

Massachusetts



Department of
Education

Opening Procedures Handbook

*A Guide for Boards of Trustees and
Leaders of New Charter Schools*

March 2006



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Massachusetts Department of Education

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EXECUTIVE SUMMARY

The Charter School Office 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 Handbook summarizes the opening procedures process, identifies the action items that must be completed prior to the school's opening, lists documents that must be submitted to the Charter School Office 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.

The first section of the Handbook, *Material Terms of the Charter*, focuses founding groups on further articulating the terms upon 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 Charter School Office. 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 Board of Education or the Commissioner of Education.

The second section of the Handbook, *School Administration*, 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 special education, transportation, and nutrition services. The Charter School Office 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 of Education regarding any changes.

The third section of the Handbook, *Organizational Viability*, 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, and a copy of all relevant insurance policies.

Finally, the Opening Procedures Handbook identifies sources of additional information that may be useful to new charter schools as they grow from proposal to implementation. These range from statutory and regulatory citations to technical assistance and advisories published by the Department of Education, as well as Criteria for Approval for many of the documents requiring approval by the Charter School Office.¹

¹ Throughout the Handbook, several references are made to the General Laws of Massachusetts. The General Laws are available online at <http://www.mass.gov/legis/laws/mgl/>.

Successful completion of the opening procedures process, which is based on charter school law and regulations, as well as the laws applying to all public schools, allows new charter schools an opportunity to demonstrate to the Board of Education, the Department of Education, and the public-at-large that they are fully prepared to open and serve public school students. However, failure to demonstrate its preparedness to meet its legal obligations during the opening procedures process can have serious consequences for a charter school, including refusal of authorization to open, having its charter placed on probation, withholding of funds, or non-renewal and/or revocation of a school's charter.

SUMMARY OF ALL ACTION ITEMS

Action Items – Governance

Due immediately after charter is granted.

- Obtain a sufficient number of copies of the *Administrative and Governance Guide* for each board member and the school leader(s).
- Submit Organizational Chart to the Charter School Office.
- Complete Board recruitment so that minimum membership requirements (as defined by the bylaws) are met.
- Submit a letter requesting approval of new members of the Board of Trustees to the Charter School Office.
- Submit a resume for each of the proposed Board of Trustee members to the Charter School Office.
- Submit an original financial disclosure form (for the previous calendar year) for each of the proposed Board of Trustee members to the Charter School Office.
- Prepare bylaws.
- Self-assess bylaws using the Guidance for Charter School Bylaws checklist (Appendix A).
- Obtain Board of Trustee approval of bylaws.
- Submit Board of Trustee-approved bylaws to the Charter School Office for DOE review.

Action Items – Enrollment Policies and Application for Admission

Due prior to the start of the school’s initial application and enrollment process.

- Prepare the Enrollment Policy and Application for Admission.
- Self-assess the Enrollment Policy using the criteria for approval (Appendix C/D).
- Obtain Board of Trustee approval of Enrollment Policy and Application for Admission.
- Submit Board-approved Enrollment Policy and an Application for Admission to the Charter School Office for DOE approval.

Action Item – Management Contract (if applicable)

Due 120 days in advance of the intended start date of the contract.

- Submit the Management Contract to the Charter School Office **to begin** the process of Department of Education Review, as detailed on page 32 of the *Administrative and Governance Guide*.

Action Items – Student Learning Time

Due August 1

- Carefully read MGL Ch. 69 § 1(g), MGL Ch. 71 § 29, and 603 CMR 27.00.
- Prepare annual school calendar and student schedule, consistent with 603 CMR 27.00 and the school’s charter application.
- Obtain Board of Trustee approval of school calendar and schedule.
- Submit Board-approved school calendar and sample student schedule to the Charter School Office for review.

Action Items – Code of Conduct

Due August 1

- Carefully read MGL Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
- Prepare the school’s Code of Conduct so that it is consistent with the program and school characteristics outlined in your charter application, as well as MGL Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
- Self-assess the Code of Conduct against the Criteria for Approval.
- Obtain Board of Trustee approval of Code of Conduct.
- Submit Board-approved Code of Conduct to the Charter School Office for DOE approval.

Action Items – School Facility and Building Safety

Due August 1

- Submit a copy of a **signed** lease or purchase and sales agreement to the Charter School Office.
- Conduct an assessment of the programmatic accessibility of the school to handicapped persons by using the ADA facilities checklist.
- Submit written assurance that the facility selected for the school is programmatically accessible to physically handicapped individuals.
- Design and submit Multi-Hazard Evacuation Plan to the Charter School Office for approval.
- Initiate contact with Inspectional Services Department of the municipality in which the school facility will be located as soon as possible to arrange for the necessary inspections.
- Submit current Certificate of Occupancy to the Charter School Office.
- Submit current Fire Inspection Certificate to the Charter School Office.
- Submit current Building Safety Inspection Certificate to the Charter School Office.
- Submit current Flammable Compounds and Liquids Certificate to the Charter School Office, if applicable.
- Submit current Health Inspection to the Charter School Office.
- Submit current Asbestos Inspection Report and Management Plan to the Charter School Office.
- Submit current PCB Inspection Report to the Charter School Office.
- Submit current Lead Paint Assessment Report to the Charter School Office.

Action Items – CORI Policy and Mandatory Criminal Record Checks

Due August 1

- Read the Department of Education’s Advisory on CORI Law.
- Apply for access to criminal record information through the Criminal History Systems Board.
- Create a CORI Policy and obtain approval from the Board of Trustees.
- Conduct CORI checks on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students.
- Submit written assurance to the Charter School Office that CORI checks have been completed on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students.

Action Items – Number and Qualifications of Non-Special Education Instructional Staff

Due August 1

- Read the Department of Education’s *NCLB Policy Document: Highly Qualified Teachers*.
- Recruit and hire instructional staff who are either certified in Massachusetts in the appropriate grade level and subject area, or who have already or are prepared to take and pass both the Communication and Literacy section of the MTEL as well as the appropriate subject test (Commonwealth charter schools only).
- Recruit and hire teachers for core academic subjects who will be highly qualified by the end of the 2006-2007 academic year.
- Maintain a copy of the professional credentials of all personnel on file, including transcripts, current resume, state and/or professional certifications, and evidence of having taken and passed any MTEL exams.
- Prepare and submit a summary of each teacher’s qualifications, a determination of each teacher’s standing with regard to highly qualified status, and the action plan that will ensure that the teachers who are not designated as highly qualified attain that designation prior to the conclusion of the 2007-2008 school year. Be sure to include Special Education Instructional Staff and Other Service Providers (see below).

Action Items – Number and Qualifications of Special Education Instructional Staff and Other Service Providers

Due August 1

- Complete the above checklist for Special Education Instructional Staff.
- Recruit and hire certified Special Education teachers, speech and language therapists, and occupational therapists, if necessary.
- Establish a relationship with a certified Special Education Administrator. Submit a **signed** Letter of Agreement between the certified Special Education Administrator and the charter school to the Charter School Office.

Action Items – Evaluation of the School Leader, School Administrators, and Teachers

Due August 1

- Determine performance evaluation criteria and design an evaluation plan for the school leader.
- Determine performance evaluation criteria and design an evaluation plan for school administrators.
- Determine performance evaluation criteria and design an evaluation plan for teachers.
- Self-assess evaluation plans against the Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans.
- Submit all three sets of performance evaluation criteria and evaluation plans to the Charter School Office for review.

Action Items – Professional Development for School Administrators and Teachers

Due August 1

- Design a professional development plan for school administrators.
- Design a professional development plan for teachers.
- Self-assess professional development plans using the Criteria for Approval.
- Submit both professional development plans to the Charter School Office for approval.

Action Items – District Curriculum Accommodation Plan

Due August 1

- Read the Commissioner’s memo on District Curriculum Accommodation Plans.
- Design and adopt the District Curriculum Accommodation Plan.
- Self-assess the DCAP using the Recommended Elements of District Curriculum Accommodation Plans checklist.
- Submit the DCAP to the Charter School Office for review.

Action Items – Special Education Program Plan

Due August 1

- Download the Program Plan from the DOE website.
- Thoroughly read all sections, completing school information throughout the document.
- Ensure that the certified Special Education Administrator, Instructional Leader, and Chairperson of the Board of Trustees have all read, initialed, and signed the Program Plan.
- Submit the completed Program Plan to the Charter School Office.

Action Items – Relationship with a Physician and a Registered Nurse

Due August 1

- Recruit a local physician to meet school health requirements.
- Submit written documentation of this relationship to the Charter School Office.
- Recruit and hire a registered nurse.
- Maintain copies of all professional credentials on file at the school.

Action Items – School Health Plan and Medications Administration Plan

Due August 1

- Read MGL Ch. 71 § 57 and MGL Ch. 94C thoroughly.
- Create a School Health Plan and Medications Administration Plan consistent with the Recommended Elements of School Health Plan and Medications Administration Plan.
- Submit School Health Plan and Medications Administration Plan to the Charter School Office for review.

Action Items – Transportation Services Plan

Due August 1

- Read MGL Ch. 71 § 89(ff) and 603 CMR 1.08(10) thoroughly.
- Arrange for transportation services to be provided to all eligible students.
- Self-assess the Transportation Services Plan using the Recommended Elements of Transportation Services Plan checklist.
- Submit the Transportation Services Plan to the Charter School Office for review.

Action Items – Nutrition Services Program

Due no later than first week of July

- Request an application in writing from Mary Anne Gilbert in Nutrition Programs if your school will participate in the National School Lunch Program

Due August 1

- Read MGL Ch. 69 § 1(c) thoroughly.
- Identify and contract with a food service provider, or determine how nutrition services will be delivered through internal processes.
- Self-assess the Nutrition Services Program plan using the Recommended Elements of Nutrition Services Program checklist.
- Submit Nutrition Services Program plan to the Charter School Office for review.

Action Items – School Wellness Policy

Due August 1

- Read thoroughly through the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).
- Create a School Wellness Policy consistent with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004.
- Obtain Board of Trustee approval of the school’s School Wellness Policy.
- Submit the school’s School Wellness Policy to the Charter School Office.

Action Items – Complaint Procedure

Due August 1

- Read MGL Ch. 71 § 89(jj) and 603 CMR 1.10 thoroughly.
- Describe a Complaint Procedure consistent with the requirements.
- Self-assess the Complaint Procedure using the Criteria for Approval.
- Obtain Board of Trustee approval of the Complaint Procedure.
- Submit the Complaint Procedure to the Charter School Office for review.

Action Items – Financial Organization

Due August 1

- Read *Recommended Fiscal Policies and Procedures Guide*.
- Collaborate with the Board of Trustees to develop the school’s own Fiscal Policies and Procedures, or adopt those recommended by the Charter School Office.
- Obtain Board of Trustees approval of the school’s Fiscal Policies and Procedures.
- For Commonwealth charter schools:* Ensure that the procurement officer of the charter school participates in the Massachusetts Certified Public Purchasing Official Program.
- Submit the school’s Fiscal Policies and Procedures to the Charter School Office.

Action Items – Grants

Check <http://finance1.doe.mass.edu/Grants/>

- Charter school leaders should visit the Department of Education’s Grants homepage for information on grants reserved for Massachusetts charter schools, entitlement grants and discretionary grants.

Action Items – Budget and Cash Flow

Due August 1

- Update and revise budget for the first three years after chartering.
- Create a detailed cash flow projection for the first year of operation.
- Obtain Board of Trustee approval of the school’s revised budget for the first year of operation.
- Submit the school’s revised budget and cash flow projection for the first year of operation to the Charter School Office.

Action Items – Memorandum of Understanding (Horace Mann charters only)

Due August 1

- Read MGL Ch. 71 § 89(y) and 603 CMR 1.08(1).
- Collaborate with the school district to finalize the Memorandum of Understanding.
- Self-assess the Memorandum of Understanding using the Criteria for Approval.
- Obtain Board of Trustees, School Committee, and local teachers’ union approval of the Memorandum of Understanding.
- Submit a copy of the Memorandum of Understanding (signed by the Chairperson of the Board of Trustees, the school district Superintendent, and the local teachers’ union) to the Charter School Office for approval.

Action Items – Massachusetts Teachers’ Retirement System

Due prior to the first day of school for students or before the first payroll is completed for eligible staff.

- Read MGL Ch. 79 § 89(aa) and MGL 32.
- Request the MTRS eligibility handout from the Charter School Office.
- Determine the eligibility of each employee to participate in the MTRS.
- Contact the MTRS Employer Reporting Unit to set up a process for making contributions.
- Submit a payroll summary statement as evidence of MTRS contributions to the Charter School Office.

Action Items – Audit

Due January 1 of the first year of the school’s operation

- Consider requesting approval from the Charter School Office to conduct a review (rather than an audit) of the school’s planning year and/or approval for a period of review/audit longer than 12 months, if applicable.
- 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 January 1 statutory deadline.

Action Items – Insurance Policies

Due August 1

- Read 603 CMR 1.09(6).
- Consult with the school’s legal counsel to determine which insurance is required and how much will be adequate coverage.
- Submit evidence of insurance coverage to the Charter School Office.

I. MATERIAL TERMS OF THE CHARTER

The material terms of the charter become the contract between the charter school and the Commonwealth of Massachusetts, and become one of the standards against which charter schools will be evaluated during regular site visits and upon the occasion of renewal.

A. CHARTER APPLICATION

The complete final application for the charter school shall be kept on file in the Charter School Office. This document served as a basis upon which the charter was granted, and defines the material terms of the school’s charter. These terms include:

- Educational philosophy or mission;
- Governance or leadership structure;
- Contract with an education management organization that is providing or planning to provide substantially all of the school's educational services, if applicable;
- Curriculum model or whole-school design;
- Location of facilities within a particular municipality;
- District(s) specified in a regional school's charter;
- Maximum enrollment (or grades served);
- Bylaws;
- Schedule (e.g. length of school year, school week, and school day);
- Enrollment process;
- Code of conduct;
- School name; and
- Membership of the Board of Trustees, to be approved before they become voting members (as specified under 603 CMR 1.05(2)(a)).

Any 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 Education and/or the Board of Education. The process for requesting amendments to a school’s charter is outlined in Technical Advisory 05-2.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89
State Regulation	603 CMR 1.00
Administrative and Governance Guide	page 11
Technical Advisory 05-2	http://www.doe.mass.edu/charter/tech_advisory/05_2.html

B. GOVERNANCE

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 must thoroughly read the *Administrative and Governance Guide*, available by request from the Charter School Office and online at <http://www.doe.mass.edu/charter/governance/adminguide.pdf>.

This is particularly important for a new charter school, as the *Administrative and Governance Guide* addresses the legal and fiscal requirements that a new charter school faces during its nascent phase. The *Administrative and Governance Guide* also provides the proper guidance to new charter schools that are designing and implementing systematic processes that will set the stage for a healthy and sustainable organization.

1. LEADERSHIP STRUCTURE

During the application process, the founding group provides a description of the leadership structure that is to be implemented at the school. To complement that description, the Charter School Office requires the submission of an organizational chart as part of the opening procedures process. When preparing the organizational chart, charter schools must further articulate which individuals will be accountable for each area of responsibility, and clearly define lines of supervision.

2. BYLAWS

In addition to the description of its proposed governance structure that is included in the final application, the school must also submit its complete, board-approved bylaws to the Charter School Office for review.

Guidance from the Charter School Office on charter school bylaws is attached as Appendix B. Additional guidance on bylaws may be found on page 10 of the *Administrative and Governance Guide*.

3. BOARDS OF TRUSTEES

Prior to opening, the school must ensure that the minimum number of trustees (as defined by the school's bylaws) have been approved by the Department of Education's Charter School Office. A letter stating that a new trustee has been approved by a vote of the Board of Trustees during a public meeting that complied with Open Meeting law must be submitted to the Charter School Office, along with the proposed trustee's resume.

Proposed members of the Board of Trustees must also submit a financial disclosure form for the previous calendar year within 30 days after becoming a member of the Board. Financial disclosure forms are available online at <http://www.doe.mass.edu/charter/governance/>. Prior to completing the forms, board members should read the form instructions to avoid having to correct financial disclosure forms that have been submitted with incomplete or incorrect information.

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 and law;
- 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.

Additional information on the duties of individual board members and the Board of Trustees as a whole may be found in the *Administrative and Governance Guide* on pages 4 -17.

<i>Related Sources of Information</i>	
State Law	Ch. 71 § 89(v)
State Regulation	603 CMR 1.05(2)(a)
Administrative and Governance Guide	pages 4-17
Charter School Governance	http://www.doe.mass.edu/charter/governance/
Appendix	B: Guidance on Charter School Bylaws

Action Items – Governance

Due immediately after charter is granted.

- Obtain a sufficient number of copies of the *Administrative and Governance Guide* for each board member and the school leader(s).
- Submit Organizational Chart to the Charter School Office.
- Complete Board recruitment so that minimum membership requirements (as defined by the bylaws) are met.
- Submit a letter requesting approval of new members of the Board of Trustees to the Charter School Office.
- Submit a resume for each of the proposed Board of Trustee members to the Charter School Office.
- Submit an original financial disclosure form (for the previous calendar year) for each of the proposed Board of Trustee members to the Charter School Office.
- Prepare bylaws.
- Self-assess bylaws using the Guidance for Charter School Bylaws checklist (Appendix A).
- Obtain Board of Trustee approval of bylaws.
- Submit Board of Trustee-approved bylaws to the Charter School Office for DOE review.

C. ENROLLMENT

1. 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. New charter schools are required to submit an Enrollment Policy as a condition of having been granted a charter, as stated in 603 CMR 1.05(2)(e).

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 MGL Ch. 71 § 89 (l), (m), and (n) and 603 CMR 1.06. A memo outlining the requirements of enrollment policies and procedures may be found online at <http://www.doe.mass.edu/charter/news/2004/0128.html>. In addition, the *Administrative and Governance Guide* also addresses enrollment policies on pages 22-26. The Criteria for Approval of an Enrollment Policy for Commonwealth charter schools is attached as Appendix B; the Criteria for Approval of an Enrollment Policy for Horace Mann charter schools is attached as Appendix C.

2. 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. To ensure that a charter school’s application for admission is consistent with the charter school law and regulations, a school’s enrollment policy, and the mission of the school, charter schools are required to submit a copy of the application for admission to the Charter School Office for approval.

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, free/reduced lunch status, whether a student has received Special Education and/or ELL services in the past, and whether the student is coming from a private school or home school learning environment. 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.



The Enrollment Policies and Applications for Admission of Academy of the Pacific Rim Charter Public School and Marstons Mills East Horace Mann Charter School have been chosen as exemplars of complete Enrollment Policies and Applications for Admission that meet the criteria for approval. They are attached as Appendices E and F.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89 (l), (m), and (n)
State Regulation	603 CMR 1.06
Administrative and Governance Guide	pages 22-26
Memo on Enrollment Policies	http://www.doe.mass.edu/charter/news/2004/0128.html
Appendices	C: Criteria for Approval of Enrollment Policy for Commonwealth Charter Schools D: Criteria for Approval of Enrollment Policy for Horace Mann Charter Schools E: Academy of the Pacific Rim Charter Public School F: Martstons Mills East Horace Mann Charter School

Action Items – Enrollment Policies and Application for Admission

Due prior to the start of the school’s initial application and enrollment process.

- Prepare the Enrollment Policy and Application for Admission.
- Self-assess the Enrollment Policy using the criteria for approval (Appendix C/D).
- Obtain Board of Trustee approval of Enrollment Policy and Application for Admission.
- Submit Board-approved Enrollment Policy and an Application for Admission to the Charter School Office for DOE approval.

D. MANAGEMENT CONTRACT

Charter school Boards of Trustees that plan to contract educational services and/or management with another person or entity must provide a copy of the management contract and a synopsis of the relationship to the Board of Education for approval.

Detailed requirements of a contract with an Educational Management Organization (EMO) are outlined in the *Administrative and Governance Guide* on pages 29 – 32. Charter schools that plan to contract “substantially all educational services” to an EMO are required to submit a draft of the proposed contract to the Charter School Office no less than 120 days in advance of an intended start date of the contract **to begin** the process for Department review in preparation for a Board of Education vote.

<i>Related Sources of Information</i>	
State Law	Ch. 71 § 89(j)(5)
State Regulation	603 CMR 1.05(2)(b)
Administrative and Governance Guide	pages 29-32
Appendix	G: Required Elements of Contracts for Educational Services

Action Item – Management Contract (if applicable)

Due 120 days in advance of the intended start date of the contract.

- Submit the Management Contract to the Charter School Office **to begin** the process of Department of Education Review, as detailed on page 32 of the *Administrative and Governance Guide*.

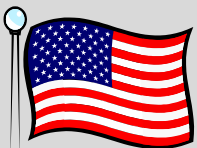
E. STUDENT LEARNING TIME

To ensure that new charter schools meet the minimum requirements for student time on learning, the Charter School Office requires that new charter schools submit a copy of the annual calendar and a sample student schedule as part of the opening procedures process.

As a public school, each charter school must schedule a school year of at least 185 school

Did you know...

that public schools are required to display the flag of the United States in each classroom where opening exercises or the first class of each day are held, and each teacher of the first class of each day must lead the class in a group recitation of the “Pledge of Allegiance to the Flag?” See MGL Ch. 71 § 69 for more information.



days each year, and must operate the school for at least 180 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. The complete set of definitions and requirements for student learning time are found in 603 CMR 27.00. Additional information on student learning time may be found in the *Administrative and Governance Guide* on pages 50-51.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 69 § 1(g) and MGL Ch. 71 § 29
State Regulation	603 CMR 27.00
Administrative and Governance Guide	pages 50-51

Action Items – Student Learning Time

Due August 1

- Carefully read MGL Ch. 69 § 1(g), MGL Ch. 71 § 29, and 603 CMR 27.00.
- Prepare annual school calendar and student schedule, consistent with 603 CMR 27.00 and the school’s charter application.
- Obtain Board of Trustee approval of school calendar and schedule.
- Submit Board-approved school calendar and sample student schedule to the Charter School Office for review.

F. CODE OF CONDUCT

1. REQUIRED NOTICES: DUE PROCESS, DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES, HAZING, ANTI-DISCRIMINATION AND SEXUAL HARASSMENT POLICIES

New charter schools must submit a Code of Conduct, outlining the students’ right to due process and the criteria for expulsion. In particular, the school’s Code of Conduct must meet the requirements of due process outlined by certain provisions of MGL Ch. 71 § 37H and MGL Ch. 71 § 37H½, as well as state the school’s specific discipline procedures for students with disabilities, as required by MGL Ch. 71B § 3. Secondary schools must also include the hazing provision in either their Code of Conduct or Student Handbook, as required by MGL Ch. 269 § 17-19. The Criteria for Approval for Codes of Conduct is attached as Appendix H.

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.



More information on Student Codes of Conduct is available in the *Administrative and Governance Guide* on page 46. In addition, for restrictions on schools’ discipline policies and details about information that discipline policies must include, charter school administrators should review the Department’s *Advisory Opinion on Student Discipline* that is available at <http://www.doe.mass.edu/lawsregs/advisory/discipline/AOSD1.html>.

2. RECOMMENDED POLICIES

The Charter School Office does not require, but strongly suggests, that new charter schools consider including additional policies in either the school’s Code of Conduct or Student and Family Handbook. These may include:

- school uniforms or dress code;
- student attendance;
- release of student records; and
- parent observation of classroom instruction.

The requirements for each policy should be reasonable, and the consequences for failing to adhere to the policy should be well documented. When adopting additional policies, school leaders and board members should review all pertinent laws and applicable requirements before drafting the policy.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(p), MGL. Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
State Regulation	603 CMR 1.05(2)(c)
Administrative and Governance Guide	page 46
Advisory Opinion on Student Discipline	http://www.doe.mass.edu/lawsregs/advisory/discipline/AO SD1.html
Appendix	H: Code of Conduct Criteria for Approval

Action Items – Code of Conduct

Due August 1

- Carefully read MGL Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
- Prepare the school’s Code of Conduct so that it is consistent with the program and school characteristics outlined in your charter application, as well as MGL. Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
- Self-assess the Code of Conduct against the Criteria for Approval.
- Obtain Board of Trustee approval of Code of Conduct.
- Submit Board-approved Code of Conduct to the Charter School Office for DOE approval.

G. SCHOOL FACILITY AND BUILDING SAFETY

Since the beginning of charter schools in Massachusetts, procuring, renovating, and maintaining facilities have presented significant challenges. 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. Failure to meet its legal obligations with respect to facilities can have serious consequences for a charter school, including refusal of authorization to

open, being required to close in the midst of a school year, having its charter placed on probation, withholding of funds, or non-renewal and/or revocation of a school's charter.

1. 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 the Board of Education. 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, or seek a charter amendment from the Board of Education. A regional charter school may locate in any municipality within its region, but must receive approval from the Board of Education 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 sales agreement to the Charter School Office through 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 refer to pages 27-28 of the *Administrative and Governance Guide* and obtain outside legal counsel familiar with public construction to ensure compliance with all applicable laws.

Please note that Commonwealth 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 G.L. c. 71, § 89(j)(6). The Board of Education may waive this requirement upon written request from a charter school. Commonwealth charter schools that plan to ask the Board of Education to waive this requirement should contact the New Schools Development Specialist at least 120 days prior to closing on the loan.

2. ACCESSIBILITY OF FACILITY TO HANDICAPPED PERSONS

In signing the Statement of Assurances that was submitted as part of the charter school application, the school's primary founder or designated member of the Board of Trustees has provided the Board of Education with written assurance 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*). The complete requirements for a facility's compliance with the American Disabilities Act may be found on page 36 of the *Coordinated Program Review Procedures* document for the Civil Rights Methods of Administration.

As a result, charter schools are required to submit written assurance that the specific facility selected for the school is (or will be) programmatically accessible to individuals with a physical handicap **prior to the first day of school**. In addition, during the school's Pre-Opening Site Visit, members of the Charter School Office will tour the facility to ensure the programmatic accessibility of the site. **New charter schools that are not programmatically accessible to physically handicapped persons prior to the first day of school will not be authorized to open.** Further review of the accessibility of programs to handicapped and other disabled persons will be performed during the school's second year of operation, when the Department of

Education’s Program Quality Assurance Unit will conduct an extensive review of programmatic accessibility during the school’s Coordinated Program Review.

School leaders should be aware, however, that this federal requirement extends beyond the mandate that all new charter schools ensure that the school building is accessible to all physically handicapped persons; it also includes other programmatic accommodations (including instructional accommodations) that must be made to any disabled person who is entitled to access the school and its programs.

3. MULTI-HAZARD EVACUATION PLAN

Schools must be prepared and practiced in responding to various threats. Chapter 159, Section 363, of the Acts of 2000 requires that each public school in the Commonwealth of Massachusetts have a school specific multi-hazard evacuation plan. New charter schools must design a building specific school safety plan, or multi-hazard evacuation plan, and submit it to the Charter School Office as part of the opening procedures process. The Criteria for Approval for such Multi-Hazard Evacuation Plans has been included as Appendix I.

Additional information on school safety plans may be found in the *Administrative and Governance Guide* on pages 45 – 46. In addition, new charter schools are strongly encouraged to collaborate with city or town police and fire officials when crafting the plan. Schools may contact the Massachusetts Emergency Management Agency (MEMA) for a copy of “*Jane’s School Safety Handbook*,” which is a resource that addresses a range of potential threats to schools.

KIPP Academy Lynn Charter School’s School Safety Plan has been chosen as an exemplar. Copies may be obtained from the Charter School Office or KIPP Academy Lynn upon request.

4. CERTIFICATES OF INSPECTION AND OCCUPANCY

Charter schools must provide copies of current inspection and occupancy certificates during the opening procedures process. Most municipalities handle the procedures associated with obtaining these certificates in different ways. School leaders should initiate contact with Inspectional Services Department of the municipality in which the school facility will be located as soon as possible to arrange for the necessary inspections.

The following inspection certificates must be submitted to the Charter School Office during the opening procedures process:

- Certificate of Occupancy²
- Fire Inspection Certificate³
- Building Safety Inspection
- Flammable Compounds and Liquids Certificate (if applicable)
- Health Inspection

² A current Certificate of Occupancy must be on file with the Charter School Office at all times. After renewing a Certificate of Occupancy, the school leader must send or fax a copy to the CSO.

³ A current Safety and/or Fire Inspection must be on file with the Charter School Office at all times. After renewing a Safety and/or Fire Inspection, the school leader must send or fax a copy to the CSO.

- Asbestos Inspection and Management Plan
- PCB Inspection
- Lead Paint (if applicable)

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(f)(9); MGL Ch. 159 § 363 of the Acts of 2000
State Regulation	603 CMR 1.05(2)(f), (g), (h), and (i)
Administrative and Governance Guide	page 27-28; 45-46
Health, Safety and Student Support Services	http://www.doe.mass.edu/hssss/news04/multi_hazard_plan.html
Americans with Disabilities Act Facilities Checklist	http://www.doe.mass.edu/pqa/review/cpr/instrument/civilrights.pdf
Appendix	I: Multi-Hazard Evacuation Plan Criteria for Approval

Action Items – School Facility and Building Safety

Due August 1

- Submit a copy of a **signed** lease or purchase and sales agreement to the Charter School Office.
- Conduct an assessment of the programmatic accessibility of the school to handicapped persons by using the ADA facilities checklist.
- Submit written assurance that the facility selected for the school is programmatically accessible to physically handicapped individuals.
- Design and submit Multi-Hazard Evacuation Plan to the Charter School Office for approval.
- Initiate contact with Inspectional Services Department of the municipality in which the school facility will be located as soon as possible to arrange for the necessary inspections.
- Submit current Certificate of Occupancy to the Charter School Office.
- Submit current Fire Inspection Certificate to the Charter School Office.
- Submit current Building Safety Inspection Certificate to the Charter School Office.
- Submit current Flammable Compounds and Liquids Certificate to the Charter School Office, if applicable.
- Submit current Health Inspection to the Charter School Office.
- Submit current Asbestos Inspection Report and Management Plan to the Charter School Office.
- Submit current PCB Inspection Report to the Charter School Office.
- Submit current Lead Paint Assessment Report to the Charter School Office.

II. SCHOOL ADMINISTRATION

A. HIRING OF STAFF

1. CORI POLICY AND MANDATORY CRIMINAL RECORD CHECKS

Charter schools must provide written assurance that CORI criminal background checks have been completed for all school personnel and volunteers that come into “direct and unmonitored” contact with the school’s students. These should be completed annually with all newly hired personnel.

The Department of Education’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 Criminal History Systems Board, requesting criminal record information, and the fees associated with such requests.

The Department of Education strongly encourages schools to consult with their legal counsel in the creation and adoption of a CORI Policy.



Did you know...
that schools must obtain CORI data of employees of taxicab companies that have contracted to provide transportation to pupils pursuant to MGL Ch. 71 §

7(a)? 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 DOE Advisory on CORI Law for more information.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 38(r)
State Regulation	603 CMR 1.05(2)(d)
Administrative and Governance Guide	page 33
Advisory on CORI Law	http://www.doe.mass.edu/lawsregs/advisory/cori.html
Criminal History Systems Board	617-660-4640

Action Items – CORI Policy and Mandatory Criminal Record Checks

Due August 1

- Read the Department of Education’s Advisory on CORI Law.
- Apply for access to criminal record information through the Criminal History Systems Board.
- Create a CORI Policy and obtain approval from the Board of Trustees.
- Conduct CORI checks on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students.
- Submit written assurance to the Charter School Office that CORI checks have been completed on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students.

2. NUMBER AND QUALIFICATIONS OF NON-SPECIAL EDUCATION INSTRUCTIONAL STAFF

Both Massachusetts charter school law and federal requirements under *No Child Left Behind* govern the professional qualification requirements of charter school teachers and paraprofessionals. **All charter school teachers must meet the teacher qualification requirements set by both the Commonwealth of Massachusetts and the federal government under *No Child Left Behind*.**

The following table summarizes the required qualifications that charter school teachers must meet. The Charter School Office strongly recommends that charter school leaders take time to understand the different ways in which charter school teachers may meet both state and federal requirements.

	Commonwealth charter school teachers must:	Horace Mann charter school teachers must:
Requirements set by Massachusetts Law and Regulations:	<ul style="list-style-type: none"> • Be certified to teach in Massachusetts <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Take and pass the Massachusetts Tests for Educator Licensure in Communication and Literacy AND the appropriate subject test(s) 	<ul style="list-style-type: none"> • Be certified to teach in Massachusetts
Requirements set by Federal Law and Regulations:	<ul style="list-style-type: none"> • Have a Bachelor’s Degree • <i>For elementary school teachers:</i> Demonstrate <i>Subject Matter Competence</i> through one of the following two ways: <ol style="list-style-type: none"> 1) Take and pass the Elementary Subject Matter Test 2) use the MA HOUSSE system • <i>For middle and secondary school teachers:</i> Demonstrate <i>Subject Matter Competence</i> through one of the following four ways: <ol style="list-style-type: none"> 1) Take and pass the appropriate subject matter test(s) 2) Have an appropriate undergraduate or graduate academic major 3) Possess advanced certification or credentialing in the appropriate subject(s) (National Board or American Board certification) 4) use the MA HOUSSE system 	<ul style="list-style-type: none"> • Be certified to teach in Massachusetts • Have a Bachelor’s Degree • <i>For elementary school teachers:</i> Demonstrate <i>Subject Matter Competence</i> through one of the following two ways: <ol style="list-style-type: none"> 1) Take and pass the Elementary Subject Matter Test 2) use the MA HOUSSE system • <i>For middle and secondary school teachers:</i> Demonstrate <i>Subject Matter Competence</i> through one of the following four ways: <ol style="list-style-type: none"> 1) Take and pass the appropriate subject matter test(s) 2) Have an appropriate undergraduate or graduate academic major 3) Possess advanced certification or credentialing in the appropriate subject(s) (National Board or American Board certification) 4) use the MA HOUSSE system

Summary of State and Federal Requirements for Teachers at Commonwealth Charter Schools

State Law: Massachusetts charter school law requires that Commonwealth charter school teachers must either be already certified to teach in Massachusetts OR take and pass the Massachusetts Tests for Educator Licensure (MTEL) in Communication and Literacy, as well as the appropriate subject test, within one year of employment.

Federal Law: Federal requirements under *No Child Left Behind* state that teachers of the core academic subjects must be highly qualified by the end of the 2006-2007 school year. Title I teachers hired after January 8, 2002 must meet the highly qualified requirements prior to being employed.

All “highly qualified” teacher requirements apply to all core academic teachers employed by the charter school, regardless of whether the school receives federal funds. Core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

In order to be considered “highly qualified,” teachers of the core academic subjects at Commonwealth charter schools must possess a bachelor’s degree and demonstrate subject matter competency. The Department of Education’s *Highly Qualified Teachers and Paraprofessionals* Policy Document describes the federal requirements under *No Child Left Behind* more completely, and describes the various ways in which teachers may demonstrate subject matter competence.

Summary of State and Federal Requirements for Teachers at Horace Mann Charter Schools

State Law: Massachusetts law requires that educators hold the appropriate Massachusetts license for the area they are teaching. Educators with a Professional (Standard) license need to renew their teaching license every five years through an individual professional development plan.


Federal Law: Federal requirements under *No Child Left Behind* state that teachers of the core academic subjects must be highly qualified by the end of the 2006-2007 school year. Core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. Title I teachers hired after January 8, 2002 must meet the highly qualified requirements prior to being employed.

In order to be considered “highly qualified,” teachers of the core academic subjects must possess a bachelor’s degree, demonstrate subject matter competency, and possess a Massachusetts teaching license. The Department of Education’s *Highly Qualified Teachers and Paraprofessionals* Policy Document describes the federal requirements under *No Child Left Behind* more completely, and describes the various ways in which teachers may demonstrate subject matter competence.

How to Determine if a Charter School Teacher is Highly Qualified

Charter school leaders must closely examine the qualifications of each teacher and determine whether or not the teacher has met the qualification requirements set by both the Commonwealth of Massachusetts and *No Child Left Behind*. School leaders should be proactive about informing teachers of the various requirements, determine whether each teacher is has met the Massachusetts teaching requirements and whether each teacher is highly qualified, assist teachers who still need to meet the requirements in doing so by providing appropriate guidance and/or resources, and attest in writing to the qualifications of each teacher.

As part of the opening procedures process, new charter schools must submit a summary of each teacher’s qualifications, a determination of each teacher’s standing with regards to highly qualified status, and create an action plan that will ensure that the teachers who are not designated as having met the Massachusetts requirements and/or as highly qualified attain that designation prior to the conclusion of the 2006-2007 school year. A worksheet that will assist charter school leaders in determining the highly qualified status of each of their teachers and suggested template for the reporting of this information to the Charter School Office is attached as Appendix J. Please note that this Opening Procedures requirement is different than the *District and School Staffing Report*, which must be electronically submitted to the Department of Education annually.



Did you know...
that information about the District and School Staffing Report (the formal mechanism for reporting teachers’ highly qualified status) may be found online at <http://www.doe.mass.edu/inforesources/data/samples/dssr.pdf?>

This information must be submitted electronically to the Department of Education annually by the posted deadline. The entire Data Reporting Schedule and Documentation can be found online at <http://www.doe.mass.edu/inforesources/data/schedule.html>. This webpage lists all required reports for the current school year, and their due dates. It includes paper reports, electronic web-based forms and electronic file submissions.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89 (qq)
State Regulation	603 CMR 1.07
Administrative and Governance Guide	page 34
Technical Advisory 03-2	http://www.doe.mass.edu/charter/tech_advisory/03_2.html
NCLB Policy Document: Highly Qualified Teachers	http://www.doe.mass.edu/nclb/hq/hq_memo.html
Appendix	J: Suggested Template for the Reporting of Teacher Qualifications

Action Items – Number and Qualifications of Non-Special Education Instructional Staff

Due August 1

- Read the Department of Education’s *NCLB Policy Document: Highly Qualified Teachers*.
- Recruit and hire instructional staff who are either certified in Massachusetts in the appropriate grade level and subject area, or who have already or are prepared to take and

pass both the Communication and Literacy section of the MTEL as well as the appropriate subject test (Commonwealth charter schools only).

- ❑ Recruit and hire teachers for core academic subjects who will be highly qualified by the end of the 2006-2007 academic year.
- ❑ Maintain a copy of the professional credentials of all personnel on file, including transcripts, current resume, state and/or professional certifications, and evidence of having taken and passed any MTEL exams.
- ❑ Prepare and submit a summary of each teacher’s qualifications, a determination of each teacher’s standing with regard to highly qualified status, and the action plan that will ensure that the teachers who are not designated as highly qualified attain that designation prior to the conclusion of the 2007-2008 school year. Be sure to include Special Education Instructional Staff and Other Service Providers (see below).

3. NUMBER AND QUALIFICATIONS OF SPECIAL EDUCATION INSTRUCTIONAL STAFF AND OTHER SERVICE PROVIDERS

In addition to the above qualifications, individuals who design and/or provide direct special education services described in IEPs, or who supervise the provision of special education services by other teachers or paraprofessionals, must be appropriately certified. Furthermore, any person (including non-educational personnel), who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the regular or special classroom teacher, must be appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.

Did you know...

That paraprofessionals (teachers aides, tutors and student teachers) must also be appropriately trained to assist in providing special education or related



services? These individuals **may not** be permitted to design instruction for students with disabilities, but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision. See 34 CFR 300.136(f) for more information.

<i>Related Sources of Information</i>	
Federal Requirements	34 CFR 300.23, 34 CFR 300.24, and 300.136
State Law	MGL Ch. 71 § 89; MGL Ch. 71B
State Regulation	28.02(3) and 603 CMR 7.00
Administrative and Governance Guide	pages 34, 49-50

Action Items – Number and Qualifications of Special Education Instructional Staff and Other Service Providers

Due August 1

- Complete the above checklist for Special Education Instructional Staff.
- Recruit and hire certified Special Education teachers, speech and language therapists, and occupational therapists, if necessary.
- Establish a relationship with a certified Special Education Administrator. Submit a **signed** Letter of Agreement between the certified Special Education Administrator and the charter school to the Charter School Office.

B. EVALUATION AND PROFESSIONAL DEVELOPMENT

1. 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 Charter School Office.

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 evaluation of the school leader. The process of designing the evaluation process and identifying 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. Although statute and regulations do not set specific criteria for the approval of evaluation plans and performance criteria, the Charter School Office acknowledges the characteristics of strong teacher and administrator evaluation plans. Recommended elements of school leader, school administrator, and teacher evaluation plans have been included as Appendix J.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(f)(3)
Appendix	K: Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans

Action Items – Evaluation of the School Leader, School Administrators, and Teachers

Due August 1

- Determine performance evaluation criteria and design an evaluation plan for the school leader.
- Determine performance evaluation criteria and design an evaluation plan for school administrators.
- Determine performance evaluation criteria and design an evaluation plan for teachers.
- Self-assess evaluation plans against the Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans.
- Submit all three sets of performance evaluation criteria and evaluation plans to the Charter School Office for review.

2. PROFESSIONAL DEVELOPMENT FOR SCHOOL ADMINISTRATORS AND TEACHERS

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, paraprofessionals and teacher assistants employed by the district, to include the professional support teams. These professional development plans must be updated annually and include a budget for professional development within the confines of the foundation budget. This is true of both Horace Mann and Commonwealth charter schools, in accordance with MGL Ch. 71 § 89(f)(3).

The law⁴ 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; and
- training for members of the Board of Trustees, pursuant to MGL Ch. 71 § 59(c); and
- training for teachers in second language acquisition techniques for the re-certification of teachers and administrators.

The plan may also include:

- training in the provision of pre-referral services within regular education;
- teacher training which addresses the effects of gender bias in the classroom.

In addition to these requirements, the Charter School Office recognizes that strong teacher and administrative professional development plans will:

- promote high student achievement;
- address individual and school-wide improvement goals;
- connect individual and school-wide professional development goals 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;
- encourage professionals to document their progress towards stated goals; and
- provide adequate resources and support to individuals as they work towards those goals.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 38(q), MGL Ch. 71 § 89(f)(3), MGL Ch. 71 § 59(c)
Appendix	L: Criteria for Approval of Professional Development Plans

⁴ MGL Ch. 71 § 38(q)

Action Items – Professional Development for School Administrators and Teachers

Due August 1

- Design a professional development plan for school administrators.
- Design a professional development plan for teachers.
- Self-assess professional development plans using the Criteria for Approval.
- Submit both professional development plans to the Charter School Office for approval.

C. STUDENT SERVICES DELIVERY

1. DISTRICT CURRICULUM ACCOMMODATION PLAN

New charter schools must develop a District Curriculum Accommodation Plan (DCAP) and submit the DCAP to the Charter School Office for review. The intent of this provision is to assist school leaders in planning and providing a general education program that is able to accommodate students' diverse learning needs and avoid unnecessary referrals to special education.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 38Q1/2 and 603 CMR 28.03(3)
State Regulation	603 CMR 28.03(3)
Administrative and Governance Guide	page 49
Commissioner’s Memorandum on District Curriculum Accommodation Plans	http://www.doe.mass.edu/mailings/2001/cm022001.pdf
Appendix	M: Recommended Elements of District Curriculum Accommodation Plans

Action Items – District Curriculum Accommodation Plan

Due August 1

- Read the Commissioner’s memo on District Curriculum Accommodation Plans.
- Design and adopt the District Curriculum Accommodation Plan.
- Self-assess the DCAP using the Recommended Elements of District Curriculum Accommodation Plans checklist.
- Submit the DCAP to the Charter School Office for review.

2. SPECIAL EDUCATION PROGRAM PLAN

Prior to opening and in preparation for Coordinated Program Reviews, charter school leaders must read and complete a new Program Plan for Special Education. This document is the way in which the Department of Education updates school leaders on new information related to the Individuals with Disabilities Education Act; it also provides school leaders with a means of verifying their awareness of the requirements and assuring the Massachusetts Department of Education 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 is available online at http://www.doe.mass.edu/sped/programplan/pp_statement.pdf. 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 certified 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) and a copy must be submitted to the Charter School Office as part of the Opening Procedures Process. Subsequent submissions (approximately every three years, coinciding with the Department’s Coordinated Program Review system) may be submitted directed to the DOE’s Special Education Planning and Policy Development Office as per instructions contained within the Program Plan.

<i>Related Sources of Information</i>	
State Regulation	603 CMR 28.03(4)
Program Plan	http://www.doe.mass.edu/sped/programplan/pp_statement.pdf

Action Items – Special Education Program Plan

Due August 1

- Download the Program Plan from the DOE website.
- Thoroughly read all sections, completing school information throughout the document.
- Ensure that the certified Special Education Administrator, Instructional Leader, and Chairperson of the Board of Trustees have all read, initialed, and signed the Program Plan.
- Submit the completed Program Plan to the Charter School Office.

3. RELATIONSHIP WITH A PHYSICIAN AND A REGISTERED NURSE

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 registered nurse, and must include his/her professional information in the summary of teachers’ credentials. In addition, the charter school must provide the proper facilities for the physician and nurse to fulfill their duties.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 53
Administrative and Governance Guide	page 42

Action Items – Relationship with a Physician and a Registered Nurse

Due August 1

- Recruit a local physician to meet school health requirements.
- Submit written documentation of this relationship to the Charter School Office.
- Recruit and hire a registered nurse.
- Maintain copies of all professional credentials on file at the school.

4. SCHOOL 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.

Charter school health policies and plans must comply with all Massachusetts Department of Public Health statutes and regulations for schools.

School leaders should work with the school’s physician and registered nurse to create a School Health Plan and Medications Administration Plan that meets the requirements of 105 CMR 210, and submit it to the Charter School Office as part of the opening procedures process.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 57, MGL Ch. 94C, MGL Ch. 111 § 5-7, MGL Ch. 76 § 15 and 15(c).
State Regulation	105 CMR 200, 105 CMR 210, 105 CMR 220
Administrative and Governance Guide	pages 42-43
Appendix	N: Recommended Elements of School Health Plan and Medications Administration Plan

Action Items – School Health Plan and Medications Administration Plan

Due August 1

- Read MGL Ch. 71 § 57 and MGL Ch. 94C thoroughly.
- Create a School Health Plan and Medications Administration Plan consistent with the Recommended Elements of School Health Plan and Medications Administration Plan.
- Submit School Health Plan and Medications Administration Plan to the Charter School Office for review.

5. TRANSPORTATION SERVICES PLAN

New charter schools must arrange transportation for their students. Charter school leaders should carefully read MGL Ch. 71 § 89(ff) and 603 CMR 1.08(10) prior to securing transportation services for all eligible students.

When arranging for student transportation, new charter schools should pay particular attention to federal laws governing the privacy of student records. In order to release the names and addresses of enrolled students, the Board of Trustees of the charter school must approve a policy regarding the release of this type of information. The school must then notify parents/guardians and eligible students that it releases this type of information and make the policy available to the public at the school office. The charter school must also inform parents and eligible students (students over the age of 18) that they have the right to request that this information not be released without their prior consent.

If the school is to open in a temporary facility, the charter school leader must make separate arrangements for transportation while occupying the temporary space. Issues such as bussing schedules and routes must be discussed with all parties clearly and in non-ambiguous terms to avoid difficulties in ensuring that all students are transported from the home to the school and back on reasonable terms.

Prior to opening, the charter school must submit a Transportation Services Plan to the Charter School Office for review. This plan should include a copy of the agreement between the agency

providing the transportation and the charter school and a description of services. If the school is to open in a temporary facility, the Temporary Transportation Services Plan should also be submitted.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(ff)
State Regulation	603 CMR 1.08(10)
Administrative and Governance Guide	pages 38-39
Appendix	O: Criteria for Approval of Transportation Services Plan

Action Items – Transportation Services Plan

Due August 1

- Read MGL Ch. 71 § 89(ff) and 603 CMR 1.08(10) thoroughly.
- Arrange for transportation services to be provided to all eligible students.
- Self-assess the Transportation Services Plan using the Recommended Elements of Transportation Services Plan checklist.
- Submit the Transportation Services Plan to the Charter School Office for review.
- Read MGL Ch. 71 § 89(ff) and 603 CMR 1.08(10) thoroughly.

6. NUTRITION SERVICES PROGRAM

New charter schools must make lunch available. Under certain circumstances, charter schools must also make breakfast available. Through the National School Lunch Program, charter schools are eligible to receive reimbursement for school breakfast and lunch. If a 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, it must make lunch available and under certain circumstances, breakfast as well.

Please review information about the federal and state reimbursement program through the National School Lunch Program at <http://www.doe.mass.edu/cnp/programs/nslp.html>. If your school decides to participate in the federal reimbursement program, you must request an application in writing no later than the first week of July; however, you may begin working with staff in Nutrition Programs as early as late April. Upon receipt of your complete application, staff in Nutrition Programs will work closely with you to ensure successful implementation and reimbursement of your school meal program. For additional information, please contact Mary Anne Gilbert at 781-338-6493.

As part of the opening procedures process, charter schools must submit written assurance stating whether or not the school will participate in the National School Lunch Program. If your school chooses to participate, this letter must also assure that school has begun to work with staff in the Nutrition Programs office.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 69 § 1(c)
Federal Regulation	7 CFR 210.11
Administrative and Governance Guide	pages 43-44
USDA: Food and Nutrition Service Homepage	http://www.fns.usda.gov/cnd
National School Lunch Program	http://www.doe.mass.edu/cnp/programs/nslp.html

Action Items – Nutrition Services Program

Due no later than first week of July

- Request an application in writing from Mary Anne Gilbert in Nutrition Programs if your school will participate in the National School Lunch Program

Due August 1

- Read MGL Ch. 69 § 1(c) thoroughly.
- Identify and contract with a food service provider, or determine how nutrition services will be delivered through internal processes.
- Submit written assurance stating whether or not the school has chosen to participate in the National School Lunch Program. If participating in the program, also submit assurance that the school has begun to work with staff in the Nutrition Programs office.

7. SCHOOL WELLNESS POLICY

Charter schools that have elected to receive federal nutrition funds are required by law to develop a School Wellness Policy. Policies must include guidelines for all foods available and include goals for nutrition education, physical activity, and other activities designed to promote student wellness. The exact wording of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) is posted at <http://www.fns.usda.gov/tn/Healthy/108-265.pdf>. For additional resources for developing and implementing a School Wellness Policy, please review the websites listed in the Related Sources of Information table below.

<i>Related Sources of Information</i>	
Federal Regulation	Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265)
Model School Wellness Policies	http://www.schoolwellnesspolicies.org/
Massachusetts Action for Healthy Kids A la Carte Food and Beverage Guidelines	http://www.actionforhealthykids.org/filelib/toolsforteam/recom/MA%20-%20A%20la%20carte%20standards.pdf

Action Items – School Wellness Policy

Due August 1

- Read thoroughly through the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).
- Create a School Wellness Policy consistent with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004.
- Obtain Board of Trustee approval of the school’s School Wellness Policy.
- Submit the school’s School Wellness Policy to the Charter School Office.

8. COMPLAINT PROCEDURE

In the event that an individual believes the charter school has violated any of the provisions of charter school law and/or regulations, and wishes to make a complaint against the charter school, the school must be able to direct that individual to the formal process for filing a complaint. The specific requirements of the complaint procedure are detailed in 603 CMR 1.10, and allow a complainant to submit a complaint to the Board of Trustees. The Board of Trustees has 30 days to respond to the complainant in writing and conduct an investigation to ensure that the school is in compliance with charter school law and regulations. If the Board of Trustees fails to address the complaint to the complainant’s satisfaction, the party may submit the complaint to the Commissioner of Education.

If the complaint involves an alleged violation of any applicable federal or state law or regulation other than charter school law and regulation, the individual may file a complaint directly with the Office of Program Quality Assurance at the Department of Education.

Many schools have established informal complaint procedures to minimize the likelihood of formal complaints. An example of such an informal complaint procedure may be found on page 15 of the *Administrative and Governance Guide*.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(jj)
State Regulation	603 CMR 1.10
Administrative and Governance Guide	page 15
Appendix	P: Criteria for Approval of Complaint Procedures

Action Items – Complaint Procedure

Due August 1

- Read MGL Ch. 71 § 89(jj) and 603 CMR 1.10 thoroughly.
- Describe a Complaint Procedure consistent with the requirements.
- Self-assess the Complaint Procedure using the Criteria for Approval.
- Obtain Board of Trustee approval of the Complaint Procedure.
- Submit the Complaint Procedure to the Charter School Office for review.

III. ORGANIZATIONAL VIABILITY

A. FINANCIAL ORGANIZATION

1. FISCAL POLICIES AND PROCEDURES

As an entity of the state, all charter schools must establish fiscal policies and procedures that are consistent with state requirements and responsible use of public funds. In an effort to provide some guidance, the MA DOE has published a *Recommended Fiscal Policies and Procedures Guide*, available from the Charter School Office upon request and online at <http://www.doe.mass.edu/charter/reports/2001/0301letter.html>. While it is not required that new charter schools adopt the fiscal policies and procedures recommended in the *Guide*, the Charter School Office 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 Charter School Office as part of the opening procedures process.

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 (See *Charter School Technical Advisory 98-1: Procurement Guidelines for Commonwealth Charter Schools*, located at http://www.doe.mass.edu/charter/tech_advisory/98_1.html). Please note that Commonwealth 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. More information can be found at <http://www.mass.gov/ig/mcppo/igmpo.htm>. There is now a training developed specifically for charter schools.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(hh)
<i>Recommended Fiscal Policies and Procedures Guide</i>	http://www.doe.mass.edu/charter/reports/2001/0301letter.html
Technical Advisory 98-1	http://www.doe.mass.edu/charter/tech_advisory/98_1.html
Massachusetts Certified Public Purchasing Official Program	http://www.mass.gov/ig/mcppo/igmpo.htm

Action Items – Financial Organization

Due August 1

- Read *Recommended Fiscal Policies and Procedures Guide*.
- Collaborate with the Board of Trustees to develop the school’s own Fiscal Policies and Procedures, or adopt those recommended by the Charter School Office.
- Obtain Board of Trustees approval of the school’s Fiscal Policies and Procedures.
- For Commonwealth charter schools:* Ensure that the procurement officer of the charter school participates in the Massachusetts Certified Public Purchasing Official Program.
- Submit the school’s Fiscal Policies and Procedures to the Charter School Office.

2. 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

Every school that is granted a charter in Massachusetts is eligible for federal start-up funding passed through the Massachusetts Department of Education. Information about these grants is available on the DOE Grants homepage located at <http://finance1.doe.mass.edu/Grants/>. Charter school leaders are encouraged to visit the grants homepage for more information.

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 the proportion of low-income or special education students a school serves.⁵ 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 are made available each Spring on the DOE Grants homepage located at <http://finance1.doe.mass.edu/Grants/>. Please plan to access these funds and incorporate them into the school’s budget and cash flow projections.

Discretionary Grants

A discretionary grant, otherwise known as a competitive grant, is one that the U.S. Department of Education, the Massachusetts Department of Education, 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 Massachusetts Department of

⁵ For example, the Title I, Part A, program targets low-achieving students in high-poverty schools.

Education can be found at the Grants homepage; information about competitive grants offered directly from the federal government can be found in the Federal Register.

Related Sources of Information	
Federal Regulations	34 CFR Part 76, Subpart H
Federal Non-regulatory Guidance	Accessing Federal Programs: A Guidebook for Charter School Operators and Developers http://www.uscharterschools.org/pdf/gb/acc_fed00.pdf
Federal Non-regulatory Guidance	http://www.ed.gov/policy/elsec/guid/cschools/cguidedec2000.pdf
MA Dept. of Education Grant and Other Financial Information Homepage	http://finance1.doe.mass.edu/Grants/

Action Items – Grants


Check <http://finance1.doe.mass.edu/grants/>

- Charter school leaders should visit the Department of Education’s Grants homepage for information on grants reserved for Massachusetts charter schools, entitlement grants and discretionary grants.

3. BUDGET AND CASH FLOW

Although founding groups submit proposed budgets for the first three years of the new school’s operation, the Charter School Office recognizes that budget adjustments may be necessary after chartering due to a number of factors. For that reason, the Charter School Office requires that new charter schools submit updated, Board-approved budget proposals for its first year of operation. In addition, the Charter School Office strongly recommends that the Board also undertake a long-range budget revision for the first three years of operation. Furthermore, the Charter School Office strongly encourages new charter schools to create a detailed, cash-flow projection for the first year of operation and to continue this practice in subsequent years.

Did you know...
that the Annual Report submitted by August 1 after each year of operation must contain a budget for the upcoming fiscal year? See the published guidelines for writing annual reports at http://www.doe.mass.edu/charter/reports/2004/rpt_guide.pdf for more information.



Related Sources of Information	
State Law	MGL Ch. 71 § 89(x)
State Regulation	603 CMR 1.08(8)
Administrative and Governance Guide	page 10

Action Items – Budget and Cash Flow

Due August 1

- Update and revise budget for the first three years after chartering.
- Create a detailed cash flow projection for the first year of operation.
- Obtain Board of Trustee approval of the school’s revised budget for the first year of operation.
- Submit the school’s revised budget and cash flow projection for the first year of operation to the Charter School Office.

4. MEMORANDUM OF UNDERSTANDING

Horace Mann Charter Schools only

It is important for the success of Horace Mann Charter Schools that the financial relationship between the charter school and the school district is clearly articulated. To this end, the Charter School Office requires that Horace Mann Charter Schools submit signed copies of the Memorandum of Understanding between the charter school and the district as part of the opening procedures process.

Memorandums of Understanding should 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. The Memorandum of Understanding should also indicate whether the school or the district is responsible for securing federal and state entitlement grants for the charter school.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 71 § 89(y)
State Regulation	603 CMR 1.08(1)
Technical Advisory 03-1	http://www.doe.mass.edu/charter/tech_advisory/03_1.html
Appendix	Q: Criteria for Approval of Memorandum of Understanding

Action Items – Memorandum of Understanding (Horace Mann charters only)

Due August 1

- Read MGL Ch. 71 § 89(y) and 603 CMR 1.08(1).
- Collaborate with the school district to finalize the Memorandum of Understanding.
- Self-assess the Memorandum of Understanding using the Criteria for Approval.
- Obtain Board of Trustees, School Committee, and local teachers’ union approval of the Memorandum of Understanding.
- Submit a copy of the Memorandum of Understanding (signed by the Chairperson of the Board of Trustees, the school district Superintendent, and the local teachers’ union) to the Charter School Office for approval.

5. PARTICIPATION IN THE MASSACHUSETTS TEACHERS’ RETIREMENT SYSTEM

Eligible employees of Commonwealth and Horace Mann charter schools are required to participate in the Massachusetts Teachers’ Retirement System (MTRS). New charter schools must first determine the eligibility of each of their employees and then enroll them in the

retirement system. The Massachusetts Teachers’ Retirement Board (MTRB) has published guidance on determining the eligibility of individual charter school employees. This information is available upon request from the Charter School Office or directly from the MTRS Employer Reporting Unit.

After determining each employee’s eligibility to participate in the system, new charter schools must contact the Massachusetts Teachers’ Retirement System’s Employer Reporting Unit to establish a contributing relationship with the MTRB. 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 Charter School Office.

<i>Related Sources of Information</i>	
State Law	MGL Ch. 79 § 89(aa), MGL Ch. 32
State Regulation	807 CMR 4.00 – 5.00
Administrative and Governance Guide	page 33
MTRS	617-727-3661, ext. 2895

Action Items – Massachusetts Teachers’ Retirement System

Due prior to the first day of school for students or before the first payroll is completed for eligible staff.

- Read MGL Ch. 79 § 89(aa) and MGL 32.
- Request the MTRS eligibility handout from the Charter School Office.
- Determine the eligibility of each employee to participate in the MTRS.
- Contact the MTRS Employer Reporting Unit to set up a process for making contributions.
- Submit a payroll summary statement as evidence of MTRS contributions to the Charter School Office.

B. BUSINESS AND CONTRACTUAL RELATIONSHIPS

1. AUDITS

Each charter school must have an annual independent audit conducted of its accounts filed on or before January 1st with the Department of Education and the State Auditor. During a charter school's planning period—the period of time between the granting of the charter and the opening of school to enrolled students—a charter school may elect to have an independent **review** performed, which is less in scope than an audit. If a charter school elects to have a review performed or requests a period under review of greater than twelve months, the school must receive approval to do so from the Charter School Office. Please refer to the *Massachusetts Charter School Audit Guide*, available at http://finance1.doe.mass.edu/charter/charter_audit_guide.pdf, for specific guidance and requirements for these audits.

<i>Related Sources of Information</i>	
State Law	M.G.L. c. 71, § 89 (hh)
State Regulation	603 CMR 1.09 (3)

Administrative and Governance Guide	pages 17-18
MA Charter School Audit Guide	http://finance1.doe.mass.edu/charter/charter_audit_guide.pdf

Action Items – Audit

Due January 1 of the first year of the school’s operation

- Consider requesting approval from the Charter School Office to conduct a review (rather than an audit) of the school’s planning year and/or approval for a period of review/audit longer than 12 months, if applicable.
- 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 January 1 statutory deadline.

2. INSURANCE POLICIES

New charter schools must submit evidence of required insurance coverage prior to beginning operations. In particular, the school should seriously consider purchasing adequate liability insurance, as well as directors and officers’ insurance. The Charter School Office strongly encourages new charter schools to consult with their legal counsel when determining the amount of insurance to ensure adequate coverage.

<i>Related Sources of Information</i>	
State Regulation	603 CMR 1.09(6)
Administrative and Governance Guide	pages 15-16

Action Items – Insurance Policies

Due August 1

- Read 603 CMR 1.09(6).
- Consult with the school’s legal counsel to determine which insurance is required and how much will be adequate coverage.
- Submit evidence of insurance coverage to the Charter School Office.

APPENDIX A: CHARTER SCHOOL LAWS AND REGULATIONS**MASSACHUSETTS CHARTER SCHOOL LAW M.G.L. CHAPTER 71, §89**

Section 89. (a) A commonwealth charter school shall be a public school, operated under a charter granted by the board of education, which operates independently of any 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 of education, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

(b) A Horace Mann charter school shall be a public school or part of a public school operated under a charter approved by the local school committee in which the school is located and by the local collective bargaining agent; provided, however, that all charters shall be granted by the board of education. Horace Mann charter schools shall be operated and managed by a board of trustees independent of the school committees which approve said schools. The board of trustees may include a member of the school committee.

(c) For the purposes of this chapter, the words “charter school” or “charter schools” shall refer to both commonwealth charter schools and Horace Mann charter schools unless specifically stated otherwise.

(d) The purposes for establishing charter schools are: (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs; (6) to hold teachers and school administrators accountable for students’ educational outcomes; and (7) to provide models for replication in other public schools.

(e) Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to a non-profit business or corporate entity, two or more certified teachers or ten or more parents; provided, however, that no for profit business or corporate entity shall be eligible to apply for a charter. Said 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.

(f) The board of education shall establish the information needed in an application for the approval of a charter school; provided, however, that said application shall include but not be limited to a description of: (1) the method for admission to a charter school; (2) the mission, purpose, innovation and specialized focus of the proposed charter school; (3) procedures for teacher evaluation and professional development for teachers and administrators; (4) the school governance and bylaws; (5) the financial plan for the operation of the school; (6) the educational program, instructional methodology and services to be offered to students; (7) the number and qualifications of teachers and administrators to be employed; (8) the organization of the school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of

the school; (9) the provision of school facilities and pupil transportation; and (10) 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, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language, and academic achievement. In the case of a Horace Mann charter school, the application shall include a statement of the non-instructional services which will continue to be provided by the local school district. There shall be no application fee for admission to a charter school.

(g) An application submitted for the establishment of a commonwealth charter school shall: (1) be submitted to the board of education for approval pursuant to this section; and (2) be filed with the local school committee for the school district in which the charter school is to be located. Before final approval to establish a commonwealth charter school the board of education shall hold a public hearing on said applications, and solicit and review comments on the application from the local school committee for the school district in which said charter school is to be located.

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

(i) The board of education 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. Not more than 120 charter schools shall be allowed to operate in the commonwealth at any time. In any fiscal year, no public school district's total charter school tuition payment to commonwealth charter schools shall exceed 9 per cent of said district's net school spending; provided, however, the commonwealth shall incur charter school tuition payments for siblings attending commonwealth charter schools to the extent that their attendance would otherwise cause said school district's charter school tuition payments to exceed 9 per cent of said school district's net school spending. Of the total number of charter schools in the state, 48 shall be reserved for Horace Mann charter schools and 72 shall be reserved for commonwealth charter schools. Under no circumstances shall the total number of students attending commonwealth public schools exceed 4 per cent of the total number of students attending public schools in the commonwealth. Not less than three of the new 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 of education pursuant to section 1I of chapter 69 is at or below the statewide average in the year preceding said charter application. In any year, the board shall approve only one 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 schools that have demonstrated broad community support, an innovative educational plan and a demonstrated commitment to assisting the district in which it is located in bringing about educational change. The board shall not approve a new commonwealth charter school in any community with a population of less than 30,000 unless it is a regional charter school.

(j) 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 following:—

(1) to adopt a name and corporate seal; provided, however, that any name selected must include the words “charter school”;

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

(3) to 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; 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 such body;

(4) to receive and disburse funds for school purposes;

(5) to 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) to 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 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) to solicit and accept any grants or gifts for school purposes;

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

(k) Charter schools shall 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 schools and any third party providers.

(l) 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, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a foreign language, and 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.

(m) 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 said school on the date that the application is filed with the board of education 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.

(n) 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, then an admissions lottery, including all eligible students applying, shall be held to fill all of the spaces in that school from among said students. If there are more spaces available than eligible applicants from the city or town in which said charter school is located and who are siblings of current students, and more eligible applicants than spaces left available, then a lottery shall be held to determine which of said applicants shall be admitted; provided, however, that any lottery conducted for Horace Mann charter schools shall reflect the enrollment priorities of this section. Notwithstanding the provisions of 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 of education 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. There shall be no tuition charge for students attending charter schools.

(o) Each charter school shall annually, no later than April 1, notify each public school district in writing of the number 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. In 1997 charter schools shall provide the required enrollment information no later than August. 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 said school.

(p) A student may withdraw from a charter school at any time and enroll in another public school where said 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 of education, 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. A charter school may own, lease or rent its space. Nothing contained in this section shall preclude

computer, cable, or other technology-based learning in conjunction with classroom based learning.

(r) The school committee of each district where a Horace Mann charter school is located shall develop a plan to disseminate innovative practices of said 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.

(s) 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.

(t) A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that the provisions of sections 41 and 42 shall not apply to employees of commonwealth charter schools. Charter schools shall comply with the provisions of chapters 71A and 71B; provided, however, that the fiscal responsibility of any 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 said 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 five 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.

(u) 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 said 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 said 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 individual charter school proposal.

(v) Notwithstanding the provisions of 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 of education. Members of boards of trustees of charter schools operating under the provisions of this section shall file a disclosure annually with the state ethics commission, the department of education, and the city or town clerk wherein such charter school is located. 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 any other state or with any person doing business with any 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 after becoming a member of such board of trustees, on or before September 1 of each year thereafter that such person is a member of such board and on or before September 1 of the year after such person ceases to be a member of such board; provided, however, that no member of a board of trustees shall be required to file such disclosure for the year in which he ceases to be a member of such board if he served less than 30 days in such year.

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

(x) 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 such school is located a budget request for the following fiscal year. The school committee shall act on such 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 such school and shall require the school committee to provide such funding.

(y) 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 such school for any lawful purpose without further approval by the superintendent or the school committee. In no case shall a Horace Mann charter school expend or incur obligations in excess of its budget request; provided, however, that a Horace Mann charter school shall be authorized to spend federal and state grants and other funds received independent of the school district not accounted for in said charter school's budget request without prior approval from the superintendent or the school committee.

(z) 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.

(aa) 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 60 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.

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

(cc) 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 said commonwealth charter school, resign from his school district position.

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

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

(ff) 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. During fiscal year 1998, any charter school operating pursuant to a charter granted on or before January 1, 1997, whose students are not transported by the district of residence, but who would be eligible for transportation to and from such charter school based on the same terms and conditions as students attending local district schools shall receive the entire average transportation cost per student amount, as calculated by the department of education, for each such student, regardless of any transportation costs at such charter school. Schools operating pursuant to a charter granted after January 1, 1997, and all charter schools 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 of education, 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 one and one-half miles from the charter school, measured by a commonly traveled route.

(gg) Each charter school shall submit to the board of education, to the local school committee, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August 1 of each year for the preceding school year. The annual report shall be in such form as may be prescribed by the board and shall include at least the following components: (1) discussion of progress made toward the achievement of the goals set forth in the charter; and (2) a financial statement setting forth by appropriate categories, the revenue and expenditures for the year just ended.

(hh) 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 of education and the state auditor and shall be in a form prescribed by said auditor. Said 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.

(ii) 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.

(jj) 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 of education which shall investigate such complaint and make a formal response.

(kk) A charter granted by the board of education shall be for five years. 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 the 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.

(ll) The board of education 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 vote of support from the school committee and local collective bargaining agent in the district where said charter school is located; provided 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 of education 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.

(mm) Notwithstanding any other provision of this section, no school building assistance funds, so-called, shall be awarded to a commonwealth charter school for the purpose of constructing, reconstructing or improving said school.

(nn) 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 of education 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.

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 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.

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. The department shall calculate a statewide per pupil average expenditure from state and local sources for capital costs solely associated with payments, including interest and principle payments, for the construction, renovation, purchase, acquisition, or improvement of school buildings and land, shall multiply said amount by the number of students the district sends to charter schools, and shall reimburse these sending school districts for said costs. In making these calculations, the department shall use data from the most recent year for which actual district expenditures have been reported by districts to the department.

The board of education shall adopt regulations for implementing the provisions of this subsection, including, but not limited to, regulations for determining the actual per pupil net school spending amounts in districts, and for calculating charter school tuition amounts. In adopting said regulations, the department shall consult with the executive office for administration and finance.

(oo) Beginning in fiscal year 1999, 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; 60 per cent of that amount in the first year following; and 40 per cent of that amount in the second year following.

(pp) The commissioner of education 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. Said data shall be filed annually with the clerks of the house and senate and with the joint committee on education, arts and humanities not later than December 1.

(qq) 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.

(rr) The commissioner shall provide technical assistance to public school districts to assist in the development of proposals for Horace Mann schools.

CHARTER SCHOOL REGULATIONS (603 CMR 1.00)

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Most Recently Amended by the Board of Education: January 25, 2005

1.01: Scope, Purpose and Authority

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

(2) **Authority.** 603 CMR 1.00 is promulgated under the authority of M.G.L. c. 69, § 1B, c. 71, § 89.

1.02: Definitions

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

Administrator. Any individual duly authorized by a charter school's Board of Trustees to manage the programs and operations of the charter school in accordance with its charter as well as federal and state laws and regulations.

Application Cycle. The period beginning in the summer and extending through the receipt of final charter school applications for review, ending no later than the following February when the Board of 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 Education.

Board. The Board of Education or a person duly authorized by the Board.

Board of Trustees. Public agents authorized by the state to supervise and control the charter school. 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.

Charter. A license issued by the Board of Education 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. A charter applicant shall include but is not limited to: individuals; groups; not-for-profit corporate entities; two or more certified teachers; or ten or more parents qualified under M.G.L. c. 71, § 89, to apply for a charter. An application for a charter school may be filed in conjunction with a college, university, museum, or other similar entity, or any combination thereof.

Charter School. A public school operated under a charter granted by the Board of Education. This term encompasses 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 Horace Mann charter school is a school or part of a school that operates under a charter approved by the local school committee and the local teachers' union and granted by the Board of Education. To the extent provided by the terms of their charters, Horace Mann charter schools may be exempt from local collective bargaining agreements, provided that employees of the school will continue:

- (a) to be members of the local collective bargaining unit,
- (b) to accrue seniority, and
- (c) to receive at minimum, the salary and benefits established by the local collective bargaining agreement. Employees will be exempt from all union and school committee work rules to the extent provided by their charter.

Commissioner. The Commissioner of Education or his designee.

Department. The Department of Education.

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 region containing more than one municipality.

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.

1.03: General Provisions

(1) **Administrative Bulletins**. The Board and the Department of Education may, from time to time, issue administrative bulletins to interpret, implement, and provide guidance on 603 CMR 1.00.

(2) **Waivers**. Upon written request from a charter applicant or charter school Board of Trustees, the Board of Education may waive the applicability of one or more provisions of 603 CMR 1.00, provided that all such requests and approvals:

(a) are 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;

(c) include a certification that the waiver applicant has made a good faith effort to comply with said provisions; and

(d) are accompanied by supporting documentation considered sufficient by the Board of Education to support the special circumstances or the need for relief.

Waivers of 603 CMR 1.00 shall be considered only under circumstances the Board of Education deems exceptional and shall be granted only to the extent allowed by law.

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

1.04: Charter Application and Procedures for Granting Charters

(1) **Charter Application Process**. There shall be a two-stage application process leading to the granting of a charter. Applicants shall submit to the Department of Education prospectuses and final applications in accordance with the schedule, application form, and guidelines established by the Department. Following the submission of prospectuses, the Commissioner will invite selected applicants to submit final applications.

(2) **Local Approval of Horace Mann Applications**. Teachers, parents, and others may petition school committees to convert, in whole or in part, a public school in the district to a Horace Mann charter school. A school committee shall notify the Department of Education within ten days of receiving such a petition. The school committee shall send to the Department a written explanation of the action taken by the committee on a petition within 60 days of receiving said petition. Applications for Horace Mann charter schools shall describe:

- (a) the elements of the local collective bargaining agreement that apply to employees of the school, other than those already mandated by law;
- (b) the services the school district will provide to the school; and
- (c) the school's first annual budget allocation from the district, consistent with the allocation for other public schools in the district.

A valid application for a Horace Mann charter school shall have the approval of the local teachers' union and the school committee.

(3) **Review Process.**

- (a) The Department of Education shall review each prospectus and each final application submitted by the required deadlines. Prospectuses and final applications will be reviewed and evaluated according to criteria outlined in 603 CMR 1.05 and in the charter school application itself. In addition, the Department of Education will conduct interviews with all final applicants in order to better assess their qualifications to start a charter school.
- (b) Each applicant submitting a prospectus and a final application for a Commonwealth charter school shall also send a copy of the application to the superintendent of the school districts from which the applicant intends to draw students. The Board and the Department of Education shall hold a public hearing on final applications and solicit and review comments on the application from the school committees of the school districts from which the applicant intends to draw students. At least one member of the Board of Education shall attend public hearings soliciting comment on the merits of pending applications.
- (c) The Board of Education will grant new charters in February. The Board and Department of Education may be assisted in this process by review panels comprised of individuals appointed by the Commissioner. Members of these panels may review applications but the reviewers' role shall be solely advisory.

(4) **Granting of Charters.**

- (a) The Board of Education shall grant charters to approved charter applicants under M.G.L. c. 71, § 89, and under such conditions and at such time as the Board specifies under 603 CMR 1.05 (2).
- (b) A charter granted by the Board of Education shall be effective for five years, beginning July 1 of the first year the 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.
- (c) Should the Board of Education 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

any 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.

(d) The Board of Education 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.

1.05: Criteria for Assessment and Approval of Charter Applications, Awarding of Charters

(1) ***Criteria for Assessment and Approval of Charter Applications.*** The Department of Education will review charter applications to ensure that the applicant has demonstrated ability:

(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 of Education may issue, and including those related to English learners and students with disabilities;

(c) to assure that the charter school will meet its enrollment projections through demonstration of need and support for the proposed charter school in the communities from which students would be likely to enroll;

(d) to demonstrate that the applicant will be able to provide educational models, including programs, curriculum, and teaching methods that can be replicated by other public schools;

(e) to develop a management structure and plan which enables the charter school to achieve the goals and mission set forth in its charter, including the selection, role, and responsibilities of the Board of Trustees;

(f) to assure that students will meet the same performance standards and assessment requirements set by the Board of Education for students in other public schools;

(g) to 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 its charter;

(h) to administer its educational programs, school operations, and finances effectively;

(i) to establish a process to provide to students, parents, the Board of Education, other interested parties, and the public all information required by law and regulation, as well as to provide other information the Board may request;

(j) to develop an enrollment policy consistent with 603 CMR 1.06;

(k) to ensure the thoroughness and accuracy of the charter school application; and

(1) to demonstrate that the applicant has access to school facilities that are in compliance with municipal building codes and other applicable laws, affordable, and adequate to meet the school's program requirements.

(2) *Conditions for Awarding Charters to Approved Applicants.* Charters shall be awarded subject to the conditions listed in 603 CMR 1.05(2)(a) through (i), and any additional conditions that the Board of Education 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 school. Failure to comply with any specified condition prior to the opening of the school shall constitute grounds for placing a charter school on probation.

(a) the charter applicant shall submit to the Department of Education the names, home addresses, and employment, and educational histories for the proposed members of the Board of Trustees and a plan for the administration and management of the school, including the organization structure and by-laws;

(b) in such cases where the charter school Board of Trustees intends to procure substantially all educational services under contract with another person, the Board of Trustees shall provide for the Board of Education's approval the terms of said contract;

(c) the charter applicant shall submit to the Department of Education a copy of the school's code of conduct outlining the criteria and procedures for expulsion of students;

(d) the charter applicant shall provide the Department of Education with written documentation that a criminal background check has been performed on all employees of the school;

(e) the charter applicant shall provide the Department of Education with a copy of the school's enrollment policy;

(f) the charter applicant shall provide the Department of Education with 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;

(g) the charter applicant shall provide the Department of Education with 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;

(h) if explosives or flammable compounds or liquids are used in connection with courses taught at the school, the charter applicant shall provide the Department of Education with 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; and

(i) the charter applicant shall provide the Department of Education with 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.

(3) ***Information for Distribution of Public Funds.*** Upon receiving its charter, a charter school 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.

1.06: Charter School Enrollment

(1) Eligibility for enrollment may be consistent with the school's grade levels. Charter schools shall not discriminate on the basis of race, color, national origin, creed, sex, 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.

(2) Charter schools may not administer tests to potential applicants or predicate enrollment on results from any test of ability or achievement. 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.

(3) Schools shall give reasonable public notice, of at least one month, of all application deadlines.

(4) 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 who reside in the city or town in which a Commonwealth charter school is located, or who are siblings of students already attending said charter school, the charter school shall hold an enrollment lottery for all such applicants;

(b) if there are more spaces available than eligible applicants from the city or town in which said Commonwealth charter school is located and who are siblings of current students, and there are more eligible applicants from outside of that city or town than spaces available, the charter school shall hold an enrollment lottery;

(c) the Department of Education shall notify each Commonwealth charter school no later than February 15 of any limitation on the number of students from a district that may be enrolled in charter schools for the upcoming school year; and

(d) Charter schools shall place names of students not selected in an enrollment lottery on a waiting list in the order the names were drawn. Students on the waiting list may be enrolled as space becomes available. In cases where the enrollment of a student, who is not a sibling of another previously enrolled student, from the waiting list would exceed the district charter tuition cap, the student should be skipped over but kept on the waiting list. 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 said sibling, subject to appropriation.

(5) In conformance with M.G.L. c. 71, § 89, enrollment in a Horace Mann charter school shall be conducted as follows:

(a) priority shall be given first to any students actually enrolled in said school on the date that the final application is filed with the Board of Education and to their siblings. In such cases where there are fewer spaces in a Horace Mann charter school than eligible applicants who were enrolled in said school, the charter school shall hold an enrollment lottery;

(b) if there are more spaces available than eligible applicants from the school, and there are more applicants than spaces available who reside in the city or town in which the charter school is located and who are currently enrolled in the public schools of the district in which the Horace Mann charter school is located, the charter school shall hold an enrollment lottery for all such applicants; and

(c) if there are more spaces available than eligible applicants from the school or district, and there are more applicants than spaces available who reside in the city or town in which the Horace Mann charter school is located, the charter school shall hold an enrollment lottery for all such applicants.

(6) If the principal enrollment process fails to produce an adequate number of enrolled students, a school may repeat the process more than once, if necessary, providing such process is fair and open, with reasonable public notice given at least one week prior to the application deadline. As spaces become available during the school year, a school may repeat the enrollment process to fill these openings. No student entering an enrollment process may be admitted ahead of other eligible students who were previously placed on a waiting list during a prior enrollment process, except in cases described in to 603 CMR 1.06 (4) (d). 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 C.M.R. 1.09(4).

(7) All lotteries shall be conducted in public, with a disinterested party drawing names, and with reasonable public notice given at least one week prior to the lottery.

(8) A school may integrate its enrollment process with that of the school district, provided that the enrollment application is submitted in conjunction with the local school district and such district maintains an intra-district school choice enrollment program.

(9) A school shall specify age thresholds and ceilings for kindergarten and/or high school programs, respectively.

1.07: Charter School Staff

Charter school teachers hired after August 10, 2000 must either:

(1) take and pass, within their first year of employment at a charter school, the Massachusetts Tests for Educator Licensure; or

(2) be already certified to teach in Massachusetts.

1.08: Charter School Funding

(1) Horace Mann charter schools shall be funded through the local school district. A Horace Mann charter school shall submit a budget request annually, in accordance with the budget schedule of the local school district and no later than April 1, 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. 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 charter school board of trustees may appeal any disproportionate budget allocation to the Commissioner of Education, who shall determine an equitable funding level for the school and shall require the school committee to provide such funding.

(2) Each 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 1.08(3), multiplied by the number of students attending the charter school from the sending district in the current year. For students who attend the charter school for less than the full 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 1.08(6).

(3) 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.

(a) 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 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.

(b) 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.

(c) The Department shall annually calculate the statewide average of district expenditures per pupil for the acquisition, construction, and improvement of school buildings, and for the acquisition of land for such buildings, and for debt service thereon, and shall add such capital component to each of the tuition rates calculated above.

(4) 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 1.08(3)(c), but shall not affect the payments due to Commonwealth charter schools.

(5) 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 1.08(4), 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(oo).

(6) The State Treasurer shall make quarterly 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 quarter. 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 of Education shall recommend to the Governor and legislature that a supplemental appropriation be made to pay any remaining obligation to the charter school(s).

(7) The Department of Education shall notify both the Commonwealth charter school and the sending district(s) of the amount of these M.G.L. c. 70 reductions.

(8) The first quarterly payment to Commonwealth charter schools shall be based on each charter school's pre-enrollment report, filed with the Department of Education pursuant to 603 CMR 1.09(4). The remaining three quarterly payments of each fiscal year shall be based on updated enrollment reports, submitted to the Department of Education by each charter school. Although each quarterly payment is intended to equal approximately one quarter of the projected annual amount, payments in the later quarters of each fiscal year shall include adjustments to correct any over- or under-payments in earlier quarters.

(9) In its first year of operation, a Commonwealth charter school may be paid its first quarterly payment within 45 days after the start of the Commonwealth's fiscal year. The remaining three payments shall occur at the end of the Commonwealth's second, third, and fourth fiscal quarters. After its first year of operation, a Commonwealth charter school shall receive all of its quarterly payments, including its first quarter payment, at the end of the Commonwealth's fiscal quarters. The timing of all payments to charter schools is subject to the timely enactment of the Commonwealth's annual budget.

(10) In order to facilitate the acquisition of cash-flow financing, charter schools may be eligible for advance certification of quarterly payments, issued by the Board of Education and the Secretary of Administration and Finance. At least five days prior to the close of each fiscal quarter, the Commissioner of Education and the Secretary of Administration and Finance will certify to eligible charter schools the amount the Commonwealth will pay to such schools at the end of the subsequent quarter, barring a failure of the school to continue operations or a suspension or revocation by the Board of Education of the school's charter. To be eligible for advance certification a charter school shall submit to the Board of Education, prior to each

quarterly certification, financial data necessary to ascertain the school's financial stability and solvency. Such data shall include an updated month-by-month cash flow statement for the current fiscal year and any other data that the Commissioner of Education may specify. If a charter school receiving advance certification of its quarterly payments ceases operations or if its charter is suspended, revoked, or not renewed, the actual quarterly payment by the Commonwealth to the charter school may be less than the certified amount, if a lesser amount is sufficient to satisfy any outstanding loan balances to any secured party holding a perfected security interest.

(11) *Transportation.* School districts shall provide transportation to charter school students on the same basis as it is provided to regular public school students in the district. In providing such transportation, districts shall accommodate the particular school year and school day of the charter school, in accordance with M.G.L. c. 71, § 89. If a district and a charter school cannot reach agreement about the service to be provided, and if the charter school finds an alternative that costs the same as or less than the average cost of transportation per student in the district, the charter school may provide its own transportation services to students eligible for transportation. In such cases, the costs for such services will be deducted from a district's M.G.L. c. 70 account on a quarterly basis as described in 603 CMR 1.08(6), based on estimated and actual expenditures for transportation.

1.09: Ongoing Review of Charter Schools

(1) *Annual Report.* A charter school shall submit to the Board of Education 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, an annual report. The annual report shall be issued no later than August 1 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 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) projections of income and expenses for the upcoming school year;

(c) discussion of progress made toward achievement of the goals of the charter and accountability plan;

(d) evidence that the charter school is developing or has provided models for replication and best practices in education; and

(e) such other information as the Board of Education may require in guidelines.

(2) *Site Visits.* The Department of Education may send evaluation teams to visit each charter school on an annual basis to corroborate and augment the information provided in the annual report in accordance with guidelines issued by the Department. 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 written addendum that the school wishes to submit in response to a report.

(3) ***Financial Audits.*** In accordance with M.G.L. c. 71, § 89, each charter school shall have an independent audit conducted of its accounts, consistent with generally accepted auditing principles, and consistent with any guidelines the Department of Education may issue. Audits shall be filed annually on or before January 1st with the Department of Education and the State Auditor.

(4) ***Enrollment Reports.*** Each charter school shall conclude its principal enrollment process no later than March 15 of each year, and shall file a pre-enrollment report annually with the Department of Education in accordance with deadlines established by the Department. The Department will report to districts the aggregate number of students who are anticipated to attend charter schools during 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 their pre-enrollment reports, charter schools must notify the Department of:

- (a) the school's total enrollment for the subsequent academic year;
- (b) the projected number of students, by grade, to be enrolled in the charter school from each sending district for the subsequent academic year, and
- (c) the number of students, by grade, from each sending district on the waiting list, who, as a result, may be enrolled in the charter school in the subsequent academic year.

Each charter school shall also submit reports no later than October 15 and March 1 of actual enrollment as of October 1 and February 15, respectively. The report shall be filed on a form provided by the Board of Education.

(5) ***Additional Reports.*** The charter school shall be responsible for filing any data reports or school returns as required under public school law and regulations, in accordance with guidelines published by the Department of Education ensuring that charter schools are not asked for the same data more than once.

(6) As required by the Department, the charter school shall submit written documentation that the school remains in compliance with all building, health, safety, and insurance requirements established as conditions for charter granting in 603 CMR 1.05 (2) and that all related inspections and approvals are current.

(7) ***Notification of New Circumstances.*** The charter school shall notify the Department of Education 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. Within 30 days after receiving such notice, the Commissioner shall determine whether any remedial action is required, and shall recommend such action to the Board of Education. Such actions may include suspension or revocation of the charter or placing the charter school on probation under 603 CMR 1.12.

(8) ***Additional Information.*** At the discretion of the Board of Education, charter schools may be required to submit additional information other than that specifically required by 603 CMR 1.00.

(9) ***Signatory Authorization.*** Any information supplied to the Board of Education, the Commissioner, or the Department of Education by the charter school under 603 CMR 1.00 shall be signed by an individual given signatory authorization by the charter school Board of Trustees. All such information is submitted under penalty of perjury.

1.10: 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 no later than 30 days from receipt of the complaint in writing to the complaining party.

(3) The Board of Trustees shall, pursuant to a complaint received under 603 CMR 1.10, 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 the complaint has not been adequately addressed by the charter school Board of Trustees may submit the complaint in writing to the Commissioner of Education, who shall investigate such complaint and make a written response.

(5) In the event the charter school is found in non-compliance with M.G.L. c. 71, § 89, or 603 CMR 1.00, as a result of a complaint or upon investigation, the Commissioner or Board of Education may take such action as it deems appropriate, including but not limited to suspension or revocation of the charter under 603 CMR 1.13, or referral of the matter to the District Attorney or the Office of the Attorney General for appropriate legal 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 of Education.

1.11: Amendments to Charters

(1) If a charter school plans to make a major change in its operations, the school's Board of Trustees shall submit in writing to the Board of Education a request to amend its charter. Major changes are defined as those that fundamentally affect a school's mission, organizational structure, or educational program. Such changes include, but are not limited to:

(a) Educational philosophy or mission;

(b) Governance or leadership structure;

(c) Contractual relationships with an education management organization providing or planning to provide substantially all the school's educational services;

(d) Curriculum models or whole-school designs that are inconsistent with those specified in the school's charter;

(e) Location of facilities, if such change involves relocating or expanding to another municipality;

(f) Districts specified in the school's charter;

(g) Maximum enrollment; or

(h) Grades served.

(2) If a charter school plans to make a minor change in its operations, the school's Board of Trustees shall submit in writing to the Commissioner a request to amend its charter. Minor changes are defined as changes that do not fundamentally alter a school's organizational structure or educational program. Such changes include, but are not limited to:

(a) Bylaws;

(b) Schedule (length of school year, school week, or school day);

(c) Enrollment process;

(d) Code of conduct;

(e) Corrections and clarifications involving the mission statement or other sections of the charter;

(f) School name; or

(g) Membership of the Board of Trustees (as specified under 603 CMR 1.05(2)(a)).

(3) The Commissioner and the Board of Education may consider a charter school's compliance with applicable state, federal, and local law and the evidence the school has provided regarding the three areas set forth in 603 CMR 1.12(3) in reaching a determination regarding a school's request to amend its charter.

(4) The Board of Education or the Commissioner shall endeavor to approve or deny amendment requests within 60 days after receiving complete requests. An amendment request for a change to a Horace Mann charter school's operations requires the approval of the local teachers' union and the local school committee.

(5) If a Commonwealth charter school seeks an amendment to change its maximum enrollment (including grades served), the municipality of its location, or the districts specified in its region;

the Department will provide a copy of the request to the superintendents of the affected districts and provide them notice of their right to submit written comment to the Commissioner within 15 days.

(6) 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 of Education.

1.12: Renewal of Charters

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

(1) The charter school shall submit its application for renewal of a charter under 603 CMR 1.00 no earlier than March 1 of the third school year and no later than August 1 after the end of fourth school year. The Board of Education will review renewal applications pursuant to the criteria set forth in 603 CMR 1.05 and M.G.L. c.71, § 89. For renewal applications received on or before August 1, the Board of Education 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 following receipt of the renewal application. In the event the renewal is denied, the charter school shall have all rights of review as provided in M.G.L. c. 30A and 801 CMR 1.00.

(2) The charter school may apply for renewal of its charter under renewal application guidelines established by the Board of Education. Applications for the renewal of Horace Mann charters must be submitted with the approval of the local teachers' union and the local school committee.

(3) The Department shall issue guidelines describing the evaluation process to be followed in reviewing applications for charter renewal, including protocols for renewal inspections. The decision by the Board to renew a charter shall be based upon the presentation of affirmative evidence regarding the success of the school's academic program; the viability of the school as an organization; and the faithfulness of the school to the terms of its charter. 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 renewal inspection. 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.

(4) Charters that are renewed shall be for five years from the expiration of the previous charter under such conditions as the Board of Education may establish under 603 CMR 1.05 (2). 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 1.13.

1.13: Charter Revocation, Probation, Suspension, and Non-Renewal

(1) The Board of Education may suspend or revoke (hereinafter, "revoke") a charter for cause, including but not limited to:

(a) a material misrepresentation in the application for approval of the charter;

(b) failure to comply substantially with the terms of the charter, with any of the applicable provisions of M.G.L. c.71, or with any other applicable law or regulation;

(c) financial insolvency;

(d) 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;

(e) fraud or gross mismanagement on the part of charter school administrators or Board of Trustees;

(f) criminal convictions on the part of the charter school or its Board of Trustees; or

(g) failure to fulfill any conditions imposed by the Board of Education in connection with the grant of a charter.

(2) Before the Board of Education revokes a charter, it shall notify the charter school in writing that the Board intends to revoke the charter. In the case of a Horace Mann charter, the Board shall also notify the district in which the school is located. Except in an emergency, the Board shall send the notice 60 days before the revocation takes effect.

(3) Upon receiving a notice of intent to revoke a charter, or notice of an emergency revocation where the health, safety or education of the school's students is at immediate risk, the school shall have all rights of review as provided in M.G.L. c. 30A, § 13, and 801 CMR 1.00. All requests for hearings, where hearings are provided by said statutes, shall be in writing, addressed to the Board of Education, and must be received within 15 days of receipt by the charter school of the notice of intent to revoke a charter.

(4) The Board of Education may place a charter school on probation, rather than revoke its charter, in order to allow for the implementation of a remedial plan approved by the Board. If after 60 days, or such longer period as the Board may specify, said plan is unsuccessful in remedying the problem or alleviating the causes of the probation, the Board may summarily revoke the charter.

(5) The Department may also impose certain conditions on a school's charter for violations of law or failure to comply with the terms of the school's charter.

(6) The Board of Education may withhold payments to any charter school placed on probation or whose charter has been suspended, revoked, or not renewed or that has failed to comply with conditions imposed by law or under 603 CMR 1.13(5).

(7) Charter schools must comply with the closing procedures established by the Department.

(8) 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. 603 CMR 1.13(6) shall not apply to the extent the charter school or any other interested party demonstrates that charter school property was purchased solely by, or solely with funds paid to the school by, persons or entities other than the Commonwealth, in which case ownership of the property shall be transferred to such persons or entities, unless otherwise voted by the Board of Trustees.

(9) 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. This regulation shall not apply to the extent the charter school or any other interested party demonstrates that charter school property was purchased solely by, or solely with funds paid to the school by, persons or entities other than the district or Commonwealth, in which case ownership of the property shall be transferred to such persons or entities, unless otherwise voted by the Board of Trustees.

1.14: 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

603 CMR 1.00: M.G.L. c. 69, § 1B; c. 71, § 89

APPENDIX B: GUIDANCE ON CHARTER SCHOOL BYLAWS**Requirements** for bylaws:

- state the name and purpose of the school and that the school is a public school chartered by the Commonwealth of Massachusetts
- cite MGL Chapter 71 Section 89
- state that the Board of Trustees is a public entity
- state that individual Board members are considered special state employees
- state that the Board of Trustees holds the charter from the state and is therefore responsible for ensuring that the school and Board members:
 - comply with all applicable laws and regulations
 - ensure that the school is an academic success, organizationally viable, faithful to the terms of its charter, and earns charter renewal
- state that the Board of Trustees may not discriminate against potential members on the basis of age, sex, sexual orientation, race, national origin, ancestry, religion, marital status, or non-disqualifying handicap or mental condition
- require that notice be given of the date, time and location of all meetings in accordance with the law pertaining to the open meetings of governmental bodies (Mass. Gen. Laws c. 30A, § 11A½)
- require that a record of every meeting be adopted and kept, including the time, date, and location of the meeting, the members present or absent, and all action taken at the meeting, including formal votes taken.
- require that trustee participation occur in person
- determine the minimum and maximum number of trustees
- specify the number of trustees that shall constitute a quorum
- state that action by the Board requires a majority vote of a quorum of seated trustees
- define a number of years that shall constitute a term
- set a specific, reasonable, limit on successive or total terms that a member may serve
- require a formal vote of the Board of Trustees to accept all new members
- specify that the school's fiscal year begins on July 1
- specify a process for making amendments to the bylaws, subject to the approval of the Board of Trustees and the Department of Education
- determine general school policies, in compliance with state and federal law
- manage the financial affairs of the school and approve the annual budget

Strongly Suggested for inclusion:

- specify the process through which a trustee may resign
- specify the process through which a trustee may be removed
- allow a trustee to be removed with or without cause
- require that the Board of Trustees meet at least quarterly or as needed
- require an annual meeting of the Board of Trustees
- specify the situations for which approval may require a special majority
- establish a process for electing officers

- specify the number and titles of officers (Chair, Vice-Chair, Secretary, and Treasurer)
- describe the responsibilities of each officer
- allow the Board of Trustees to select, appoint, evaluate, and/or remove the school director(s)
- allow the formation of committees and/or task forces, either permanent or as needed
- include the school's mission statement

The school's bylaws **MAY NOT**:

- refer to the school as a non-profit corporation, a charitable organization, a 501(c)(3), or use descriptions indicating that the school is anything other than a public entity.
- allow an entity other than the Board of Trustees to select or remove trustees
- allow the Board of Trustees to exercise managerial powers over the day-to-day operations of the school
- allow members to participate in meetings by telephone, email, or proxies
- allow the Board of Trustees to select, appoint, evaluate, and/or remove the school staff other than school leadership
- allow membership of a majority of the Board of Trustees to be bound or affected by any other entity

APPENDIX C: CRITERIA FOR APPROVAL OF ENROLLMENT POLICY FOR COMMONWEALTH CHARTER SCHOOLS

School:

Date:

The General Policy Statement (or Introduction):

- Describes the school’s expansion plan, if applicable. 603 CMR 1.06(1)
- States the ages/grades at which the school enrolls (or does not enroll) new students. Ch. 79 § 89(1); 603 CMR 1.06(1); 603 CMR 1.06(9)

The description of the Initial Application Process:

- States that notice of all application deadlines must be given one month in advance. 603 CMR 1.06(3)
- Includes a complete statement of non-discrimination. 603 CMR 1.06(1)
- The application has been attached to the policy. 603 CMR 1.06(2)
- Sets a deadline for accepting student applications. 603 CMR 1.06(3)

The section on Eligibility Criteria:

- States that the applicant must be a resident of Massachusetts at the time of application.
- States other criteria specified by the school (if any). 603 CMR 1.06(2)
- Includes a policy statement about how schools handle cases wherein an applicant fails to meet eligibility criteria. 603 CMR 1.06(2)

The description of the Lottery Procedures:

- States that the school will determine the number of spaces available by grade level. Ch. 79 § 89(1); 603 CMR 1.06(4)
- States that at least one week notice must be given prior to the lottery. 603 CMR 1.06(7)
- States that an individual that is not connected with the school will draw the lottery. 603 CMR 1.06(7)
- States that siblings of students who are already in attendance at the school in the year of application have preference for admission over non-sibling resident students. 603 CMR 1.06(4)(a)
- States that residents of the municipality(ies) served by the school have preference over non-resident students. Ch. 79 § 89(m); 603 CMR 1.06(4)(b)
- States that those students for whom enrollment in the school would cause the sending district to exceed the 9% tuition cap may not be offered admission. Ch. 79 § 89(i); 603 CMR 1.06(4)(d)
- States that for those students to whom the above policy applies but who are also siblings of students currently in attendance at the school the state may pay the child’s tuition, subject to appropriation. 603 CMR 1.06(4)(d)
- States that all applicants for a given application and enrollment process will be drawn in the lottery and assigned a number. 603 CMR 1.06(4)(a); 603 CMR 1.06(4)(d)

- Sets a final date for students to accept enrollment and the actual date of enrollment. (CSAGG⁶ 22).

The Waiting List policy:

- States how wait-listed students will be informed of an offer of admission. (CSAGG 26).
- States the school's policy for students who have declined an offer of admission. (CSAGG 26).
- States the school's policy on the waiting list from year to year (Does it roll-over? Do applicants need to reapply?). (CSAGG 26).
- States the school's policy on applications submitted after the initial application and lottery process (The CSO strongly encourages schools to engage in regular application and enrollment processes). 603 CMR 1.06(6)

The other Enrollment Requirements include:

- Proof of residency (except in the case of homeless students)

⁶ *The Charter School Administrative and Governance Guide*

APPENDIX D: CRITERIA FOR APPROVAL OF ENROLLMENT POLICY FOR HORACE MANN CHARTER SCHOOLS

School:

Date:

The General Policy Statement (or Introduction):

- Describes the school’s expansion plan, if applicable. 603 CMR 1.06(1)
- States the ages/grades at which the school enrolls (or does not enroll) new students. Ch. 79 § 89(1); 603 CMR 1.06(1); 603 CMR 1.06(9)

The description of the Initial Application Process:

- States that notice of all application deadlines must be given one month in advance. 603 CMR 1.06(3)
- Includes a complete statement of non-discrimination. 603 CMR 1.06(1)
- The application has been attached to the policy. 603 CMR 1.06(2)
- Sets a deadline for accepting student applications. 603 CMR 1.06(3)

The section on Eligibility Criteria:

- States that the applicant must be a resident of Massachusetts at the time of application.
- States other criteria specified by the school (if any). 603 CMR 1.06(2)
- Includes a policy statement about how schools handle cases wherein an applicant fails to meet eligibility criteria. 603 CMR 1.06(2)

The description of the Lottery Procedures:

- States that the school will determine the number of spaces available by grade level. Ch. 79 § 89(1); 603 CMR 1.06(5)
- States that at least one week notice must be given prior to the lottery. 603 CMR 1.06(7)
- States that an individual that is not connected with the school will draw the lottery. 603 CMR 1.06(7)
- States that students enrolled in the school on the date that the application is filed with the Board of Education and their siblings are entitled to preference in admission in the initial lottery of the school’s first year. Ch. 79 § 89(m); 603 CMR 1.06(5)(a)
- States that siblings of students who are already in attendance at the school in the year of application to the charter school have preference for admission over non-sibling applicants in all subsequent lotteries. Ch. 79 § 89(n)
- States that students enrolled in public schools in the district in which the charter school is located on the date the application is filed with the Board of Education receive second preference in admission. Ch. 79 § 89(m); 603 CMR 1.06(5)(b)
- States that students residing in the district where a Horace Mann charter school is located receive third preference for admission. Ch. 79 § 89(m); 603 CMR 1.06(5)(c)
- States that all applicants for a given application and enrollment process will be drawn in the lottery and assigned a number. 603 CMR 1.06(5)
- Sets a final date for students to accept enrollment and the actual date of enrollment. (CSAGG 22).

The Waiting List policy:

- States how wait-listed students will be informed of an offer of admission. (CSAGG 26).
- States the school's policy for students who have declined an offer of admission. (CSAGG 26).
- States the school's policy on the waiting list from year to year (Does it roll-over? Do applicants need to reapply?). (CSAGG 26).
- States the school's policy on applications submitted after the initial application and lottery process (The CSO strongly encourages schools to engage in regular application and enrollment processes). 603 CMR 1.06(6)

The other Enrollment Requirements include:

- Proof of residency (except in the case of homeless students)

**APPENDIX E: ENROLLMENT POLICY AND APPLICATION FOR ADMISSION FOR
ACADEMY OF THE PACIFIC RIM CHARTER PUBLIC SCHOOL**

**The Academy of The Pacific Rim
Charter Public School**

Enrollment Policy and Procedures

Admissions Criteria

Charter schools are public schools and are therefore open to all Massachusetts students on a space available basis. This means that The Academy of the Pacific Rim may not discriminate on the basis of race, color, national origin, creed, sex, 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, The Academy of the Pacific Rim may not set admissions criteria that are intended to discriminate or that have the effect of discriminating based upon any of these characteristics. M.G.L. c. 71, § 89(1); 603 CMR 1.06(1).

The Academy of the Pacific Rim has an interest in making sure that all prospective students and their families understand the mission and focus of the school and are interested in being a part of the school community.

The Academy of the Pacific Rim charter public school **requires:**

1. Candidates for admission to apply for the grade immediately following their current grade and to successfully complete that grade to be admitted.
2. Students to be residents of Massachusetts at the time that they submit a Lottery Enrollment Form (attached) and at the time that they are offered admission.⁷
3. That primary preference for admission be given to siblings of students "currently attending" the school in accordance with Massachusetts Department of Education regulations.
4. That secondary preference for admission is given to students who are residents (as defined in 603 1.06(4)) at the time that they are offered admission to the school.

and **strongly advises and requests:**

5. Parents/ guardians and students attend an informational session and orientation session prior to enrollment.
6. Parents/guardians and students sign compacts that demonstrate their agreement with and understanding of the school's mission.

The Academy of The Pacific Rim charter public school **will not:**

⁷ Students are offered admission if their names are drawn in the lottery or if another student declines an offer of admission/transfers out of the school and their name comes up on the waitlist

1. Give preferences to children of staff members or Board members;
2. Give preference to siblings of students accepted to the school but not yet attending; or
3. Make statements in meetings intended to discourage, or that have the effect of discouraging, parents/guardians of students with disabilities, students with limited English proficiency, or any other protected group of students from submitting an lottery enrollment form to the school. See M.G.L. c. 71 § 89(1).

Outreach

The Academy of the Pacific Rim provides information about the school to those who are interested throughout the year. The School provides lottery enrollment forms at its Information Sessions, which are held January and February of each year for interested applicants. The school provides lottery enrollment forms in languages of the community. If a family is unable to attend an information session the school will mail an enrollment form.

The recruitment and enrollment process is an extensive, citywide outreach effort that includes advertisement in local newspapers, at local libraries, community centers and schools. In addition, we participate in the annual, Boston-wide charter public school fair in a central location in Boston. The Academy of the Pacific Rim does not discriminate on the basis of race, color, national origin, sex, creed, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in English language or foreign language, or prior academic achievement. Attendance of Information Sessions is strongly encouraged for students and their families. The Academy of the Pacific Rim will strive to make accommodations for families with individual hardships.

Enrollment Process

1. For a given school year beginning in August, The Academy of the Pacific Rim will publicize its three information sessions and invite families to attend and fill out a lottery enrollment form. Families who are unable to attend any of these sessions, for whatever reason, will be sent a lottery enrollment form by mail. Returning students or those students currently on a waiting list for grades 7-12 do not have to reapply. Students on the sixth grade waiting list MUST reapply for the seventh grade lottery enrollment. The school will contact all families on this list.
2. The Academy of the Pacific Rim will accept Lottery Enrollment Forms until March 1st of the year in which the lottery will take place.
3. After this initial lottery enrollment period, the school will conduct a lottery prior to March 15th, publicizing the date, time and location with reasonable notice of at least one week before the lottery date. 603 CMR 1.06(6).
4. The school will set a final date for students to accept offers of enrollment (May 1) and the actual date of enrollment.
5. Any forms submitted after March 1 will enter a second lottery on August 1, and if there is a waitlist these students will go to the bottom of the waitlist in the order that they are chosen from the lottery.

6. The Academy of the Pacific Rim will publicize all lottery enrollment deadlines and the fact that there will be a lottery if there are more eligible applicants than there are available spaces within a given lottery enrollment process, with reasonable public notice of at least one week.

After the lottery enrollment deadline passes, The Academy of the Pacific Rim will divide all lottery enrollment forms into three categories under 603 CMR 1.06(4)

- *Siblings* – Students who share a common parent, either biologically or legally through adoption. Whether the children reside in the same household has no bearing on determining if the children are siblings for purposes of a sibling preference. Children who live in separate households may be siblings and those that live in the same household may not be. If siblings are placed in foster homes and one of them enrolls in the charter school, then the siblings of that student are entitled to admission preference. Foster children are not considered siblings of other children in the foster home unless they share a common parent.
- *Residents* - Students who live in the city or town in which the charter school is located (Boston). Residents enrolled in district, charter, private or parochial schools or enrolling in schools in the district get equal preference.
- *Non-residents* - Students who live outside the city or town in which the charter school is located (Boston). Non-Residents enrolled in district, charter, private or parochial schools or enrolling in schools in the district get equal preference.

Preference for admission is given first to applicants in the "Siblings" category followed by applicants in the "Residents" category and then by applicants in the "Non-Residents" category without regard to when their lottery enrollment form was submitted as long as it was prior to the lottery enrollment deadline. APR will either extend an offer of admission to all applicants within a group (Siblings, Residents or Non-Residents) that meet the lottery enrollment deadline or select applicants randomly using a lottery. The Academy of the Pacific Rim will not offer admission to applicants on a first come first serve basis.

Lottery

If there are more eligible applicants in any of the categories ("Siblings", "Residents" or "Non-Residents") than there are spaces available, The Academy of the Pacific Rim must hold a lottery to determine which applicants will receive an offer of admission. 603 CMR 1.06(3)(a). As previously mentioned, the school must give reasonable public notice of the lottery at least one week before the lottery date. Charter schools must have an individual, without any connection to the school, randomly draw the names of all students who submitted lottery enrollment forms before the deadline. After the available slots are filled, the individual shall keep drawing the names of the remaining applicants in each category and place them on a waiting list in the order they are drawn.

If the school does not reach capacity after admitting all eligible "Siblings" and "Residents," then it may admit non-resident applicants. In this case, the school must hold a lottery, under

the same rules as outlined above, to select non-resident students for the remaining spaces if there are more non-resident applicants than spaces available. 603 CMR 1.06(4)(b).

Waiting List

The Academy of the Pacific Rim will maintain waiting lists for “Siblings”, “Residents” and “Non-Residents.” These lists will be maintained in the following manner:

6th grade: The wait list will be active for the school year, although the Board reserves the right to close admission for new students on September 30. This list is then void with the new lottery in March for next year’s seventh grade. All students on the sixth grade wait list will be contacted and must re-apply for a seat in the seventh grade.

7th grade: The wait list will be active for the school year, although the Board reserves the right to close admission for new students on September 30. Although we are not currently accepting students in the eighth grade, we roll this waitlist over for the next year, in case the board decides to open admission in 8-12th grade.

8th – 12th grade: Although we are not currently accepting lottery enrollment forms in any of these grades, we will roll over the wait list from year to year.

The Academy of the Pacific Rim must always accept “Resident” students before accepting “Non-Resident” students unless the “Non-Resident” student is also a “Sibling”.

There is one exception – if a space became available and the enrollment of a student from the waiting list would cause his or her sending district to exceed the net school spending cap, the charter school should skip over that student but keep them on the waiting list. If that student on the waiting list is a sibling of a student currently enrolled at the charter school, the school may enroll that student and the Commonwealth of Massachusetts will pay the tuition to the charter school, subject to state appropriations.

Secondary Lottery

The Academy of The Pacific Rim may hold a second lottery under the following conditions:

1. If by March 1st the school has received fewer enrollment forms than it has spaces available; or
2. If after March 1st the school receives additional lottery enrollment forms for the upcoming school year.

Enrollment Confirmation

Families will be notified at the lottery and by mail of their admission status (accepted or placement on waiting list). If a student declines an offer of admission, the school will immediately contact the family of the student on the top of the wait list. All families will receive an enrollment packet with all of the forms necessary to enroll in The Academy of the Pacific Rim (such as Proof of Residency, Student Information, and Records Release Form). If a student is accepted in the lottery, that family must confirm that the student will attend the

school by May 1st. To ensure that the student is able to enroll, the family must fill out and submit all required documents by June 1st. The school will hold an Orientation session in August (before the start of school) to prepare new families and students for the transition to the Academy and to assist families with any remaining paperwork. If a student is selected off of the waiting list and if the family is notified before August 1st, the family has 5 days to confirm enrollment. If the family is notified after August 1st, the family will have 3 days to confirm enrollment.

Other Limitations

While The Academy of the Pacific Rim primarily accepts students in 6th and 7th grades, the school may accept students in upper grades when the Board of Trustees deems this is necessary for the growth of the school. For an upper grade student, he/she must have successfully completed (or is expected to complete) the grade preceding the grade to which the student seeks admission.

All commonwealth charter schools must ensure that they do not enroll a number of students from a sending district that would cause the district to exceed the 9% cap on net school spending. M.G.L. c. 71 (89)(i).

The Board reserves the right to close enrollment for an academic year after September 30th of that year.

**The Academy of The Pacific Rim Charter Public School
 Lottery Enrollment Form – Academic Year 2005-2006**

We ask that you fill out this lottery enrollment form completely. This information will be kept confidential. The only parts of the lottery enrollment form that affect the lottery are: RESIDENCE and SIBLING STATUS. Residents of Boston and siblings of those who are *currently* enrolled in the school get priority in the lottery. The word “sibling” refers to persons who have a common parent, either biologically or legally through adoption.

The lottery is held at the Academy on **March 9, 2005 for 6th and 7th grade students only**. We are not accepting enrollment forms for 8 – 12th grades. We will mail the lottery results on March 18th.

The Academy of the Pacific Rim does not discriminate on the basis of race, creed, national origin, ethnicity, religion, gender, sexual orientation, mental or physical disability, special needs, English language proficiency, athletic ability, or academic achievement.

Student

First Name: _____ Middle Name: _____ Last Name: _____

Social Security Number: ____ - ____ - _____

Address: _____

Date of Birth: __/__/__ Age: _____ City of Birth: _____ Gender: (circle one) M F

Current Grade (2003-2004): _____ Name of Current School: _____

Applying for Grade (for 2005-2006): (circle one) 6 7

Parent / Guardian

Relationship to Student: _____ Relationship to Student: _____

Name: _____ Name: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

Home Phone: _____ Home Phone: _____

Work Phone: _____ Work Phone: _____

Email address: _____ Email address: _____

Optional Information – NOT used in lottery enrollment process

Primary Languages spoken in the home: _____

Primary Language spoken by student: _____

Is the student currently receiving special education services? (circle one) YES NO

If so, what type of service does s/he receive?

Race / Ethnicity

The state has redefined these categories to allow individuals the opportunity to select one or more race when reporting. In addition, race and Hispanic origin are considered two separate concepts. Please select one Ethnicity and one Race box for your student:

- Ethnicity: Hispanic or Latino Not Hispanic or Latino
- Race: American Indian or Alaskan Native Native Hawaiian or Other Pacific Islander
- Asian White
- Black or African American

Understanding of Expectations

Student Understanding. I understand that, if admitted to the Academy, I will be expected to sign a contract in which I agree to attend school regularly, on time, and be prepared to work hard; to follow the school’s code of conduct; and to help build an academically focused and safe community. In addition, I will attend the Orientation session on Saturday, August 20th and begin school on Monday the 22nd.

Student Applicant Signature

Date

Parent/Guardian Understanding. I wish to enroll my child in The Academy of the Pacific Rim and understand that the school will provide an academically rigorous education. I am prepared to be an active partner in my child’s education by signing a contract in which I agree to ensure that my child attends school regularly, on time, prepared to work, and follows the school’s code of conduct; volunteering at the school and participating in school activities; signing weekly progress reports and attending family conferences; and keeping in constant communication with my child’s teachers regarding academic and behavioral performance. In addition, I will attend the Orientation session on Saturday, August 20th and the Family Focus Sessions in November and March.

Parent/Guardian Signature

Date

APPENDIX F: ENROLLMENT POLICY AND APPLICATION FOR ADMISSION FOR MARSTONS MILLS EAST HORACE MANN CHARTER SCHOOL

Charter schools are public schools and are therefore open to all students on a space available basis. Marstons Mills East Horace Mann Charter School does not discriminate on the basis of race, color, national origin, creed, sex, 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, Marstons Mills East will not set admissions criteria that are intended to discriminate or that have the effect of discriminating based upon any of these characteristics. [M.G.L. c. 71, § 89\(1\)](#); [603 CMR 1.06\(1\)](#).

Marstons Mills East Horace Mann Charter School has an interest in making sure that all prospective students and their families understand the mission and focus of the school and are interested in being a part of the school community. Requirements for enrollment in the school shall include, but shall not be limited to, attendance at informational meetings and interviews, which shall not be designed, be intended, or be used to discriminate.

The ideal enrollment of the Marstons Mills East Horace Mann Charter School for Kindergarten through and including Grade Two shall be eighteen students to one teacher and in Grades Three and Four shall be twenty-two students to one teacher.

Marstons Mills East Horace Mann Charter School **requires:**

1. Successful candidates for admission to apply for the grade immediately following their current grade and to successfully complete their current grade to be admitted.
2. That preference for admission be given to siblings of students "currently attending" the school in accordance with Massachusetts Department of Education regulations

and **strongly advises and requests:**

3. Parents/ guardians and students attend informational sessions and orientation sessions prior to enrollment.
4. Parents/guardians and students to sign compacts that demonstrate their agreement with and understanding of the school's mission.

Marstons Mills East Horace Mann Charter School **will not:**

5. Give preferences to children of staff members or Board members;
6. Give preference to siblings of students accepted to the school but not yet attending; or
7. Make statements in meetings intended to discourage, or that have the effect of discouraging, parents/guardians of students with disabilities, students with limited English proficiency, or any other protected group of students from submitting an application to the school. See M.G.L. c. 71 § 89(1).

Outreach

Marstons Mills East Horace Mann Charter School provides information about the school to those who are interested throughout the year. Marstons Mills East Horace Mann Charter School provides applications at its Orientation Sessions, which are held September – February of each year for interested applicants and again in the spring and summer for incoming students.

The recruitment and enrollment process is an extensive, town-wide outreach effort that includes advertisement and formal orientations. Marstons Mills East Horace Mann Charter School does not discriminate on the basis of race, color, national origin, sex, creed, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in English language or foreign language, or prior academic achievement. Attendance at Orientation Sessions is strongly encouraged for students and their families. Marstons Mills East will strive to make accommodations for families with individual hardships.

Application and Enrollment Process

In the first year of operation, Marstons Mills East must give priority for admission to all students actually enrolled in the school on the date the school's final application is filed with the Charter School Office and their siblings. This is the “first group of students.”

Oversubscription of available spaces: If there are fewer spaces than there are eligible applicants in this first group of students already at the school, the charter school must hold a lottery to select applicants from this group.

Undersubscription of available spaces: If the first group of students, as defined herein, does not fill the available spaces, Marstons Mills East next must give preference to applicants currently enrolled in public schools in the Barnstable Public School district, including students who live outside of the Barnstable Public School district but attend district public schools through the school choice program. It is not permissible to subdivide a school district geographically when providing this preference. This is the “second group of students.”

Oversubscription of available spaces: If there are fewer spaces than there are eligible applicants in this second group of students already enrolled in the school district, the charter school must hold a lottery to select applicants from this group.

Undersubscription of available spaces: If the second group of students, as defined herein, does not fill the remaining available spaces, Marstons Mills East must open admission to all students who reside in Barnstable Public School district and are enrolled in private, or parochial schools, or who will be entering school for the first time. This is the “third group of students.”

If there are fewer spaces than there are eligible applicants in this third group of all students who reside in the district but are not enrolled in the school district, the school must hold a lottery to select applicants from this group.

After its first year of operation, Marstons Mills East will:

Determine the number of spaces available in each grade based on the capacity in that grade and the number of returning students.

Set a deadline for accepting student applications for the available new spaces, with reasonable public notice of at least one month, and make clear that returning students do not have to reapply.

Publicize the application deadline and the fact that there will be a lottery if there are more eligible applicants than there are available spaces.

Set a date for the lottery, with reasonable notice of at least one week before the lottery date. 603 CMR 1.06(6).

Set a final date for students to accept enrollment and the actual date of enrollment.

After the application deadline passes, Marstons Mills East Horace Mann Charter School will divide all applicants into three categories under [603 CMR 1.06\(5\)](#)

- *Siblings* – Children who share a common biological or legal parent, regardless of whether the siblings are living in the same household or not, one of which is in attendance at the school in the year of the other’s application.
- *District Students* - Students who live in the city or town in which the charter school is located or those who attend Barnstable Public Schools through a school choice program in the year of the application.
- *Resident Students* – All students who reside in Barnstable Public School District and are enrolled in private or parochial schools, or who will be entering school for the first time.

Marstons Mills East Horace Mann Charter School will not offer admission to applicants on a first come first serve basis.

Lottery

Once all siblings have been given a seat, if there are more eligible applicants in the "District Students" category than there are spaces available, Marstons Mills East Horace Mann Charter School must hold a lottery to determine which "District Student" applicants will receive an offer of admission. [603 CMR 1.06\(5\)\(b\)](#). As previously mentioned, the school must give reasonable public notice of the lottery at least one week before the lottery date. Charter schools must have an individual without any connection to the school randomly draw the names of all students who submitted applications before the deadline. After the available slots are filled, the individual shall keep drawing the names of the remaining applicants in the "District Students" category and place them on a waiting list in the order they are drawn.

If there are more applicants in the “Resident Students” category than there are spaces available, then the process will be repeated for all “Resident Student” applicants. [603 CMR](#)

[1.06\(5\)\(c\)](#). After the available slots are filled, the individual shall keep drawing the names of the remaining applicants in the "Resident Student" category and place them on a waiting list in the order they are drawn.

After each lottery, Marstons Mills East Horace Mann Charter School will create a waiting list for each group of students (or add students to the appropriate existing waiting list), if necessary. These lists will roll over from one year to the next so that Marstons Mills East Horace Mann Charter School will enroll students from the appropriate waiting list in the next school year.

Additional Application and Enrollment Processes

Marstons Mills East Horace Mann Charter School may conduct additional application and enrollment processes, following the procedures described above, under the following conditions:

If by March 1st the school has received fewer enrollment forms than it has spaces available; or

If after March 1st, the school receives additional lottery enrollment forms for the upcoming school year.

Enrollment Confirmation

Families will be notified at the lottery and by mail of their admission status (accepted or placement on waiting list). All families will receive an enrollment packet with all of the forms necessary to enroll in Marstons Mills East. If a student is accepted in the lottery, that family must confirm that the student will attend the school by April 1st. To ensure that the student is able to enroll, the family must fill out and submit all required documents by April 1st. The school will hold a Pre-Enrollment session after the lottery and before the Confirmation Deadline to supply additional information and to assist families in filling out forms. If a student is selected off of the waiting list and if the family is notified before August 15th, the family has 10 days to confirm enrollment. If the family is notified after August 15th, the family will have 3 days to confirm enrollment.

If a student declines an offer of admission, that student shall lose his/her place on the waiting list.

MARSTONS MILLS EAST HORACE MANN CHARTER SCHOOL
 SCHOOL CHOICE APPLICATION FORM
 2005-2006 SCHOOL YEAR

This application must be accompanied by a copy of the child's birth certificate and Proof of Residence. Please return this application on or before February 2, 2005 in order to be eligible for the lottery.

Child's Name:	DOB:	SEX: M/F
Child's Address:	SS#	
	Grade Applying for:	
	Present Grade	

Mother's Name _____

Mother's Address _____

Mother's Home Phone: () _____ Mother's Work Phone () _____

Name of Employer: _____

Father's Name _____

Father's Address _____

Father's Home Phone () _____ Father's Work Phone () _____

Name of Employer: _____

Other children in family:

Name Date of Birth Check if Sibling at MME

_____ _____

_____ _____

Child's Primary Language: _____ Parent's Primary Language: _____

Name of any day care or after school program child has attended:

Optional: Please circle ethnic group:

1. American Indian 2. Asian 3. Black/Non-Hispanic 4. Hispanic
 5. White/Non Hispanic

Please list below the name(s) and address(es) of any school(s) attended by your child beginning with the name of the school which your child currently attends at the time of this application:

NAME OF SCHOOL	SCHOOL ADDRESS
_____	_____
_____	_____
_____	_____

Does your child have any medical, learning, or special needs of which we should be aware in order to plan an individual curriculum? Yes No

If yes, please explain: _____

Has your child been evaluated for special needs: Yes No

Is your child currently on an IEP? Yes No

Is your child receiving any special services? Yes No

If yes, please describe: _____

Has your child repeated a grade? Yes No

Are you interested in before school care: Yes No

Are you interested in after school care? Yes No

(Day care will be offered on a first come, first serve basis. There will be a fee for this service)

Has your child ever been suspended or expelled from school? Yes No

If yes, please write the reason for suspension or expulsion

In what way do you hope your child will benefit from the Marstons Mills East Horace Mann Charter School experience? _____

What areas are of special interest to you and your child?

Are you willing to be involved in your child's school experience by coming to evening events, volunteering in class, accompanying field trips, or coming in to share a particular interest or talent? Yes No

Marstons Mills East Horace Mann Charter School admits students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students at the school. It does not discriminate on the basis of gender, race, color, religion, and sexual orientation, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and other school-administered programs. MMEHMCS students are protected under Title VI, Title IX, Sections 504, 5, and MGL Ch.76.

I am aware that an interview with my child is a requirement of the admissions process. All information in this application is accurate.

Signature _____ Date _____ Relationship to child _____

APPENDIX G: REQUIRED ELEMENTS OF CONTRACTS FOR EDUCATIONAL SERVICES⁸

- 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 EMO.
- Boards should pay special attention to the public records law, 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.
- 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 G.L. c. 71, § 89.
- The contract must include provisions dealing with ownership of physical and intellectual property developed by the 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. G.L. c. 71, § 89(II). All contract provisions must conform to this requirement.
- 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. G.L. c. 71, § 89(x).
- 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.

⁸ *The Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, pp. 30-32.

- 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. G.L. c. 71 § 89(hh).
- 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.
- 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 the Department'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.
- 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 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 termination provisions. 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.
- 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 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.

APPENDIX H: CRITERIA FOR APPROVAL OF CODES OF CONDUCT⁹Due Process

- The following provisions must be included verbatim in each school’s Code of Conduct, as required by MGL. Ch. 71 § 37H:

“(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said 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 paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.”

- The following provisions must be included in each school’s Code of Conduct, as required by MGL Ch. 71 § 37H½:

⁹ MGL Ch. 71 § 89(p), MGL. Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.

“(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, 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. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, 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. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Upon expulsion of such student, no school or school district shall be required to provide educational services to such student.”

NOTE: For the purposes of appealing an expulsion, students expelled from charter schools should submit their appeals to the Chairperson of the charter school’s Board of Trustees, in lieu of the Superintendent.

Discipline of Students with Special Needs

- The Code of Conduct must describe the discipline procedures that apply to students who have been identified as having special needs and requiring modifications to the regular code of conduct, as required by their Individualized Education Plans (MGL Ch. 71B § 3).
 - In general, the discipline of a student who has been identified as having special needs pursuant to Chapter 766 or 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 is necessary, it must be described in the student IEP.
 - A record of all suspendable offenses committed by special needs students must be kept.
 - If it becomes apparent that a student identified as having special needs or referred for a special education evaluation may be excluded from school for a total of ten days in any school year (including both in-school and out-of-school suspensions), the student's special education TEAM must be convened prior to expulsion beyond the ten days and the requirements of Chapter 766 followed. The Team will determine the appropriateness of the student’s placement, the relationship (if any) between the student’s misconduct and his or her condition, and either design a modified program for the student or provide services during the suspension and any needed modification to the IEP relative to the discipline code.
 - The DOE must also be notified.

Hazing

- ❑ Secondary schools must include the hazing provision in either their Code of Conduct or Student Handbook, as required by MGL Ch. 269 § 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 one thousand dollars or by imprisonment in a house of correction for not more than one hundred days, or by 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.”

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 five hundred dollars.”

APPENDIX I: CRITERIA FOR APPROVAL OF MULTI-HAZARD EVACUATION PLAN¹⁰

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 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;
- 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
- Weapons.

¹⁰ Chapter 159, Section 363, of the Acts of 2000.

APPENDIX J: SUGGESTED WORKSHEET AND TEMPLATE FOR THE SUMMARY OF TEACHER QUALIFICATIONS

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Teacher	Grade	Teaching Assignments	Earned Degree(s)	Institution	Academic Major	MA Licensure (Level and Area)	C&L MTEL and Date Passed	MTEL (Subject tests) and Date Passed	MA Teaching Requirements Met (Yes in Box 7 OR 8 and 9)	Demonstrated Subject Matter Competence ¹¹	Highly Qualified Determination ¹² (Yes in Boxes 4, 11, and for HM charters, 7)
Betty Biology	10	Biology	BA	Swarthmore College	Biology	No	Yes (6/99)	Biology (6/99)	Yes	Yes	Yes
Michael Math	9	Algebra	BA MS	American U. MIT	Mathematics; Mechanical Engineering	No	No	No	No	Yes	Yes
Hattie Humanities	12	Humanities	BA	Smith College	English	English; 8-12	Yes (3/02)	No	Yes	Yes	No

¹¹ Elementary teachers must either pass the MTEL Elementary Subject Matter Test or demonstrate subject matter competence through the MA HOUSSE system. Middle and secondary school teachers may demonstrate subject matter competence by passing the appropriate MTEL Subject Matter Test, completing an appropriate academic major or graduate degree, completing comparable coursework equivalent to an undergraduate academic major, possessing advanced certification or credentialing, or using the MA HOUSSE system.

¹² If HQ Determination is NO, include narrative plan to describe how teacher will attain HQ status prior to the conclusion of the 2006-2007 academic year.

APPENDIX K: RECOMMENDED ELEMENTS OF SCHOOL LEADER, SCHOOL ADMINISTRATOR, AND TEACHER EVALUATION PLANS

Each of the three types of evaluation plans should:

- identify the purpose(s) for conducting regular teacher, administrator, or school leader evaluations;
- identify a time-frame for the evaluation 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;
- identify the specific areas of performance which will be evaluated;
- connect to organizational and academic, school improvement, and individual professional development goals;
- identify criteria for success in each performance area;
- identify the methods through which performance data will be collected (e.g. observations, student work/artifacts, pre- and post-observation conferences, student/family/teacher/peer evaluations, etc.);
- describe the type and range of performance descriptors to be used; and
- serve as a basis for individual professional development plans and professional growth.

APPENDIX L: CRITERIA FOR APPROVAL OF TEACHER AND SCHOOL ADMINISTRATOR PROFESSIONAL DEVELOPMENT PLANS

In accordance with MGL Ch. 71 § 38(q), teacher and school administrator professional development plans must include:

- 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 members of the Board of Trustees, pursuant to MGL Ch. 71 § 59(c); and
- training for teachers in second language acquisition techniques for the re-certification of teachers and administrators.

The plan may also include:

- training in the provision of pre-referral services within regular education, and
- teacher training which addresses the effects of gender bias in the classroom.

In addition to these requirements, the Charter School Office strongly recommends that teacher and administrative professional development plans:

- promote high student achievement;
- address individual and school-wide improvement goals;
- connect individual and school-wide professional development goals 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;
- encourage professionals to document their progress towards stated goals; and
- provide adequate resources and support to individuals as they work towards those goals.

APPENDIX M: REQUIRED ELEMENTS OF DISTRICT CURRICULUM ACCOMMODATION PLANS¹³

The District Curriculum Accommodation Plan must:

- identify the assistance that will be provided to regular education classroom teachers, such as professional development that will help them to analyze and accommodate various students' learning needs, including students who are English language learners, and to manage students' behavior effectively;
- identify the support services that are available to students through the regular education program, including services to address the needs of students whose behavior may interfere with learning;
- include direct and systemic instruction in reading for all students;
- encourage teacher mentoring and collaboration; and
- encourage parental involvement in children's education.

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.

¹³ Commissioner's Memorandum on District Curriculum Accommodation Plans, <http://www.doe.mass.edu/mailings/2001/cm022001.pdf>.

APPENDIX N: RECOMMENDED ELEMENTS OF HEALTH AND MEDICATIONS ADMINISTRATION PLAN¹⁴

The School Health and Medications Administration Plan must comply with all Department of Public Health (DPH) regulations. Approval of the Health and Medications Administration Plan by the Charter School Office of the Department of Education does not ensure that the defined policies and procedures are in full compliance with all Department of Health regulations, but instead acknowledges that policies and procedures required by the DPH regulations are present in the school's health and medications administration plan.

For additional information, charter schools should consult the *Comprehensive School Health Manual* published by DPH. The manual is a comprehensive resource with basic information, guidelines, and recommendations, and can be purchased from the State House Bookstore by calling 617-727-2834 and a summary is available at <http://www.mass.gov/dph/fch/schoolhealth/cshm.htm>. In addition, charter school leaders may contact the School Health Advisor from DPH at 617-624-6060 who provides consultation for their community. Charter schools should visit the School Health Services web page within DPH at <http://www.mass.gov/dph/topics/healthtopics.htm>.

- 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. G.L. c. 71, § 53. 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.
- 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. G.L. c. 71, § 57; 105 CMR 200. 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. G.L. c. 71, § 57; 105 CMR 200.
- All schools must provide postural screening to all students in grades 5 through 9. G.L. c. 71, § 57; 105 CMR 200. 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

¹⁴ *The Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that Boards of Trustees and School Leaders Need to Know*, pp. 42-43.

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. G.L. c. 71, § 57; 105 CMR 200. 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 if the school is registered with DPH to administer medications in this manner. G.L. c. 94C; 105 CMR 210.000.
- ❑ DPH requires certain immunizations for students before admission to school. 105 CMR 220.000; G.L. c. 111, § 5-7, and c. 76, § 15 and 15C.

APPENDIX O: CRITERIA FOR APPROVAL OF TRANSPORTATION SERVICES PLAN

The Transportation Services Plan:

- Includes a general description of services;
- Includes a bussing schedule, making allowances for any variants of the charter school's schedule (such as Saturday school);
- Includes a bussing route, and clearly identifies bus stops;
- Is signed by the head of the bussing company and the school leader.

APPENDIX P: CRITERIA FOR APPROVAL OF COMPLAINT PROCEDURE¹⁵

The Complaint Procedure must:

- allow a complainant to submit a complaint to the Board of Trustees.
- acknowledge that the Board of Trustees then has 30 days to respond to the complainant in writing and conduct an investigation to ensure that the school is in compliance with charter school law and regulations.
- state that if the Board of Trustees fails to address the complaint to the complainant's satisfaction, the party may submit the complaint to the Commissioner of Education.
- state that if the complaint involves an alleged violation of federal or state law or regulation other than charter school law and regulation, the party may file a complaint directly with the Office of Program Quality Assurance at the Department of Education.

¹⁵ 603 CMR 1.10

APPENDIX Q: CRITERIA FOR APPROVAL OF THE MEMORANDUM OF UNDERSTANDING

The Memorandum of Understanding 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;
- indicate the specific services that will be provided by the local school district and at what cost to the charter school;
- be approved by the school's Board of Trustees and School Committee; and
- be signed by the Chairperson of the Board and the Superintendent of the School District.

APPENDIX R: SUMMARY OF ALL ACTION ITEMS

Action Items – Governance

Due immediately after charter is granted.

- Obtain a sufficient number of copies of the *Administrative and Governance Guide* for each board member and the school leader(s).
- Submit Organizational Chart to the Charter School Office.
- Complete Board recruitment so that minimum membership requirements (as defined by the bylaws) are met.
- Submit a letter requesting approval of new members of the Board of Trustees to the Charter School Office.
- Submit a resume for each of the proposed Board of Trustee members to the Charter School Office.
- Submit an original financial disclosure form (for the previous calendar year) for each of the proposed Board of Trustee members to the Charter School Office.
- Prepare bylaws.
- Self-assess bylaws using the Guidance for Charter School Bylaws checklist (Appendix A).
- Obtain Board of Trustee approval of bylaws.
- Submit Board of Trustee-approved bylaws to the Charter School Office for DOE review.

Action Items – Enrollment Policies and Application for Admission

Due prior to the start of the school’s initial application and enrollment process.

- Prepare the Enrollment Policy and Application for Admission.
- Self-assess the Enrollment Policy using the criteria for approval (Appendix C/D).
- Obtain Board of Trustee approval of Enrollment Policy and Application for Admission.
- Submit Board-approved Enrollment Policy and an Application for Admission to the Charter School Office for DOE approval.

Action Item – Management Contract (if applicable)

Due 120 days in advance of the intended start date of the contract.

- Submit the Management Contract to the Charter School Office **to begin** the process of Department of Education Review, as detailed on page 32 of the *Administrative and Governance Guide*.

Action Items – Student Learning Time

Due August 1

- Carefully read MGL Ch. 69 § 1(g), MGL Ch. 71 § 29, and 603 CMR 27.00.
- Prepare annual school calendar and student schedule, consistent with 603 CMR 27.00 and the school’s charter application.
- Obtain Board of Trustee approval of school calendar and schedule.
- Submit Board-approved school calendar and sample student schedule to the Charter School Office for review.

Action Items – Code of Conduct

Due August 1

- Carefully read MGL Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
- Prepare the school’s Code of Conduct so that it is consistent with the program and school characteristics outlined in your charter application, as well as MGL. Ch. 71 § 37H, MGL Ch. 71 § 37H½, MGL Ch. 71B § 3, and MGL Ch. 269 § 17-19.
- Self-assess the Code of Conduct against the Criteria for Approval.
- Obtain Board of Trustee approval of Code of Conduct.
- Submit Board-approved Code of Conduct to the Charter School Office for DOE approval.

Action Items – School Facility and Building Safety

Due August 1

- Submit a copy of a **signed** lease or purchase and sales agreement to the Charter School Office.
- Conduct an assessment of the programmatic accessibility of the school to handicapped persons by using the ADA facilities checklist.
- Submit written assurance that the facility selected for the school is programmatically accessible to physically handicapped individuals.
- Design and submit Multi-Hazard Evacuation Plan to the Charter School Office for approval.
- Initiate contact with Inspectional Services Department of the municipality in which the school facility will be located as soon as possible to arrange for the necessary inspections.
- Submit current Certificate of Occupancy to the Charter School Office.
- Submit current Fire Inspection Certificate to the Charter School Office.
- Submit current Building Safety Inspection Certificate to the Charter School Office.
- Submit current Flammable Compounds and Liquids Certificate to the Charter School Office, if applicable.
- Submit current Health Inspection to the Charter School Office.
- Submit current Asbestos Inspection Report and Management Plan to the Charter School Office.
- Submit current PCB Inspection Report to the Charter School Office.
- Submit current Lead Paint Assessment Report to the Charter School Office.

Action Items – CORI Policy and Mandatory Criminal Record Checks

Due August 1

- Read the Department of Education’s Advisory on CORI Law.
- Apply for access to criminal record information through the Criminal History Systems Board.
- Create a CORI Policy and obtain approval from the Board of Trustees.
- Conduct CORI checks on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students.
- Submit written assurance to the Charter School Office that CORI checks have been completed on all school staff and volunteers who come into “direct and unmonitored contact” with the school’s students.

Action Items – Number and Qualifications of Non-Special Education Instructional Staff

Due August 1

- Read the Department of Education’s *NCLB Policy Document: Highly Qualified Teachers*.
- Recruit and hire instructional staff who are either certified in Massachusetts in the appropriate grade level and subject area, or who have already or are prepared to take and pass both the Communication and Literacy section of the MTEL as well as the appropriate subject test (Commonwealth charter schools only).
- Recruit and hire teachers for core academic subjects who will be highly qualified by the end of the 2006-2007 academic year.
- Maintain a copy of the professional credentials of all personnel on file, including transcripts, current resume, state and/or professional certifications, and evidence of having taken and passed any MTEL exams.
- Prepare and submit a summary of each teacher’s qualifications, a determination of each teacher’s standing with regard to highly qualified status, and the action plan that will ensure that the teachers who are not designated as highly qualified attain that designation prior to the conclusion of the 2007-2008 school year. Be sure to include Special Education Instructional Staff and Other Service Providers (see below).

Action Items – Number and Qualifications of Special Education Instructional Staff and Other Service Providers

Due August 1

- Complete the above checklist for Special Education Instructional Staff.
- Recruit and hire certified Special Education teachers, speech and language therapists, and occupational therapists, if necessary.
- Establish a relationship with a certified Special Education Administrator. Submit a **signed** Letter of Agreement between the certified Special Education Administrator and the charter school to the Charter School Office.

Action Items – Evaluation of the School Leader, School Administrators, and Teachers

Due August 1

- Determine performance evaluation criteria and design an evaluation plan for the school leader.
- Determine performance evaluation criteria and design an evaluation plan for school administrators.
- Determine performance evaluation criteria and design an evaluation plan for teachers.
- Self-assess evaluation plans against the Recommended Elements of School Leader, School Administrator, and Teacher Evaluation Plans.
- Submit all three sets of performance evaluation criteria and evaluation plans to the Charter School Office for review.

Action Items – Professional Development for School Administrators and Teachers

Due August 1

- Design a professional development plan for school administrators.
- Design a professional development plan for teachers.
- Self-assess professional development plans using the Criteria for Approval.
- Submit both professional development plans to the Charter School Office for approval.

Action Items – District Curriculum Accommodation Plan

Due August 1

- Read the Commissioner’s memo on District Curriculum Accommodation Plans.
- Design and adopt the District Curriculum Accommodation Plan.
- Self-assess the DCAP using the Recommended Elements of District Curriculum Accommodation Plans checklist.
- Submit the DCAP to the Charter School Office for review.

Action Items – Special Education Program Plan

Due August 1

- Download the Program Plan from the DOE website.
- Thoroughly read all sections, completing school information throughout the document.
- Ensure that the certified Special Education Administrator, Instructional Leader, and Chairperson of the Board of Trustees have all read, initialed, and signed the Program Plan.
- Submit the completed Program Plan to the Charter School Office.

Action Items – Relationship with a Physician and a Registered Nurse

Due August 1

- Recruit a local physician to meet school health requirements.
- Submit written documentation of this relationship to the Charter School Office.
- Recruit and hire a registered nurse.
- Maintain copies of all professional credentials on file at the school.

Action Items – School Health Plan and Medications Administration Plan

Due August 1

- Read MGL Ch. 71 § 57 and MGL Ch. 94C thoroughly.
- Create a School Health Plan and Medications Administration Plan consistent with the Recommended Elements of School Health Plan and Medications Administration Plan.
- Submit School Health Plan and Medications Administration Plan to the Charter School Office for review.

Action Items – Transportation Services Plan

Due August 1

- Read MGL Ch. 71 § 89(ff) and 603 CMR 1.08(10) thoroughly.
- Arrange for transportation services to be provided to all eligible students.
- Self-assess the Transportation Services Plan using the Recommended Elements of Transportation Services Plan checklist.
- Submit the Transportation Services Plan to the Charter School Office for review.

Action Items – Nutrition Services Program

Due no later than first week of July

- Request an application in writing from Mary Anne Gilbert in Nutrition Programs if your school will participate in the National School Lunch Program

Due August 1

- Read MGL Ch. 69 § 1(c) thoroughly.
- Identify and contract with a food service provider, or determine how nutrition services will be delivered through internal processes.
- Self-assess the Nutrition Services Program plan using the Recommended Elements of Nutrition Services Program checklist.
- Submit Nutrition Services Program plan to the Charter School Office for review.

Action Items – School Wellness Policy

Due August 1

- Read thoroughly through the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265).
- Create a School Wellness Policy consistent with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004.
- Obtain Board of Trustee approval of the school’s School Wellness Policy.
- Submit the school’s School Wellness Policy to the Charter School Office.

Action Items – Complaint Procedure

Due August 1

- Read MGL Ch. 71 § 89(jj) and 603 CMR 1.10 thoroughly.
- Describe a Complaint Procedure consistent with the requirements.
- Self-assess the Complaint Procedure using the Criteria for Approval.
- Obtain Board of Trustee approval of the Complaint Procedure.
- Submit the Complaint Procedure to the Charter School Office for review.

Action Items – Financial Organization

Due August 1

- Read *Recommended Fiscal Policies and Procedures Guide*.
- Collaborate with the Board of Trustees to develop the school’s own Fiscal Policies and Procedures, or adopt those recommended by the Charter School Office.
- Obtain Board of Trustees approval of the school’s Fiscal Policies and Procedures.
- For Commonwealth charter schools:* Ensure that the procurement officer of the charter school participates in the Massachusetts Certified Public Purchasing Official Program.
- Submit the school’s Fiscal Policies and Procedures to the Charter School Office.

Action Items – Grants

Check <http://finance1.doe.mass.edu/Grants/>

- Charter school leaders should visit the Department of Education’s Grants homepage for information on grants reserved for Massachusetts charter schools, entitlement grants and discretionary grants.

Action Items – Budget and Cash Flow

Due August 1

- Update and revise budget for the first three years after chartering.
- Create a detailed cash flow projection for the first year of operation.
- Obtain Board of Trustee approval of the school’s revised budget for the first year of operation.
- Submit the school’s revised budget and cash flow projection for the first year of operation to the Charter School Office.

Action Items – Memorandum of Understanding (Horace Mann charters only)

Due August 1

- Read MGL Ch. 71 § 89(y) and 603 CMR 1.08(1).
- Collaborate with the school district to finalize the Memorandum of Understanding.
- Self-assess the Memorandum of Understanding using the Criteria for Approval.
- Obtain Board of Trustees, School Committee, and local teachers’ union approval of the Memorandum of Understanding.
- Submit a copy of the Memorandum of Understanding (signed by the Chairperson of the Board of Trustees, the school district Superintendent, and the local teachers’ union) to the Charter School Office for approval.

Action Items – Massachusetts Teachers’ Retirement System

Due prior to the first day of school for students or before the first payroll is completed for eligible staff.

- Read MGL Ch. 79 § 89(aa) and MGL 32.
- Request the MTRS eligibility handout from the Charter School Office.
- Determine the eligibility of each employee to participate in the MTRS.
- Contact the MTRS Employer Reporting Unit to set up a process for making contributions.
- Submit a payroll summary statement as evidence of MTRS contributions to the Charter School Office.

Action Items – Audit

Due January 1 of the first year of the school’s operation

- Consider requesting approval from the Charter School Office to conduct a review (rather than an audit) of the school’s planning year and/or approval for a period of review/audit longer than 12 months, if applicable.
- 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 January 1 statutory deadline.

Action Items – Insurance Policies

Due August 1

- Read 603 CMR 1.09(6).
- Consult with the school’s legal counsel to determine which insurance is required and how much will be adequate coverage.
- Submit evidence of insurance coverage to the Charter School Office.