*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeffrey C. Riley, Commissioner |
| **Date:**  | December 7, 2021 |
| **Subject:** | Charter Schools – Modification of Conditions for City on a Hill Charter Public School  |

Pursuant to the charter school statute, G.L. c. 71, § 89(ee), and regulations, 603 CMR 1.12(2), in February 2020, the Board of Elementary and Secondary Education (Board) placed City on a Hill Charter Public School (CoaH) on probation[[1]](#footnote-2) and imposed conditions on its charter in order to remedy areas of concern. The Department of Elementary and Secondary Education (Department) continues to monitor CoaH. Due to the cancellation of the 2020 MCAS and resulting changes to district and school accountability in 2021, I recommend that the Board vote to modify the conditions on the charter of CoaH to grant the school additional time to demonstrate academic improvement. I further recommend that the Board modify four additional conditions to ensure the school remedies areas of concern identified during its 2020 renewal.

CoaH is operating with a condition on its charter that requires “significant and sustained academic improvement” by December 31, 2023. In April 2020, after passage of special state legislation waiving the requirement for MCAS administration due to COVID-19, I cancelled the spring 2020 regular administration of MCAS tests for students in grades 3-10. Because of this cancellation, in June 2020, the Board voted to modify the conditions on the charter of CoaH to allow it an additional year to demonstrate significant and sustained academic improvement.

Due to the ongoing impact of COVID-19, in April 2021, the Department received a [waiver of certain federal accountability requirements](https://oese.ed.gov/files/2021/04/ma-acct-waiver-response.pdf) for the 2020-2021 school year from the United States Department of Education (USED). In June 2021, the Board voted to amend state accountability regulations to allow the Department to refrain from issuing district and school accountability results following the 2020-2021 school year. Because of those actions, the most recent accountability results from 2019 remain in place, and the Department plans to publish updated accountability results in fall 2022.

Due to the relief provided by USED’s waiver, I determined that I would not name or recommend any new underperforming or chronically underperforming districts or schools during the 2021-2022 school year. To provide consistency across accountability processes, the Department will not include results from the 2021 MCAS administration in charter school accountability determinations. No charter will receive conditions, be placed on probation, or be recommended for closure based solely on the 2021 MCAS results. Consequently, I recommend that the Board vote to modify the academic conditions on the charter of CoaH in order to give the school additional time to demonstrate academic success. Additionally, as outlined below, I recommend that the Board modify four more conditions placed on the school’s charter to ensure the school addresses areas of concern previously identified.

A second school, Paulo Freire Social Justice Charter School (PFSJCS), is also operating with a condition on its charter requiring “significant and sustained academic improvement” by December 31, 2022. Because PFSJCS’s current charter will expire on June 30, 2023, the condition on this charter cannot be extended a year. PFSJCS will file an application for renewal of its charter by August 1, 2022, and I will evaluate the school’s performance based upon all the evidence available, remaining mindful that students were unable to take the MCSAS in 2020 and took a modified MCAS in 2021. I will present a renewal recommendation to the Board for this charter school in the winter of 2022-2023.

| City on a Hill Charter Public School  |
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| **Type of Charter** | Commonwealth | **Location** | Boston |
| **Regional or Non-Regional** | Non-Regional | **Districts in Region** | N/A |
| **Year Opened** | 1995 | **Year(s) Renewed** | 2000, 2005, 2010, 2015, 2020 |
| **Maximum Enrollment** | 400 (limited to 350 until conditions are met) | **Current Enrollment** | 226 (as of November 2021) |
| **Chartered Grade Span** | 9-12 | **Current Grade Span** | 9-12 |
| **Students on Waitlist** | 0 (as of November 2021) | **Current Age of School** | 27 |

From 2014 until 2020, CoaH operated as part of a network of three charter schools, two in Boston and one in New Bedford. In January 2020, the Board accepted the surrender of the charter for City on a Hill New Bedford; that school ceased to operate as of July 1, 2020. In February 2020, based on serious concerns about the school’s academic results, financial stability, and organizational viability, the Board renewed the charter of CoaH; consolidated the charters of the two CoaH charter schools in Boston; set the maximum enrollment of the consolidated school at 400, with a limit of 350 students until conditions are met; and placed [CoaH on probation, directing the school to meet eight conditions](https://www.doe.mass.edu/bese/docs/fy2020/2020-02/item4.docx).

Due to the changes in MCAS administrations during school years 2019-2020 and 2020-2021, I recommend that the Board modify the academic condition on CoaH’s charter to allow an additional year to demonstrate significant and sustained academic improvement. In addition to this change, I recommend that the Board modify four of the other eight conditions as follows.

* Modify the condition requiring CoaH to notify its school community about the imposition of conditions in 2020 to require that the school maintain notice of its probationary status on its website;
* Modify the condition requiring the creation of an escrow account to pay for any potential costs associated with closing to require that the school maintain the escrow account until the school’s charter is no longer on probation;
* Modify the condition requiring the submission of an action plan addressing academic performance, school climate, staff culture, and faithfulness to its charter to require that the school report on its progress toward meeting the benchmarks of the action plan, including timetables and deadlines for key tasks; and
* Modify the condition requiring the school’s board of trustees to engage in governance training to improve its oversight practices to require that the board of trustees report on progress toward improving its governance practices.

The changes to all five conditions are noted in bold and underline below. The remaining conditions are unchanged.

**Condition 1:** Until further notice, the school must submit to the Department of Elementary and Secondary Education (Department), at charterschools@doe.mass.edu or 75 Pleasant Street, Malden, MA 02148, board meeting agendas, materials, and minutes prior to each board meeting at the same time that these items are sent to the school’s board members. These monthly materials must include financial statements to be presented to the board. These monthly financial reports must reflect all considerations in revenue and expenditures, including lines of credit, debt obligations, and fundraising.

**Condition 2:** **On its website, the school must maintain notice of the fact that the school’s charter is on probation and the conditions the school must meet.**

**Condition 3:** The school must **maintain** an escrow account **while its charter is on probation** to pay for any potential closing, legal, and audit expenses associated with closure, should that occur.

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

**Condition 5:** The school must **regularly report to the Department and the board of trustees on its progress** toward meeting the benchmarks, including timetables and deadlines for key tasks, of its comprehensive action plan for improving academic performance (in mathematics, English language arts, and science for all student subgroups), school climate, staff culture, and faithfulness to its charter.

**Condition 6**: The school’s board of trustees must **regularly report to the Department about its progress in providing** adequate oversight of the school according to the Charter School Performance Criteria, Criterion 9: Governance.

**Condition 7:** By **December 31, 2024**, the school must demonstrate that it is an academic success by providing evidence that the school has exhibited significant and sustained academic improvement in mathematics, English language arts, and science. **Should the school demonstrate significant and sustained academic improvement before 2024, the Commissioner and Board of Elementary and Secondary Education may consider removing this condition, rather than wait until December 31, 2024.**

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

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

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

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

Attachments: Motion for Board Action

1. Pursuant to 603 CMR 1.12(2), the Board may place a charter school on probation if in its judgment the imposition of a condition alone would be insufficient to remediate the problem. The Board may impose conditions on the school's charter that require the school to address specific areas of concern. Placing a school on probation signals concern about the school's viability and permits the Board to suspend a school's charter immediately if the school fails to remedy the causes of its probation. [↑](#footnote-ref-2)