision at the end of the charter term. Each school will be given the opportunity to factually correct the report before it is finalized. Additionally, if the school substantially disagrees with the findings or ratings in the report, it may issue a response which will be appended to the final site visit report.
	<b>Resources:</b> <i>Site Visit Protocol:</i> <a href="http://www.doe.mass.edu/charter/acct.html?section=visit">http://www.doe.mass.edu/charter/acct.html?section=visit</a>

<b>APPLICATION FOR RENEWAL</b>	<b>Timeline:</b> Before August 1 <sup>st</sup> of Year 5
	<b>Description:</b> Every charter school undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school can continue to operate. The renewal process includes the submission of a renewal application, a renewal inspection visit, and an analysis of all evidence related to the charter school's performance, including quantitative and qualitative evidence collected through the Department's charter school accountability process. The <a href="#">application for renewal</a> of a charter is the school's opportunity to present evidence that demonstrates success in the three areas of charter school accountability: faithfulness to the charter, academic program success, and organizational viability. The school’s Application presents evidence of the school’s performance during the current charter period relative to the Charter School Performance Criteria (Criteria). The application process also allows the school to examine its practices and decisions over the current charter term, offer explanations for any performance or operational issues, identify actions taken to correct past problems, and provide information regarding the school’s plans for improvement in the future.
	<b>Resources:</b> <i>Renewal Information Website:</i> <a href="http://www.doe.mass.edu/charter/acct.html?section=renew">http://www.doe.mass.edu/charter/acct.html?section=renew</a>

<b>RENEWAL REPORTS</b>	<b>Timeline:</b> Fall - Winter of Year 5
	<p><b>Description:</b>  Renewal Inspection Report: After submitting an application for renewal, each school undergoes a two to three-day Renewal Inspection conducted by a non-Department vendor. The visit is designed to corroborate and augment the school's Application for Renewal and identify the school's progress toward meeting the Criteria. The renewal inspection team's final report provides independent and objective judgment regarding the school's performance and serves as another component of the body of evidence used for renewal determinations.</p> <p>Summary of Review: The Renewal Inspection Report, Application for Renewal, Annual Reports, Site Visit Reports, performance on state assessments, financial records, and other information present in the school's file provide the evidentiary basis for the Commissioner's review and recommendation regarding the renewal of each school's charter. This material is reviewed by the Department and a Summary of Review is written summarizing the evidence from the entire charter term.</p> <p>Memorandum Regarding Renewal: The Commissioner reviews the Summary of Review and based on the data contained in the report makes a renewal determination or recommendation. A memo is written containing the Commissioner's recommendation or determination and it is presented to the Board of Elementary and Secondary Education. During <a href="#">renewal</a>, schools may receive an unconditional renewal, a renewal with conditions, a renewal with probation, or a non-renewal of the charter. See the Commissioner's Considerations for Charter School Renewal below.</p>
	<p><b>Resources:</b>  <i>Renewal Inspection Protocol:</i> <a href="http://www.doe.mass.edu/charter/guides/RenewInspect.pdf">http://www.doe.mass.edu/charter/guides/RenewInspect.pdf</a>  <i>Commissioner's Memo on Renewal:</i> <a href="http://www.doe.mass.edu/news/news.aspx?id=7802">http://www.doe.mass.edu/news/news.aspx?id=7802</a></p>

<b>FINANCIAL AUDIT</b>	<b>Timeline:</b> Due Every Year by November 1 <sup>st</sup>
	<p><b>Description:</b>  In accordance with M.G.L. c. 71, § 89, every charter school shall have an independent audit conducted of its accounts, consistent with generally accepted government auditing standards and any guidelines issued by the Department. Audits must be submitted to the Department by November 1<sup>st</sup> of each school year in alignment with the <a href="#">Charter School Audit Guide</a>.</p>
	<p><b>Resources:</b>  <i>Finance Website:</i> <a href="http://www.doe.mass.edu/charter/finance/auditing/">http://www.doe.mass.edu/charter/finance/auditing/</a>  <i>Charter School Audit Guide:</i> <a href="http://www.doe.mass.edu/charter/finance/auditing/2015AuditGuide.pdf">http://www.doe.mass.edu/charter/finance/auditing/2015AuditGuide.pdf</a></p>

# Appendix 14: Charter School Site Visit Protocol



## Charter School Site Visit Protocol

Revised February 2016

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Commissioner

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## Overview

In conducting site visits, the Department of Elementary and Secondary Education (Department) is carrying out the requirements of the charter school regulations (603 CMR 1.00) which outline the ongoing review of charter schools. Site visit reports, generated by the Department, are important components of the body of evidence used by the Commissioner and Board of Elementary and Secondary Education (Board) in making a renewal determination for each school.

Site visits take place at least once during a charter term and may be conducted at additional times when deemed necessary by the Department. Site visits vary in length depending on the size, location, age, and/or specific conditions of a particular school. They are one of the means by which the Department documents each charter school's performance and progress over time, corroborating and augmenting the information reported each year in the school's annual report. The *Charter School Performance Criteria* (Criteria)<sup>1</sup> form the foundation of this process and are the basis on which this Site Visit Protocol was written. During the site visit, the school will be assessed on a subset of the performance indicators contained in the Criteria (see [Appendix B](#)). The Criteria expand upon and give definition to the three areas of charter school accountability defined in 603 CMR 1.00:



A key component of charter school accountability is a school's accountability plan. Site visit teams also look for evidence of progress toward meeting the objectives and measures each school establishes in its accountability plan.

The purpose of a site visit is to gather and document evidence about a charter school's performance in relation to the Criteria for accountability purposes.<sup>2</sup> Evidence gathered during the site visit process will ultimately be used to make a renewal determination for the school. Please see the memorandum, [Considerations for Charter Renewal](#), for more details. However, accountability decisions may be required prior to renewal processes if evidence points to deficits in the school's performance; this may include the imposition of conditions, probation, or revocation in the most serious circumstances (See [603 CMR 1.00](#)). Site visits and subsequent site visit reports are not intended to provide technical assistance or other advice to the school. The site visit is also not intended to directly assist schools in making decisions about how to improve academic programs or operations.

### **Purpose of the Site Visit Protocol (Protocol)**

This Protocol is designed to be a resource for charter school leaders, external site visitors, the Department staff, and contracted vendors who may conduct site visits for the Department. It articulates the types of visits, site visit processes, roles and responsibilities of all parties, and expected outcomes. The Protocol is meant to provide useful information about site visits so stakeholders and visitors can know what to expect and how to prepare. Familiarity with the Protocol will help visits run smoothly. At the end of the document, in [Appendix A](#), is a checklist to assist schools in preparation for the site visit.

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<sup>1</sup> The Charter School Performance Criteria v. 3.2 (Criteria) is available on ESE's website: <http://www.doe.mass.edu/charter/acct.html?section=criteria>.

<sup>2</sup> The Year One Site Visit is an exception within the cycle of charter school oversight due to the technical assistance provided on aspects of the school's special education and English as a Second Language programming.

## Types of Site Visits

The Department does not visit all schools on an annual basis. Site visits are conducted as frequently as necessary for accountability monitoring. The length and scope of site visits may vary depending on the school's age, size, location, and/or status (conditions or probation). The table below outlines each type of site visit and under what circumstances they might occur. Please refer to [Appendix D](#) for a detailed description of each type of visit, a list of required documentation, Criteria typically assessed, the length of visits, sample schedules, and focus group requirements.

Type of Visit	Approximate Length	Typically Eligible Schools	Criteria Typically Addressed
<b>Year One</b>	0.5 - 1 day	<ul style="list-style-type: none"> <li>Schools in the first year of operation</li> </ul>	1, 2, 6.2, 6.4, 9
<b>Full</b>	1 – 2 days	<ul style="list-style-type: none"> <li>Schools in the first three charter terms</li> <li>Multi-campus schools</li> <li>Networks of charter schools</li> </ul> <p><b>Please note:</b> Visits to schools in their first charter term, large schools, and schools with more than one campus will generally receive longer site visits. Please see <a href="#">Appendix E</a> for additional details.</p>	1, 2, 3 (if applicable), 5, 6, 7, 8, 9, 10
<b>Check-In</b>	0.5 – 1 day	<ul style="list-style-type: none"> <li>Schools in or beyond their third charter term</li> </ul>	1, 2, 5, 6.2, 6.4, 9, and 10
<b>Targeted</b>	0.5 – 1 day	<ul style="list-style-type: none"> <li>Schools on conditions or probation</li> <li>Schools requiring a visit for a sub-set of Criteria</li> </ul>	Based on conditions, probation, or areas of concern
<b>Renewal Inspection</b>	1 – 3 days	<ul style="list-style-type: none"> <li>Schools in their fifth year of each charter term</li> </ul> <p><b>Please note:</b> These visits are conducted by contracted external teams or Department staff in accordance with a separate <a href="#">Renewal Inspection Protocol</a>.</p>	1, 6, 7, 8, and 9

Please note, the above is a guide to the typical site visits conducted by the Department. Additional site visits may be scheduled as needed by the Department. The length and type of site visit and required elements will ultimately be determined by the Department. The Department will provide adequate notice to all schools of any scheduled visits but reserves the right to visit schools unannounced at any time during the charter term.

## Components of Site Visits

### Scheduling visit dates

The Department typically conducts site visits between October and May. During the summer prior to the site visit, the Department will notify schools of planned site visit dates and outline the type of visit to be conducted. If the Department's proposed date creates a serious conflict for the school, the Department and school will work to find a mutually agreeable alternate date. However, planned visit days are generally not changed unless a serious conflict exists. Once the school leader knows the day(s) of the site visit, s/he

should relay that information to all relevant stakeholders and ensure that the day(s) selected have regular programming. **No testing or other events outside of the normal academic program should be conducted on the day(s) of the visit.**

## Pre-visit planning and preparation

The Department assumes that the school leader will act as the coordinator and liaison for site visits; however, the school has the option of designating another person to assume this role. The visit coordinator should be knowledgeable of the school's schedule, be able to communicate quickly with various stakeholders, and work with colleagues to resolve any scheduling issues. The Department works with the designated person to ensure that key documents are provided to the site visit team approximately six weeks prior to the visit. A list of pre-visit documentation is found in the Checklist for School Leaders/Designees ([Appendix A](#)). Documents will be compiled and provided to each site visit team member prior to the visit, enabling team members to orient themselves to the school prior to the visit. Additional site visit preparation includes setting the schedule, organizing the appropriate stakeholders for focus groups, and coordinating logistics.

## Onsite documents

The school will be asked to make available (on the day of the visit) a number of documents to help the team refine questions and to serve as evidence to support findings. For details regarding required documentation, see [Appendix A](#), Checklist for School Leaders/Designees.

## Visit team members

All site visit teams are led by a Department staff member. The team leader facilitates the day and coordinates the efforts of additional visitors, who may be Department staff and/or external volunteers. External volunteers who participate in site visits bring additional expertise to the team that may include fiscal management, curriculum or instructional experience, or an area specific to a school's mission. All team members are subject to a Criminal Offender Record Information (CORI) check.

## The day of the visit

During the site visit the team's work is guided by the Charter School Performance Criteria ([Appendix B](#)). Team members conduct focus groups, interviews, observe classrooms, conduct a document review, and meet to formulate preliminary findings and ratings. Further, classroom observations are informed by the school leader's oral and written description of teaching and learning at the school and the Department's classroom observation forms. The observation forms can be found on our website: <http://www.doe.mass.edu/charter/acct.html?section=visit>

## Creation of findings

The site visit team is charged with gathering evidence and data that show the school's progress toward meeting its accountability plan goals and the performance indicators set out in the Criteria. In the afternoon of the visit's final day, the team reflects on the evidence and data collected and creates preliminary findings. These findings are used to rate the school on its performance relative to the [Criteria](#).

## End of visit report-out

At the end of the day, the team leader shares a brief report-out guided by the Criteria. The team leader's statements do not make suggestions for improvement or direct the school to change operations or programs. Please note that any analysis presented during the initial report-out is preliminary and that not all of the Criteria will be addressed; during the site visit report writing process the team leader will conduct additional analysis of available evidence. The final report will contain ratings and findings of a sub-set of the Criteria as dictated by the kind of visit (see [Appendix D](#)).

## Site Visit Report

After the visit, the Department prepares a written report that presents the team’s ratings, findings and the supporting evidence<sup>3</sup>. Site visit team members review the report to ensure that it is factually accurate and reflects the collective thoughts of the team. The team leader incorporates corrections and issues a draft report to the school. The school has one week to report factual inaccuracies to the Department. These factual corrections are made and a final report is issued to the school. If the school chooses, a response to the site visit report may be submitted in writing to the Department. This response and the site visit report become a permanent part of the school’s record. The site visit report and all additional documentation become a part of the body of evidence that the Commissioner and Board consider when the school enters the renewal process.

### The Site Visit Report: Findings and Ratings

[The Charter School Performance Criteria](#) are presented in the three guiding areas of charter school accountability defined in the current regulations, 603 CMR 1.00: faithfulness to charter, academic program success, and organizational viability. The Criteria guide the gathering and analysis of evidence obtained during each type of site visit.

Each resulting site visit report will contain findings relating to the Criteria. **Findings** are statements that describe the school’s performance in terms of the Criteria. Findings synthesize the site visit team’s analyses of evidence collected from multiple sources prior to and during the visit.

In order to communicate clearly in the site visit report, the Department uses a **rating** scale to summarize a charter school’s performance against the Criteria. Ratings will capture school performance at the time of the site visit. In the site visit report, each Criterion in the sub-set listed above (see Types of Visits, above) will be accompanied by a rating: Falls Far Below, Partially Meets, Meets, or Exceeds.

Rating	Description
Exceeds <sup>4</sup>	The school fully and consistently meets the criterion and is a potential exemplar in this area.
Meets	The school generally meets the criterion and/or minor concern(s) are noted.
Partially <sup>5</sup>	The school meets some aspects of the criterion but not others and/or moderate concern(s)
Falls Far	The school falls far below the criterion and/or significant concern(s) are noted.

Additionally, the site visit report will include appendices that contain data regarding criteria 2 (Access and Equity), 5 (Student Performance), and 10 (Finance). Data collected and summarized in the appendices will be used to provide or supplement ratings for Criterion 2 and 5. See [Appendix B](#) for a full list of Charter School Performance Criteria and a general list of questions that will guide the team’s inquiry during the site visit. For a complete list of types of site visits, typically assessed Criteria, and information regarding findings and ratings, please see [Appendix C](#).

<sup>3</sup> The Year One Site Visit Report details the progress made by the new school during the opening procedures process and the evidence collected regarding program implementation and school development during the Year One Site Visit.

<sup>4</sup> Criterion 3 (Compliance) and Criterion 10 (Finance) are baseline public stewardship expectations, and the highest rating possible in these areas will be “Meets.”

<sup>5</sup> Due to the developmental nature of establishing a high-performing charter school, it is not unusual for schools in their first charter term to receive Partially Meets for certain criteria.

## Preparing for the Site Visit

There are many actions that the school, the Department, and site visitors should take to effectively prepare for the site visit.

### **Department Preparation**

The Department determines the range of dates for possible site visits, taking into consideration school vacation weeks, MCAS testing weeks, and the size and location of the school. The Department sends out a letter in July or August to each school leader with a proposed date for the visit. If the suggested date is not feasible, the Department will work with the school to find a mutually convenient alternate date for the visit.

The team leader for the visit will be the school's liaison. This person is generally responsible for all communication with the school, including scheduling, requesting pre-visit documents from the school, determining a schedule for the visit (in consultation with the school leader or designee), assembling pre-visit materials for the visitors, assigning visitors to the team, leading the visit, and writing the resulting site visit report.

### **Site Visit Team Member Preparation**

Site visit team members are responsible for reviewing the preparation materials that are sent to them by the Department. Team members are asked to read over the materials and arrive at the school with an understanding of the background of the school and initial impressions or questions to share with the team. Team members are required to review and follow the Code of Conduct (see [Appendix H](#)) during the visit.

### **School Preparation**

Schools should prepare for the site visit prior to the arrival of the site visit team. We ask that schools work quickly after receiving the scheduling letter/email from the Department to confirm the site visit data and determine who will be the school's primary point of contact with the Department. For additional guidance on site visit preparation, please refer to the Site Visit Checklist for School Leaders/Designees found in [Appendix A](#).

## Site Visit Structure – Major Components of the Day

### ESE Team Meeting

The team leader welcomes the team, reviews the site visit schedule, establishes the purpose and context of the visit, reviews the code of conduct, and answers questions from team members.

### Morning Introduction with School Leader(s)

During the morning meeting, the school leader(s) orients the site visit team to the school and alerts the team to any absent teachers and/or special events occurring during the school day. The site visit team will review and confirm the school's common practices with school leader(s). The school leader's description of instructional expectations, along with the document outlining the school's expectations, will be used to evaluate observed instruction during the visit.

### Focus Group Interviews

The team leader facilitates the conversation, opening with common questions asked of all groups at all schools. Questioning may also be more specific and tailored to the specific school context. Whenever possible the team leader will guide the focus group members to ground their answers with specific evidence and data. Pre-assigned team members will be responsible for taking notes and if appropriate, asking follow-up questions.

### Classroom Observations

The classroom observations will be guided by the school leader's written and oral description of teaching and learning at the school as well as the Department's observation form provided to team members. Collectively, the site visit team visits as many classrooms as possible during the day of the visit. Observations should last approximately 20 minutes and will not disrupt classroom activities. Visitors will collect lesson materials if available. Teachers should post class schedules outside each room to identify when and what kind of classes are happening in the classroom.

### Document Review

The school places all onsite documents in the site visit team's room. Throughout the day, site visit team members who are not scheduled to participate in focus groups, interviews, or classroom observations at a specific time will review curriculum documents, school handbooks, board materials, and other requested documents. The team may request that a school administrator orient team members to the documents.

## Team Organization and Reflection

The team leader brings the team together and sets out the goals for the afternoon work time. The team leader reminds site visit team members to refrain from judgment and ground comments in evidence, observations, and data. The team leader guides the team through a debrief of the day, structured by the three areas of charter school accountability, the site visit guiding questions, and the Criteria. Site visit team members gather additional evidence and data to fill in gaps through follow-up conversations with key school staff. The team creates initial preliminary findings and ratings or observations.

## Site Visit Team Report Out

The team leader reports the shares the team's initial analysis, structured by the three areas of charter school accountability, the Criteria, and the site visit guiding questions. The report-out will address a sub-set of Criteria. The team leader then outlines next steps resulting in a Site Visit Report. Within six weeks, the Department will send the school a Site Visit Report Draft to review for factual corrections. It is up to the school to decide who should attend the report out. Typically school leaders and/or other administrators attend and other stakeholders attend at the invitation of the school leader. Please determine this before the visit.

## Site Visit Report

Department staff members write the site visit report. Site visit team members review the report to ensure that it is factually accurate and reflects the collective thoughts of the team. The team leader incorporates corrections and suggestions for improvement. School leadership reviews the report for factual corrections. The team leader incorporates factual corrections and issues the final report to the school leader and chair of the school's board of trustees. School leadership may prepare a response to the site visit report that is submitted in writing to the Department and becomes a permanent part of the school's record.

## Site Visit Schedule

The schedule for the site visit depends on the type of visit. The school leader or designee should use the scheduling guidelines included in [Appendix D](#) in this Protocol to establish preferred times for site visit elements. After sending the preferred times to the site visit team leader, the two will work together to create a schedule. The finalized schedule must include locations for each focus group and an assigned location where the site visit team may work throughout the entirety of the day, separate from rooms in which focus groups are held. While on site, team members may schedule additional meetings if necessary. The team leader will remain in contact with school leadership throughout the day in the case that additional meetings and follow-up sessions are needed. Please refer to [Appendix D](#) to review the requirements for each type of visit regarding scheduling and focus groups. **All focus groups must be completed prior to 1:00 pm.**

A number of focus groups and interviews must be scheduled for the day of the site visit. It is the school's responsibility to gather a representative group from each category through an open invitation, and to inform each participant of the time and place of the meeting. The Department expects that each participant is present for the entirety of the meeting and is given complete freedom to speak regarding their knowledge of and experience at the school, with no limits or repercussions imposed. In general, focus group composition **should not include more than 10 individuals**. Below is a list of the possible interviews or focus groups that could be held. Additionally, it is not necessary for individuals to attend multiple focus groups. For instance, it is not necessary for the special education administrator to attend the school leadership/

Administration focus group. S/he should only attend the Special Education/ ELL Administrator focus group. Please refer to [Appendix D](#) to see which focus groups will be convened for each type of visit.

<b>Focus Groups and Interviews</b> (Please include no more than 10 attendees for each group)	<b>Description</b>
<b>Board of Trustees</b>	The site visit schedule will include an interview with the board of trustees. If a quorum of the board of trustees, or a quorum of any subcommittee of the board, is present at the interview, the interview falls within the scope of the <a href="#">Open Meeting Law</a> . This meeting is typically scheduled in the morning in order to work around the schedules of the school trustees. The school leader, even if s/he serves on the board, may not attend this meeting.
<b>School Leadership/ Administration</b>	Administrators who are directly and primarily responsible for the academic program and the operation of the school should attend this meeting. The time reserved for “additional fact finding” in the afternoon may be used to meet with these administrators to clarify issues or questions. Horace Mann charter schools may be asked to include district representation as a part of the site visit.
<b>Special Ed./ELL Administrator(s)</b>	The school’s special education and ELL program administrators will be interviewed. The time reserved for “additional fact findings” in the afternoon may be used for supplemental meetings with these administrators as needed to clarify issues or questions which arise during the course of the visit.
<b>Special Ed./ELL Staff</b>	A focus group will be convened that includes special education teachers, interventionists, paraprofessionals, and ESL teachers and paraprofessionals. The focus group should contain a representative sample of staff in terms of their experience, years at the school, and/or grade level. Administrators and trustees may not be present at this meeting.
<b>General Education Teachers</b>	All general education teachers should be offered the opportunity to participate. The focus group should contain a representative sample of teachers in terms of their experience, years at the school, subject, and/or grade level. Please do not include teachers who are directly responsible for supervising/evaluating other teachers. Administrators and trustees may not be present at this meeting.
<b>Students</b>	Student focus groups should include only students in Grade 4 and above. Students should represent a variety of ages, grade levels, and time spent at the school.
<b>Families</b>	This focus group should include parents or guardians whose children represent a variety of grades, years spent at the school, and, if possible, parents/guardians of students with diverse learning needs.
<b>Student and Family Support Services</b>	This focus group should include representative student support services staff including but not limited to: family support and outreach staff, guidance and counseling staff, social worker, school psychologist, nurse, a crisis management team member, discipline coordinator, and/or community services liaison, if applicable. Administrators and trustees may not be present at this meeting.

## Appendix A

### *Site Visit Checklist for School Leaders/Designees*

The Department has created the following checklist to help school leaders prepare for accountability site visits.

The following list outlines the preparation for site visits, with a particular focus on [Full Site Visits](#).

Please see the [following appendices](#) for specific preparation regarding First Year, Targeted, and Check-in visits where subsets of the information below will be required.

As noted previously, the school leader(s) may designate another staff member to oversee site visit preparation.

#### **As soon as you receive the summer scheduling email / letter:**

- Check to see that the suggested site visit date is a regular school day without any school wide testing, field trips, or early release.
- Confirm the suggested date(s) as soon as possible. Please call or email with your confirmation. If the date creates undue hardship for your school, call the liaison who sent the email / letter. Working with the Department, find a mutually agreeable alternate date.
- Once the date is confirmed, relay the information to all school stakeholders and share the Protocol with all.

#### **Approximately six weeks prior to the visit:**

- Review the Site Visit Protocol and share it with the school community.
- Talk with the school's board of trustees, staff, and community to orient them to the purpose of the site visit, what their respective roles will be during the visit, and what to expect when the team visits. Inform teachers that classroom visits will be part of the visit; however, assure teachers that the purpose of classroom visits is to collect evidence and capture school wide trends. As noted above, if a quorum of the board of trustees, or a quorum of any subcommittee of the board, is present at the interview, the interview falls within the scope of the [Open Meeting Law](#).
- Begin to gather the required pre-visit documents as outlined in an email from the site visit team lead/liaison (listed below).

#### **Four weeks prior to the site visit:**

- Send all of the following documents in electronic format to the team leader.** The Department will send an email / letter reminding each school of this step.
  - Directions** to the school, including telephone number and any necessary parking instructions.
  - A **master class schedule** for the day of the visit that clearly indicates the teacher, subject, time, and location (room assignments) for all classes. Please identify on the schedule which classes are SEI, ELD and special education inclusion, pullout, or substantially separate placements.
  - List and provide summaries and analyses of **external assessment data other than MCAS data**. Please provide a copy of recent grade level summaries of student results on any standardized test *if it was not available at the time of the annual report*. In addition, if the school has done data analysis on scores from any of these tests, this should be provided as well. **Please do not send raw/student level data or data that is summarized in the annual report.**

- List and provide summaries and analyses of **internal assessments, if available**. Please provide any additional information the school has aggregated which gives a picture of student achievement. If internal assessments have been created on site, please provide a brief description of the assessment(s). **Please do not send raw or student level data or data that is summarized in the annual report.**
- Current student **demographic** information. Please use the charts provided in [Appendix G](#).
- A **staff roster** that includes administrator and teacher names, number of years of teaching and/or administrative experience, number of years at the school, and subject and/or grade taught or administrative role. Please identify any staff who have ESL or special education licensure. Please use the template provided in [Appendix F](#).
- Board minutes** for each meeting that has occurred in the past 12 months.
- If a Horace Mann school, the **Memorandum of Understanding** with the district.
- A **description of common practices** the school identifies as high quality and can be **observed in classrooms**. This description should answer the questions included in the template found in [Appendix C](#).
- The school's preferred times for site visit components. See [Appendix D](#).
- A copy of your school's **District Curriculum Accommodation Plan (DCAP)**. This plan is developed by the charter school to ensure that the needs of diverse learners in the general education program are met. Information on the DCAP can be found under CR 18 at <http://www.doe.mass.edu/pqa/review/cpr/instrument/civilrights.pdf>
- A copy of your school's most recent **special education program self-evaluation**.
- A copy of your school's most recent **English language learner program self-evaluation**.
- Any other documentation that helps to tell the story of your school to an external** team of visitors. A strategic plan is an example of a document that a school might provide.
- WIDA integration plan (only for schools that have gone through a Coordinated Program Review since SY 2012).
- If the school has curriculum documents easily accessible through an online platform (for example, Google Drive), please send the link and necessary log in information. Curriculum documents may include scopes and sequences, unit plans, and any relevant testing data not already provided to the team. (Schools may have curriculum materials available onsite if they are not available electronically.)

### Approximately three weeks prior to the visit:

- Invite all families to participate in a focus group on the day of the visit (if applicable, for visits including parent focus groups)
- Identify a secure place that can serve as a meeting room for the team throughout the day.
- Work with the site visit team leader and the school community, including the board of trustees, to determine the schedule for the visit. This may take several iterations to complete. The schedule needs to be finalized with the team leader at least one week prior to the visit.

## Approximately one week prior to the visit:

- Speak with the site visit leader by telephone to review and finalize the site visit schedule, as well as discuss logistics and materials. Please ask questions about the site visit and protocol at this time.
- Confirm focus group participation from board members, teachers, students, families, and staff using the focus group attendees template sent by the team leader.
- Begin to assemble the onsite documentation (listed below).

## The day before the site visit

- Distribute the site visit schedule to the school community.
- Remind teachers to make copies of any lesson materials available to site visitors (though they should not create any materials solely for this purpose).
- Have each teacher post the schedule for their classroom for the day of the visit on the door of their classroom.
- Determine which stakeholders should attend the team's report out at the conclusion of the site visit. Invite those stakeholders to attend.
- Ensure that the **following materials are available, organized, and clearly labeled** in the team's private meeting space.
  - A **school map**, with corresponding teacher room assignments or marked with teacher names and showing the location of special education and ELL instructional spaces (provide one copy for each team member)
  - Aggregated family, teacher, and student **survey** information
  - Samples of educator and administrator **evaluation tools**
  - Explanation of **internal assessment program** (if applicable) and any relevant samples
  - Professional development calendar/agendas**
  - Curricular documents** (if not previously provided) may include scopes and sequences, unit plans, and any relevant testing data not already provided to the team. Please have someone available who can guide a site visit team member through these materials. If curriculum is stored electronically (for example, a shared drive or folder), provide written directions for how to access these materials, as well as staff to guide a site team member through the files.
  - Current recruitment materials, including the school's application for lottery and/or enrollment, and any school brochures/flyers used in recruiting applicants. Please also provide samples of recruitment materials translated in other languages.
  - A copy of the **special education and ELL policies and procedures manuals**.
  - Please have the following **safety documents** ready to be viewed by the team:
    - Fire inspection certificate
    - Building safety inspection
  - Any other materials** that the school believes will assist the team in efficiently reviewing the school's performance under its charter and accountability plan.

## During the visit:

- Ensure that the team's meeting room remains private and all requested documents are provided and clearly labeled.
- Ensure that focus group rooms remain private while the interviews are conducted.
- Be available to the visit team for a morning orientation, a focus group, and any necessary follow-up. Assist the team in obtaining any additional information, documents, data, or interviews with school staff. Other documents, such as fiscal or planning documents, may be requested during the visit.
- Bring concerns and questions to the attention of the team leader as they arise.
- Attend the exit meeting to hear the team's initial report out.

## After the visit:

- Work with the school's board of trustees to review and provide factual corrections on the draft site visit report.
- If deemed necessary, prepare a response to the final report. This response will be appended to the report.
- Share the final, public site visit report with staff, parents, board members, and the school community.

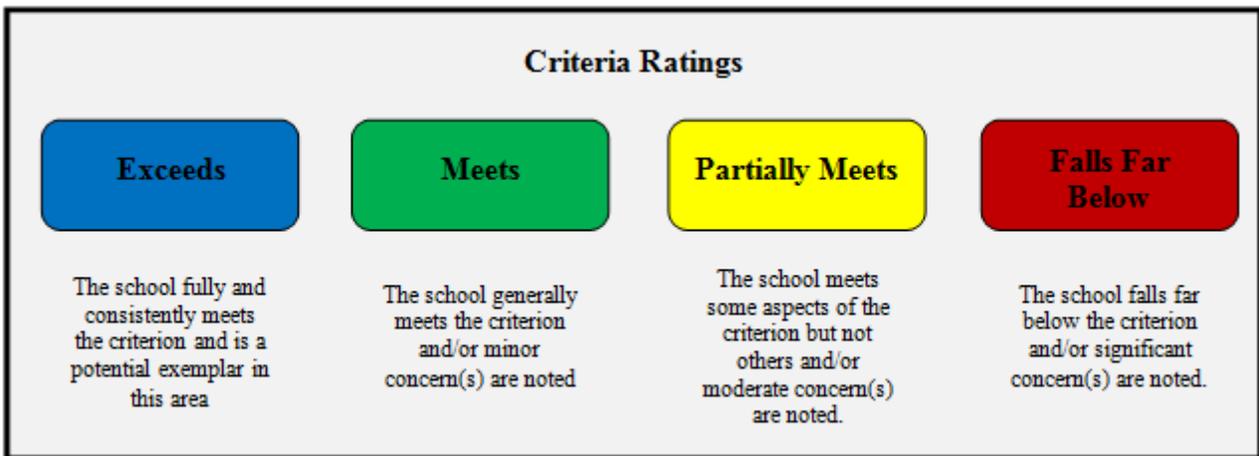
# Appendix B

## Charter School Performance Criteria

The site visit team will gather evidence concerning the school’s performance for a sub-set of the Criteria. Please refer to the Charter School Performance Criteria<sup>6</sup> or Appendix D for more information.

### Massachusetts Charter School Performance Criteria

<b>Faithfulness to Charter</b>          <b>Academic Program Success</b>      <b>Organizational</b>	<p><b>1. Mission and Key Design Elements:</b> The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its accountability plan</p>
	<p><b>2. Access and Equity:</b> The school ensures program access and equity for all students eligible to attend the school.</p>
	<p><b>3. Compliance:</b> The school compiles a record of compliance with the terms of its charter and applicable state and federal laws and regulations.</p>
	<p><b>4. Dissemination:</b> The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located.</p>
	<p><b>5. Student Performance:</b> The school consistently meets state student performance standards for academic growth, proficiency, and college and career readiness.</p>
	<p><b>6. Program Delivery:</b> The school delivers an academic program that provides improved academic outcomes and educational success for all students.</p>
	<p><b>7. Culture and Family Engagement:</b> The school supports students’ social and emotional health in a safe and respectful learning environment that engages families.</p>
	<p><b>8. Capacity:</b> The school sustains a well-functioning organizational structure and creates a professional working climate for all staff.</p>
	<p><b>9. Governance:</b> Members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school.</p>
	<p><b>10. Finance:</b> The school maintains a sound and stable financial condition and operates in a financially sound and publicly accountable manner.</p>



<sup>6</sup> <http://www.doe.mass.edu/charter/acct.html?section=criteria>

Below is a description of each criterion and the main questions that will guide the team’s inquiry during site visits.

<b>Criterion 1</b> <b>Mission and Key Design Elements</b>	The school is faithful to its mission, implements the key design elements outlined in its charter, and
	<ul style="list-style-type: none"> <li>• Do all school stakeholders share a common and consistent understanding of the school’s mission and key design elements as outlined in the charter, or subsequent amendments?</li> <li>• Has the school fully implemented its mission and the key design elements in the approved charter and any subsequently approved amendments? Key design elements are elements of the school, originally articulated in the charter application or subsequent amendments that make it unique and distinct from other district or charter schools.</li> <li>• Is the school substantially meeting the goals articulated in its accountability plan?</li> </ul>

<b>Criterion 2</b> <b>Access and Equity</b>	The school ensures program access and equity for all students eligible to attend the school.
	<ul style="list-style-type: none"> <li>• Does the school ensure program access and equity for all students eligible to attend the school?</li> <li>• Does the school implement a student recruitment and retention plan that includes deliberate, specific strategies that the school uses to ensure the ongoing provision of equity before, during, and after enrollment?</li> <li>• Does the school eliminate barriers to program access by ensuring that information regarding non-discriminatory enrollment practices and the availability of specialized services are readily available to parents, students, and the general public?</li> </ul>

<b>Criterion 6</b> <b>Program Delivery</b>	The school delivers an academic program that provides improved academic outcomes and educational success
	<p><b>Key Indicator: Curriculum</b></p> <ul style="list-style-type: none"> <li>• Is the school’s documented curriculum aligned to state curriculum frameworks and expectations<sup>7</sup>?</li> <li>• Is the curriculum aligned vertically between grades and horizontally across classrooms at the same grade level?</li> <li>• Are teachers implementing the curriculum during instruction with fidelity?</li> <li>• Does the curriculum support opportunities for all students, including diverse learners, to master these skills and concepts?</li> <li>• Is the curriculum regularly reviewed and revised to ensure quality and effectiveness?</li> </ul> <p><b>Key Indicator: Instruction</b></p> <ul style="list-style-type: none"> <li>• Does the school staff have a common understanding of high quality instruction for all students?</li> <li>• Does observed instruction mirror the school’s expectations for high quality instruction?</li> </ul>

<sup>7</sup> The Massachusetts Curriculum Frameworks for Mathematics and English Language Arts and Literacy issued in 2011 incorporate the Common Core State Standards. Additionally, schools are expected to integrate the World-class Design and Assessment English Language Development (WIDA ELD) standards into ELD curriculum materials and content area curricula of classes in which English language learners participate.

- Do common practices, as implemented, reflect high expectations for all students?
- Does instruction foster student engagement?
- Are classroom environments conducive to learning?
- Do teachers demonstrate responsibility for the learning of all students, including diverse learners, in the classroom?

**Key Indicator: Assessment and Program Evaluation**

- Does the school use a balanced system of formative and benchmark assessments?
- How do different staff members analyze assessment data and use the results?
- How does the school monitor and modify the academic program according to both qualitative and quantitative data analyses?
- Does the school use the results of a data-based program of self-evaluation to inform the special education and English language learner programs to improve instructional strategies and ensure that the needs of students are met?

**Key Indicator: Supports for Diverse Learners**

- Is the school using a universal screening system to assess academic and behavioral strengths and challenges of all students and to identify students needing additional support?
- Does the school’s intervention system allow students to move along a continuum of services and change placements according to identified progress or needs?
- Does the school provide supports to meet the academic needs of diverse learners, including but not limited to, students with disabilities and English language learners?
- Does the school utilize resources to support students with a range of academic needs?

The school supports students’ social and emotional health in a safe and respectful learning environment that

**Key Indicator: Family Engagement**

- Does the school work to ensure effective communication with families?
- Does the school have systems in place to overcome language barriers when communicating with parents and families?
- Do school administrators and staff regularly provide families with information on student status and academic progress?
- Do families report satisfaction with the school and have opportunities to engage with the school?

**Key Indicator: Social, Emotional, and Health Needs**

- How does the school provide for the physical, social, emotional, and health needs of its students?
- Is the school environment physically and emotionally safe for staff and students?
- Does the school have a consistently and effectively implemented discipline system that results in a respectful learning environment?
- Does the school have formalized procedures to identify and support students at risk of dropping out, students in crisis, and students who require intensive assistance?
- Does the school staff identify and coordinate with community services as needed?

Criterion 7  
Culture and Family Engagement

Criterion 8  
Capacity

The school sustains a well-functioning organizational structure and creates a professional working climate for

**Key Indicator: School Leadership**

- Does the school clearly define and delineate roles for staff, administration, and board members?
- Does the school have clear and well-understood systems for decision-making and communication processes among all members of the school community?
- Does the school have an effective school leadership team that implements a clearly defined mission and set of goals?

**Key Indicator: Professional Climate**

- Does the school provide teachers with opportunities for regular and frequent collaboration and professional development?
- How does the school monitor instructional practice for consistency? Does this system include a formal process of teacher evaluation?

**Key Indicator: Contractual Relationships (if applicable)**

- Has the school appropriately executed its Memorandum of Understanding (MOU) with the host school district (if applicable)?
- How effective is the working relationship between the board of trustees and school leadership of the Horace Mann charter school and the host district?

Criterion 9  
Governance

Members of the board of trustees act as public agents authorized by the state and provide competent and

- Are board members active and engaged in fulfilling their legal responsibilities and obligations to the school? Including, but not limited to:
  - Following [Open Meeting Law](#)
  - Following the board's bylaws
  - Approving appropriate school policies to ensure compliance with requirements
- Does the board demonstrate appropriate oversight of the charter school's leaders, financial health, progress towards meeting academic goals, and alignment with the mission while remaining a governing authority? Including, but not limited to:
  - Hiring, evaluating and removing, if necessary, school leaders
  - Maintaining clear and well-understood systems for decision-making and communication processes
  - Overseeing school's financial health, academic success, and faithfulness to charter
  - Maintaining governance, rather than management, responsibilities
- Does the board engage in strategic and continuous improvement planning by setting, and regularly monitoring progress relative to goals/priorities that are aligned with the school's mission, vision and core values? Including, but not limited to:
  - Strategic planning
  - A process for self-evaluation
  - Recruiting, selecting, and training members with needed skills and expertise.
  - A process for evaluating any contracted management organizations (if applicable)
  - Succession planning for board and school leadership

# Appendix C

## *Description of Common Practices Template*

Please respond to the prompts below to describe your school's common practices. **Please note that these descriptions will be used by the Site Visit Team to eventually provide a rating and finding for the Key Indicator of Instruction.**

<b>Instructional Practices</b>
Guiding questions: <ul style="list-style-type: none"><li>• What common instructional practices should be clearly visible to visitors across classrooms? (Examples: Posted objectives, "I do, "We do, "You do", Think-Pair-Share.)</li><li>• Please write a brief summary (no more than 5 sentences) explaining how these practices reflect the school's mission and educational philosophy/model while setting high expectations for students.</li></ul>
School's Description:

<b>Behavioral Expectations and Interventions</b>
Guiding questions: <ul style="list-style-type: none"><li>• What are the school's common behavioral expectations?</li><li>• What behavioral interventions should be clearly visible to visitors across classrooms, if behavioral expectations are not met?</li><li>• Please write a brief summary (no more than 5 sentences) explaining how these interventions reflect the school's mission and educational philosophy.</li></ul>
School's Description:

<b>Strategies to Support Diverse Learners</b>
Guiding questions (Please refer to your school's District Curriculum Accommodation Plan (DCAP) when completing this section): <ul style="list-style-type: none"><li>• What strategies to support diverse learners should be clearly visible to visitors in classrooms? (Please reference the school's DCAP).</li><li>• Briefly describe the model your school uses to implement special education.</li><li>• What SEI strategies should be clearly visible to visitors in relevant classrooms?</li><li>• Briefly describe the model your school uses to implement ESL instruction.</li></ul>
School's Description:

## Appendix D

### *Types of Visits*

This appendix will clarify the purposes, length, team membership, site visit components, documents, and product of the various types of site visits. Please note that additional materials may be requested for each type of visit if needed by the team.

### Year One Site Visits

**Purpose:**

In the first year of operation, charter schools will receive two visits. The purpose of each visit is described below.

**Fall Visit:** During this visit, the Department provides technical assistance including but not limited to the implementation of the special education and ELL programming by the school.

**Spring Visit:** To observe the school’s progress in implementing the educational program described in its approved charter, and to support Department inquiry into the school’s development in selected areas of the Criteria.

<b>Length:</b>	0.5-1 day	<b>Team:</b>	Department Staff	<b>Product:</b>	Fall visit: Summary Technical Assistance Spring visit: First Year Report with Findings and Ratings
<b>Required Participants for Fall Visits:</b>			<b>Required Documents:</b>		
<ul style="list-style-type: none"> <li>• School leader, and leadership team, including administrators of special education and ESL programming</li> </ul>			<ul style="list-style-type: none"> <li>• Master class schedule (updated version from opening procedures)</li> <li>• Description of Common Practices (Appendix C)</li> <li>• Student Demographic Information (<a href="#">Appendix G</a>)</li> <li>• If new operator, Board of Trustees meeting minutes.</li> <li>• Directions to the school and parking information</li> <li>• IEPs and ELL student records available on site (only at fall visit for new operators)</li> </ul>		
<b>Required Interviews/Focus Groups for Spring Visits:</b>					
<ul style="list-style-type: none"> <li>• School leader and the leadership team</li> <li>• Administrators of special education and ESL programming</li> <li>• Board of Trustees (if new operators only)</li> </ul>					
<b>Criteria Typically Assessed Onsite during the Spring Visit:</b>					
Criterion 1: Mission and Key Design Elements; Criterion 2: Access and Equity, Key Indicator 6.2: Instruction; Key Indicator 6.4: Support for Diverse Learners; and Criterion 9: Governance (only for new operators).					

**Please note:** The Year One Visit schedule will be created in conjunction with school leaders based on the school’s size and schedule. The Fall Year One Visit will only take place during a portion of the school day. The Spring Year One Visit typically lasts the entire school working day – from student arrival to student dismissal. The team shall schedule meetings with the school leader as close to the beginning and end of the scheduled school day as possible to allow for observations of the entire program. The school is asked to provide a location within the school for the team to use during the day of the visit. The Spring Year One Visit will result in ratings and findings the sub-set of Criteria outlined above (the box entitled “Criteria Typically Addressed...”). Please note: it is typical for schools in their initial years of operation to receive ratings of “Partially Meets” in a number of areas due to the developmental trajectory of schools in their first year of implementation.

**First Year Site Visit Components for Spring Visits - Times and Locations**

Suggested timing is provided below. Although all elements of the visit schedule must be preserved, the timing of events is based on participant availability and the school’s schedule. Please enter into the table below, the specific times for which you would like to schedule the components of the site visit. Please do not schedule any focus groups at the same time.

Site Visit Component	Anticipated Time Needed	Preferred Time	Location
Orientation by School Leader	30 minutes	Prior to start of school day for students	
Board of Trustees (only for new operators)	60 minutes	Morning	
School Leadership Team	60 minutes	Morning	
Special Education/ELL administrator(s)	60 minutes	Morning	
Debrief with School Leader	30 minutes	End of school day	
Home base location for team	All day	All	

## Check-in Site Visit

<b>Purpose:</b> This visit is designed to gather evidence regarding the school’s implementation of its program and how it is performing in terms of a sub-set of the Criteria.			
<b>Length:</b>	0.5 – 1 day	<b>Team:</b>	Department Staff
<b>Product:</b>	Check-in Report with Findings and Ratings <sup>8</sup>		
<b>Eligible Schools:</b>		<b>Required Interviews/Focus Groups:</b>	
<ul style="list-style-type: none"> <li>Schools in Year 11 or above</li> <li>Schools that have successfully completed 2 – 3 charter terms</li> </ul>		<ul style="list-style-type: none"> <li>Board of Trustees</li> <li>Administration (including Special Ed. and ELL admin)</li> <li>Teachers (including general education and special education/ELL)</li> <li>Others, as identified by site visit team leader</li> </ul>	
<b>Required Documents:</b>		<b>Required Documents:</b>	
		<ul style="list-style-type: none"> <li>Master class schedule</li> <li>Staff roster (see <a href="#">Appendix F</a>)</li> <li>Student Demographic Data (<a href="#">Appendix G</a>)</li> <li>Board of Trustees meeting minutes for the past 12 months</li> <li>Directions to the school and parking information</li> <li>District Curriculum Accommodation Plan (DCAP)</li> <li>Check-in Site Visit Preparation Template</li> </ul>	
<b>Criteria Addressed Onsite:</b>	Criterion 1: Mission and Key Design Elements; Key Indicator 6.2: Instruction; Key Indicator 6.4: Supports for Diverse Learners; Criterion 9: Governance.	<b>Additional Criteria<sup>9</sup>:</b>	Criterion 2: Access and Equity; Criterion 5: Student Performance; Criterion 10: Finance

Check-in Site Visit Components - Times and Locations			
Please enter into the table below, the times for which you would like to schedule the components of the site visit. <b>All of these events should occur before 1:00 PM.</b> Please do not schedule the administration, board of trustees, and teacher focus groups at the same times.			
Group	Time Needed	Time Scheduled	
Orientation by School Leader	15 minutes	Beginning of school day	
Board of Trustees	45 minutes		
Administration (including Special Ed. and ELL Admin)	60 minutes		
Teacher Focus Group (including Special Ed and ELL teachers)	30 minutes		
Student Focus Group (if needed)	30 minutes		
Home base location for team	All day	All day	

<sup>8</sup> Please note that Key Indicator 6.2: Instruction will not be rated in the resulting Check-in Visit report due to the abbreviated nature of the observations. The school will receive a finding in this area with an accompanying narrative.

<sup>9</sup> Additional Criteria will be included in the final site visit report.

## Targeted Site Visit

**Purpose:** To evaluate a school’s progress relative to declining academic performance and/or imposed conditions, if the school is currently operating under conditions or has a probationary status. Further, to monitor a school’s progress on a sub-set of the Criteria if the school’s performance was rated “partially meets” or “falls far below” during a previous site visit.

<b>Length:</b>	0.5 – 1 day	<b>Team:</b>	Department Staff and External Reviewers	<b>Product:</b>	Targeted site visit report with findings and ratings including a report on conditions (if applicable)
<b>Eligible Schools:</b>		<b>Required Focus Groups/Interviews:</b>		<b>Required Documents:</b>	
<ul style="list-style-type: none"> <li>Schools on conditions or probation</li> <li>Schools requiring a follow-up visit for a sub-set of criteria</li> </ul>		<ul style="list-style-type: none"> <li>Required focus groups will be determined based on the purpose of the site visit</li> </ul>		<ul style="list-style-type: none"> <li>Required documents will be determined based on the purpose of the site visit</li> </ul>	

### Site Visit Components - Times and Locations

Please enter into the table below, the times for which you would like to schedule the components of the site visit. **All of these events should occur before 1:00 PM.** Please do not schedule the administration, board of trustees, and teacher focus groups at the same times.

Group	Time Needed	Time Scheduled	Location
Orientation by School Leader	Varies dependent on purpose of visit	7:45	
Board of Trustees	TBD		
Administration	TBD		
Parent/Family Group	TBD		
Teacher Focus Group	TBD		
Student Focus Group	TBD		
Home base location for team	All day	All day	

## Full Site Visit

<b>Purpose:</b> To evaluate a school's performance in terms of the Criteria. To corroborate information contained in the school's Annual Report.				
<b>Length:</b>	1 – 3 days	<b>Team:</b>	Department Staff and External Reviewers	<b>Product:</b> Full Site Visit Report with findings and ratings
<b>Eligible Schools:</b>		<b>Required Focus Groups/Interviews:</b>		<b>Required Documents:</b>
<ul style="list-style-type: none"> <li>Schools in their first two charter terms</li> <li>Schools with more than one campus</li> <li>Network schools</li> </ul>		<ul style="list-style-type: none"> <li>Administrators</li> <li>Board of Trustees</li> <li>General ed. Teachers</li> <li>Special ed./ELL Teachers</li> <li>Students (if applicable)</li> <li>Parents/Families</li> <li>Special ed./ELL admin</li> <li>Network Administrators*</li> <li>Student and Family Supports</li> </ul> <p style="font-size: small;">* Network level admin may include, but is not limited to, positions such as the COO, CEO, Director of Operations, CAO, Executive Director and/or Director of Schools.</p>		<ul style="list-style-type: none"> <li>Directions and parking information</li> <li>Master class schedule</li> <li>Non-MCAS internal and external assessment trends</li> <li>Description of common practices (<a href="#">Appendix C</a>)</li> <li>Demographic Data (<a href="#">Appendix G</a>)</li> <li>Staff roster (<a href="#">Appendix F</a>)</li> <li>Board minutes</li> <li>MOU (<i>if applicable</i>)</li> <li>Special education and English language learner program self evaluations</li> <li>WIDA integration plan (<i>if applicable</i>)</li> <li>DCAP</li> </ul>
<b>Criteria Addressed Onsite:</b>	Criterion 1: Mission and Key Design Elements; Criterion 6: Program Delivery; Criterion 7: Culture and Family Engagement; Criterion 8: Capacity; Criterion 9: Governance		<b>Additional Criteria<sup>10</sup>:</b>	Criterion 2: Access and Equity; Criterion 5: Student Performance; Criterion 10: Finance

<b>Site Visit Components - Times and Locations</b>				
Please enter into the table below, the times for which you would like to schedule the components of the site visit. <b>All of these events should occur before 1:00 PM.</b> Please do not schedule more than two focus groups at the same time.				
Group	Time Needed	Time Scheduled	Location	Date
Orientation by School Leader	30 minutes	7:45 am		
Board of Trustees	60 minutes			
Administration	60 minutes			
Sped/ELL Administrators	60 minutes			
Parent/Family Group	45 minutes			
Gen. Ed. Teacher Focus Group	60 minutes			
Sped/ELL Teacher Focus Group	60 minutes			
Student Focus Group	45 minutes			
Network Administrators*	60 minutes			
Student and Family Supports Focus Group	60 minutes			
Document Review	45 minutes			
Home base location for team	All day	All day		

\* If Applicable

**Please Note:** As Full Site Visits are typically multiple days, you may schedule focus groups on either day of the visit. See [Appendix E](#) for more information about planning and executing multi-campus site visits.

<sup>10</sup> Additional Criteria will be included in the final site visit report.

## Appendix E

### *Conducting Site Visits to Schools with Multiple Campuses and Networks*

Several Massachusetts charter schools operate multiple campuses with separate administrative leadership teams and programs in different locations. In some cases, the campuses serve overlapping grade levels, and in other instances, campuses serve an elementary, middle, and/or high school with distinct separations of program and leadership. In addition, there are several charter school boards of trustees who hold charters for more than one school (a “network”), but utilize a centralized administrative leadership structure to oversee each school. The legal structure for these various configurations differs depending on the particular circumstances. However, to the extent possible, the Department will endeavor to schedule and coordinate site visits in the most efficient manner possible—including conducting visits to multiple charter schools within a network during the same day or week. In addition, the Department will also issue a single site visit report in these cases. To ensure that the necessary evidence is gathered to make the appropriate accountability determinations, it is important that the site visit team gather evidence of the Criteria at each individual campus. This will allow the team to paint a clear and accurate picture of the performance of each campus/school. Prior to any site visit, the Department will confirm with the school whether or not it is considered a network or a school with multiple campuses.

#### Multiple Campus Visit Guidelines

- The team will conduct focus groups with campus leaders/administrators, teachers, and special education/ELL teachers for *each* individual campus.
- The team will conduct one focus group with the following groups:
  - All administrators who oversee academic or operational aspects for *more than one campus*.
  - The board of trustees
  - Parents and guardians, however, the group must include representatives from each campus operated by the school.
- The report may include individual, campus-based findings for the following Criteria and key indicators: Mission and Key Design Elements (Criteria 1), Instruction (Key Indicator, Criteria 6), Supports for Diverse Learners (Key Indicator, Criteria 6). The team will gather evidence to document each campus’s/school’s progress in meeting accountability plan goals.
- The team will inquire about inter-campus communication structures at each campus.
- The team will conduct a similar number of classroom observations at each campus. In cases where one campus is significantly larger than the others, the team will conduct an appropriate ratio of observations to the campus’s enrolled student population.

## Appendix F

### Template for Staff Roster

Please use the following template to create a staff roster. Please include all teachers and administrators.

Teacher Name (first and last)	Number of years at the charter school	Total number of years teaching	Grade	Teaching Assignments	Earned Degree(s)	Special Education License?	SEI Teacher/Admin Endorsement? Yes or No	MA Licensure (Level and Area)	Communication and Literacy and Date Passed	MTEL Subject test and Date Passed

*\*Add additional rows as needed*

## Appendix G

### *Student Demographic Information*

<b>Enrollment Information:</b>
Total number of students currently enrolled:
Number of students who left the school during the prior school year:
Number of students who completed the prior school year but did not reenroll for the current school year (excluding graduates):
Number of students who have left the school during the current school year:

<b>Demographic and Subgroup Information (for currently enrolled students):</b>		
Race/Ethnicity	# of students	% of entire student body
African-American		
Asian		
Hispanic		
Native American		
White		
Native Hawaiian, Pacific Islander		
Multi-Race, Non-Hispanic		
Special Education		
English Language Learner		
Economically Disadvantaged		

<b>Special Education Student Demographic Information</b>	
Current number of students receiving services in a number in full inclusion setting	
Current number of students receiving services in a number in partial inclusion setting	
Current number of students receiving services in a number in substantially separate setting	
Types of disabilities served on IEPs	
Current number of students on Section 504 Accommodation Plans	
Types of disabilities services on Section 504 Accommodation Plans	
List of types of assistive technology devices used	
Current numbers of students who receive related services:	
a. Speech/Language	
b. Occupational Therapy	
c. Physical Therapy	
d. Counseling	
e. Other (APE, mobility, etc.)	
The number of initial evaluations that were conducted during the current school year	
The number of initial evaluations that were conducted during the prior school year	
The number of re-evaluations that were conducted during the current school year	
The number of re-evaluations that were conducted during the prior school year	

The number of students who were found ineligible for services during the current and prior school year	
Number of students on MCAS-Alt	

**English Language Learner Student Demographic Information**

The number of English language learners (ELL) by grade levels and levels of proficiency (See table below).	
The number of students transitioned from LEP to FLEP in the past three years.	
Primary languages of the school community	
Names and roles of persons responsible for administration of proficiency assessments	

**English Language Proficiency Levels**

*(please provide the number of ELLs at each applicable Level for each applicable grade)*

<b>Grade</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Level 6</b>	<b>FLEP</b>

*\*add additional rows as needed for grades ELL students are enrolled at your school*

## Appendix H

### *Site Visit Code of Conduct*

<b>Carry out work with integrity</b>	<b>Act with the best interests of students and staff in mind</b>
<ul style="list-style-type: none"> <li>• School personnel may be apprehensive, so treat all those you meet with courtesy and sensitivity, and try to minimize stress.</li> <li>• Try to allay anxiety by displaying respect, valuing opinions, and showing an interest in what every individual says.</li> <li>• Focus your attention and questions on topics that will reveal how well students are learning.</li> <li>• Assure confidentiality.</li> <li>• Approach the review of a school with a clear understanding of that school’s particular mission and educational philosophy.</li> </ul>	<ul style="list-style-type: none"> <li>• Do not put students or staff in a position where they may have conflicting loyalties.</li> <li>• Emphasize that students come first and are at the center of the review.</li> <li>• Wherever possible, work to others' convenience.</li> <li>• Under no circumstances criticize the work of a teacher, or anyone else involved with the school during the course of an observation period or focus group.</li> <li>• Observation comments regarding individual teachers are not shared outside the team.</li> </ul>

<b>Be objective, base findings on evidence.</b>	<b>Exercise Professionalism</b>
<ul style="list-style-type: none"> <li>• Findings must be robust, fully supported by evidence, defensible, and must inform the guiding questions.</li> <li>• Findings must be reliable in that others would make the same judgment based on the same evidence.</li> <li>• Findings must be based on evidence gathered in the context of the school, not in comparison to personal preference or opinion.</li> <li>• An individual’s perception can be evidence, especially if supported by others’ observations.</li> <li>• Be prepared to ask questions to establish whether a view is based on opinion or evidence. This applies to team members’ judgments as well.</li> <li>• Discussion with staff and team members is part of the process to create a fair and secure evidence base from which findings are developed.</li> </ul>	<ul style="list-style-type: none"> <li>• Refrain from using your cell phone during classroom observations, focus groups, and team time. Site visitors may use the lunch break to use cell phones and check email.</li> <li>• Arrive to the school early/on-time and closely follow the schedule for the day.</li> <li>• Site visit attire must be business casual. Refrain from wearing jeans or any other casual-wear.</li> <li>• Out of respect to the speaker, do not engage in side conversations while another team member or school staff is speaking.</li> <li>• In cases where team members do not agree on a finding/rating, present concrete evidence to support findings and be respectful to others’ evidence-based perspectives.</li> <li>• Allow participant voice to dominate during focus groups. Besides asking follow-up questions, do not offer personal opinions or respond directly to participant responses.</li> </ul>

Source: These guidelines for conduct are based, in part, on the British Office for Standards in Education (OFSTED) Code of Conduct.

# Appendix 15: Charter School Renewal Inspection Protocol



## **Charter School Renewal Inspection Protocol**

Revised July 2015

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## Preface

Every charter school undergoes a renewal process during the final year of its charter term to determine whether or not the school can continue to operate. The renewal process includes the submission of a renewal application, a renewal inspection visit, and an analysis of all evidence related to the charter school's performance, including quantitative and qualitative evidence collected through the Department of Elementary and Secondary Education's (Department's) charter school accountability process.

The Massachusetts Charter School Renewal Inspection Protocol (*Protocol*) explains the process by which information is gathered, analyzed, and reported regarding the performance and progress of Massachusetts charter schools applying for charter renewal. In determining whether or not to recommend charter renewal, the Department considers the information provided in the renewal inspection report prepared in accordance with this *Protocol*, along with other sources of evidence. This version of the *Protocol* replaces the 2014 version.

In January 2010, Chapter 12 of the Acts of 2010, An Act Relative to the Achievement Gap, was signed into law and took effect immediately. Among other things, the new law amended the charter school statute, Massachusetts General Laws (M.G.L.) chapter 71, section 89, and amended the Charter School Regulations, 603 CMR 1.00. In 2011, the *Protocol* was revised to comply with the revised statute and regulations.

In June 2013, the Office of Charter Schools and School Redesign released the Charter School Performance Criteria v. 3.0 (Criteria)<sup>1</sup>. The Criteria were revised after multiple forums, meetings, and consultations with stakeholder groups. The Criteria define charter school success and provide the standards by which schools will be evaluated for all aspects of charter school accountability, from the application process to renewal. The Criteria outline expectations for charter school performance in the three areas of accountability: *faithfulness to charter, academic program success, and organizational viability*. The Criteria provide the performance benchmarks and lens of inquiry for the renewal inspection visit and for subsequent Department analysis, which leads to a recommendation regarding charter renewal. The Department's renewal recommendation will consider a charter school's performance against the Criteria.

In March 2014, the Charter School Regulations were amended. Additionally, following a year of implementation, in May 2014, the Criteria were updated. In June 2014, the *Protocol* was revised to reflect revisions to the Regulations and Criteria and to clarify which aspects of the Criteria are included in the renewal inspection. In June 2015, the Criteria and the *Protocol* were again revised. The *Protocol* now reflects different levels of review dependent on a school's age, performance history, and other factors. Further details are provided below.

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<sup>1</sup> Found at: <http://www.doe.mass.edu/charter/acct.html?section=criteria>

## Introduction: Charter Schools in Massachusetts

The Education Reform Act of 1993 authorized the Commonwealth of Massachusetts to establish independent public schools that operate under five-year charters granted by the Board of Elementary & Secondary Education (Board) and are governed by public boards of trustees. The charter school law, M.G.L. c. 71, §89, and regulations, 603 CMR 1.00, permit the Board to grant charters to two types of charter schools: Commonwealth charter schools, which operate independently of any school committee; and Horace Mann charter schools, which must obtain the approval of the local school committee and, in some cases, the local collective bargaining agent upon applying to the Board for charter status (603 CMR 1.02).

Any group or entity may apply for a public school charter, with the exception of for-profit companies and private/parochial schools, by initiating the charter application process established by the Department (M.G.L. c. 71, §89). Charter schools are free to organize around a core mission, curriculum, theme, and/or teaching method, to control their own budgets, and to hire and fire teachers and staff. In return for this freedom, charter schools are held accountable for producing positive results over the five-year charter term. At the end of the first year of the school's charter, each charter school must develop an accountability plan establishing specific five-year performance objectives for the purpose of measuring the school's progress and success in fulfilling the terms of its charter (603 CMR 1.04(3)(1)).

The Board is obligated by law to conduct ongoing performance reviews of each charter school and, by the fifth year of the school's charter term, decide whether or not to renew the school's charter. The charter renewal decision is based upon the school's performance over the term of the charter in three areas (603 CMR 1.11(2)):

**Faithfulness to the Charter**

**Academic Program Success**

**Organizational Viability**

The Criteria provides the analytical framework used to hold charter schools accountable for performance in these three areas and to decide whether or not their charters should be renewed (603 CMR 1.11(2)).

## Overview: The Charter Renewal Process

The charter renewal application process begins with the charter school's submission to the Department of an Application for Renewal of a Public School Charter (Application for Renewal). After the Department has reviewed the Application for Renewal and determined that it is clear and complete, the school is notified of the Application for Renewal's acceptance.

The Department may contract with an independent organization to conduct a review of the school's performance in accordance with the *Protocol* or may use Department staff members to conduct the inspection. The renewal inspection team prepares a renewal inspection report summarizing the team's findings regarding the school's performance relative to its Accountability Plan and the Charter School Performance Criteria.

After the renewal inspection site visit, the team prepares a draft of the renewal inspection report and submits it to the Department for review and clarification, if necessary. After a Department review, the draft is provided to the school for review. The school is given approximately one week in which to make factual corrections to the report. After incorporating any factual corrections, the team submits the final report to the Department and the school, at which point the team's involvement in the charter renewal process ends. The school may provide the Department with a formal response to the renewal inspection report; this response

becomes part of the school’s permanent record. Other interested parties, including the superintendent in the district in which a charter school is located or the region from which the school draws students, also have the opportunity to submit written comments to the Department regarding the renewal of a school’s charter.

### Major Components and Sequencing of the Charter Renewal Process

Component	Description
<b>Submission of Application for Renewal</b>	The school submits the completed Application for Renewal (Application) to the Department no earlier than March 1 of the school’s third year and <b>no later than 5 p.m. on July 31 after the end of the fourth year of the school’s charter</b> . The completed Application must follow specific content and format guidelines and must be complete upon submission.
<b>Application Review</b>	The Department reviews the completed Application. The Application is accepted or returned to the school for revision or the inclusion of additional information.
<b>Renewal Inspection</b>	The Department may contract with an independent organization to conduct a detailed review of the school’s performance in accordance with the <i>Massachusetts Charter School Renewal Inspection Protocol</i> or may use Department staff members to conduct the inspection. The renewal inspection team prepares a renewal inspection report summarizing the team’s findings regarding the school’s performance relative to a subset of the Charter School Performance Criteria. The school has the opportunity to provide factual corrections before the renewal inspection report is finalized.
<b>Opportunity for Response</b>	The school may provide the Department with a formal response to the renewal inspection report; this response becomes part of the school’s permanent record. Other interested parties, including the superintendent in the district in which a charter school is located or the superintendents in the region from which the school draws students, are given the opportunity to submit written comments to the Department regarding renewal of the school’s charter.
<b>Summary of Review</b>	The Summary of Review (SOR), which is prepared by the Department, is a summary of the school’s performance over the charter term, taking into account many sources of evidence, including but not limited to: the Application, the renewal inspection report, previous site visit reports, financial audits, prior annual reports, board documents, academic data, and demographic data. The SOR also contains relevant background information and evidence from the school’s history. The SOR is presented to the Commissioner of Elementary and Secondary Education (Commissioner) who makes a renewal determination based on the evidence. The school will be given a draft of the SOR for factual corrections before it is finalized and presented to the Commissioner. The school will also have an opportunity to respond to the SOR as described above.
<b>Renewal Decision</b>	Please see the Commissioner’s 2013 Considerations for Charter School Renewal memo for a description of renewal outcomes and the rationale for making such decisions: <a href="http://www.doe.mass.edu/news/news.aspx?id=7802">http://www.doe.mass.edu/news/news.aspx?id=7802</a> .  In brief, based on Board votes in 2009 and 2013, the Commissioner has been delegated the authority to grant charter renewals that do not involve probation or non-renewal. In these cases, the Commissioner notifies the Board ahead of any intended actions, and the Board may ask to bring the renewal to the full board for a vote. If the Board does not ask to bring the renewal to the full board, the Commissioner's decision stands and the charter will be renewed, with or without conditions. For renewals involving probation or non-renewal, or for any item requested by the Board to be discussed at a meeting, the Board then votes either to renew, to renew with conditions, to renew with probation, or not to renew the school’s charter.

## Sources of Evidence for a Renewal Determination

The primary purpose of this *Protocol* is to describe the process used in conducting the renewal inspection site visit and preparing the renewal inspection report. The renewal inspection report constitutes only one source of evidence among the many reports, data, and other evidence informing the charter renewal process. Please see the [Charter School Performance Criteria](#) for a list of possible sources of evidence that may contribute to accountability decisions. Below is a condensed list of evidentiary sources used for accountability decisions.

Evidence	Description
<b>Charter and charter amendments</b>	The charter is a license granted by the Board allowing the grantee to operate a charter school for a period of five years (M.G.L. c. 71, §89(dd); 603 CMR 1.02). Charter schools are required by law to operate in accordance with their charters (M.G.L. c. 71, §89(dd); 603 CMR 1.06(1)). If a charter school plans to change the material terms of its charter, the school must request approval of a charter amendment through the process required by the charter school regulations (603 CMR 1.10).
<b>Accountability Plan</b>	Every charter school is required to develop an accountability plan by the end of the first year of the school’s first charter or subsequent charter renewal periods (603 CMR 1.04(3)(1)). As noted above, the accountability plan establishes specific five-year performance objectives and measures for the purpose of assessing the school’s success faithfulness to the terms of its charter.
<b>Annual reports</b>	Every charter school is required to submit an annual report, no later than August 1 of each year, to the Department and the local school committee of each district from which the school draws its students. The annual report must also be made available to the parents and guardians of enrolled students and of prospective students (M.G.L. c. 89(jj)). The annual report contains information about the school’s preceding school year and requires specific information as outlined in (603 CMR 1.08(1)).
<b>Annual independent audit reports</b>	Every charter school is required to have an independent audit of its accounts conducted and to file the audit annually, on or before November 1, with the Department and the State Auditor (603 CMR 1.08(3)). The independent audit reports provide evidence to the Department with respect to each school’s financial condition and internal controls.
<b>Site visit reports</b>	The Department usually conducts charter school site visits in the second and third years of the charter term and may conduct site visits at other times when deemed necessary. Each site visit team prepares a site visit report, which is provided to the school and becomes part of the school’s permanent record. Site visits enable the Department to gather qualitative data about the school’s performance on a subset of the Criteria.
<b>State Assessment Results</b>	The Department will consider the extent to which the school has met state student performance standards on mandated state assessments for academic growth, proficiency, and college and career readiness for all students (aggregate and subgroups).

<p><b>Other documents, data, and information</b></p>	<p>The Department analyzes other documents, data, and information reported to the Department pertaining to the school’s operation and performance over the charter term. These sources of evidence include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Results of past Coordinated Program Reviews, Corrective Action Plans, Progress Reports, and mid-cycle reviews;</li> <li>• The school’s compliance with state and federal requirements, including those for teacher qualifications;</li> <li>• The extent to which the school has followed and enhanced its recruitment and retention plan;</li> <li>• Demographic data pertaining to enrollment, attrition, and discipline;</li> <li>• The school’s enrollment and waitlist history over the charter term; and</li> <li>• Other relevant information, as appropriate.</li> </ul>
<p><b>Application for Renewal</b></p>	<p>A charter school seeking renewal of its charter must submit a completed Application for Renewal to the Department no earlier than March 1 of the third year of the charter term and no later than August 1 after the end of the fourth year of the charter term (603 CMR. 1.11(1)). The Application for Renewal provides specific data and documents, reports on the school’s progress relative to each objective and measure in the school’s accountability plan, and provides information regarding the school’s plans for the next charter term.</p>
<p><b>Renewal inspection report</b></p>	<p>The renewal inspection report is a site visit report prepared near the end of the five-year charter term that provides the Department with the most currently available information about the school’s performance relative to the Criteria. The renewal inspection site visit and resulting report are conducted in accordance with this <i>Protocol</i>. As stated above, the school has the opportunity to factually correct the renewal inspection report and to write a formal response if necessary. <i>The renewal inspection report does not make any recommendations regarding renewal, nor does the report make any recommendations to the school regarding its operations.</i></p>
<p><b>Summary of Review</b></p>	<p>The summary of review, which is prepared by the Department, is a summary of the school’s performance over the five-year charter term in terms of the Criteria, taking into account all of the above-listed documents, reports, and data, together with other information as appropriate. A draft of the summary of review is presented to the school for factual corrections prior to its finalization. The school may also issue a formal response to the summary of review, which will be appended to the document. The final summary of review is presented to Commissioner and provides the context for the Commissioner’s renewal determination or recommendation.</p>

## The Renewal Inspection Site Visit: Planning and Scheduling

### Role of the Renewal Inspection Site Visit

The renewal inspection site visit is the final site visit to the charter school conducted during the charter term. This site visit supplements the earlier site visits conducted by the Department with a review of how the school is fulfilling the *Charter School Performance Criteria*. The renewal inspection team reviews relevant documents and information prior to visiting the school. The team will spend 1, 2, or 3 days on site (depending on school size, age, whether the school is operating under conditions or probation, and academic performance) conducting observations and collecting information. As a result of the visit, the team will prepare a renewal inspection report summarizing the team's findings and supporting evidence. The report becomes a source of evidence for a charter renewal recommendation and /or renewal decision.

### Required Renewal Inspection Documents

A successful site visit requires careful planning and preparation by the school and the renewal inspection team. The renewal inspection team receives and reviews documents in advance of the site visit; the team also has access to documents during the site visit. Required documents are listed in Appendix E. When preparing documents for electronic submission, please use naming conventions set in Appendix E. Please contact your liaison if you would like to include additional documentation that is not listed in Appendix E prior to submitting.

### Preparing the Renewal Inspection Site Visit Schedule

The length of the visit (1, 2, or 3 days) and the size of the renewal inspection team should depend on a number of factors, including the school's age, size, whether the school is operating under conditions or probation, and prior academic performance. The Department will suggest an appropriate length for the visit and the team may modify accordingly. Schools will be notified of the approximate length of their visit well ahead of the visit.

An overview of renewal activities and responsibilities is found in Appendix A. This document outlines responsibilities of the renewal inspection team, the school, and the Department before, during, and after the visit. For example, the renewal inspection team leader (or designee) speaks with the head(s) of school two to three weeks prior to the renewal inspection site visit to begin the planning process. From this point forward, the team leader and the head(s) of school communicate as frequently as necessary to prepare for the visit.

The team's work during the renewal inspection site visit requires advance scheduling to enable the team to obtain the evidence required to prepare the renewal inspection report. However, the site visit schedule requires sufficient flexibility to enable the team to follow up on evidence reviewed or to pursue issues that warrant further inquiry. Since the issues that will emerge from the evidence collected cannot always be predicted in advance, the team has the ability to move about the school, observe classrooms or other activities without advance notice, engage in further conversations with administrators, staff members, and teachers; and review documents other than those requested in advance.

Major activities that should be incorporated into the site visit schedule are discussed below. In addition, the schedule should enable the renewal inspection team to observe all aspects of the school's program, including, for example the school's extended day program and mission-related activities. Sample schedules for a 1, 2, or 3 day renewal inspection are contained in Appendix D.

## Description of Site Visit Components

**Entrance interview and daily meeting(s) with head(s) of school:** During the entrance interview, the head(s) of school will provide the team with an overview of the school and a context for the team's subsequent observations, including a description of the school's common practices that the team should expect to see during classroom observations; the head(s) of school can also address any questions raised by the documents provided to the team in advance of the site visit. Subsequent daily meetings, if needed, provide an opportunity for the team and the head(s) of school to communicate about the team's renewal inspection work, including initial observations and team questions and requests for information. The team may request additional meetings with the head(s) of school during the visit as necessary.

**Classroom observations:** The site visit schedule will include classroom observations to ensure coverage of all grades and core subjects. Observations should include all types of classrooms: general education, special education, English as a Second Language (ESL) instruction, and classrooms providing Sheltered English Immersion (SEI) instruction. While on site, the team is free to visit all classrooms without advance notice to the school or the teachers. Each classroom observation should span a minimum time period of 20 minutes for 2 and 3 day visits.

**Focus groups/interviews:** A number of focus groups or interviews must be scheduled for the site visit. It is the school's responsibility to gather a representative group from each category through an open invitation, and to inform each participant of the time and place of the meeting. The Department expects that each participant is given complete freedom to speak regarding their knowledge of and experience at the school, with no limits or repercussions imposed. See Appendix B for a complete list of required focus groups. If necessary, the team leader may arrange additional interviews with other staff in consultation with the school administrator(s). For example, the team may want to meet with the school's curriculum director to ask specific questions about the curricular documents. Prior to the visit, the renewal inspection team leader should discuss the composition of certain focus groups with the head(s) of school to ensure that focus group membership does not overlap or that the appropriate staff members will be present. Given time constraints, multiple focus groups within the same category of stakeholder group cannot be accommodated. For example, there should only be one teacher group, even if a school serves grades K-12, or if the school has multiple campuses.

**Open team time/team moderation:** The site visit schedule will include blocks of time throughout the site visit during which the team will review documents on site, make additional classroom and school observations, and record and discuss observations conducted, data and other evidence obtained, issues identified for further review, and preliminary findings regarding the school's performance and progress.

**Exit discussion:** The site visit will conclude with an exit discussion with the head(s) of school. This meeting provides the team with an opportunity to obtain clarification of any outstanding questions or issues and to thank the head(s) of school for the assistance provided during the site visit. The team does not report any findings at this time. Findings and supporting evidence will be contained in the renewal inspection report.

The renewal inspection process is an evidence-based process that produces a series of findings about the school's performance. Findings require high-quality evidence, as discussed below.

**Findings:** Findings are summary statements within each section of the renewal inspection report that describe the school's performance in terms of the Charter School Performance Criteria. Findings synthesize the renewal inspection team's analyses of evidence collected from multiple sources prior to and during the

renewal inspection visit. The team should develop *at least one finding for each criterion*. In cases where a Criterion has been parsed into key indicators, the team should *develop one finding per key indicator*.

**High-quality evidence:** Each finding must be supported by sufficient evidence collected during the renewal inspection process and, when appropriate, corroborated from multiple sources, including but not limited to observations, documents, data, and information derived from interviews and focus groups. In conducting the renewal inspection site visit and writing the renewal inspection report, the renewal inspection team must ensure that the evidence collected and analyzed by the team is of high quality. High-quality evidence is both *sufficient in quantity* to support the finding and *appropriate in nature*. The team must use its professional judgment to determine the sufficiency of the evidence collected. In assessing the appropriateness of the evidence, the team must ensure that the evidence is relevant, valid, and reliable:

- Relevant evidence is logically related and important to the matter or issue under consideration.
- Valid evidence is based on accurate information and sound reasoning.
- Reliable evidence is verifiable and consistent.

Although information obtained from team interviews with school participants is an essential component of the evidence base used by the team, the team should keep in mind that interview and focus group information can in some cases be unreliable if not corroborated by other types of evidence such as direct observations, board of trustees meeting minutes, and curriculum documents. For instance, similar focus group questions can be asked of each group and information can be verified from documentation and/or additional interviews. Situations of alignment or misalignment may become findings if they are of sufficient depth or provide evidence that school operations are affected in any of the three areas of accountability.

### Triangulation of Evidence

Triangulation is one method of testing the reliability of evidence. For example, if the administrator focus group tells the renewal inspection team that a particular behavior management technique is in use at the school, the team should seek corroboration of this statement through documents, direct observations, and interviews with the school's teachers and students. If the team finds a written policy requiring use of this technique, observes many teachers using this technique in the classrooms, in the hallways, and at recess, and learns through interviews with teachers and students that this technique is used, the team may reasonably conclude that the school administrator's statement is accurate. Accordingly, the team might draft a report finding stating that the school uses the specific behavior management technique; as supporting evidence, the finding would cite the team's direct observations and interviews with the school administrator, teachers, and students.

## Renewal Inspection Areas of Inquiry

As previously discussed, the [Criteria](#) provide the framework for the renewal inspection team's collection and analysis of evidence relating to each of the three areas of charter school accountability: faithfulness to charter, academic success, and organizational viability. The team's inquiry will focus on a subset of the Criteria; particular attention will be given to: Mission and Key Design Elements, Program Delivery, Culture and Family Engagement, Capacity, and Governance. The team's inquiry, however, may include the other areas of the Criteria. The team leader, based on the evidence and data compiled during the charter term, may decide to develop a line of inquiry that provides information about other areas of the Criteria.

The scope of the team’s inquiry into these Criteria is discussed in more detail below. The team will develop *at least one finding for each criterion*. In cases where a criterion has been parsed into key indicators, the team will *develop one finding per key indicator*.

Areas of inquiry are defined by the scope of the renewal inspection visit. The Department has identified Primary Areas and Secondary Areas of Inquiry in the areas of curriculum and instruction. Renewal inspection visits that are scheduled to be one day in length will only cover the Primary Areas of Inquiry below. Renewal inspection visits that are two or three days in length will address the Primary Areas of Inquiry for all areas and the Secondary Areas of Inquiry in the areas of curriculum and instruction.

## Faithfulness to Charter

### Criterion 1: Mission and Key Design Elements

The team will determine the extent to which the school is faithful to its mission and is implementing the key design elements outlined in its charter (or any subsequent charter amendments). Major deviations from the mission and key design elements should be documented and the reasons for the deviations should be explored with the school.

The team will gather evidence and determine answers the following questions:

Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Do all school stakeholders share a common and consistent understanding of the school’s mission as outlined in the charter, or subsequent amendments?</li> <li>• Has the school fully implemented its mission and the key design elements in the approved charter and any subsequently approved amendments? Key design elements are elements of the school, originally articulated in the charter application or subsequent amendments that make it unique and distinct from other district or charter schools. Key design elements may include:               <ul style="list-style-type: none"> <li>• The school’s vision</li> <li>• The governance or leadership structure</li> <li>• The school’s educational program, curriculum model, or whole-school design</li> <li>• The school’s schedule (e.g. length of school year, school week or school day)</li> </ul> </li> </ul>
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## Academic Program Success

### Criterion 6: Program Delivery

<b>Key Indicator: Curriculum</b>	
The team will review the school's curriculum and interview stakeholders to determine answers to the following questions:	
Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Is the school's documented curriculum aligned to state curriculum frameworks and expectations<sup>2</sup>?</li> <li>• Is the curriculum regularly reviewed and revised to ensure quality and effectiveness?</li> </ul>
Secondary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Is the curriculum aligned vertically between grades and horizontally across classrooms at the same grade level?</li> <li>• Are teachers implementing the curriculum during instruction with fidelity?</li> <li>• Does the curriculum support opportunities for all students, including diverse learners, to master these skills and concepts?</li> </ul>

<b>Key Indicator: Instruction</b>	
<p>With regard to the school's academic performance, the team should give priority to conducting classroom observations during the site visit. The team will determine the number of classroom observations required to gather evidence for a finding based on the school's academic performance. Schools with high levels of student achievement require fewer observations to corroborate a finding about instruction, and vice versa. At minimum, a team will conduct one classroom observation per grade in mathematics and ELA. If time allows, additional observations should be conducted in other core content areas and classes related to the mission of the school.</p> <p>Approximately a month before the visit, the team will receive a document outlining the school's expected instructional practices, behavioral expectations, and supports for diverse learners. Prior to conducting classroom observations, the renewal inspection team will review and confirm the expectations with the head(s) of school and/or school leadership. Observations will include all types of classrooms: general education, special education, ESL instruction, and classrooms providing SEI instruction. Renewal inspection teams will use a classroom observation tool provided by the Department.</p> <p>The team will determine answers to the following questions:</p>	
Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Are classroom environments conducive to learning?</li> </ul>
Secondary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Does the school staff have a common understanding of high quality instruction for all students?</li> </ul>

<sup>2</sup> The Massachusetts Curriculum Frameworks for Mathematics and English Language Arts and Literacy issued in 2011 incorporate the Common Core State Standards. Additionally, schools are expected to integrate the World-class Design and Assessment English Language Development (WIDA ELD) standards into ELD curriculum materials and content area curricula of classes in which English language learners participate.

	<ul style="list-style-type: none"> <li>• Does observed instruction mirror the school’s expectations for high quality instruction for all students?</li> <li>• Do common practices, as implemented, reflect high expectations for all students?</li> <li>• Does instruction foster student engagement?</li> <li>• Do teachers demonstrate responsibility for the learning of all students, including diverse learners, in the classroom?</li> </ul>
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**Key Indicator: Assessment and Program Evaluation**

The team will determine the extent to which the school regularly and systematically analyzes the effectiveness of the program in serving all students using qualitative and quantitative data.

The team will determine answers the following questions:

Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• What data (qualitative and quantitative) does the school review?</li> <li>• How does the school use data to improve student outcomes as well as evaluate the quality /effectiveness of the program in serving all students?</li> </ul>
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**Key Indicator: Supports for Diverse Learners**

The team will determine how the school provides supports to meet the academic needs for all students including, but not limited to, students with disabilities and English language learners.

The team will determine answers the following questions:

Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Is the school using a universal screening system to assess academic and behavioral strengths and challenges of all students and to identify students needing additional support?</li> <li>• Does the school’s intervention system allow students to move along a continuum of services and change placements according to identified progress or needs?</li> <li>• Does the school provide supports and allocate resources to meet the academic needs of diverse learners, including but not limited to, students with disabilities and English language learners?</li> </ul>
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**Criterion 7: Culture and Family Engagement**

**Key Indicator: Social, Emotional, and Health Needs**

The team will assess the school environment and support services programming and determine answers to the following questions:

Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Is the school environment physically and emotionally safe for staff and students?</li> <li>• Does the school have a consistently and effectively implemented discipline system that results in a respectful learning environment?</li> </ul>
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<b>Key Indicator: Family Engagement</b>	
The team will review evidence pertaining to family satisfaction and engagement with the school to determine answers to the following questions:	
Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Does the school work to ensure effective communication with families?</li> <li>• What information do school administrators and staff regularly provide families regarding student status and academic progress?</li> </ul>

## Organizational Viability

### Criterion 8: Capacity

<b>Key Indicator: School Leadership</b>	
The team will review the school's organizational effectiveness, gathering evidence in order to answer the following questions:	
Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Does the school clearly define and delineate roles for staff, administration, and board members?</li> <li>• Does the school have clear and well-understood systems for decision-making and communication processes among all members of the school community?</li> <li>• Does the school have an effective school leadership team that implements a clearly defined mission and set of goals?</li> </ul>

<b>Key Indicator: Professional Climate</b>	
The team will assess the degree to which the school has created a professional working climate for all staff.	
The team will gather evidence to answer the following questions:	
Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Does the school provide teachers with opportunities for regular and frequent collaboration and professional development?</li> <li>• How does the school monitor instructional practice for consistency? Does this system include a formal process of teacher evaluation?</li> </ul>

<b>Key Indicator: Contractual Relationships (if applicable)</b>	
The team will assess the effectiveness of the contractual relationship, taking into consideration evidence of the educational management organization's performance of its contractual responsibilities and the impact of the contractual relationship on the school's academic progress and organizational viability.	
In the case of a Horace Mann charter school, the team will verify that the school has executed a Memorandum of Understanding (MOU) with the host school district that clearly articulates the relationship with the host district regarding services, including but not limited to, facilities, funding, and waivers of collective bargaining agreement provisions. The team will assess the effectiveness of the working relationship between the board of trustees and school leadership of the Horace Mann charter school and the host district.	
The Department will notify Renewal Inspection Teams which schools require review in this area.	

## Criterion 9: Governance

The team will review the oversight provided by the board of trustees to determine answers to the following questions:

Primary Areas of Inquiry	<ul style="list-style-type: none"> <li>• Are board members active and engaged in fulfilling their legal responsibilities and obligations to the school? Including, but not limited to:             <ul style="list-style-type: none"> <li>• Following <a href="#">Open Meeting Law</a></li> <li>• Following the board's bylaws</li> <li>• Approving appropriate school policies to ensure compliance with requirements</li> </ul> </li> <li>• Does the board demonstrate appropriate oversight of the charter school's leaders, financial health, progress towards meeting academic goals, and alignment with the mission while remaining a governing authority? Including, but not limited to:             <ul style="list-style-type: none"> <li>• Hiring, evaluating and removing, if necessary, school leaders</li> <li>• Maintaining clear and well-understood systems for decision-making and communication processes</li> <li>• Overseeing school's financial health, academic success, and faithfulness to charter</li> <li>• Maintaining governance, rather than management, responsibilities</li> </ul> </li> <li>• Does the board engage in strategic and continuous improvement planning by setting, and regularly monitoring progress relative to goals/priorities that are aligned with the school's mission, vision and core values? Including, but not limited to:             <ul style="list-style-type: none"> <li>• Strategic planning</li> <li>• A process for self-evaluation</li> <li>• Recruiting, selecting, and training members with needed skills and expertise.</li> <li>• A process for evaluating any contracted management organizations (if applicable)</li> <li>• Succession planning for board and school leadership</li> </ul> </li> </ul>
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The renewal inspection team's review should only encompass the areas outlined above, however, nothing bars the team from collecting evidence in all areas of the Criteria. If the team uncovers evidence that should be documented that pertains to other areas of the Criteria (including: Criterion 2: Access and Equity; Criterion 3: Compliance; or Criterion 10: Finance) they should first consult the [Criteria](#) and then **consult with the Department**. If any safety or emergent concerns arise, the team may also consult with the Department.

## Renewal Inspection Report Structure

The renewal inspection report prepared by the renewal inspection team will follow the format of the companion document to this *Protocol*, the *Massachusetts Charter School Renewal Inspection Report Template*. Please see the *Template* for all relevant information.

## Renewal Inspection Team Code of Conduct

The renewal inspection team's conduct throughout the renewal inspection process can significantly affect the team's ability to obtain and report information regarding the school's performance; it can also influence perceptions of the school community about the objectivity of the renewal inspection process and report. This Code of Conduct provides guidance for team members in fulfilling their assigned responsibilities.

- ✓ Ensure that you **review all necessary materials**, including this *Protocol* and, the documents and information provided in advance of the renewal inspection site visit by the Department and the school.
- ✓ Understand your obligation to **conduct the site visit without personal or professional bias** and act accordingly, including disclosure of any possible conflicts of interest, e.g. prior relationships with school staff, students or families.
- ✓ Ensure that all of your **communications with the school are professional** and courteous in tone.
- ✓ **Avoid unnecessary disruptions** to school and classroom routines while performing your assigned tasks such as classroom observations.
- ✓ **Honor scheduled appointments** and inform the school contact immediately of any changes to the agreed-upon schedule.
- ✓ Where appropriate, **ensure the confidentiality of school information** such as student names, health records, and personnel information.
- ✓ **Do not offer personal or professional opinions or recommendations**, even if solicited by interviewees.
- ✓ **Reject requests from those interviewed to speak "off the record"**; all conversations and other evidence gathered during the site visit are considered "on the record."
- ✓ **Do not provide reassurance or warnings regarding charter renewal** to school personnel; remind school personnel that the renewal inspection report is only one of many sources of evidence used by the Department in developing a charter renewal recommendation.
- ✓ **Do not evaluate the performance of individuals**, either orally or in the renewal inspection report.
- ✓ Treat the draft **report findings and related evidence as confidential** until the report is finalized and accepted by the Department. Refer queries from the school regarding the status of the renewal inspection report to the Department.
- ✓ **Refrain from communications with outside groups or individuals**, including the media, regarding the status of the report or opinions regarding renewal of the school's charter or individuals working at the school. Do not discuss the status of the renewal inspection, your opinions regarding individuals working at the school, or renewal of the school's charter with outside groups or individuals, including the media.

# Appendix A

## Overview of Renewal Inspection Activities and Responsibilities

Below find a summary of the major activities and participant responsibilities for the renewal inspection process. This summary is not intended to be comprehensive; the specific tasks undertaken by each participant will vary depending upon the size, past history and performance, and unique characteristics of the school.

### Renewal Inspection Team Responsibilities

**Prior to the renewal inspection site visit, the renewal inspection team has the following responsibilities:**

#### Team Composition

- Assemble a team of individuals whose professional backgrounds and expertise are relevant to the school's mission, operations, program, population, and/or environment. Ensure that the team includes a member or members who can provide expertise related to providing programs for diverse learners, including students with disabilities and English language learners.
- Ensure that all team members have a sufficient understanding of charter schools and the legal and programmatic requirements for charter schools in Massachusetts.
- Disclose to the Department any prior or current business or personal relationship between a team member, or an organization employing the team member, and the school.
- Designate a renewal inspection team leader who will serve as the team's point of contact with the school and the Department, coordinate the work of team members while on site, and, if appropriate, lead the team's work in preparing the renewal inspection report.
- Ensure that all team members participate in training provided to renewal inspection teams.

#### Preparation for visit

- Schedule a meeting at which the head(s) of school and the renewal inspection team leader will begin the planning process and discuss the requirements of the site visit.
- Use the sample schedules found in Appendix D and the Focus Group and Interviews guide in Appendix B to develop the visit schedule.
- Assign two team members to be present during interviews and focus groups.
- Ensure that team members have reviewed the documents and information provided to the team in advance and developed interview/focus group questions and inspection tasks that are informed by that review and that allow the team to gather sufficient data and evidence in the areas of inquiry.

Renewal Inspection Team

**During the renewal inspection site visit, the renewal inspection team has the following responsibilities:**

<b>Renewal Inspection Team</b>	<ul style="list-style-type: none"> <li>• Take accurate, pertinent notes during interviews and observations. Recollections of statements or events are unreliable and inappropriate sources of evidence.</li> <li>• Review all academic and other mission-related programs provided by the school, including regular education, inclusion, SEI, and pull-out classrooms and after-school programs.</li> <li>• Communicate with the head(s) of school on a daily basis to ensure that the team’s work is thorough and accurate.</li> <li>• Use open time to share, sort, and substantiate relevant evidence through a team moderation process</li> </ul> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;"><b>The Team Moderation Process: Sharing, Sorting, and Substantiating the Evidence</b></p> <p>The team leader is responsible for guiding the team through a moderation process through which team members share the evidence that they have collected and use their professional expertise to evaluate the quality of the evidence collected. As a result of their focus groups, observations, document reviews, and data collection efforts, members of the team accumulate pages of notes and volumes of information. During and after the site visit, the team members’ individual viewpoints on this body of information must evolve into a collective perspective on the school’s performance and progress. For example, team members might discuss whether comments by certain school community members are relevant to the team’s evolving findings. Team leaders also ensure that individual members’ interpretations are not distorted by their personal or professional biases. The team moderation process thus provides an essential filter that will, if used effectively, produce findings that are substantiated by sufficient, appropriate, high-quality evidence, and that represent the consensus of the team.</p> </div>
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**After the renewal inspection site visit, the renewal inspection team has the following responsibilities:**

<b>Renewal Inspection Team</b>	<ul style="list-style-type: none"> <li>• Draft, review, and edit the renewal inspection report.</li> <li>• Contact the school by telephone or email only for clarification of important questions. In most cases, minor factual issues do not warrant continued communications with the school.</li> <li>• Send the first draft of the report to the Department for review.</li> <li>• After Department review, send the draft report to the school to solicit factual corrections. Revise the draft report when warranted by factual corrections identified by the school.</li> <li>• Meet the scheduled deadlines for submitting the draft and final reports to the school and the Department. Schedule delays can affect the charter renewal process.</li> <li>• Issue the final Renewal Inspection Report to the school and the Department. The issuance of the final report should cease communication between the school and renewal inspection team. Direct any further inquiry from the school to the Department.</li> </ul>
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## School Responsibilities

### Prior to the renewal inspection site visit, the school has the following responsibilities:

<b>School</b>	<ul style="list-style-type: none"><li>• Review the Protocol in its entirety.</li><li>• Provide the Department and the renewal inspection team leader with the documents required in advance by this <i>Protocol</i>, in electronic form (e.g., in email attachments or on a CD) when feasible, by the required date.</li><li>• Participate in a meeting/phone call during which the head(s) of school and the renewal inspection team leader will begin the planning process and discuss the requirements of the site visit.</li><li>• Work with the renewal inspection team leader to develop the site visit schedule and inform the school community of the schedule and the team’s open access to classrooms and activities taking place in the school.</li><li>• Invite all parents and guardians in the school community to participate in the focus group(s) scheduled during the renewal inspection visit.</li><li>• Designate a first and second school contact person who will be available to respond to team inquiries and requests prior to and during the site visit.</li><li>• Provide the team with comfortable, private, and secure working space that will not be used for other purposes during the site visit.</li><li>• Provide for light refreshments and lunches to be available to the team at appropriate times, at the team’s expense. Note: Based on Department guidelines, the renewal inspection team is not permitted to partake of snacks or lunch provided by the school without compensation.</li><li>• Provide suitable parking and school entry procedures for team members according to local conditions and regulations.</li><li>• Provide private space for focus group interviews.</li><li>• Explain the charter renewal process and <i>Protocol</i> procedures to school community members.</li></ul>
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### During the renewal inspection site visit, the school has the following responsibilities:

<b>School</b>	<ul style="list-style-type: none"><li>• Ensure that the documents required by this <i>Protocol</i> are assembled in the secure room to which the team has unimpeded access at all times during the site visit.</li><li>• Provide documents and information requested by the team in a timely manner and in a usable format, as required by the Protocol.</li><li>• Provide access to all personnel as requested by the team.</li><li>• Provide informative, accurate, and responsive answers to team questions. Assume that all responses are “<b>on the record.</b>”</li><li>• Communicate any concerns regarding the team’s actions or behavior to the team leader and to the Department.</li></ul>
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**After the renewal inspection site visit, the school has the following responsibilities:**

<b>School</b>	<ul style="list-style-type: none"><li>• Respond promptly to any requests for clarification from the team.</li><li>• Review the draft report and notify the team of any factual errors by the scheduled deadline. Examples of factual errors would include errors in the titles of school staff or documents, dates, or statistical information.</li><li>• Submit to the Department a written response to the report, if the school so desires.</li></ul>
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**Department Responsibilities**

**Prior to the renewal inspection site visit, the Department has the following responsibilities:**

<b>Department</b>	<ul style="list-style-type: none"><li>• Review the school's Application for Renewal for clarity and completeness; notify the school when the Application for Renewal has been accepted by the Department.</li><li>• Ensure that the selected renewal inspection organization and team have the requisite expertise and capacity to conduct all assigned facets of the renewal inspection.</li><li>• Provide required documents, data, and information to the renewal inspection team.</li><li>• Coordinate with the renewal inspection team and the school regarding the dates of the renewal inspection site visit.</li><li>• Inform the renewal inspection team if the school has unique circumstances, such as: a contract with an EMO, an MOU, or operates at multiple campuses.</li></ul>
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**During the renewal inspection site visit, the Department has the following responsibilities:**

<b>Department</b>	<ul style="list-style-type: none"><li>• Visit or call the school during the renewal inspection site visit to monitor the conduct and progress of the team's work.</li><li>• Communicate as necessary with the renewal inspection team and the school regarding the progress of the site visit.</li></ul>
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**After the renewal inspection site visit, the Department has the following responsibilities:**

<b>Department</b>	<ul style="list-style-type: none"><li>• Review the draft renewal inspection report for writing quality and adherence to this <i>Protocol</i>.</li><li>• Notify the renewal inspection organization when the draft renewal inspection report requires clarification and when it has been accepted by the Department.</li><li>• Prepare a summary of review summarizing the school's performance over the five-year charter term, taking into account the multiple sources of evidence.</li></ul>
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## Appendix B

### Focus Groups

A number of focus groups must be scheduled for the site visit. It is the school's responsibility to gather a representative group from each category through an open invitation, and to inform each participant of the time and place of the meeting. Each participant should be given complete freedom to speak regarding their knowledge of and experience at the school, with no limits or repercussions imposed. In general, focus group composition **should not include more than 10 individuals**. Additionally, it is not necessary for individuals to attend multiple focus groups. For instance, it is not necessary for the special education administrator to attend the school leadership/Administration focus group. Groups with an \* are the only groups required for a 1 day visit. In those cases, the general education and special education/English language learner teacher groups should be combined with no more than 10 participants.

Focus Groups	Description
<b>*Board of Trustees</b>	As many members of the board as possible should attend the focus group. On-site inspections, such as the renewal inspection, fall outside the definition of a "meeting" for purposes of the Open Meeting Law, provided that members do not deliberate. This meeting is typically scheduled in the morning in order to work around the schedules of the school's trustees. The head(s) of school, even if s/he serves on the board, may not attend this meeting.
<b>*School Leadership/ Administration</b>	Administrators who are directly and primarily responsible for the academic program and the operation of the school should attend this meeting. During the visit, the team may request additional meeting times with one or more administrators for additional inquiry or clarification.
<b>*Special Ed./ELL Administrators</b>	The school's special education and ELL program administrators will be interviewed. During the visit, the team may request additional meeting times with one or more administrators for additional inquiry or clarification.
<b>*Special Ed./ELL Staff</b>	This focus group will include special education teachers, interventionists, paraprofessionals, and ESL teachers and paraprofessionals. The group should contain a variety of grade and experience levels to the extent possible based on the size of the staff.
<b>*General Education Teachers</b>	All general education teachers should be offered the opportunity to participate. The focus group should contain a representative sample of teachers in terms of their experience, years at the school, subject, and/or grade level. Please do not include teachers who are directly responsible for supervising/evaluating other teachers. Administrators and trustees may not be present at this meeting.
<b>Students</b>	Student focus groups should include only students in Grade 4 and above. The focus group should represent a variety of ages, grade levels, and time spent at the school.
<b>Families</b>	This focus group should include parents or guardians whose children represent a variety of grades, years spent at the school, and including, if possible, parents/guardians of students with diverse learning needs.
<b>Student and family support services</b>	This focus group should include representative student support services staff including family support and outreach, guidance and counseling staff, social worker(s), school psychologist, nurse, a crisis management team member, and family outreach or community services liaison, if applicable.

## Appendix C

### Conducting Renewal Inspection Visits to Schools with Multiple Campuses

Several Massachusetts Charter Schools operate multiple campuses with separate administrative leadership teams and programs in different locations. In some cases, the campuses serve overlapping grade levels, and in other instances, campuses serve an elementary, middle, and/or high school with distinct separations in program and leadership. To the extent possible, it is important that the renewal inspection team gather evidence of the Criteria at each individual campus; this will allow the team to paint a clear and accurate picture of the education provided at each of the school's locations. The guidelines below intend to provide the renewal inspection team with information to assist in the effective planning and execution of the evidence-gathering and report-writing processes. The Department will confirm with the renewal inspection team and the school whether or not it is considered multi-campus for the purposes of the conduct of the renewal inspection visit.

#### Multiple Campus Renewal Inspection Visit Guidelines

- Ensure that communication about the renewal inspection visit is communicated to the network/school's campus leaders as well as to the head(s) of school.
- Conduct a focus group with all administrators who oversee academic or operational aspects for more than one campus. Conduct one focus group with the board of trustees. Conduct one focus group with parents and guardians, however, the group must include representatives from each campus operated by the school.
- Provide individual, campus-based findings for the following Criteria and key indicators, if necessary: Mission and Key Design Elements (Criterion 1), Instruction (Key Indicator, Criterion 6), and Supports for Diverse Learners (Key Indicator, Criterion 6).
- Provide specific evidence from each campus to support all findings.
- If necessary, articulate any major distinctions between campuses in the renewal inspection report within a finding.
- Inquire about inter-campus communication structures at each campus.
- Conduct an appropriate number of classroom observations at each campus. In cases where one campus is significantly larger than the others, conduct an appropriate ratio of observations to the campus's enrolled student population.
- In order to most effectively triangulate evidence, ensure that multiple team members visit each campus.

## Appendix D

### Sample Schedules

Below are sample schedules for the renewal inspection team’s work at the school. They illustrate the types of activities that occur during a typical site visit. The actual schedule will be developed by the team leader in consultation with the school.

#### 1-Day Renewal Inspection Site Visit

	Team Member 1	Team Member 2
7:30 – 8:00	Team Meeting and Meetings with head(s) of school	
8:00 – 9:00	Board of trustees focus group	
9:00 – 10:00	Classroom Observations	
10:00 – 11:00	Classroom Observations	
11:00 – 12:00	Teacher focus group: General Education, Special education, and ELL instructional staff	
12:00 – 1:00	Lunch; Document Review	
1:00 – 2:00	ELL and Special Education Admin Focus Group	
2:00 – 3:00	Administrator Focus Group	
3:00 – 4:30	Team Moderation	
4:30 – 4:45	Exit discussion with head(s) of school Team Departs	

## 2-Day Renewal Inspection Site Visit

### Day 1

	Team Member 1	Team Member 2	Team Member 3
7:30	Team Meeting		
8:00	Meeting with head(s) of school		
8:30	Family and Guardian Focus Group		Classroom Observations
9:00			
9:30	Classroom Observations		
10:00	Document Review		
10:30	Classroom Observations	Network Staff Focus Group (if needed)	
11:00			
11:30	Classroom Observations		
12:00	Lunch: Team Moderation		
12:30	Lunch: Team Moderation		
1:00	ELL and Special Education Admin Focus Group	Classroom Observations	ELL and Special Education Admin Focus Group
1:30			
2:00	Student Support and Family Services Focus Group		Classroom Observations
2:30			
3:00	Classroom Observations	Teacher Focus Group: General Education	
3:30			
4:00	Team Moderation		
4:30	Team Moderation		
5:00	Team Departs		

### Day 2

	Team Member 1	Team Member 2	Team Member 3
7:30	Meeting with head(s) of school		
8:00	Board of Trustees Focus Group		Classroom Observations
8:30			
9:00	Classroom Observations	Administrator Focus Group	
9:30			
10:00	Teacher Focus Group: Special Education and ELL	Classroom Observations	Teacher Focus Group: Special Education and ELL
10:30			
11:00	Student Focus Group		Classroom Observations
11:30			
12:00	Lunch		
12:30	Lunch		
1:00	Classroom Observations		
1:30	Classroom Observations		
2:00	Team Moderation		
2:30			
3:00			
3:30			
4:00			
4:30			
5:00	Exit discussion with head(s) of school		

## 3-Day Renewal Inspection Site Visit

### Day 1

	Team Member 1	Team Member 2	Team Member 3	Team Member 4
7:30	Team meeting			
8:00	Meeting with head(s) of school			
8:30	Network Staff Focus Group (if needed)		Classroom Observations	Classroom Observations
9:00				
9:30	Classroom Observations	Classroom Observations	Teacher Focus Group: General Education	
10:00				
10:30	Classroom Observations Document Review			
11:00				
11:30				
12:00	Lunch; Team Moderation			
12:30				
1:00	Classroom Observations	ELL and Special Education Admin Focus Group		Classroom Observations
1:30				
2:00	Classroom Observations			
2:30				
3:00	Team Moderation Document Review Follow Up			
3:30				
4:00				
4:30				
5:00	Team Departs			

### Day 2

	Team Member 1	Team Member 2	Team Member 3	Team Member 4
7:30	Team meeting			
8:00	Meeting with head(s) of school			
8:30	Board of Trustees Focus Group		Classroom Observations	Board of Trustees Focus Group
9:00			Classroom Observations	Classroom Observations
9:30	Teacher Focus Group: Special Education and ELL		Classroom Observations	Classroom Observations
10:00				
10:30	Classroom Observations	Classroom Observations	Student Focus Group	
11:00				
11:30	Classroom Observations			
12:00	Lunch; Team Moderation			
12:30				
1:00	Student Support and Family Services Focus Group		Classroom Observations	Classroom Observations
1:30				
2:00	Classroom Observations	Classroom Observations	Family and Guardian Focus Group	
2:30				
3:00	Team Moderation			
3:30				
4:00				
4:30				
5:00	Team Departs			

### Day 3

	Team Member 1	Team Member 2	Team Member 3	Team Member 4
7:30	Team meeting			
8:00	Meeting with head(s) of school			
8:30	Classroom Observations Follow Up Interviews Document Review Team Moderation			
9:00				
9:30				
10:00				
10:30				
11:00				
11:30				
12:00	Lunch; Team Moderation			
12:30	Lunch; Team Moderation			
1:00	Administrator Focus Group	Classroom Observation		Classroom Observation
1:30		Classroom Observation		Classroom Observation
2:00	Team Moderation			
2:30				
3:00				
3:30				
4:00				
4:30				
5:00	Exit discussion with head(s) of school			

# Appendix E

## Required Renewal Inspection Documents

A successful site visit requires careful planning and preparation by the school as well as the renewal inspection team. The renewal team receives and reviews documents in advance of the site visit; the team also has access to documents during the site visit. Required documents are listed below. Documents are either required to be submitted during the summer prior to the renewal inspection visit, approximately a month prior to the actual visit, or provided onsite for team viewing. **The Department will communicate with schools, beginning in the summer prior to the inspection, about the due dates for all required documents.** All documents submitted ahead of the visit must be done so electronically. The Department requires the use of naming conventions for all electronic documents. Please see the table below.

Charter School Performance Criteria	Required Documents for Renewal	Required Naming Conventions
		<p>[SI]=SCHOOL INITIALS</p> <p><i>If multiple documents, please use the convention [SI] DocName_1, [SI] DocName_2, etc...</i></p> <p><i>Examples: ABCS_familyhandbook</i>  <i>ABCS_recruitment_materials_1</i>  <i>ABCS_recruitment_materials_2</i></p>
<b>2. Access and Equity</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> List of translated documents and /or forms provided to families</li> <li><input type="checkbox"/> Examples of recruitment materials aimed at enrolling students</li> <li><input type="checkbox"/> Family Handbook (may be called Student Handbook or Parent Handbook)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> [SI]_Translated_Docs</li> <li><input type="checkbox"/> [SI]_Recruitment_materials</li> <li><input type="checkbox"/> [SI]_Handbook</li> </ul>
<b>3. Compliance</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Current list of teachers (including paraprofessionals) employed at the school indicating subject area, full-time or part-time status, licensure status, years of teaching experience, years employed at the school, and additional information as required (use Department template)</li> <li><input type="checkbox"/> Current non-teaching staff list, including related service providers, including names and titles or roles, full-time or part-time status, years employed at the school, and licensure information (if applicable) as required (use Department template)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> [SI]_Teacher_roster</li> <li><input type="checkbox"/> [SI]_Nonteaching_staff_roster</li> </ul>

	<b>6.Program Delivery</b>	Curriculum	<input type="checkbox"/> Curricular documents and materials for all major content areas <input type="checkbox"/> Teachers should provide visitors with copies of lesson plans (if applicable) during the inspection days <input type="checkbox"/> Schools that participated in a full CPR in 2012-2013,2013-2014, or 2014-2015, must submit a plan for WIDA implementation and describe progress in integrating WIDA into the curriculum and classroom instruction	<input type="checkbox"/> Provide Onsite or online (No naming convention required) <input type="checkbox"/> Provide Onsite (No naming convention required) <input type="checkbox"/> [SI]_WIDA_Plan
		Instruction	<input type="checkbox"/> A description of instructional practices, behavioral expectations, and supports for diverse learners the team should expect to see. The team will use this description to evaluate instruction observed during the site visit. Use the ESE template <input type="checkbox"/> A master class schedule identifying teacher, subject, time, and location for classes during the dates of the visit. The schedule should also indicate the English as a Second Language classes, Sheltered English Immersion, and special education classes <input type="checkbox"/> Map of the school facility or facilities showing room locations, including the location of special education and ELL instructional spaces <input type="checkbox"/> Individual teacher schedules to be posted on the door of each classroom showing classes and when they are taught	<input type="checkbox"/> [SI]_Expected_Practices <input type="checkbox"/> [SI]_Master_Schedule <input type="checkbox"/> [SI]_Map <input type="checkbox"/> Provide Onsite (No naming convention required)
		Assessment and Program Evaluation	<input type="checkbox"/> Updated summaries of external and internal assessment data (other than MCAS results), if not provided in the Application for Renewal or Annual Report	<input type="checkbox"/> Provide Onsite (No naming convention required)
		Supports for Diverse Learners	<input type="checkbox"/> The school's current District Curriculum Accommodation Plan (DCAP) <input type="checkbox"/> The school's most recent special education and ELL program self-evaluations, including a description of the school's conclusions regarding program effectiveness and the implementation of any subsequent program changes <input type="checkbox"/> Special Education Students and English Language Learners Demographic Information Table for 2015-2016 Year (use Department template)	<input type="checkbox"/> [SI]_DCAP <input type="checkbox"/> [SI]_SPED_SelfEval <input type="checkbox"/> [SI]_ELL_SelfEval <input type="checkbox"/> [SI]_SPED_ELL_Demo
	<b>7.Culture and Family Engagement</b>	Social, Emotional and Health Needs	<input type="checkbox"/> Student survey results (if available)	<input type="checkbox"/> [SI]_Student_Survey
	Family Engagement	<input type="checkbox"/> Parent survey results (if available)	<input type="checkbox"/> [SI]_Parent_Survey	

<b>Organizational Viability</b>	<b>8.Capacity</b>	School Leadership	<input type="checkbox"/> Current organizational chart showing all administrative and instructional positions and reporting relationships (if not already provided in the most recent Annual Report)	<input type="checkbox"/> [SI]_Org_Chart
		Professional Climate	<input type="checkbox"/> Performance evaluation tool(s) for the head(s) of school, staff, teachers, and administrators; other tools used to provide feedback or guidance to staff <input type="checkbox"/> Professional development plan/calendar for the current school year <input type="checkbox"/> Staff survey results (if available)	<input type="checkbox"/> Provide Onsite (No naming convention required) <input type="checkbox"/> Provide Onsite (No naming convention required) <input type="checkbox"/> [SI]_Staff_Survey
		Contractual Relationships (If applicable)	<input type="checkbox"/> If the school contracts with an educational management organization for substantially all educational services, a copy of the current contract <input type="checkbox"/> If the school operates under a Memorandum of Understanding (MOU), a copy of the MOU	<input type="checkbox"/> [SI]_EMO_Contract <input type="checkbox"/> [SI]_MOU
	<b>9. Governance</b>	<input type="checkbox"/> Board and board committee minutes (previous two years), including executive session minutes (if executive session minutes are now publicly available) <input type="checkbox"/> Strategic plans or other planning documents approved by the board of trustees <input type="checkbox"/> Written policies and procedures of the board of trustees; self evaluation tools used by the board of trustees, additional board meeting minutes for any recent meetings <input type="checkbox"/> Bylaws	<input type="checkbox"/> [SI]_Board_Minutes_Date <input type="checkbox"/> [SI]_Committee_Minutes_Date <input type="checkbox"/> [SI]_Strategic_Plan <input type="checkbox"/> Provide Onsite (No naming convention required) <input type="checkbox"/> [SI]_bylaws	

# Appendix 16: Application for Renewal of a Public School Charter



Massachusetts Charter School

## **Guidelines: Application for Renewal of a Public School Charter**

Revised March 2016

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

This document provides guidelines for submitting an application for renewal of a public school charter (Application) to the Department of Elementary and Secondary Education (Department) Office of Charter Schools and School Redesign. The following sections include an overview of the charter renewal process, detailed requirements for preparing and submitting the Application to the Department, and a list of documents that the school may find helpful in preparing the Application. Please review all of the information contained in these *Guidelines* before you begin the school's Application. Any Application that does not conform to these *Guidelines* will be returned to the school for revision.

The school's Application presents evidence of the school's performance during the current charter period. The application process also allows the school to examine its practices and decisions over the current charter term, offer explanations for any performance or operational issues, identify actions taken to correct past problems, and provide information regarding the school's plans for improvement in the future. By presenting full and accurate information along with a context for the information, the school has the opportunity to make its best case for charter renewal.

It is important to understand that the information provided in the school's Application is supplemented by additional information that the school and the Department will provide during the charter renewal process. The *Massachusetts Charter School Renewal Inspection Protocol* provides a detailed listing of the documents to be provided to the renewal inspection team assigned to conduct the renewal inspection site visit and prepare a renewal inspection report.

## Context: Revision of the Guidelines

The Department has collected extensive data on each charter school's performance over the charter term, including, but not limited to, the following: a school's annual reports, financial audits, test results, site visit reports, and demographic data. Rather than a restatement of information and data that the Department already possesses, the Application should contain additional affirmative evidence of the school's successes. The 2015 revision to the Guidelines was meant to eliminate redundancy and elicit an Application that provides the Department with information that has not been gathered through other submissions. The Application is the chance for the charter school to make its best case for renewal by providing additional information or clarifying the school's performance over the past four years of the charter term. The 2016 revision includes an additional request for evidence regarding Criterion 2: Access and Equity and other minor revisions.

## Overview of the Charter Renewal Process

The Board of Elementary and Secondary Education (Board) is obligated by statute and regulation to conduct ongoing performance reviews of each charter school and, no later than the fifth year of the school's charter term, decide whether or not to renew the school's charter. The charter renewal decision is based upon the school's performance over the term of the charter in three areas:

1. The school's faithfulness to the terms of its charter,
2. The success of the school's academic program, and
3. The viability of the school as an organization (603 CMR 1.11).

The school's Accountability Plan and the Charter School Performance Criteria provide the analytical framework used to hold a charter school accountable for performance in these three areas and to decide whether or not a charter should be renewed (603 CMR 1.11(3)). The major components of the charter renewal process are summarized below.

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## Charter Renewal Process

<b>Submission of Application for Renewal</b>	The school submits the completed Application to the Department no earlier than March 1 of the school's third year and no later than August 1 after the end of the fourth year of the school's charter. The completed Application must follow the content and format guidelines set forth in the following pages and must be complete upon submission.
<b>Application review</b>	The Department reviews the completed Application. The Application is accepted or returned to the school for revision or the inclusion of additional information.
<b>Renewal inspection</b>	The Department may contract with an independent organization to conduct a review of the school's performance in accordance with the <i>Massachusetts Charter School Renewal Inspection Protocol</i> or may use Department staff members to conduct the inspection. The renewal inspection team prepares a renewal inspection report summarizing the team's findings or observations regarding the school's performance relative to the <i>Charter School Performance Criteria</i> .
<b>Opportunity for response</b>	The school may provide the Department with a formal response to the renewal inspection report; this response becomes part of the school's permanent record. Other interested parties, including the superintendent in the district in which a charter school is located or the superintendents in the region from which the school draws students, are given the opportunity to submit written comments to the Department regarding renewal of the school's charter.
<b>Summary of Review</b>	The Summary of Review (SOR), which is prepared by the Department, is a summary of the school's performance over the five-year charter term, taking into account many sources of evidence, including but not limited to: the Application, the renewal inspection report, previous site visit reports, financial audits, performance relative to the school's Accountability Plan, prior annual reports, board documents, academic data, and demographic data. The SOR is presented to the Commissioner of Elementary and Secondary Education (Commissioner) who makes a renewal determination based on the evidence. The school will be given a draft of the SOR for factual corrections before it is finalized and presented to the Commissioner. The school will also have an opportunity to respond to the SOR in the same manner as described above.
<b>Renewal Decision</b>	Based on Board votes in 2009 and 2013, the Commissioner has been delegated the authority to grant charter renewals that do not involve probation or non-renewal. In these cases, the Commissioner notifies the Board ahead of any intended actions, and the Board may ask to bring the renewal to the full board, the Commissioner's decision stands and the charter will be renewed, with or without conditions. For renewals involving probation, or for any renewal requested by the Board to be discussed by the full board, the Board then votes either to renew, to renew with conditions, to renew with probation, or not to renew the school's charter. Please see the Considerations for Charter School Renewal Memo for more details. <a href="http://www.doe.mass.edu/news/news.aspx?id=7802">http://www.doe.mass.edu/news/news.aspx?id=7802</a>

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## Application Submission Requirements

- Due Date:** The school's Application and all related materials, including certifications, must arrive at the Department no later than **5 p.m. on Monday, August 1, 2016.**
- Length:** The completed Application *should not exceed 25 pages*, excluding cover letter, cover page, and appendices. Please use the Application Completion Checklist to ensure that all required components are included.
- Formatting:** The text and attachments must use standard one-inch margins, be clearly paginated, and use a clearly readable font no smaller in type size than 11 point.
- Data:** Tables, graphs, and other data, including student achievement data, provided in the Application must be clearly presented, clearly explained, and directly relevant to the text. *Student-level data must not be included.* In addition, the Application must not include any photographs, pictures, graphics, or news clips that are not directly relevant to the text.
- Certification Statement(s):** The Application **must include the required certification statement(s) with signatures.** The Application will not be considered complete without the required signed certification(s). Please note that the Renewal Application Certification Statement requires that the chair of the school's **board of trustees** certify that the school's board has voted to approve the application. A Horace Mann charter school's Application also requires approval from the **school committee and the local bargaining unit. Please read the statements carefully to submit the appropriate and signed certifications by August 1.**
- Appendices:** All additional attachments must be clearly labeled and provided in the appropriate appendix, as designated in these *Guidelines*. Additional information included in the appendices, excluding compliance documents, should not exceed 25 pages in total.
- Checklist:** A copy of the Application Content Checklist (Appendix E) with all items completed.

The school's completed Application must be submitted to the Department in **printed and electronic form.** Please submit one, unbound original version with required signatures, including certifications and all appendices, in printed form.

The printed version of the school's Application must be delivered to:

**Office of Charter Schools and School Redesign**  
Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148

Please also submit an electronic version of the Application through Drop Box Central. You may submit the Application in two parts: 1. the narrative sections and Accountability Plan section must be provided in Microsoft Word; 2. Attachments (other than the Accountability Plan) may be submitted in PDF. Please clearly label each submission.

### Directions for drop box submission:

- Go to the Department's Security Portal: <https://gateway.edu.state.ma.us/>
- Login using your user name and password
- Go to Drop Box Central
- Choose Charter School File Exchange (*security role required*), click next
- Click on **Browse** and locate your Application on your school's computer, hard drive, or server

- Select the file to upload
- Click the **Upload File Button**
- **Repeat if submitting two documents**

If you have problems accessing any of these fields you may not have adequate security clearance and need to contact your school's directory administrator. If you have questions about the submission of documents through the Drop Box, please contact the Office of Charter Schools and School Redesign at 781-338-3227.

## Application Contents

### Cover page

Provide a cover page labeled “Application for Renewal of a Public School Charter” that lists the following information:

- School name
- School address
- School contact information: name, title, telephone, and email address
- Date that the school’s board of trustees voted approval of the Application
- Application submission date

### Cover Letter (optional)

Provide a cover letter of no more than two pages providing a brief overview of the school’s mission, educational philosophy, characteristics, and major challenges and accomplishments over the current charter term.

### Table of Contents

Provide a clearly labeled Table of Contents naming all major sections, appendices, and page numbers.

### Introduction to the School

To provide the reader with basic introductory information about your school, complete the table below and provide the mission statement as stated in the school’s charter or as amended and approved by the Department.

<b><i>Name of School</i></b>			
<b>Type of Charter</b> <small>(Commonwealth or Horace Mann)</small>		<b>Location of School</b> <b>(Municipality)</b>	
<b>Regional or Non-Regional?</b>		<b>Chartered Districts in Region</b> <small>(if applicable)</small>	
<b>Year Opened</b>		<b>Year(s) Renewed</b> <small>(if applicable)</small>	
<b>Maximum Enrollment</b>		<b>Current Enrollment</b>	
<b>Chartered Grade Span</b>		<b>Current Grade Span</b>	
<b># of Instructional Days per school year</b>		<b>Students on Waitlist</b>	
<b>School Hours</b>		<b>Age of School</b>	
<b>Mission Statement</b>			

## Charter School Performance Criteria Relating to Faithfulness to the Charter<sup>1</sup>

**Guided by the prompts below**, provide evidence of the school's performance and progress related to the school's faithfulness to charter, as derived from the Charter School Performance Criteria. Please see: <http://www.doe.mass.edu/charter/acct.html?section=criteria> for further details. The Application must provide complete, clear, and accurate information in response to each of the items listed below. If an item does not apply to the school, please clearly note why it is not applicable.

### **Criterion 1: Mission and Key Design Elements**

**A. Mission and Key Design Elements:** Provide evidence (including specific examples) of how the school is faithful to its mission *and* implements the key design elements as defined in the charter application and any subsequent approved amendment(s), if applicable. Key design elements support the implementation of the school's mission and make the school unique and distinct from any other school. Key design elements should all relate to the mission statement or the intentions set out in the school's original (or amended) charter. If your school has developed an Accountability Plan using the new guidelines, please use the key design elements as articulated in the Accountability Plan.

If you have questions about what would be considered the key design elements for your school, please contact your school's liaison. The list of charter school liaisons can be found here: <http://www.doe.mass.edu/charter/ContactLiaison.html>.

Please note that the school is asked to summarize performance against its Accountability Plan in Appendix A rather than in the body of the Application.

**B. Amendments:** Use the table below to display any amendment requests approved by either the Commissioner or Board (formally known as minor and major) during the charter term. Please see <http://www.doe.mass.edu/charter/governance/?section=amendments> for the Charter Amendment Guidelines if needed.

Date	Amendment Requested	Approved?

\*Add rows as needed

<sup>1</sup> The charter school statute, G.L. c. 71, § 89, requires a school enrolling more than 20 percent of its total enrollment from school districts not included in its original charter for 2 consecutive years to request an amendment to its charter to reflect its actual enrollment pattern; for schools chartered before January 1, 2011, the Board or the Commissioner establishes a timeline of not less than 5 years for the school to comply with this requirement. If this applies to your school, please contact your liaison.

**□ Criterion 2: Access and Equity**

- A. Explain successes or challenges of implementing the school's Recruitment and Retention Plan in regard to enrolling a demographically comparable population during the charter term. Please use the CHART tool at <http://www.doe.mass.edu/charter/finance/chart/> to access enrollment data.
  
- B. Explain trends and/or anomalies in attrition data over the past four years and how the school has addressed any attrition rates that were higher than the median rate of comparison schools. Please use the CHART tool at <http://www.doe.mass.edu/charter/finance/chart/> to access attrition data.

**❑ Criterion 4: Dissemination**

Using the table below, provide evidence of how the school has provided innovative models for replication and best practices to other public schools in the district where the charter school is located. Dissemination efforts may also include sharing innovative models and best practices to other schools, districts, and organization beyond the district where the charter school is located. There are multiple forums and activities through which a charter school may disseminate, please see the Charter School Performance Criteria for more information: <http://www.doe.mass.edu/charter/acct.html?section=criteria>

Please note: this is an area where information provided will be duplicative with annual report submissions.

<b>Best Practice Shared</b>	<b>Year</b> Dissemination Occurred	<b>Vehicle for Dissemination</b> (describe the method, format, or venue used to share best practices)	<b>Criteria</b> that best aligns to the shared best practice (choose from the drop down menu)	<b>With whom</b> did the school disseminate its best practices? (Partners and Locations)	<b>Result of dissemination</b> (List any resulting artifacts, materials, agendas, or results from partners. Also indicate if the school received grant funding to disseminate and if a grant report was written.)
			59T		

## Charter School Performance Criteria Relating to Academic Program Success

**Guided by the prompts below**, provide evidence in this section to address the performance and progress related to the school’s academic success, as derived from the Charter School Performance Criteria. Please see: <http://www.doe.mass.edu/charter/acct.html?section=criteria> for further details. The Application must provide complete, clear, and accurate information in response to each of the items listed below. If an item does not apply to the school, please clearly note why it is not applicable.

**Criterion 5: Student Performance**

**A.** If academic performance has resulted in an Accountability Level of 1 at any time during the charter term please answer one of the two prompts below:

- If the school has recently been designated Level 1 – please identify any changes to the academic program that may have led to these gains.
- If the school has maintained Level 1 status since 2012, please briefly describe the critical elements of the school’s academic program that have contributed to ongoing success.

**B.** If academic performance has resulted in an Accountability Level of 2 or 3 during the charter term, please provide the school’s assessment of those results and describe what has been done to improve academic performance.

**C.** In the event that a school believes that the core indicators of the Accountability System (PPI, school percentile, and accountability level) are not fully representative of student performance at the school, or if the school does not yet have sufficient data to render an Accountability Level, please provide additional valid and reliable data demonstrating the progress the school has made in meeting academic benchmarks. Use the table below to summarize the academic performance trends for non-MCAS assessments.

Additional Assessment Data	
Assessment Name:	Grades Assessed:
Date Implemented:	Date Discontinued: (if applicable)
Description of Achievement Trends:	

\*Duplicate as needed

**Criterion 6: Program Delivery**

Provide evidence that the school is delivering an academic program that provides improved academic outcomes and educational success for all students. :

**A. Curriculum:** Describe the school’s documented curriculum and provide evidence that it

meets expectations outlined in the key indicator: Curriculum, in the [Charter School Performance Criteria](#).

**B. Instruction:** Describe how the school ensures that students are provided with high quality instruction and provide evidence that instruction meets expectations outlined in the key indicator: Instruction, in the [Charter School Performance Criteria](#).

**C. Assessment and program evaluation:** Provide a list of assessments administered by the school (if not already provided above in Criterion 5.C). Provide evidence detailing how the school meets expectations outlined in the key indicator: Assessment and Program Evaluation, in the [Charter School Performance Criteria](#).

**D. Supports for diverse learners:** Describe the screening, supports, resources and interventions used to support diverse learners including students with disabilities and English language learners. Provide evidence that the school meets expectations outlined in the key indicator: Supports for Diverse Learners, in the [Charter School Performance Criteria](#).

#### Criterion 7: Culture and Family Engagement

**A. Social, Emotional, and Health Needs:** Provide evidence about how the school creates a safe school environment and addresses the physical, social, emotional, and health needs of its students.

**B. Family Engagement:** Provide evidence about how the school develops strong working relationships with families/guardians in order to support students' academic progress and social and emotional well-being.

### Charter School Performance Criteria Relating to Organizational Viability

**Guided by the prompts below**, provide evidence of the school's performance and progress with respect to the following areas related to the school's organizational viability, as derived from the Charter School Performance Criteria. Please see: <http://www.doe.mass.edu/charter/acct.html?section=criteria> for further details. The Application must provide complete, clear, and accurate information in response to each of the items listed below. If an item does not apply to the school, please clearly note why it is not applicable.

#### Criterion 8: Capacity

**A. School Leadership:** Provide evidence that demonstrates how the school sustains a well-functioning organizational structure. Provide evidence detailing how the school meets expectations outlined in the key indicator: School Leadership, in the [Charter School Performance Criteria](#).

**B. Professional Climate:** Provide evidence that illustrates how the school creates a professional working climate for all staff. Provide evidence detailing how the school meets expectations outlined in the key indicator: Professional Climate, in the [Charter School Performance Criteria](#).

**C. Contractual Relationships:** If applicable, please provide evidence illustrating an effective working relationship with a management company (EMO) or host district (for a Horace Mann).

**❑ Criterion 9: Governance**

Describe and provide examples of how members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school. Provide evidence detailing how the school meets the key indicators outlined in Criterion 9: Governance, in the [Charter School Performance Criteria](#).

**❑ Criterion 10: Finance**

Provide evidence that demonstrates how the school maintains a sound and stable financial condition and operates in a financially sound and publicly accountable manner.

**❑ Plans for the Next Five Years**

Describe the school’s plans for the next charter term, including ways in which the school intends to modify or augment the program set out in the original charter application. This section should discuss how the school has thought strategically about the next five years. Please note, if such changes require a major or minor charter amendment requests as outlined in the Charter School Amendment Guidelines (<http://www.doe.mass.edu/charter/governance/AmendmentGuidelines.pdf>), please submit such requests along with the renewal application. Please notify the Office of Charter Schools and School Redesign as soon as possible to indicate if the school intends to request a change to the school’s maximum enrollment, grade span, charter region, or existing management contracts on August 1, 2016.

## Appendix A Accountability Plan Performance

Please report on the school's performance on its approved accountability plan for the charter term. If the accountability plan has been revised, and approved, report on the most recently approved plan (which may only relate to Faithfulness to Charter). If needed, please attach any additional evidence to explain performance after this template as a part of Appendix A. Evidence should reflect performance during the course of the charter term. Please **DO NOT PDF** this document, submit this section in Microsoft Word only.

### Faithfulness to Charter

	Charter Term Performance (Met/Not Met)				Evidence (provide year to year data, if needed)
	2012-13	2013-14	2014-15	2015-16	
<b>Objective:</b>					
Measure:					
Measure:					
<b>Objective:</b>					
Measure:					
Measure:					

\*Add rows as necessary

### Academic Program Success

	Charter Term Performance (Met/Not Met)				Evidence (provide year to year data, if needed)
	2012-13	2013-14	2014-15	2015-16	
<b>Objective:</b>					
Measure:					
Measure:					
<b>Objective:</b>					
Measure:					
Measure:					

\*Add rows as necessary

### Organizational Viability

	Charter Term Performance (Met/Not Met)				Evidence (provide year to year data, if needed)
	2012-13	2013-14	2014-15	2015-16	
<b>Objective:</b>					
Measure:					
Measure:					
<b>Objective:</b>					
Measure:					
Measure:					

\*Add rows as necessary

## Appendix B General Statement of Assurances

This form must be signed by a duly authorized representative of the charter school. An application for renewal will be considered incomplete and will not be accepted if it does not include the Statement of Assurances.

As the authorized representative of the charter school, I hereby certify under the penalties of perjury that the information submitted in this application for renewal of a public school charter for \_\_\_\_\_ (name of school) located at \_\_\_\_\_ is true to the best of my knowledge and belief; and further, I certify that the school:

1. Will not charge tuition, fees, or other mandatory payments for attendance at the charter school, for participation in required or elective courses, or for mandated services or programs (Mass. Gen. Laws c. 71, § 89(m), and 603 CMR 1.03(3)).
2. Will not charge any public school for the use or replication of any part of their curriculum subject to the prescriptions of any contract between the charter school and any third party provider (Mass. Gen. Laws c. 71, § 89(l)).
3. Will permit parents to enroll their children only voluntarily and not because they must send their children to this school (The Elementary and Secondary Education Act of 1965, as amended, Title V, Part B, Subpart 1 — Public Charter Schools Section 5210(1)(h)).
4. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students. If the number of application exceeds the spaces available, the school will hold a lottery in accordance with Massachusetts charter laws and regulations (Mass. Gen. Laws c. 71 § 89(n), and 603 CMR 1.05).
5. Will be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement (Mass. Gen. Laws c. 71, § 89(m)).
6. Will be secular in its curriculum, programs, admissions, policies, governance, employment practices, and operation in accordance with the federal and state constitutions and any other relevant provisions of federal and state law.
7. Will comply with the federal Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972.
8. Will adhere to all applicable provisions of federal and state law relating to students with disabilities including, but not limited to, the Individuals with Disabilities Education Act, section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990 and chapter 71B of the Massachusetts General Laws.
9. Will adhere to all applicable provisions of federal and state law relating to students who are English language learners including, but not limited to, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, and chapter 71A of the Massachusetts General Laws.

10. Will comply with all other applicable federal and state law including, but not limited to, the requirement to offer a school nutrition program (Mass. Gen. Laws c. 69, § 1 (c)).
11. Will meet the performance standards and assessment requirements set by the Board of Elementary and Secondary Education for all students in public schools including, but not limited to, administering the Massachusetts Comprehensive Assessment System (MCAS) (Mass. Gen. Laws c. 71, § 89(v), and 603 CMR 1.04(3)(k)).
12. Will submit an annual report to the Department of Elementary and Secondary Education on or before the required deadline (Mass. Gen. Laws c. 71 § 89(jj)).
13. Will submit an accountability plan no later than the end of the first year of the school's charter, establishing specific five year performance objectives as specified in the state regulations (603 CMR 1.04 (3)(l)) and guidelines.
14. Will submit an annual independent audit to the Department of Elementary and Secondary Education and the Office of the State Auditor no later than November 1st of every year, as required by the charter school statute (Mass. Gen. Laws c. 71, § 89(jj)), or at such other time as designated in 603 CMR 1.08 (3)).
15. Will submit required enrollment data each March to the Department of Elementary and Secondary Education by the required deadline (Mass. Gen. Laws c. 71, § 89(o), and 603 CMR 1.08(5)).
16. Will meet enrollment projections through demonstration of support for the proposed charter school in the communities from which students would be likely to enroll (603 CMR 1.04(3)(c)).
17. Will operate in compliance with generally accepted government accounting principles (Mass. Gen. Laws c. 71, § 89(jj)).
18. Will maintain financial records to meet the requirements of Mass. Gen. Laws c. 71, § 89 and 603 CMR 1.00.
19. Will participate in the Massachusetts State Teachers' Retirement System (Mass. Gen. Laws c. 71, § 89(y)).
20. Will employ individuals who either hold an appropriate license to teach in a public school in Massachusetts or who will take and pass the Massachusetts Tests for Educator Licensure (MTEL) within their first year of employment and meet all applicable staff requirements of the federal No Child Left Behind Act (Mass. Gen. Laws c. 71 § 89(ii), and 603 CMR 1.06(4)).
21. Will provide the Department of Elementary and Secondary Education with written assurance that a criminal background check has been performed, prior to their employment, on all employees of the school who will have unsupervised contact with children (Mass. Gen. Laws c. 71, § 38R, and 603 CMR 1.04(7)(d)).
22. Will obtain and keep current all necessary permits, licenses, and certifications related to fire, health, and safety within the building(s) and on school property (603 CMR 1.04(7)(e), 1.04(7)(f), 1.05(7)(g), and 1.05(7)(h)).
23. Will maintain uninterrupted necessary and appropriate insurance coverage (603 CMR 1.04(7)(h)).

24. Will submit to the Department of Elementary and Secondary Education the names, home addresses, and employment and educational histories of proposed new members of the school's board of trustees for approval prior to their service (603 CMR 1.06(1)(b)).
25. Will ensure that every member of the school's board of trustees shall meet all training as required by the Department of Elementary and Secondary Education and any other requirements by other state agencies, including the requirements under the Commonwealth's open meeting law and conflict of interest law (603 CMR 1.06).
26. Will ensure that all members of the school's board of trustees file with the Department of Elementary and Secondary Education, the State Ethics Commission, and the city or town clerk where the charter school is located completed financial disclosure forms for the preceding calendar year according to the schedule required by the Office of Charter Schools and School Redesign (Mass. Gen. Laws c. 71, § 89(u)). The disclosure is in addition to the requirements of said chapter 268A and a member of a board of trustees must also comply with the disclosure and other requirements of said chapter 268A.
27. Will recognize, if applicable, an employee organization designated by the authorization cards of 50 percent of its employees in the appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining (Mass. Gen. Laws c. 71, § 89(y)).
28. Will provide the Department of Elementary and Secondary Education with a federal taxpayer identification number issued solely to the charter school and all required information regarding a bank account held solely in the name of the charter school (603 CMR 1.04(8)).
29. Will, in the event the board of trustees intends to procure substantially all educational services for the charter school through a contract with another person or entity, submit such contract for approval by the Board of Elementary and Secondary Education to provide for any necessary revisions and approval prior to the beginning of the contract period (Mass. Gen. Laws c. 71, § 89(k)(5)).
30. Will notify the Department of Elementary and Secondary Education immediately in writing of any change in circumstances that may have a significant impact on the school's ability to fulfill its goals or missions as stated in its charter (603 CMR 1.08(11)).
31. Will submit in writing to the Commissioner of Elementary and Secondary Education a request to amend its charter if the school plans to make a change to its operations as defined in 603 CMR 1.10.

<b>Signature:</b>
<b>Title:</b>
<b>Date:</b>

## Renewal Application Certification Statement

<b>Name of School:</b>	
<b>Location:</b>	

I hereby certify that the information submitted in this application for renewal of a public school charter is true to the best of my knowledge and belief; that this application has been approved by the school’s Board of Trustees; and that, if awarded a renewed charter, the school shall continue to be open to all students on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement. This is a true statement, made under the penalties of perjury.

\_\_\_\_\_  
Signature: Chair of Board of Trustees (or designated signatory authority)

\_\_\_\_\_  
Date

Print/Type Name:	
Title (if designated):	
Date of approval by board of trustees:	

## Horace Mann Renewal Application Certification Statement

<b>Name of School:</b>	
<b>Location:</b>	

### School Committee Approval Certification

I hereby certify that this application for renewal of a public school charter has received approval from a majority of the school committee in the district in which this Horace Mann charter school is located. This is a true statement, made under the penalties of perjury.

---

Signature of chair of the school committee \_\_\_\_\_ Date \_\_\_\_\_

Print/type name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime telephone \_\_\_\_\_ Fax \_\_\_\_\_

### Collective Bargaining Unit Approval Certification

I hereby certify that this application for renewal of a public school charter has received approval from a majority vote of the local collective bargaining unit in the district in which this Horace Mann charter school is located. This is a true statement, made under the penalties of perjury.

---

Signature of president of the local teachers' union \_\_\_\_\_ Date \_\_\_\_\_

Print/type name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime telephone \_\_\_\_\_ Fax \_\_\_\_\_

## Appendix C Documents

Appendix C must contain documentation of compliance with all building, health, safety, and insurance requirements as well as Department Guidance. *If these are not up to date, please provide evidence that you have scheduled the necessary inspections for the fall of 2016.* Please attach the following as a part of Appendix C:

- Up-to-date Certificate of Occupancy
- Up-to-date Fire Inspection Certificate
- Up-to-date Building Safety Inspection
- Up-to-date Flammable Compounds and Liquids Certificate (if applicable)
- Up-to-date Health Inspection
- Up-to-date Insurance Certificate(s)
- Asbestos Inspection and Management Plan (if applicable)
- Lead Paint Inspection (if applicable)

## Appendix D Additional Information

### Board of Trustees Turnover

Using the Board of Trustees Turnover table below list the number of board members joining and leaving the board in each school year of the current charter period.

School Year	Total Membership	Members Joining	Members Departing
2012-13			
2013-14			
2014-15			
2015-16			

\*Add rows as necessary

## Appendix E Application Content Checklist

The completed Application should present the required information in the following order:

- Cover page labeled “Application for Renewal of a Public School Charter” that lists the following information:
  - School name
  - School address
  - School contact information: name, title, telephone, and email address
  - Date that the school’s board of trustees voted approval of the Application
  - Application submission date
- Cover letter (optional)
- Table of contents listing all major sections and appendices
- Introduction to school (Table)
- Performance and plans section (should not exceed 25 pages)
  - Faithfulness to Charter
    - Criterion 1: Mission and Key Design Elements
    - Criterion 2: Access and Equity
    - Criterion 4: Dissemination
  - Academic Program Success
    - Criterion 5: Student Performance
    - Criterion 6: Program Delivery
    - Criterion 7: Culture and Family Engagement
  - Organizational Viability
    - Criterion 8: Capacity
    - Criterion 9: Governance
    - Criterion 10: Finance
  - Plans for the Next Five Years
- Appendices
  - A. Accountability Plan Performance
  - B. Statement of Assurances and Certifications
    - Statement of Assurances
    - Renewal Application Certification Statement (required of Commonwealth and Horace Mann charters)

- Horace Mann Renewal Application Certification Statement (required of Horace Mann charters)
- C. Documentation of compliance with all building, health, safety, and insurance requirements. *If these are not up to date, please provide evidence that you have scheduled the necessary inspections for the fall of 2016:*
  - Up-to-date Certificate of Occupancy
  - Up-to-date Fire Inspection Certificate
  - Up-to-date Building Safety Inspection
  - Up-to-date Flammable compounds and Liquids Certificate (if applicable)
  - Up-to-date Health Inspection
  - Up-to-date Insurance Certificate(s)
  - Asbestos Inspection and Management Plan (if applicable)
  - Lead Paint Inspection (if applicable)
- D. Additional Information, as required in these *Guidelines*
  - Board of trustees turnover

# Appendix 17: Charter School Closing Procedures

## Massachusetts Department of Elementary and Secondary Education Charter School Closing Procedures

December 2012

After the Massachusetts Board of Elementary and Secondary Education (BESE) votes its intent to non-renew, revoke, or suspend the charter of a charter school (School); or a vote by a school's board of trustees (Board) to voluntarily surrender its charter, the trustees of the school are responsible for ensuring the completion of the items listed in these Closing Procedures in cooperation with the Massachusetts Department Elementary and Secondary of Education (ESE). All documents should be submitted to the Charter School Office (CSO) of ESE unless otherwise indicated.

Item	Action	Due Date	Status
<b><i>Ongoing after the closure decision until the last day of instruction:</i></b>			
1	Continue <b>current instructional program</b> as specified in the school's charter.		
2	Continue to administer <b>MCAS</b> tests in accordance with regulations and policies.		
<b><i>Ongoing as necessary to conclude school affairs</i></b>			
3	Continue to submit all required reports to ESE (SIMS data, School Safety and Discipline Report, etc.)		
4	Submit draft <b>minutes</b> for all board meetings within 3 business days of each meeting and final minutes when approved.		
5	Maintain necessary <b>insurance coverage</b> to protect the school's assets until closure is finalized.		
<b><i>Immediately following the closure decision, the school's board of trustees must:</i></b>			
6	Provide <b>contact information</b> , including name, contact address, telephone number, and email address, for all members of the school's current board to the CSO.		
7	Designate a school contact person to send/receive communication from ESE regarding closure. Provide contact information, including affiliation with school, contact address, telephone number, and email address.		
8	Schedule a public community meeting, in coordination with ESE, to be held within 10 calendar days of the closure decision and to which all school stakeholders--including parents, students, teachers, partners, etc., are invited, to provide clear information about the school's current operating status. ESE representative(s) may be present, to the extent possible.		

Item	Action	Due Date	Status
<b>Within 10 calendar days of the closure decision:</b>			
9	Elect by a vote of the board, a <b>trustee or trustees</b> who will be responsible for ensuring that Closing Procedures are completed, especially after school employees have been discharged.		
10	Pursuant to contract or appointment, authorize an individual, or entities, to maintain student and school records as outlined below. Provide the contact information for the individual(s) to the CSO, including affiliation with school, contact address(es), telephone number(s), and email address(es).		
	(a) The appointed individual(s) or entities must assume responsibility for school records for a 10 year term, including, but not limited to, all payroll records;		
	(b) The appointed individual(s) must assume responsibility for permanent student records (transcripts) for a 60 year term;		
11	Establish by a vote of the board, a separate checking account in which an amount of funds determined by the ESE in consultation with the school must be set-aside for final legal, accounting, audit, or other expenses necessary to execute this Closure Protocol. In the event the school elected to be "self-insured" for unemployment purposes, the school may have significant financial liability after the end of instruction and reserve funds should be set aside.		
12	Provide <b>written notification regarding the impending closure</b> to:		
	(a) <b>students/parents/guardians.</b> Such notification shall include, but not be limited		
	(i) date of the last day of regular instruction according to the school's published calendar for the year or as defined in the school's charter;		
	(ii) cancellation of any planned summer programs;		
	(iii) information for parents that enrollment of children in the public school of their district of residence or in a private school approved by the district in which it is located is mandatory under state law;		
	(iv) the contact information for the enrollment office of the public school district for the student's town of residence; and		
	(v) before the end of instruction, an offer to provide copies of the student records and a final report card and specific information regarding how to access students records after school closure.		
	(b) <b>all employees.</b> Such notification shall include, but not be limited to the		
	(i) date of the last day of regular instruction according to the school's published calendar for the year or as defined in the school's charter;		
	(ii) information regarding the date of termination of employment and/or contracts and benefits;		
	(iii) information regarding possible eligibility for continuation of benefits under COBRA ( <a href="http://www.dol.gov/dol/topic/health-plans/cobra.htm">http://www.dol.gov/dol/topic/health-plans/cobra.htm</a> ) or HIPAA (Health Insurance Portability Act), and unemployment benefits through the MA Division of Unemployment ( <a href="http://www.mass.gov/dua">http://www.mass.gov/dua</a> ).		
	(c) <b>sending district of residence for each student.</b> If applicable, notification of cessation of services for transportation, food programs, etc., and return of district property should be included.		

Item	Action	Due Date	Status
	(d) <b>all debtors, creditors, landlords, lessors, and funding sources.</b> Such notification should include the amount due to/from the school and indicate the need to negotiate a settlement of debts, if applicable.		
	(e) Provide to the CSO a copy of each of these notices, a list of names/addresses of recipients, and proof that notifications were sent.		

Item	Action	Due Date	Status
<b><i>Within 30 calendar days of closure decision and updated as determined by ESE:</i></b>			
13	Submit the following <b>financial documents</b> (and submit updates on a monthly basis until finalization of closure)		
	(a) a current <b>balance sheet</b> as of the month just ended before the closure decision, including accompanying schedules for:		
	(i) all assets and their value;		
	(ii) accounts/loans payable or other liabilities that exceed \$1,000;		
	(b) a current <b>income statement</b> as of the month just ended before the closure		
	(c) a <b>grants report</b> indicating the anticipated use of all funds received through federal and state grants, including a plan to return funds as appropriate for grant projects/programs that will be terminated or not completed. The school cannot use these funds for costs related to closure.		
	(d) a <b>comprehensive month-to-month cash flow statement</b> to operate the school through the closure date which accounts for the full disposition of assets and specifically gives priority to and includes:		
	(i) payment of instructional staff to ensure completion of the school's instructional program (including an itemized schedule of current and projected payroll and payroll benefit payments, including payout of any accrued leave/vacation time);		
	(ii) total funds to satisfy all outstanding liabilities including but not limited to all contracts/leases and payoff of all debts;		
	(iii) payments to the Massachusetts Teachers Retirement System (MTRS) on behalf of employees;		
	(iv) payment of any costs associated with transition of students and records;		
	(v) costs for a complete, close-out financial audit;		
	(vi) all other costs associated with closure.		

Item	Action	Due Date	Status
<b>Within 60 calendar days of closure decision:</b>			
14	Engage by a vote of the board, an <b>independent auditor</b> , subject to CSO approval, to conduct a final close-out audit of the school. Submit a copy of the engagement letter and an estimated timeline for the start and completion of the audit.		
15	Submit a <b>student records transition plan</b> , including:		
	(a) the name(s) and contact information for the person(s) responsible for completion of student transcripts, including insertion of final grades;		
	(b) the name(s) and contact information for the person(s) responsible for transition of students records and for providing assistance to students and parents in transferring from the charter school to the district public or private school chosen by the family;		
	(c) details about where records will be transferred or stored and how records will be destroyed;		
	(d) a timeline for the completion of this transfer.		
16	Take appropriate action to <b>terminate any contracts/leases and any other obligations of the school</b> that extend beyond the closure date, including those related to summer instruction.		
17	Submit a plan for the disposition of all assets owned by the charter school, including plans to give first priority for equipment and supplies to other public schools and then to non-profit organizations. Existing insurance coverage should be maintained on the assets until disposal or transfer of deed. The school may not dispose of any fixed assets until ESE has approved the asset disposition plan. All assets owned by a Horace Mann charter school must revert back to the district.		
<b>Prior to finalization of closure</b>			
18	Submit the following final reports:		
	(a) SIMS End of Year enrollment data		
	(b) School Safety and Discipline Report		
	(c) Final Annual Report		
	(d) Final ESE Financial Report Forms along with any unspent funds for all grants. (If the school received funds directly from the U.S. Department of Education, file Federal form 269 or 269a. See CFR 80.41)		
	(e) Close-out independent financial audit and final Charter School End of Year Financial Report.		
	(f) A final balance sheet (as described above), indicating how the board ultimately disposed of assets and resolved any outstanding obligations.		
19	File all final federal, state, and local tax returns and issue final W2s and 1099s by statutory deadlines to the appropriate parties.		
20	Make all final payments to the Massachusetts Teacher Retirement System.		
21	Submit a check to ESE for any remaining funds after the settling of final accounts and the disposition of all assets.		

## Other Attachment File(s)

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\* **Mandatory Other Attachment Filename:**

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To add more "Other Attachment" attachments, please use the attachment buttons below.

## CHARTER SCHOOLS PROGRAM ASSURANCES – STATE EDUCATIONAL AGENCIES

Pursuant to Section 5203(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA); Title III of the Consolidated and Further Continuing Appropriations Act, 2015; and sections 200.302(a) and 200.331(d) of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, a State educational agency (SEA) application for a grant under the CSP must contain the following assurances.

As the duly authorized representative of the applicant, I certify to the following:

1) The applicant will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing: A. A description of the educational program to be implemented by the proposed charter school, including (i) how the program will enable all students to meet challenging State student academic achievement standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;

B. A description of how the charter school will be managed;

C. A description of (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;

D. A description of the administrative relationship between the charter school and the authorized public chartering agency;

E. A description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;

F. A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met its objectives;

G. A request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that the applicant proposes to be waived, or otherwise not apply to, the school;

H. A description of how the subgrant funds will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the U.S. Secretary of Education;

I. A description of how students in the community will be (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;

J. An assurance that the eligible applicant will annually provide the Secretary and the SEA such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

K. An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the program assisted under this subpart;

L. A description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

M. If the eligible applicant desires to use subgrant funds for dissemination activities under section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

N. Such other information and assurances as the Secretary and SEA may require.

2) The applicant will – A. Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program; and

B. Use a peer review process to review applications for subgrants.

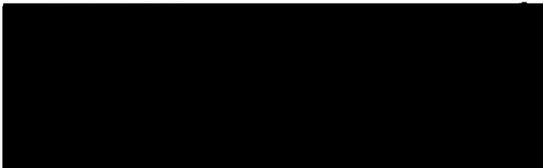
3) State law, regulations, or other policies in the State where the applicant is located require that – A. Each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and

B. Authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as one of the most important factors when determining to renew or revoke a school's charter.

4) The applicant will monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

5) The applicant and each subrecipient will use financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, that are sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Mitchell Chester



**SIGNATURE OF AUTHORIZED OFFICIAL**

Massachusetts Department of Elementary  
and Secondary Education

**APPLICANT ORGANIZATION**

Massachusetts Commissioner of Education

**OFFICIAL TITLE**

7/14/15

**DATE**

7/14/15

**DATE SUBMITTED**

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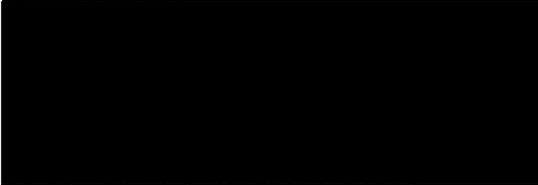
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Mitchell Chester



SIGNATURE OF AUTHORIZED OFFICIAL

Massachusetts Commissioner of Education

OFFICIAL TITLE

7/14/15

DATE

Massachusetts Department of Elementary  
and Secondary Education

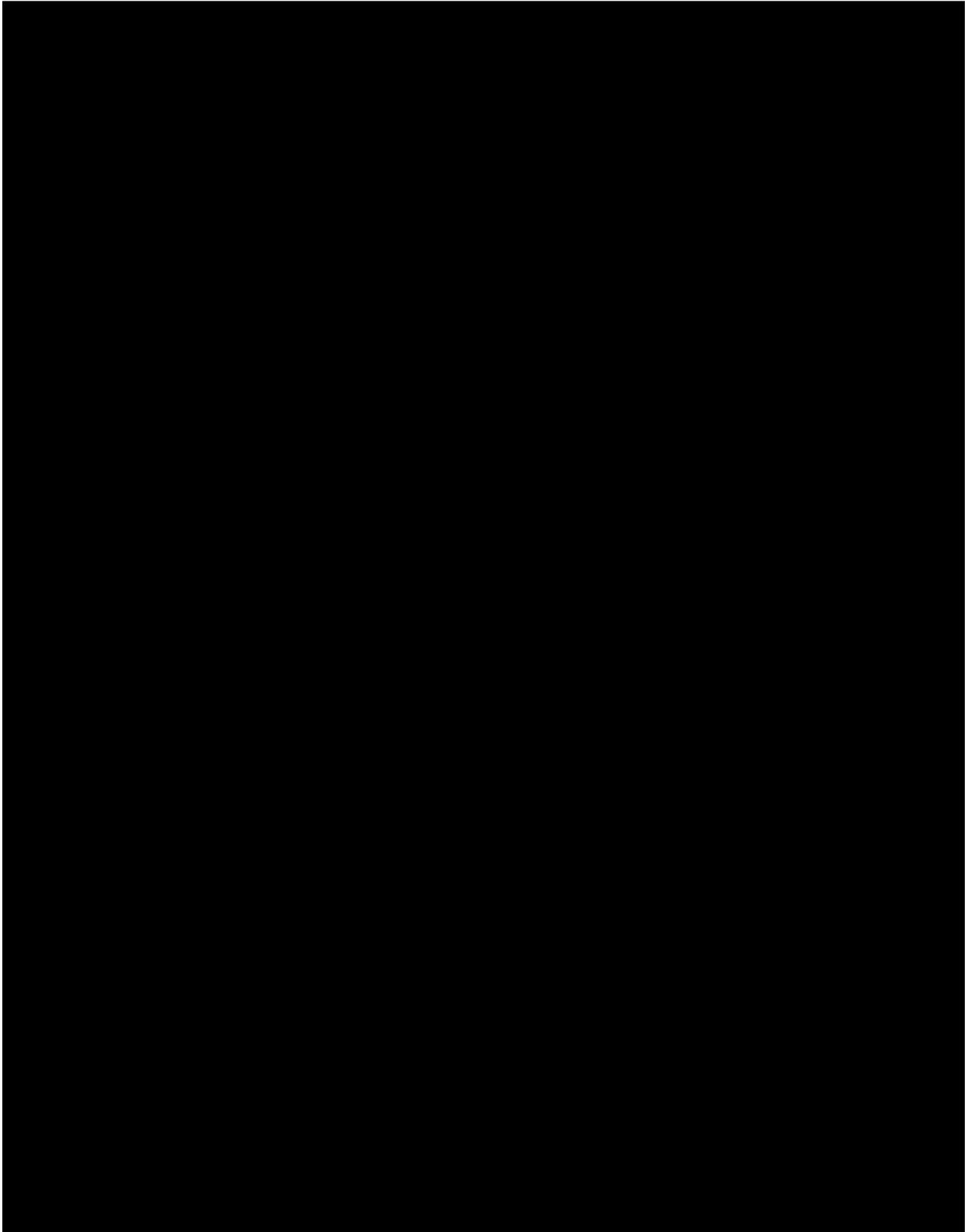
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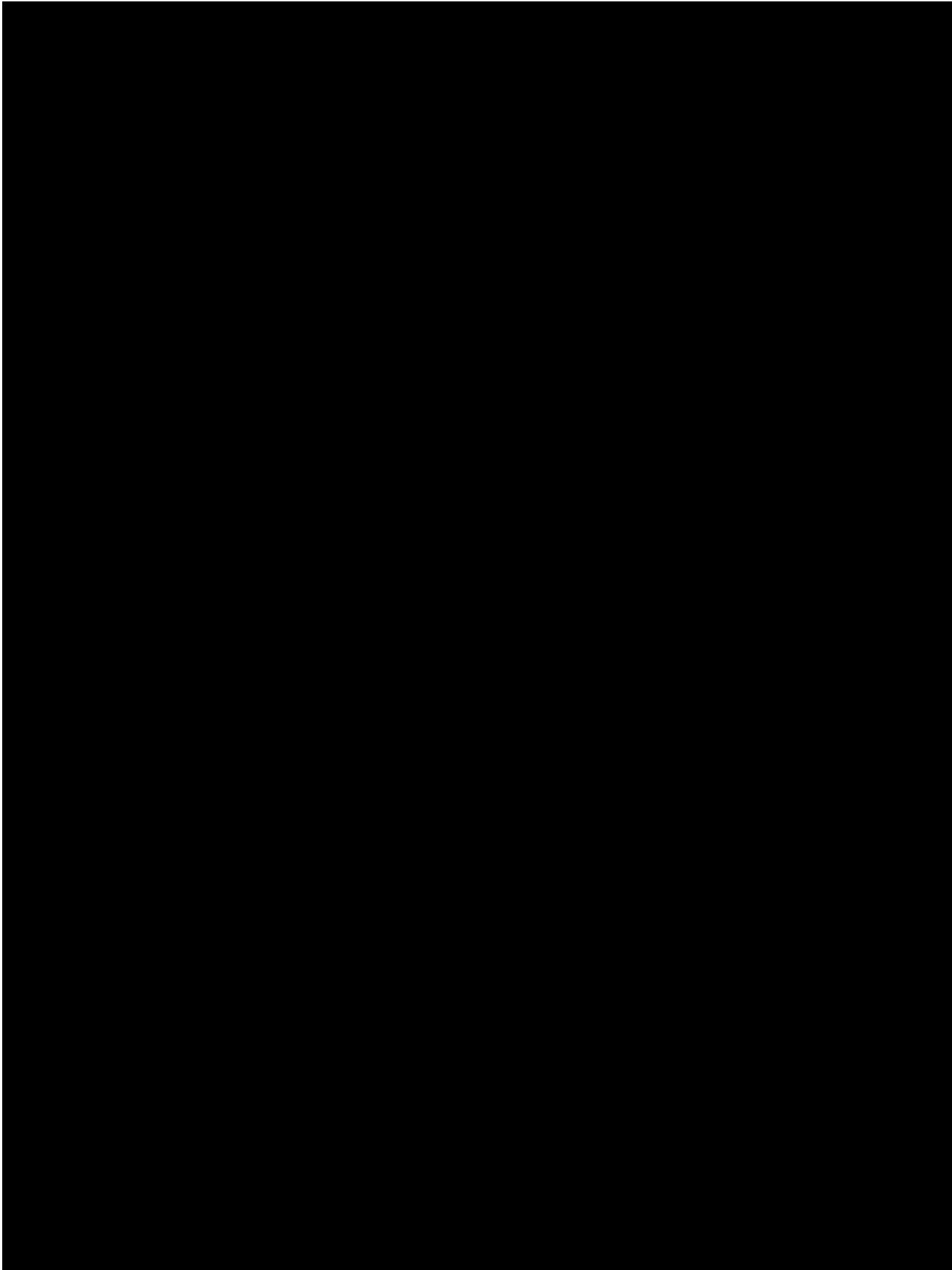
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DATE SUBMITTED

# Mitchell Dan Chester

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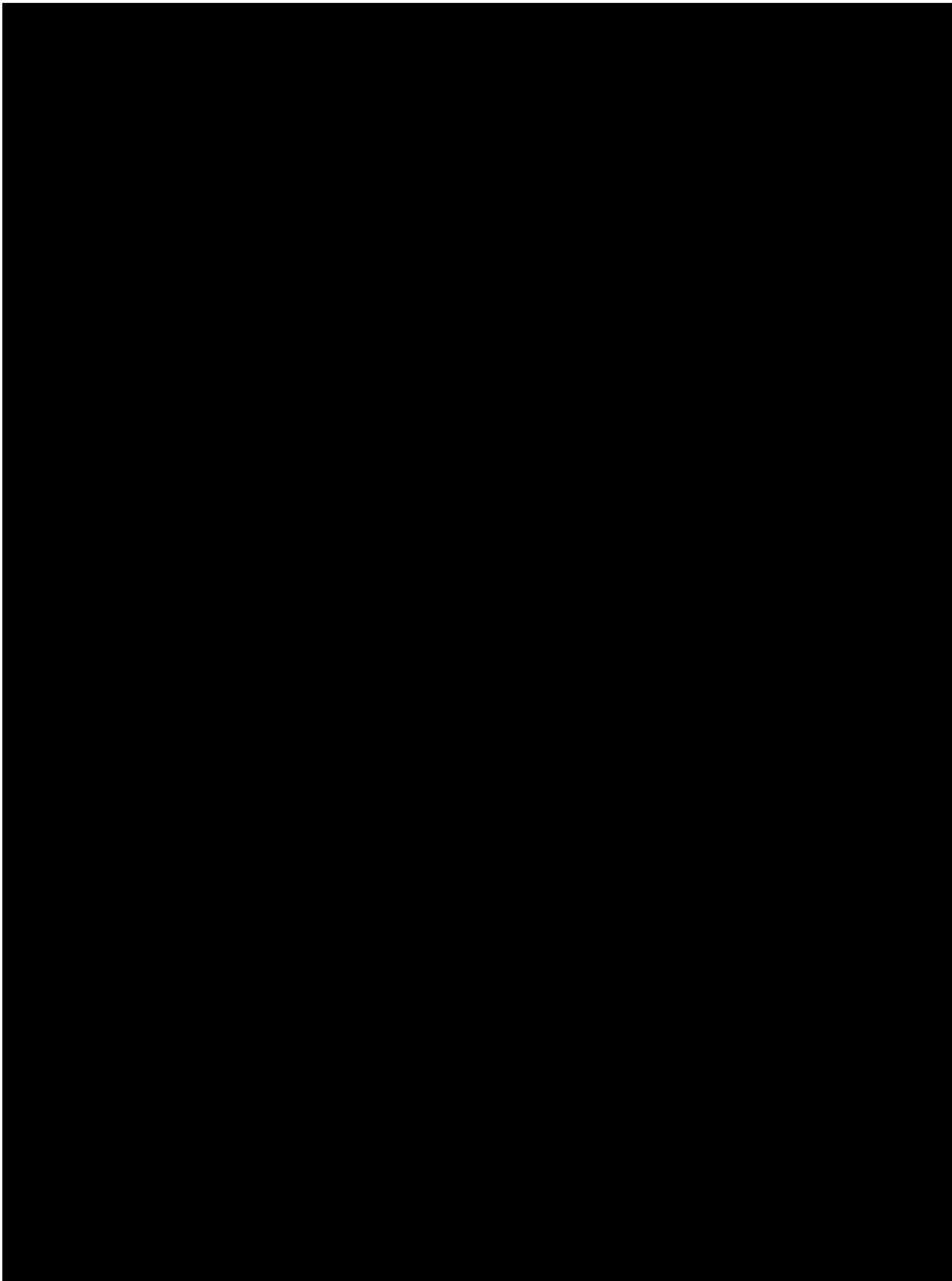


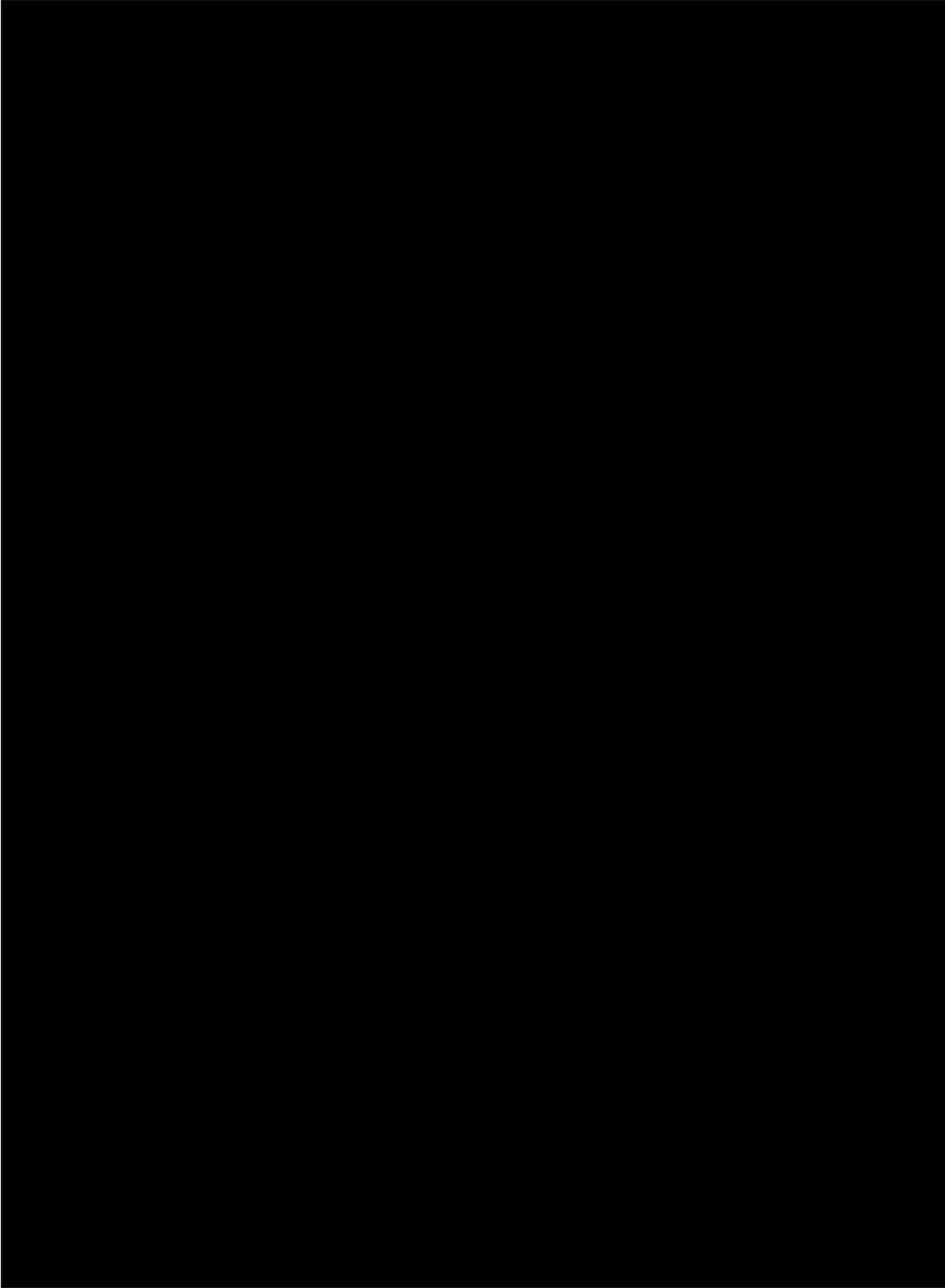
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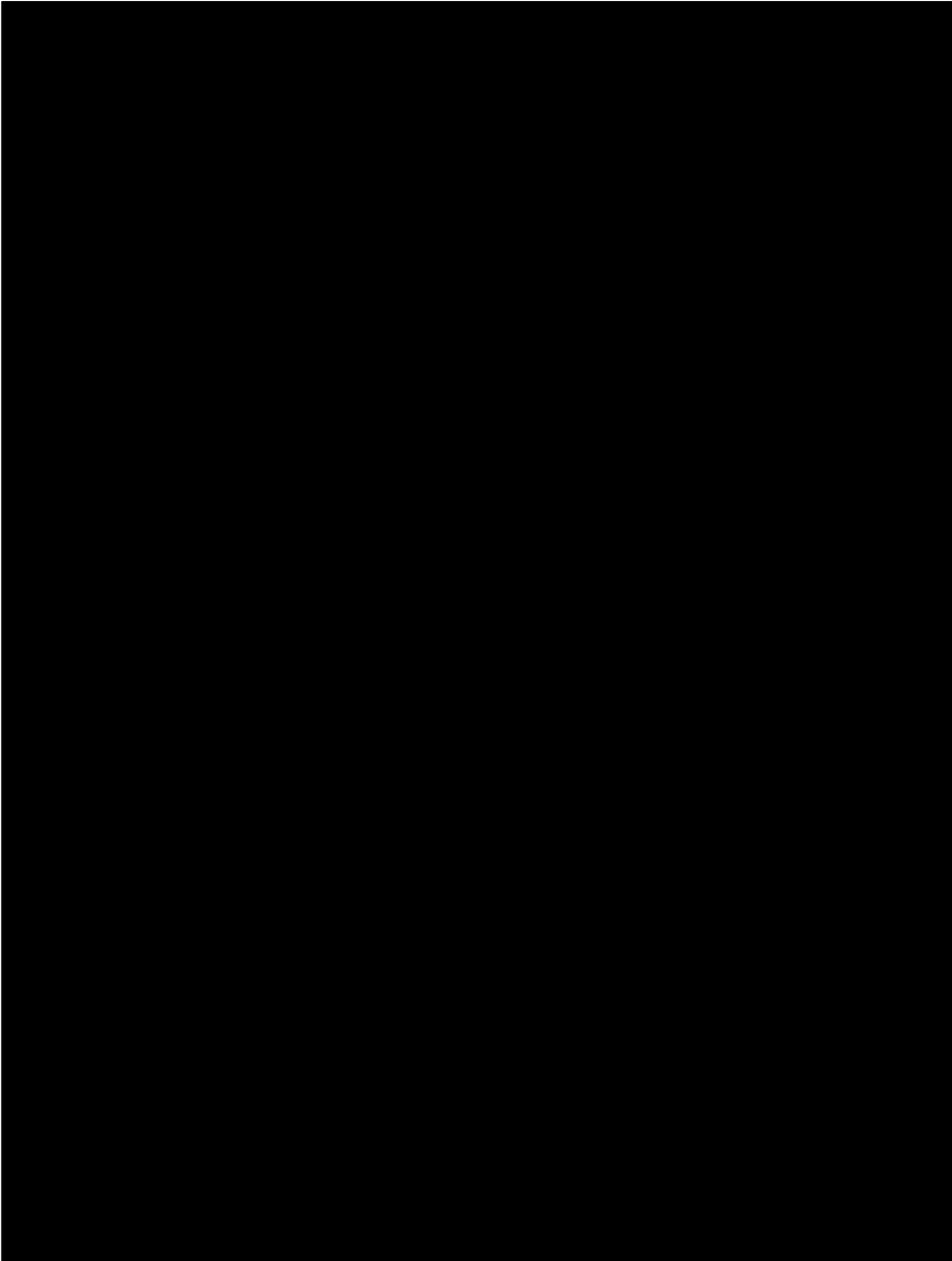
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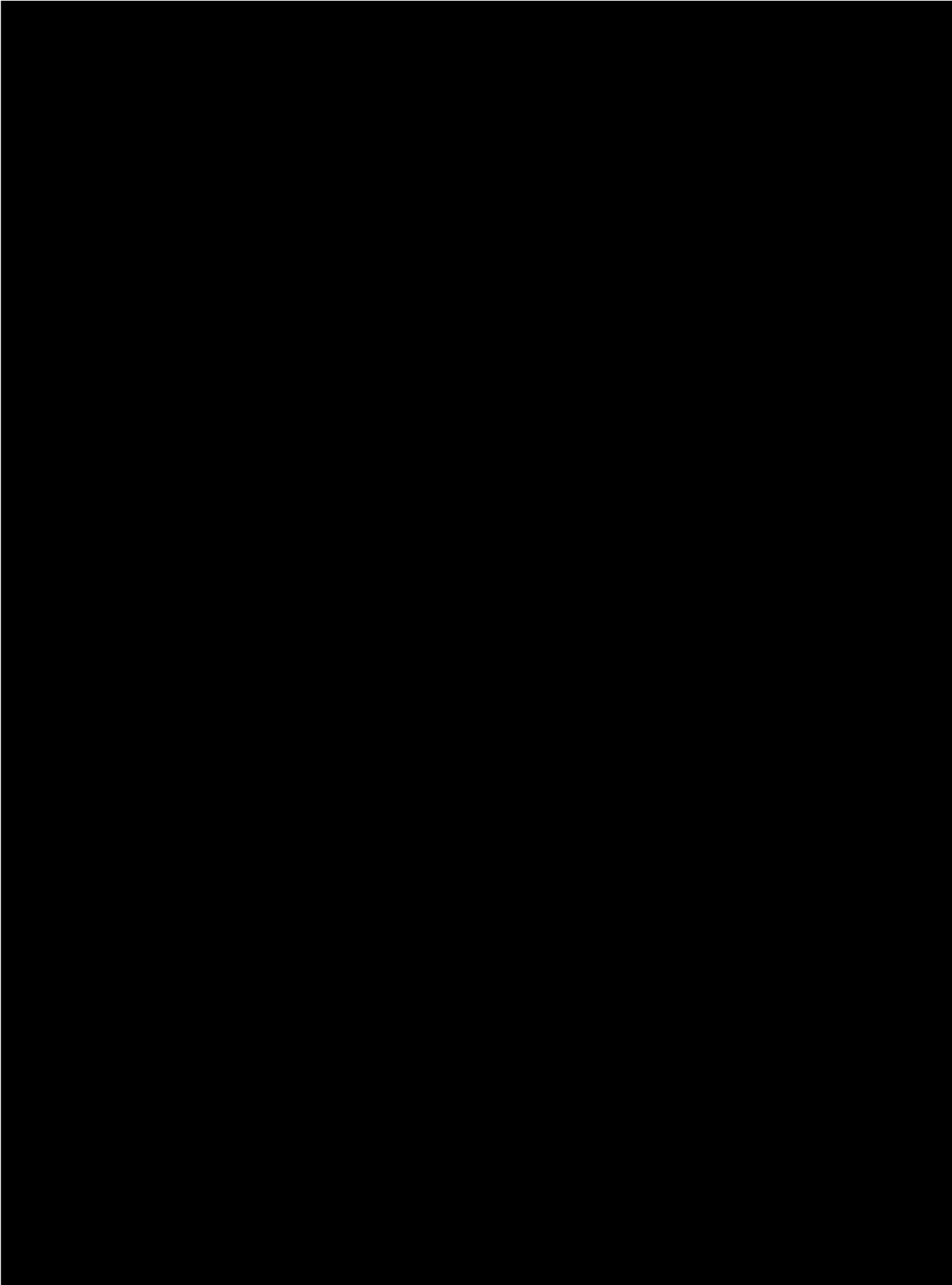
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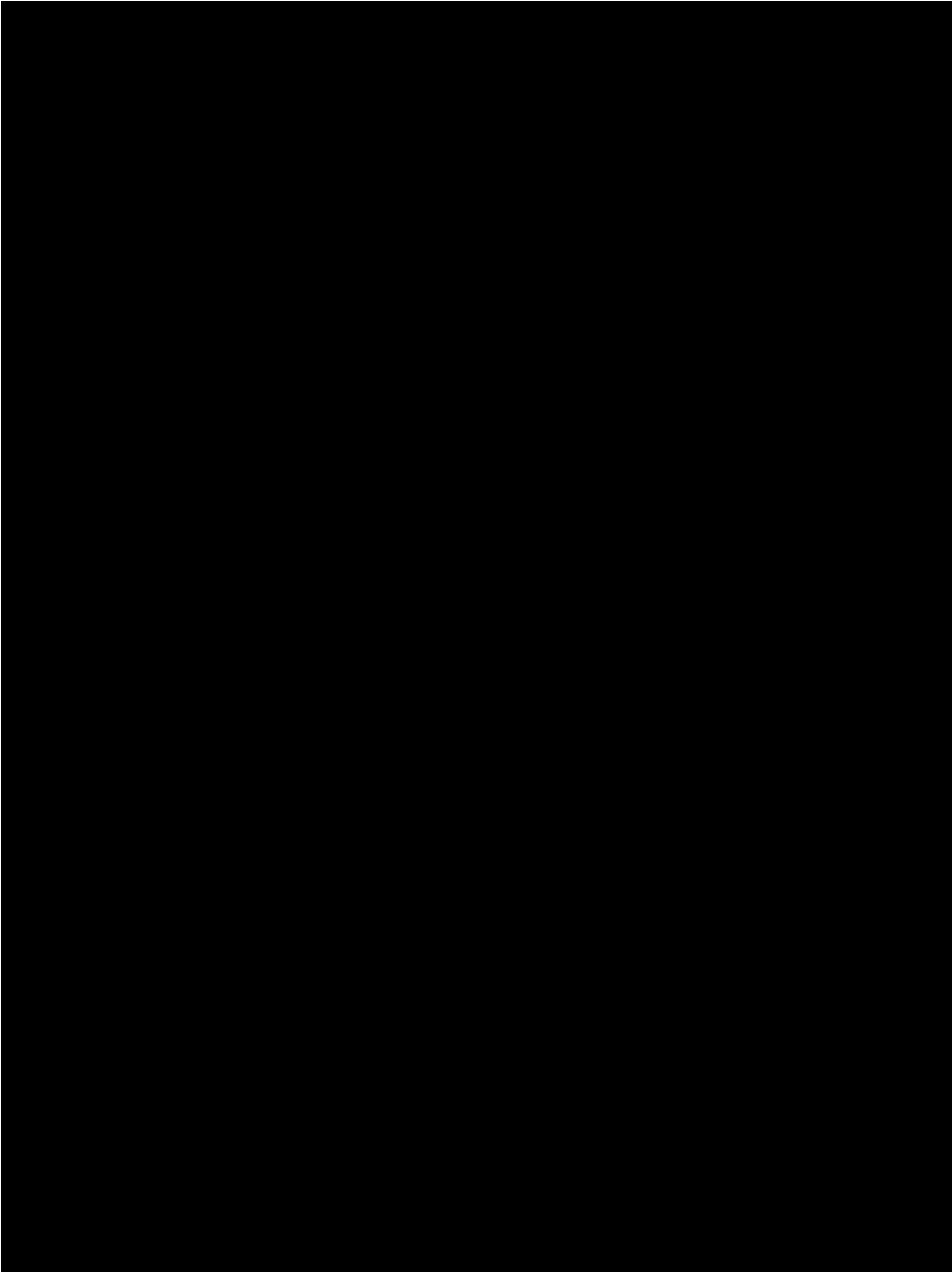
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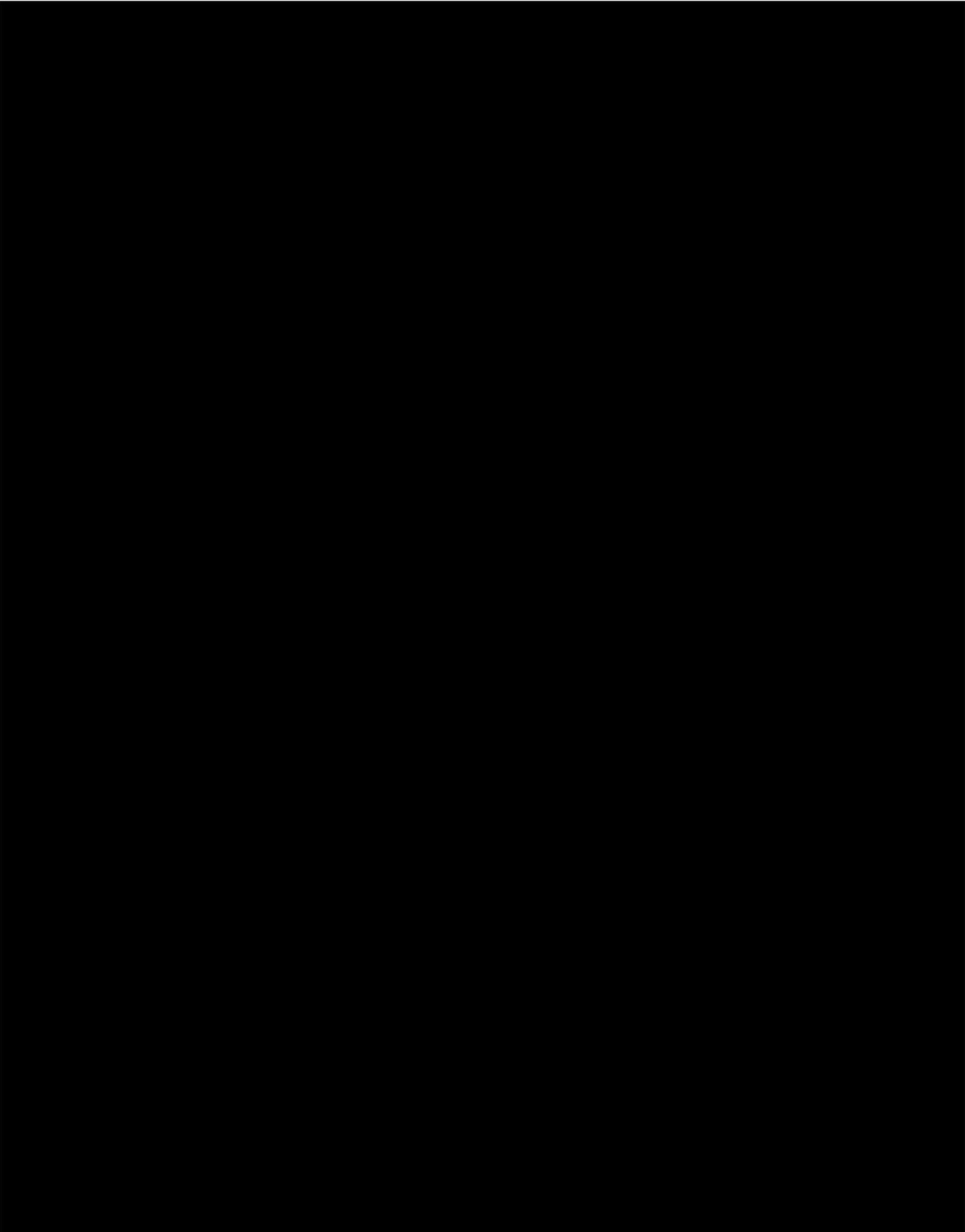


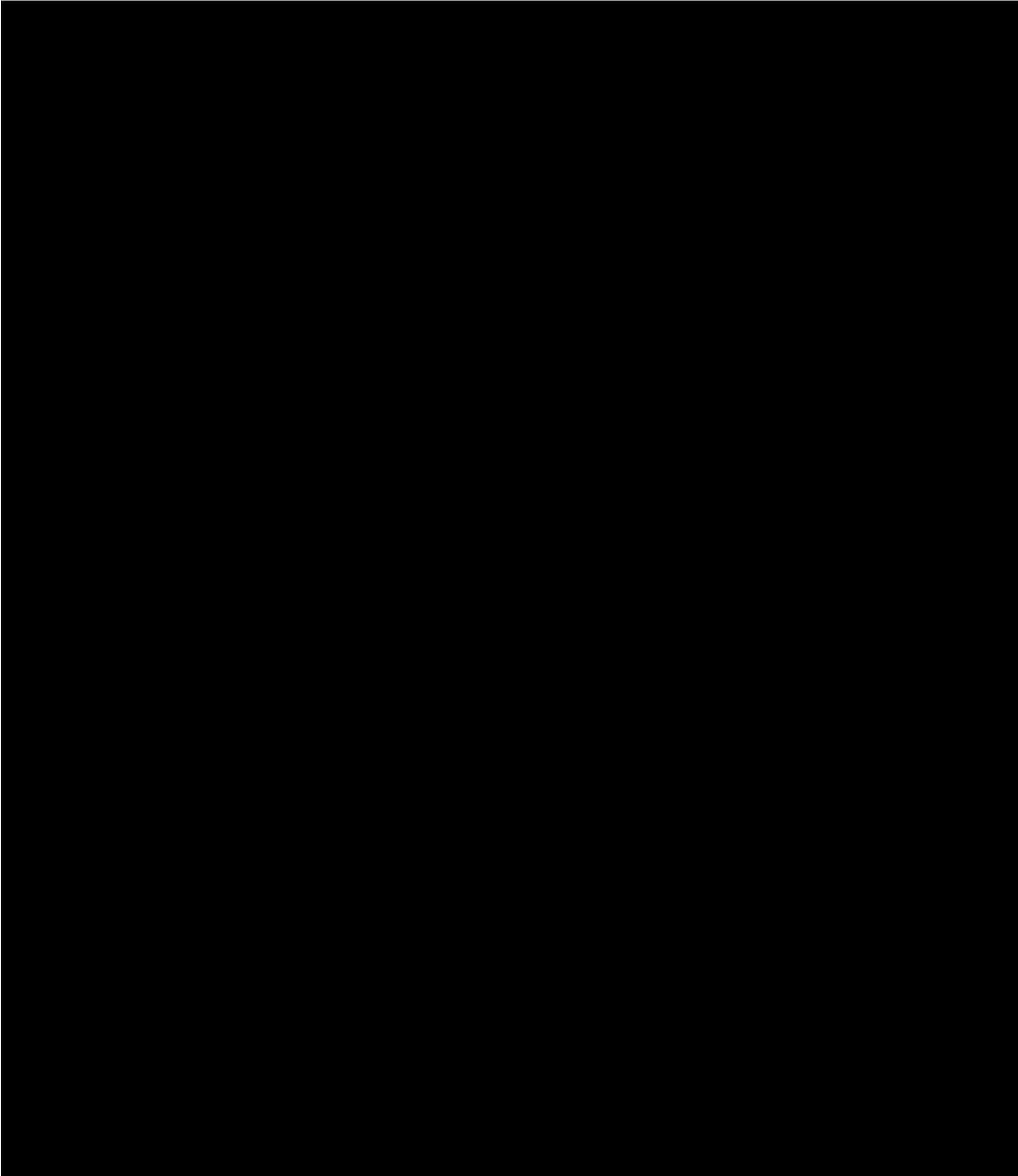






# CLIFF W. CHUANG

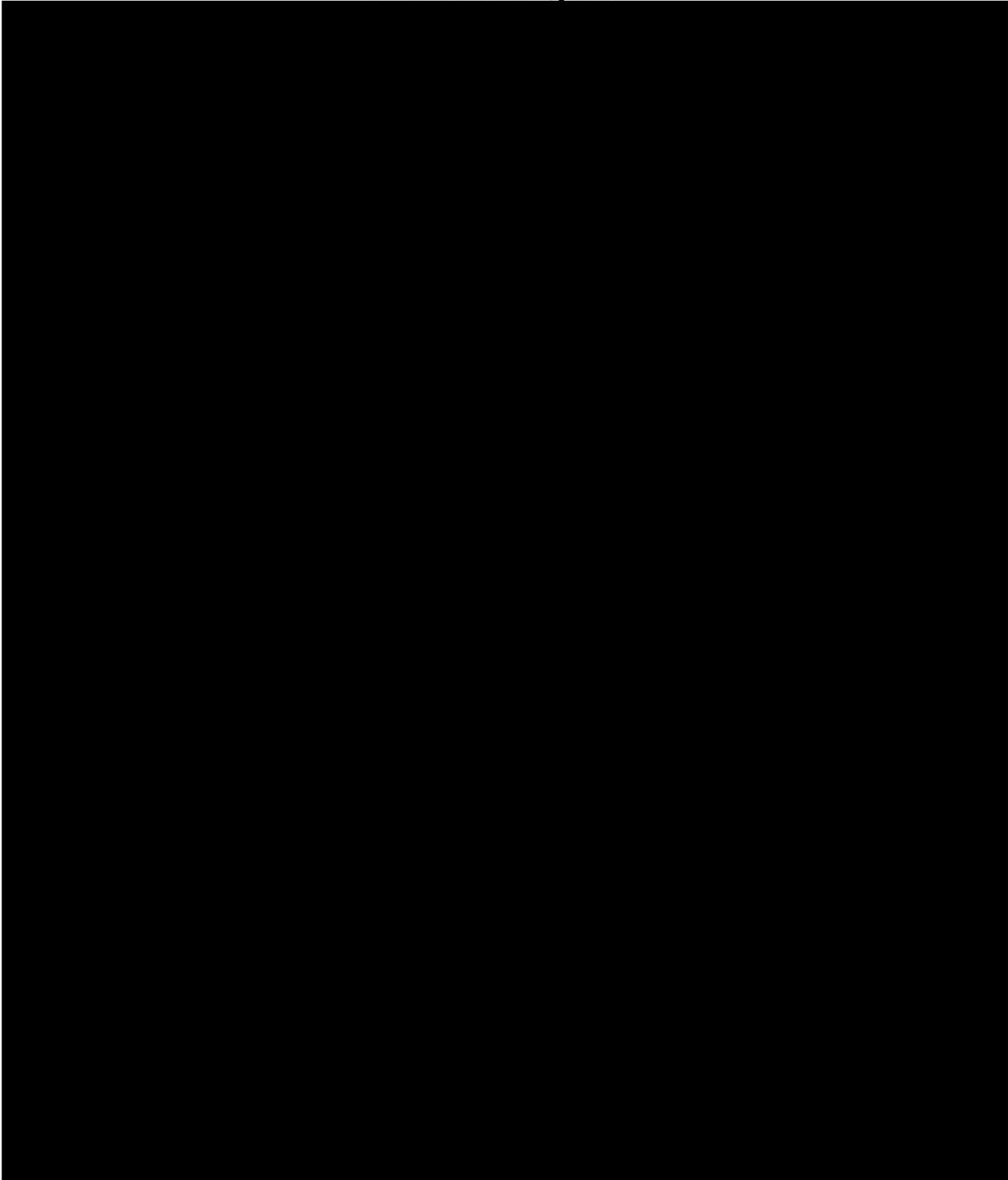


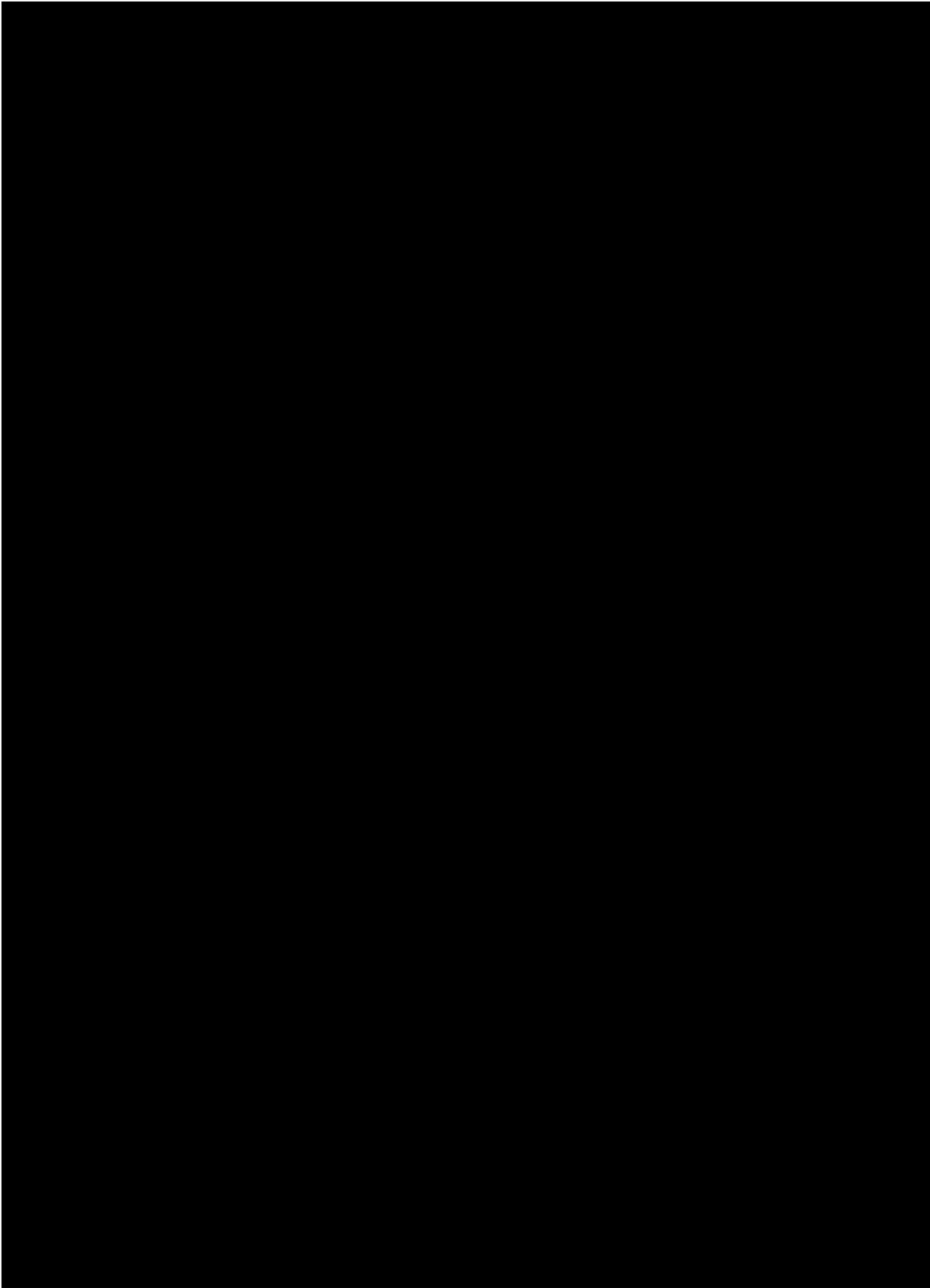


# RUTH HERSH



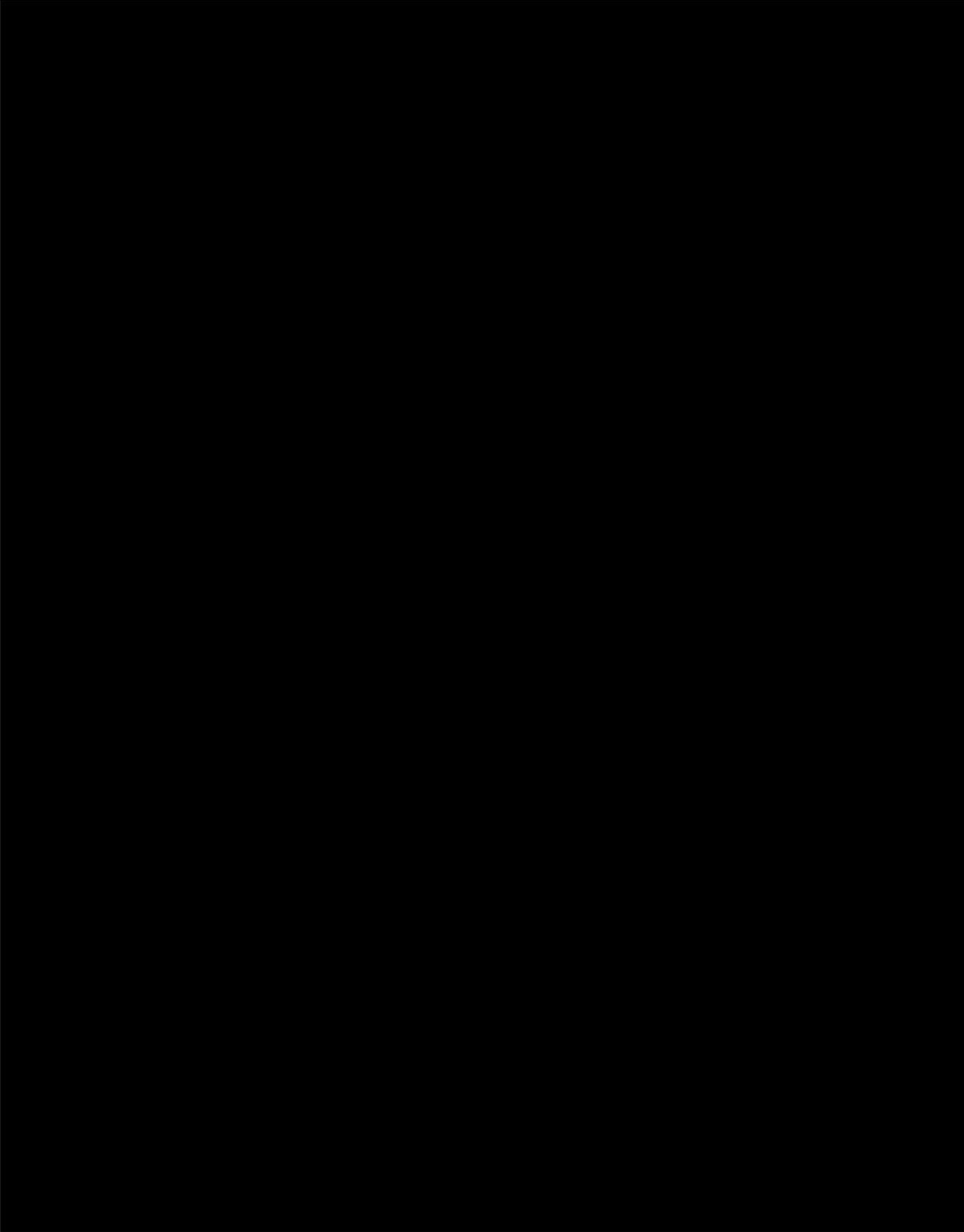
**Joanna C. Laghetto**





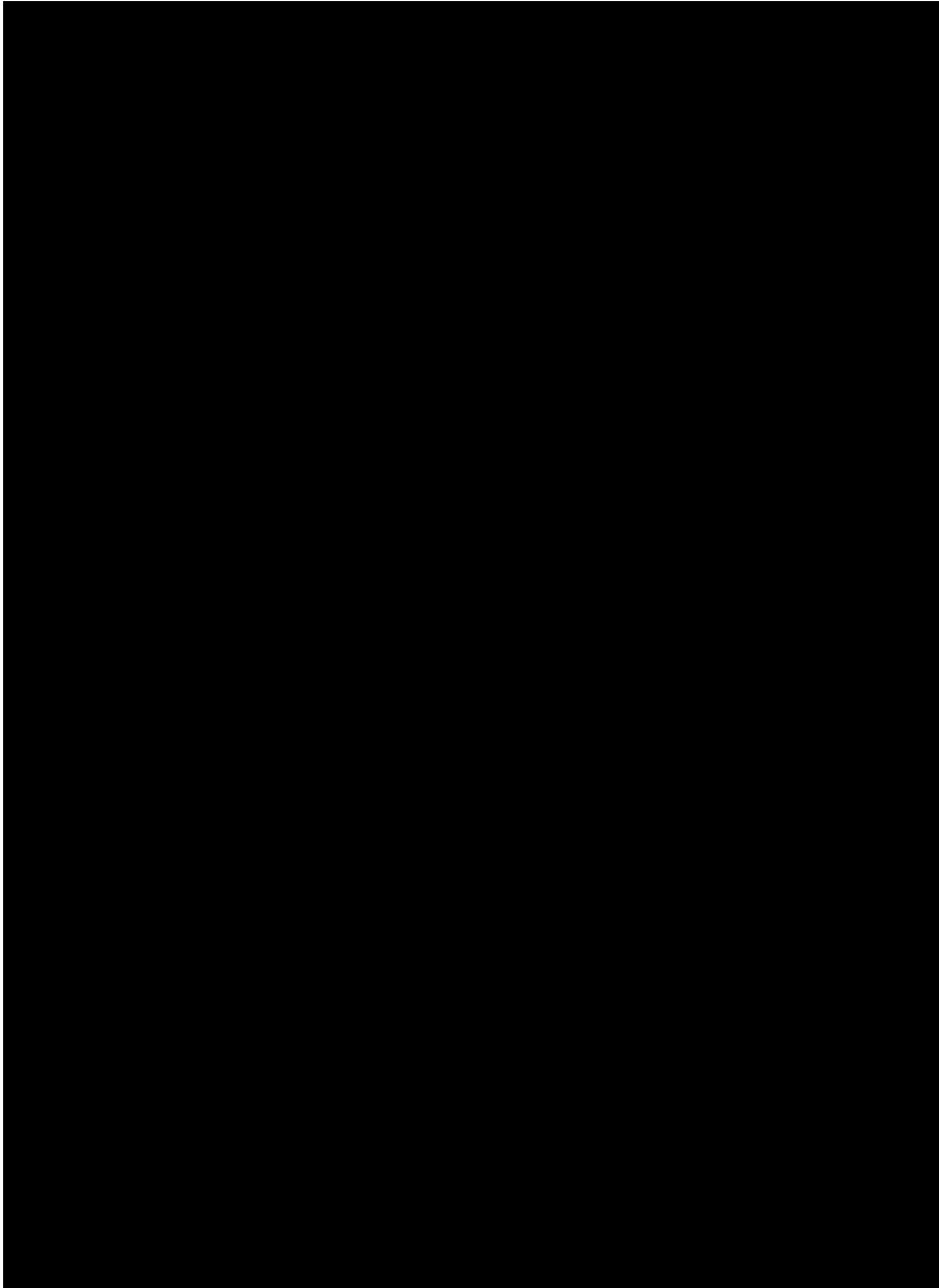


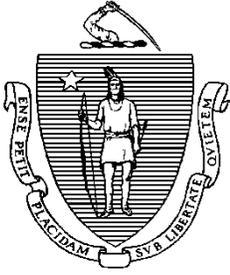
ALYSSA K. HOPKINS





**Alison Wood Bagg**





OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**

STATE HOUSE • BOSTON, MA 02133

(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

May 25, 2016

Secretary John B. King  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington D.C. 20202

Dear Secretary King:

We are writing to express our full support of the Massachusetts Department of Elementary and Secondary Education's (Department) application for continued funding under the federal State Educational Agency Charter Schools Program (CSP) for the next five years. We fully support the expansion of public school choice through the creation and replication of high-quality charter schools, in order to help close educational achievement gaps and provide parents with a variety of school options to meet the unique needs of their children. The federal CSP grant is essential to sustaining the expansion of Massachusetts' charter school sector, and to disseminating best practices and improving collaboration with traditional public schools in the Commonwealth.

Massachusetts is home to some of the nation's highest-performing charter schools, as consistently recognized by rigorous studies conducted by researchers at Harvard, MIT, and Stanford. The Commonwealth also boasts a rigorous, nationally recognized charter school authorization process conducted by the Department and the Massachusetts Board of Elementary and Secondary Education. Other key factors that contribute to the success of the Massachusetts' charter sector include a wealth of entrepreneurial talent in our charter leaders, an authorizing statute that provides charters with real autonomy, the Commonwealth's strong academic and accountability standards, equitable per-pupil funding, and a strong network of philanthropic and non-profit support.

Since the passage of the Commonwealth's *An Act Relative to the Achievement Gap of 2010*, charter schools and other high-quality school operators are playing a much larger role in state and district strategies for improving student achievement, particularly in urban communities. There are promising examples of substantive, school-level collaborations between traditional district and charter schools focused on professional learning and on students in need of the most support in Boston, Salem, Lawrence, and Springfield with the likelihood of similar work emerging in several other cities.

Federal CSP grant support awarded by the U.S. Department of Education has greatly enhanced the dissemination of best practices, and the availability of federal dissemination grant funds in the next five years is crucial to further accelerating this work. Additionally, the federal CSP start-up grant support to each founding group that successfully makes it through the Commonwealth's extremely rigorous charter application process is critical for ensuring that the charter sector is able to grow with high-quality schools. This grant support allows each founding team to focus on launching a school with the right instructional elements in place, rather than being distracted by significant fundraising for basic start-up needs or by the need for team members to maintain other employment to support them during the critical launch period.

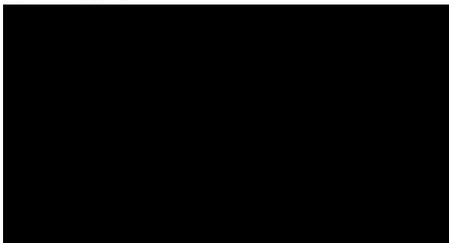
The Commonwealth's charter schools continue to lead the nation in terms of quality. Last fall, our Administration introduced legislation that would permit up to 12 new charter schools or expansions each year in the lowest performing 25% of districts. Although this legislation is still pending, a similar ballot initiative is likely to be voted on this coming November. The continued federal commitment to charter schools in Massachusetts, as evidenced by a CSP grant, would be an important signal that we must continue to push for expanding access to high-quality schools, whether charter or in traditional districts.

We believe that charter schools are a key aspect of Massachusetts' comprehensive strategy to ensure success for all students, and federal CSP funding is crucial to ensuring the continued growth and health of the Commonwealth's vibrant charter school sector and its increasingly strong district partnerships. Thank you for your full and careful consideration of this grant application to continue that work.

Sincerely,



Charles D. Baker  
Governor



James A. Peyser  
Secretary of Education



105 W. Adams St  
Suite 1900  
Chicago, IL 60603

T: (312) 376-2300  
F: (312) 376-2400

[www.qualitycharters.org](http://www.qualitycharters.org)

May 24, 2016

Mr. Cliff Chuang  
Senior Associate Commissioner for Educational Options  
Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148

Dear Cliff,

On behalf of the National Association of Charter School Authorizers (NACSA), I am pleased to submit this letter of support of the Massachusetts Department of Elementary and Secondary Education's (Mass ESE) application to the U.S. Department of Education's Charter School Program (CSP) Grants for State Educational Agencies (SEA). Mass ESE and its portfolio of charter schools are achieving strong outcomes for students and the public interest, making the department a national exemplar of charter school authorizing practices.

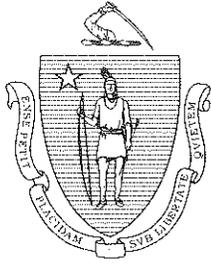
Funded in part by a Federal National Leadership Activities Grant, NACSA is currently developing an empirical evidence base of authorizing practices that are linked to strong outcomes. Guided by an Advisory Board comprised of authorizing, policy, and accountability experts from around the country, NACSA has identified eleven rigorous authorizer portfolio and performance outcomes expected in a quality portfolio of schools. These include outcomes related to student achievement and attainment, financial viability, accessibility, transparency, strong school openings, accountability for poor or unethical school outcomes, and performance standards, among others.

The Mass ESE was one of only 10 authorizers across the country to meet all eleven outcomes, including the rigorous student outcome standards (only 20 percent of all authorizers across the country meet these rigorous student outcome standards). As a result, Mass ESE has been selected to take part in NACSA's research pilot, which will document and widely disseminate the practices of five exceptional authorizers.

NACSA believes that the strong outcomes for students and the public that the Mass ESE has achieved make its practices worthy of study and adoption by authorizers across the country. A CSP SEA grant would have a great impact on Mass ESE's ongoing work of building a strong charter school sector in Massachusetts and, more importantly, help strengthen the authorizing practices of other agencies and organizations across the nation.

Sincerely,

M. Karega Rausch, Ph.D.  
Vice President, Research & Evaluation



*The Commonwealth of Massachusetts*  
*House of Representatives*  
*State House, Boston 02133-1054*

**ALICE H. PEISCH**  
**REPRESENTATIVE**  
14TH NORFOLK DISTRICT  
WELLESLEY - WESTON - WAYLAND

CHAIR  
Joint Committee on Education

Alice.Peisch@MAhouse.gov

STATE HOUSE, ROOM 473G  
TEL (617) 722-2070

May 25, 2016

Secretary John B. King  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington D.C. 20202

Dear Secretary King:

I write in support of the Massachusetts Department of Elementary and Secondary Education's (Department) application for continued funding under the federal State Educational Agency Charter Schools Program (CSP) for the next five years. The support of the federal CSP grant is crucial to sustaining the high-quality educational options provided by charter schools in Massachusetts, and more importantly, to further advance the dissemination of best practices and collaboration with traditional public schools in the state.

Massachusetts is home to some of the nation's highest-performing charter schools, as consistently recognized by researchers at MIT and Stanford through various studies over the past several years. Many factors support the quality of Massachusetts' charter sector, including the rigorous charter authorizing practices of the Department and the Massachusetts Board of Elementary and Secondary Education (the state's sole charter authorizer), the state's generally high academic and accountability standards, a robust market of high-capacity charter operators, and a rigorous charter renewal process. However, one of the most important factors is the federal CSP start-up grant support that is provided by the Department to each founding group that is granted a charter after successfully making it through the charter application process. This grant support during the planning and early implementation phase allows each school to build a team early and to permit team members to focus on developing and refining their educational program, rather than focusing on significant fundraising for basic start-up needs.

Additionally, it is important to note that since the passage of *An Act Relative to the*

*Achievement Gap* of 2010, the Department and many urban school districts are increasingly leveraging charter schools and other high-quality school operators as a strategy for significantly improving student achievement. There is a growing environment of collaboration between traditional district and charter schools, particularly in the state's urban communities, with both philanthropic and federal support funding partnerships in many cities. In particular, there are promising examples of substantive, school-level projects focused on professional learning and on students in need of the most support in Boston, Salem, Lawrence, and Springfield, with the likelihood of similar work emerging in several other cities. Federal CSP grant support awarded by the Department has greatly enhanced these dissemination efforts, and the availability of federal dissemination grant funds in the next five years is needed to further accelerate this work.

Charter schools are an important aspect of Massachusetts' strategy to ensure success after high school for all students, and federal CSP funding is necessary to ensure the continued growth and health of both the charter school sector and robust district partnerships.

Sincerely,



Alice Hanlon Peisch  
State Representative  
14th Norfolk District



Secretary John B. King  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington DC, 20202

May 28, 2016

Dear Secretary King:

I am writing on behalf of the Massachusetts Charter Public School Association (MCPSPA) to express our full support of the Massachusetts Department of Elementary and Secondary Education's (DESE) application for continued funding under the federal State Educational Agency Charter Schools Program (CSP) for the next five years.

Massachusetts' charter schools consistently rank top in the nation, providing a much-needed high quality public school option for low-income families. Many factors support the quality of the Massachusetts' charter sector including a rigorous authorizing process and ongoing oversight of charter schools; highly qualified and committed operators; and ongoing collaborative advocacy that emphasizes growth *and* quality of the sector, as well as its impact on public education. However, availability of federal CSP grants continues to be one of the most important factors of success for a new charter. In fact, the award of federal CSP funds enables new operators to successfully implement their new charter and open a new school within six months of receiving state authorization. Additionally, the award of a federal CSP grant to a new charter school incentivizes local philanthropists to continue to offer financial support to new charters, albeit at much lower levels.

The Massachusetts charter initiative is in its 21<sup>st</sup> year. Over two decades' worth of instructional practices honed in charter schools have been incorporated into districts and into the state's district turnaround efforts, supporting efforts to close the achievement gap. Those practices include longer school days/years, high dosage tutoring, frequent feedback and evaluation of teachers, a culture of high expectations, and a laser like focus on high quality instruction. Today, charter schools are focused on resolving new challenges that persist in the field of education including the academic success of students with disabilities and English language learners; mental health challenges posed by significant poverty; preparing for career; integrating restorative justice and other innovative disciplinary practices; and college completion, to name a few. Just as the first 20 years of the sector gave rise to new practices now embedded more broadly in public education, we expect new learnings out of charter schools to be fully shared and disseminated with districts so that they may be used to support all students.

MCPSA works in close partnership with the DESE on all aspects of the charter school sector. Most recently we are working collaboratively to support our respective efforts to promote access to charter schools for students with disabilities and English language learners, including the launch of MCPSA's new Massachusetts Charter School Collaborative Access Network designed to enhance charter capacity to support such students. In addition, we are working collaboratively to promote the dissemination of best practices and collaboration among leaders of urban charter schools and their corresponding urban superintendents through a new working group that is meeting regularly and hopes to serve as a model of new dialogue across sectors. Finally, we are thrilled with the leadership of the Board of Elementary & Secondary Education under Chair Paul Sagan, and Secretary James Peyser, both of whom have a longstanding commitment to the expansion and replication of high quality charter schools. Under their leadership we look forward to renewed commitment to the charter school initiative in Massachusetts, which translates into a robust pipeline of new operators and opportunity for growth in urban communities across Massachusetts.

The ongoing support of federal CSP funding has been crucial in establishing Massachusetts' charter school sectors as one of the best in the nation. Although Massachusetts has received the federal CSP grant for numerous years, its importance in supporting the growth of the sector cannot be overstated; continued funding is critical to ensuring the continued growth and health of the Massachusetts charter school initiative.

Sincerely,

**Marc**

**Kenen**

Marc Kenen  
Executive Director

Digitally signed by Marc Kenen  
DN: cn=Marc Kenen, o=Massachusetts  
Charter Public School Association, ou,  
email=kenen@masscharterschools.org,  
c=US  
Date: 2015.07.14 10:51:06 -0400

43 Broad Street, Suite C401, Hudson, MA 01749 | 11 Beacon Street, Suite 340, Boston, MA 02108

Phone 978-212-5507 | Fax 978-212-5839 | [info@MassCharterSchools.org](mailto:info@MassCharterSchools.org) | [www.MassCharterSchools.org](http://www.MassCharterSchools.org)

## Budget Narrative File(s)

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\* **Mandatory Budget Narrative Filename:**

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To add more Budget Narrative attachments, please use the attachment buttons below.

*Massachusetts Department of Elementary and Secondary Education  
FY2016 Application for Grants Under the Charter School Program  
(CFDA Number: 84.282A)  
Budget Narrative*

The Massachusetts Department of Elementary and Secondary Education (ESE) requests **\$\$23,292,921** over a five-year period from the federal Charter School Program. Table 1 describes our budget request by project year for each budget category with a description of each cost. Additional **budget notes** are included below.

**Table 1: MADESE Budget Request, October 1, 2016 through September 30, 2021**

ED524 Budget Categories	Year 1 2016-17	Year 2 2017-18	Year 3 2018-19	Year 4 2019-20	Year 5 2020-21	5-Year Total 2016-2021	Description of Costs
<b>1. Personnel (see Staff worksheet for detail)</b>							Costs for 1.30 annual FTE grant personnel including a Project Director, New Schools Coordinator and Dissemination Specialist with inflation.
<b>2. Fringe Benefits</b>							Fringe benefits for above listed personnel, based on the MA ESE projected fringe benefits rates of
<b>3. Travel</b>	\$18,100	\$18,100	\$18,100	\$18,100	\$18,100	\$90,500	Total costs for planned travel detailed below.
	\$4,100	\$4,100	\$4,100	\$4,100	\$4,100	\$20,500	2.0 FTEs to Required CSP Project Directors Meetings.
	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$70,000	Representatation at regional/national charter school conferences (e.g., NACSA); travel in-state for visits to schools.
<b>4. Equipment</b>	\$0	\$0	\$0	\$0	\$0	\$0	No costs budgeted.
<b>5. Supplies</b>	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$15,000	Costs for basic administrative office supplies to support grant administration.
<b>6. Contractual/Other</b>	\$7,440,000	\$5,438,162	\$3,108,750	\$3,108,750	\$3,108,750	\$22,204,412	Costs for contracts detailed below.
<i>Planning and Implementation Start-up and Expansion subgrants</i>	\$7,425,000	\$3,093,750	\$3,093,750	\$3,093,750	\$3,093,750	\$19,800,000	Planning and Implementation Start-up and Substantial Expansion subgrants (3-years). Year 1 consists of support for 7 schools, along with 3 new awards for schools to be chartered. Years 2, 3, 4, and 5 consist of grant support for 22 new schools to be chartered or expanded per year. Total grant request is for 7 schools already chartered or expanding and 25 new charter schools or substantial expansions.
<i>Dissemination subgrants</i>	\$0	\$2,329,412	\$0	\$0	\$0	\$2,329,412	Dissemination subgrants (3 years): Single competition conducted in Year 1 for projects running from Year 2 to Year 4; evaluation in Year 5 (Estimate for 4 grants)
<i>External Contractors</i>	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$75,000	External Grant Evaluator to conduct surveys, qualitative reviews, interviews for Project Objectives 1, 2, and 3.
<b>7. Construction</b>	\$0	\$0	\$0	\$0	\$0	\$0	No costs budgeted.
<b>8. Other (see above)</b>	\$0	\$0	\$0	\$0	\$0	\$0	No costs budgeted.
<b>9. Total Direct Costs</b>	\$7,626,310	\$5,631,080	\$3,308,541	\$3,315,689	\$3,323,123	\$23,204,743	Lines 1 - 9
<i>Direct Costs Administration</i>	\$201,310	\$207,919	\$214,791	\$221,939	\$229,373	\$1,075,332	
<b>10. Indirect Costs</b>	\$16,507	\$17,049	\$17,613	\$18,199	\$18,809	\$88,177	Total indirect costs (IDC) based on 8.2% IDC on administration and Grant Evaluator contract (less IDC on first \$25K per contract)
<b>11. Training Stipends</b>	\$0	\$0	\$0	\$0	\$0	\$0	No costs budgeted.
<b>Total Costs</b>	\$7,642,818	\$5,648,130	\$3,326,154	\$3,333,888	\$3,341,931	\$23,292,921	Lines 9 & 11
<i>Dissemination Subgrants</i>	\$0	\$2,329,412	\$0	\$0	\$0	\$2,329,412	10.00%
<i>Administration</i>	\$217,818	\$224,968	\$232,404	\$240,138	\$248,181	\$1,163,509	5.00%

**Budget Note 1: New vs. existing activities**

The proposed five-year budget detailed above in Table 1 is for 7 already-approved schools/substantial expansion project activities that are not funded by the existing balance under the ESE's current CSP award, as well as 25 future new schools or substantial expansions and 4 future dissemination projects.

**Budget Note 2: Fiscal year assumptions**

Year 1 represents an anticipated CSP grant fiscal year of October 1, 2016 through September 30, 2017.

Year 2 represents an anticipated CSP grant fiscal year of October 1, 2017 through September 30, 2018.

Year 3 represents an anticipated CSP grant fiscal year of October 1, 2018 through September 30, 2019.

Year 4 represents an anticipated CSP grant fiscal year of October 1, 2019 through September 30, 2020.

Year 5 represents an anticipated CSP grant fiscal year of October 1, 2020 through September 30, 2021.

**Budget Note 3: Justification for Personnel**

Massachusetts' goal is to open or substantially expand up to 25 high quality charter schools in the next five years, all of which will be subgrant recipients. Up to seven, large, high impact dissemination grants will also be awarded to existing high-quality charter schools.

A full time Project Director is required to award and monitor the subgrantees to the rigorous Massachusetts standards. Funding is also set aside for a staff member to focus on dissemination activities to ensure close adherence to the dissemination subgrantee's actions plans and to be able to highlight the sharing of best practices to the state as it is occurring and for the New Schools Coordinator.

**Budget Note 4: Justification for Subgrant Amounts**

Over the past several years, ESE has provided approximately \$600,000 to \$720,000 to new charter schools for planning and implementation over a 36-month period. In developing the budget proposal and subgrant requirements for the next five-year grant period, ESE attempted to determine an appropriate amount of start-up and expansion assistance funding to establish high-quality charter schools in Massachusetts, balancing adequate support to set-up effective systems without creating over-dependence on federal funding. As part of this effort, several factors were considered.

Massachusetts continues to have a high per pupil cost of public school education. In FY13, the most recent data available, Massachusetts had a \$14,021 average per pupil expenditure cost, in the top 10 of state per pupil spending according to a recent a study on state costs: <http://education.cu-portland.edu/blog/classroom-resources/public-education-costs-per-pupil-by-state-rankings/>. The state also has an average teacher salary of \$71,620, amongst the top five in spending on instructional staff. Massachusetts believes that in order to ensure high quality schools, appropriate resources must be given to schools, especially new schools.

Additionally, in order to incentivize and to provide adequate support for ESE priorities—currently anticipated to include incentives for schools to increase “access and equity” or to have an “immediate high impact” as described in Selection Criteria (h)—the budget includes additional incentive funding for additional planning and implementation funds to ensure high quality school

launch in these cases. Based on these considerations, ESE requests funding to support planning and implementation subgrants at the levels described in Table 2 below.

**Table 2: Proposed Subgrant Funding Levels**

<b>Grant Stage</b>	<b>New charter</b>	<b>Substantial Expansion</b>
<b>Grant Period (months)</b>	up to 36	up to 36
<b>Base Amount</b>	\$500,000	\$300,000
<b>Access &amp; Equity Priority: Backfill all grades (to grade 10 for high school) and/or designed to serve specific educationally disadvantaged students</b>	\$175,000	\$175,000
<b>(Immediate High Impact Priority: Opening with at least 250 students</b>	\$125,000	\$125,000
<b>Total</b>	\$800,000	\$600,000

U.S. DEPARTMENT OF EDUCATION  
SUPPLEMENTAL INFORMATION  
FOR THE SF-424

**1. Project Director:**

Prefix:	First Name:	Middle Name:	Last Name:	Suffix:
	Joanna		Laghetto	

Address:

Street1:	75 Pleasant Street
Street2:	
City:	Malden
County:	
State:	MA: Massachusetts
Zip Code:	02148
Country:	USA: UNITED STATES

Phone Number (give area code)	Fax Number (give area code)
7 [REDACTED]	[REDACTED]

Email Address:  
[REDACTED]

**2. Novice Applicant:**

Are you a novice applicant as defined in the regulations in 34 CFR 75.225 (and included in the definitions page in the attached instructions)?  
 Yes  No  Not applicable to this program

**3. Human Subjects Research:**

a. Are any research activities involving human subjects planned at any time during the proposed Project Period?

Yes  No

b. Are ALL the research activities proposed designated to be exempt from the regulations?

Yes Provide Exemption(s) #:  1  2  3  4  5  6

No Provide Assurance #, if available:  
[REDACTED]

c. If applicable, please attach your "Exempt Research" or "Nonexempt Research" narrative to this form as indicated in the definitions page in the attached instructions.

MADESE_84.282A_FY16_App_HumanResearch06_01_16.pdf	Add Attachment	Delete Attachment	View Attachment
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**U.S. DEPARTMENT OF EDUCATION  
BUDGET INFORMATION  
NON-CONSTRUCTION PROGRAMS**

OMB Number: 1894-0008  
Expiration Date: 06/30/2017

Name of Institution/Organization

Massachusetts Department of Elementary & Secondary Education

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

**SECTION A - BUDGET SUMMARY  
U.S. DEPARTMENT OF EDUCATION FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits	42,986.00	44,706.00	46,494.00	48,354.00	50,288.00	232,828.00
3. Travel	18,100.00	18,100.00	18,100.00	18,100.00	18,100.00	90,500.00
4. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
5. Supplies	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	15,000.00
6. Contractual	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	75,000.00
7. Construction	0.00	0.00	0.00	0.00	0.00	0.00
8. Other	7,425,000.00	5,423,162.00	3,093,750.00	3,093,750.00	3,093,750.00	22,129,412.00
9. Total Direct Costs (lines 1-8)	7,626,310.00	5,631,081.00	3,308,541.00	3,315,689.00	3,323,123.00	23,204,744.00
10. Indirect Costs*	16,507.00	17,049.00	17,613.00	18,199.00	18,809.00	88,177.00
11. Training Stipends						
12. Total Costs (lines 9-11)						

**\*Indirect Cost Information (To Be Completed by Your Business Office):**

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

(1) Do you have an Indirect Cost Rate Agreement approved by the Federal government?  Yes  No

(2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: 07/01/2016 To: 06/30/2017 (mm/dd/yyyy)

Approving Federal agency:  ED  Other (please specify):

The Indirect Cost Rate is 8.20%.

(3) If this is your first Federal grant, and you do not have an approved indirect cost rate agreement, are not a State, Local government or Indian Tribe, and are not funded under a training rate program or a restricted rate program, do you want to use the de minimis rate of 10% of MTDC?   If yes, you must comply with the requirements of 2 CFR § 200.414(f).

(4) If you do not have an approved indirect cost rate agreement, do you want to use the temporary rate of 10% of budgeted salaries and wages?

If yes, you must submit a proposed indirect cost rate agreement within 90 days after the date your grant is awarded, as required by 34 CFR § 75.560.

(5) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

Is included in your approved Indirect Cost Rate Agreement? Or,  Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is 8.20%.

PR/Award # U282A160013

Name of Institution/Organization Massachusetts Department of Elementary & Secondary Education	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.	
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**SECTION B - BUDGET SUMMARY  
NON-FEDERAL FUNDS**

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

**SECTION C - BUDGET NARRATIVE (see instructions)**

ED 524

**Massachusetts Department of Elementary and Secondary Education**  
**FY2016 Application for Grants Under the Charter School Program**  
**(CFDA Number: 84.282A)**  
**Exempt Human Subjects Research Narrative**

The research activities proposed for the *Massachusetts Charter School Program Project* are fully described in *Project Narrative in Selection Criteria c(1), Quality of SEA systems for data collection, analysis, and reporting and Selection Criteria (h): Management Plan and Theory of Action*. The scope of research involves human subjects in two primary ways:

1. A re-analysis of required state student testing data already collected by the Massachusetts Department of Elementary and Secondary Education.

No personally identifiable information will be disclosed in any reporting that describes the outcome of the research. The same measures that are already in place at the MADESE to protect the privacy of individual students in relation to the release of testing data—in compliance with the Family Educational Rights and Privacy Act—will be applied for any research conducted for this CSP project.

This activity falls under Exemptions (2) and (4) as described in the *Definitions for Department of Education Supplemental Information for SF 424*.

2. Surveys of adults conducted to evaluate the efficacy of project activities.

Results of surveys will always be reported in aggregate form. Responses will never be linked to an individual in an identifiable way.

This activity falls under Exemptions (2) as described in the *Definitions for Department of Education Supplemental Information for SF 424*.