nacsa
NATIONAL ASSOCIATION OF
CHARTER SCHOOL AUTHORIZERS

A LOOK AT MASSACHUSETTS BOARD OF ELEMENTARY AND SECONDARY EDUCATION

Case Study Analysis for the Quality Practice Project

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ABOUT NACSA

The National Association of Charter School Authorizers (NACSA) is working to double the number of students in great public charter schools by advancing policies and practices that promote quality, autonomy, and choice. As an independent voice for quality charter school authorizing, NACSA uses data and evidence to encourage smart charter school growth. NACSA works with authorizers and partners to create the gold standard for authorizing and build authorizers' capacity to make informed decisions. NACSA also provides research and information that help policymakers and advocates move past the rhetoric to make evidence-based policy decisions. More at *www.qualitycharters.org*.

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ABOUT THIS CASE STUDY

The Quality Practice Project (QPP), an initiative of the National Association of Charter School Authorizers (NACSA), is designed to build a stronger evidence base linking authorizing practices and student outcomes. The purpose of the QPP is to test, broaden, and deepen our knowledge of how and why authorizers do their work and, above all, what authorizing perspectives and practices correlate with strong student and public interest outcomes. By studying the practices of authorizers with a range of performance profiles—with a focus on authorizers with very strong student and public interest outcomes—NACSA hopes to dramatically accelerate the adoption of practices that lead to stronger outcomes for students and communities.

Outcome-Based Selection

This case study is one of five analyses of authorizers with strong student and public interest outcomes. It represents a description of authorizing perspectives and practices across a number of key domains. The Massachusetts Board of Elementary and Secondary Education (BESE) authorizing office was chosen to participate in the QPP and is the focus of this case study. It met a range of rigorous student and public interest outcomes. A complete description of the authorizer selection process, assessment methodology—including the measures and metrics used to assess performance—and case study process can be found *here*.

In general, authorizers meeting those outcomes have:

- More academically high-performing schools (and associated students) than average-performing schools

- A small proportion of low-performing schools (and students in low-performing schools)

- Schools that are financially viable

- Student enrollment of key socio-demographic groups in the charter school portfolio that is similar or higher than a similarly situated group of schools

- No widespread instances of unethical behavior among schools in their portfolio

- Publicly available data on the academic, financial, and operational performance of individual schools

- No instances of first-year closures

- Closed schools with egregious academic, operational, financial, or unlawful practices

- Closed schools in the bottom 5 percent of academic performance

- Schools with high academic performance that have expanded their enrollment or have replicated to serve more students

Case Study Generation Process

After the assessment of student and public interest outcomes and authorizer selection, a deep investigation of authorizer perspectives and practices ensued. Following the case study process as outlined by Yin (2015), researchers from NACSA and Public Impact engaged in a range of activities designed to provide a comprehensive description of the approach to authorizing, including:

- **Case Study Protocol:** Building from the domains used by NACSA to evaluate the practices of authorizers as well as the advice of an expert advisory group, researchers created a case study protocol and specific domains of inquiry. Key questions and domains of inquiry can be found *here*.

- **Document and Artifact Review:** Researchers reviewed a range of documents and artifacts (see *here* for documents analyzed). This data was used both to describe authorizing practices and to more clearly focus individual interviews.

- **Interviews and Site Visits:** Researchers spent two days at each QPP site interviewing authorizers and other key stakeholders. The site visit for the BESE was June 14-15, 2016. The purpose of the site visits was to (a) get clarification on authorizing practices after examining documents and artifacts and (b) more clearly understand how and why authorizers engage in specific practices. Individual and small group interviews were conducted at each site. The majority of interviews were with authorizers (e.g., day-to-day decision makers, board members), but researchers also interviewed other key stakeholders (e.g., school operators, charter support organizations) to deepen and triangulate data analysis.

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- **Member Check:** Draft case studies were shared with authorizers and other key stakeholders at each site. Changes were made to the case study based on feedback received from stakeholders.

Purpose and Use of this Case Study

This is a case study of practices and perspectives of one authorizer that has a portfolio of schools achieving strong results, and caution should be used in making strong claims—good or bad—from it exclusively. Drawing causal inferences between authorizer practices and outcomes based solely on this case study are inappropriate; a high-performing sector of charter schools is inclusive of, not exclusively determined by, authorizer perspectives and practices. In addition, this case study is intentionally descriptive, not evaluative. It is not designed to evaluate authorizer practices against any standard of performance, and the case study does not comment on the degree to which an authorizer's practices are "good" or "bad." While this case study may be instructive to the field on its own, it is best used in conjunction with other case studies of authorizers with strong practices. We strongly encourage readers to also view NACSA's summary of similarities and differences across QPP authorizers, found _here_.

Descriptions of practices are current as of the development of this case study, typically 3-6 months after the site visit. Changes in authorizing philosophy, staff, and practices made after that time are not reflected in this case study.

MASSACHUSETTS BESE CHARTERS AND DISTRICT SCHOOLS

Year	Charter	District
2010-11	63	1,761
2011-12	72	1,757
2012-13	77	1,772
2013-14	81	1,779
2014-15	80	1,781
2015-16	81	1,773
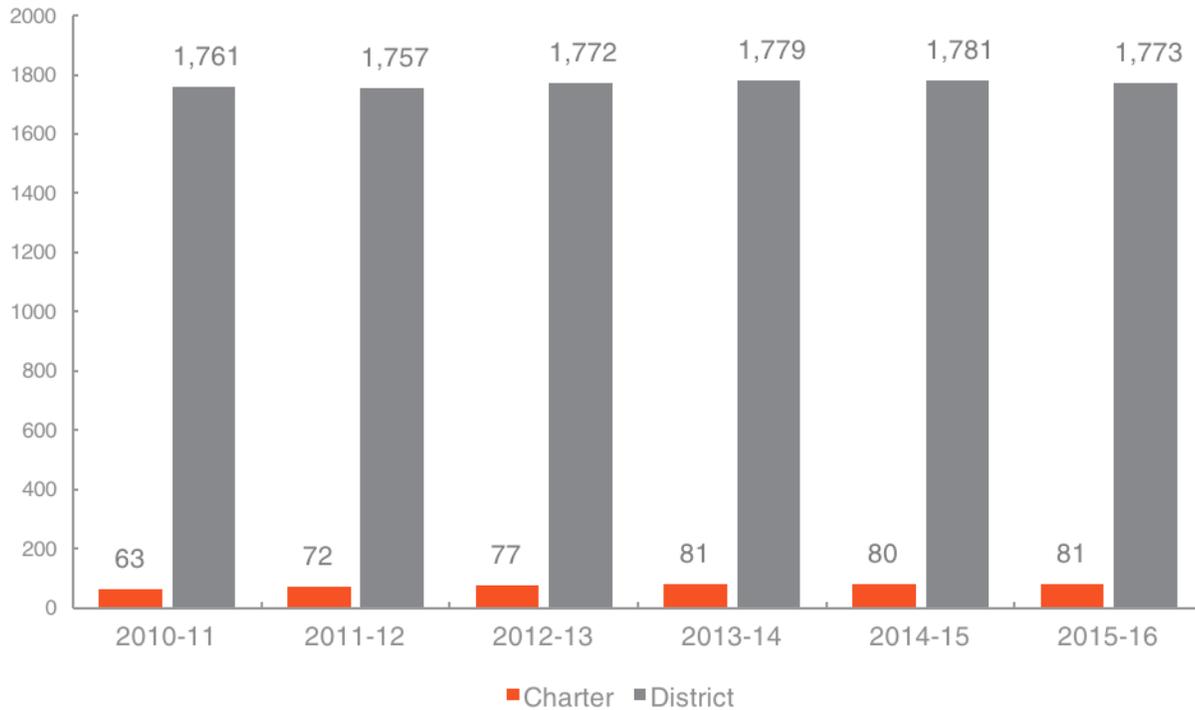
■ Charter ■ District

MASSACHUSETTS BESE CHARTER AND DISTRICT ENROLLMENT

Year	Charter	District
2010-11	28,422	927,141
2011-12	30,595	922,774
2012-13	31,830	922,943
2013-14	34,631	921,108
2014-15	37,402	918,442
2015-16	40,200	913,229

■ Charter ■ District

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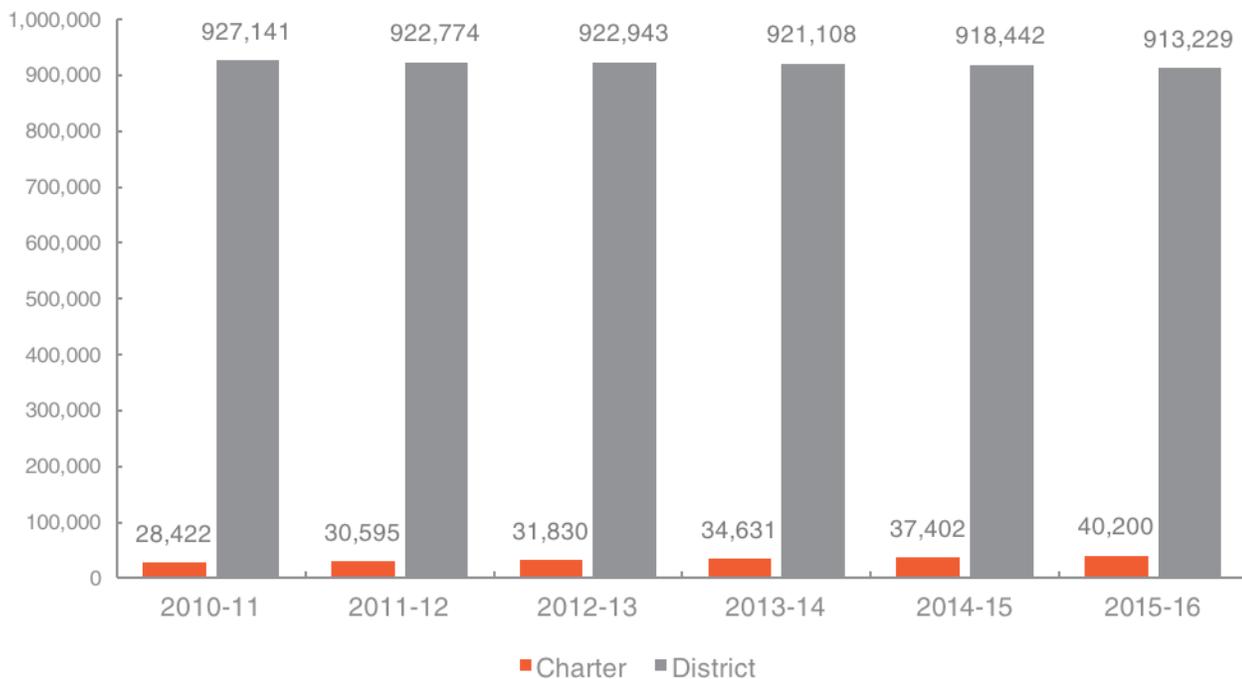
MASSACHUSETTS BESE CHARTER SCHOOL OPENINGS AND CLOSINGS

Legend: ■ School Openings ■ School Closings

Data by year:
- 2010-11: School Openings 14, School Closings 0
- 2011-12: School Openings 12, School Closings 1
- 2012-13: School Openings 12, School Closings 1
- 2013-14: School Openings 14, School Closings 1
- 2014-15: School Openings 12, School Closings 3
- 2015-16: School Openings 5, School Closings 1
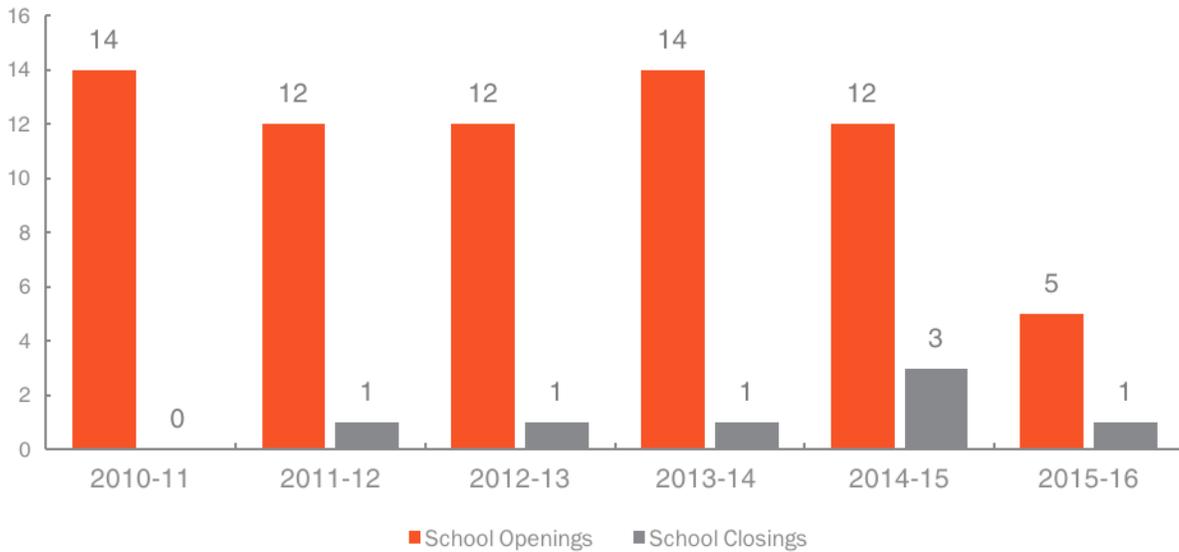
Key Facts on Authorizing and Policy Context

- Established in 1993, the Commonwealth's charter school law is one of the oldest in the country.

- Massachusetts is one of 11 single-authorizer states in the country. The Massachusetts Board of Elementary and Secondary Education (BESE) is the sole authorizer.

- Because Massachusetts is a single-authorizer state, state law does not adopt, provide, or endorse quality standards for authorizers, nor does it provide for the evaluation or sanctioning of the authorizer.

- State law outlines the process for reviewing charter school applications and the criteria for the evaluation and approval of charter applications.

- The BESE must consider progress made in student academic achievement as one of many factors for school renewal.[1] State law does not provide for default school closure for failure to meet minimum academic standards.

- State law restricts the number of charter schools, students, and locations available to students in the Commonwealth (see the Application description section of this report for a more complete description of these restrictions). It thus has restricted the areas in which new schools may operate and heavily incentivized replication of school operators with strong track records.

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[1] https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89

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ORGANIZATIONAL CAPACITY

Organizational Structure

The Massachusetts Board of Elementary and Secondary Education (BESE) is the final decision-making body for all high-stakes charter school authorizing issues. The BESE is an 11-member appointed body—with 10 gubernatorial appointments, including the chairperson, and one member who is the elected chair of the State Student Advisory Council—representing a range of key stakeholder groups across the Commonwealth. The Commissioner of Elementary and Secondary Education (Commissioner) is selected by the BESE to lead the Massachusetts Department of Elementary and Secondary Education (Department). The Commissioner reports directly to the BESE. According to key stakeholders, BESE members have consistently been knowledgeable and very thoughtful in vetting charter school decisions, and most recent decisions fall along an 8-3 vote in favor of the Commissioner's recommendations.

The Office for Charter Schools and School Redesign (OCSSR) is one of six offices within the Center for Educational Options of the Department. The OCSSR is not a separate office in the legal sense but is rather an administrative entity of the BESE state agency. The OCSSR is very closely connected to the BESE; the OCSSR has a Director reporting to the Senior Associate Commissioner for Educational Options who reports to the Commissioner.

The OCSSR currently has 13 staff members with approximately 10.5 full-time equivalents (FTE) designed for charter school authorizing work exclusively (seven individual full-time employees are assigned almost exclusively to authorizing, while other staff devote part of their time to authorizing functions). The budget for the OCSSR is determined annually and through the BESE budgeting process. For authorizing work, the most recent budget includes line items for (a) personnel (approximately 86 percent of the budget); (b) contracted renewal visits (10 percent); (c) site visit consulting assistance (1.6 percent); (d) temporary assistance (0.8 percent); and (e) travel and supplies (1 percent).

Planning and Priority Setting

The OCSSR does not have nor operate from a conventional, multi-year strategic plan.[2] Rather, all OCSSR staff participate annually in a process of priority setting and activity planning. Priorities are initially developed by OCSSR staff via a summer planning session where consensus is reached. That list of priorities and activities is then discussed, modified, and finalized with the Commissioner, who ensures alignment with the BESE's strategic plan and priorities and other administrative functional areas and who provides the final sign-off on those priorities and activities. Typically in the fall of each year, a memo is distributed by the Commissioner to the rest of the BESE members describing priorities, activities, and a preview of key decisions Board members will likely be asked to make (e.g., schools up for renewal that year).

In recent years, that process has yielded activities specific to the following three priority areas:

- **Recurring Activities.** As described by staff, this includes annually recurring authorizing activities, including functions such as the application cycle, site visit schedules, **and schools up for renewal.**

- **Access and Equity.** Developing authorizing work around access and equity issues has been an ongoing priority for the last three years. This work has included developing systems that are integrated into site visit processes, technical assistance, and other oversight functions.

- **Dissemination.** Given OCCSR is an administrative entity within the Department, staff noted key priorities and activities related to facilitating relationships and problem solving across public school sectors (e.g., district-run and charter).

BESE Decision Making and Alignment

Key stakeholders noted the importance of alignment between the OCSSR and the BESE in decision making, in particular the important role the Commissioner plays in that work. Staff view their job in all high-stakes decisions as thoroughly gathering and vetting all key data and information and presenting the pros and cons to the Commissioner. Stakeholders unanimously spoke

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[2] OCSSR does have an operational plan for existing schools that maps out renewal work over a 5-8-year time period. That document outlines five cohorts of charter schools and each cohort's status as it relates to mid-cycle or 5th-year reviews.

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very highly of staff, including the level of preparation for all meetings, their thorough and robust authorizing and decision-making systems, and high degree of documentation they provide for all high-stakes decisions. Stakeholders made it clear that while staff carry a lot of weight in decision making—"Their robust and transparent processes are critical in decisions, as it breeds a high degree of trust," as noted by one participant—the Commissioner is the final decision maker and presents recommendations to the BESE. Stakeholders noted that there is ample communication between the Commissioner and other BESE members, providing opportunities for thoughtful vetting of decisions. There has not been one instance in recent memory where a recommendation the Commissioner brought to the full Board was not accepted, and staff noted such a decision was not unexpected.

Staff and the Commissioner benefit from the Charter School Subcommittee, which is a four-member committee of current BESE members (including the current Board chair). The purpose of the Subcommittee is not to make decisions that will come to the full BESE membership. Rather, the Subcommittee's purpose is to make full Board decision making more efficient and to provide feedback on any proposed changes in policies or practices brought forward by the Commissioner and/or staff. For example, it's common for the Subcommittee to raise important questions or issues they have (or anticipate the full Board having) for staff to address and include in the pre-information the Commissioner sends to the full Board in advance of high-stakes decisions. The Subcommittee structure also allows for a meaningful number of BESE members to provide advance thinking on processes or data used for making key decisions before coming to the BESE.

Stakeholders also noted the inherent strengths of the statewide BESE being an authorizer. Those strengths included (a) a focus on all students in the Commonwealth and systematically understanding how chartering can meet statewide needs; (b) fostering a perspective that chartering is solving broad statewide issues and not just engaging in authorizing and chartering work solely for the sake of doing it; (c) the healthy tension that is created among BESE members when they agree to grant or renew a charter in a district location, because it focuses on the impact of all students in a given locale, not just students in district-run or charter schools; and (d) the ability to view school performance more broadly and somewhat

independently of local contexts, which allows for the BESE to close not only poorly performing charter schools but also "mediocre"-performing charters. Stakeholders also noted that specific to state policy decisions related to chartering issues independent of high-stakes decisions, such as applications and some renewals, the OCSSR staff provide evidence and information to the BESE but do not make recommendations or take positions. Recent reports provided to the BESE on charter school backfilling policies and waitlist information were provided as examples.

Human Capital Identification and Development

What follows is a description of how the OCSSR approaches human capital identification and development, as well as their structures to manage core responsibilities, continuous improvement, and mid-course corrections in goal implementation.

Human Capital Policies within the Larger Massachusetts Department of Elementary and Secondary Education. Policies and practices governing the Massachusetts Department of Elementary and Secondary Education (Department) also govern all staffing and development decisions of the OCSSR.

Compensation: All salaries are governed by the Department's job classification system with salary bands within each classification level. There is no flexibility in determining salaries beyond those salary bands.

Hiring: Requests for new positions or filling positions that become vacant are approved as part of the budgeting process and subject to the Commissioner's final approval. When approved, the OCSSR writes a preliminary job description that is approved by the Center for Administration and Finance (Human Resources). The Human Resources Office also is responsible for marketing positions and doing an initial screening of candidates via a set of questions required for all applicants for any open position within the Department. OCSSR staff noted that the Department has priority applications related to diversity and retaining internal candidates (that OCSSR staff largely agree with). Staff also noted that while these priority areas are taken into account, they have the ability to hire based on talent, qualifications, and fit, over and above these priority areas.

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Evaluation, Dismissal, and Promotion: The Human Resources Office has a staff evaluation template that must be followed by all staff. Templates differ depending on whether the staff member is a union (non-manager) or non-union (manager) staff member. For non-managers, each template is pre-populated with job specific goals. Employees are required to meet or exceed each goal. For any employee not meeting goals, direct supervisors are required to work with the Human Resources Office and that staff member to develop a plan for improvement. The results of that plan can lead to improvement in job performance by the employee, the movement of the employee to another area of better fit, or termination. A similar process exists for managers. Similar to hiring stipulations, promotion of internal candidates to more senior positions is determined by budget allowance and Commissioner approval.

Staff Tenure and Development. All five current OCSSR leadership staff with authorizing and management responsibilities have been promoted from within the OCSSR (most have even longer tenures within the larger Massachusetts Department of Elementary and Secondary Education) and none have been with the OCSSR for fewer than six years. In addition, a large majority of staff has worked in charter schools in a number of capacities. Stakeholders also reported that among the seven staff members with authorizing responsibilities, only one has been hired within the last year, and the average tenure of staff is six years. Stakeholders have also reported that their staffing structure has not changed much in the last five years.

The longevity of staff, promotion from within, and direct experience with charter schools have been a huge asset, according to staff. It has provided for important leadership stability, both within the OCSSR and with charter schools in the Commonwealth, and has allowed managers to have a deeper knowledge of the work of their direct reports because they themselves have also performed them. According to one participant, "Nobody does work alone, and nobody is doing a job that one of us has not done."

When queried about why so many staff have been tenured as long as they have, staff listed several contributing factors. Those factors include having managers they strongly believe in, being in an organization that is mission driven, having the right balance of structure and flexibility in how they engage with their work, the "fierce attention to detail" by all staff members, and strong interpersonal relationships with their fellow staff members.

Management Structures. Authorizing staff within the OCSSR are organized into three teams: the Accountability Team (of which the Access and Equity Team is a sub-unit), the New Schools Team,[3] and the Data/Finance team. While these teams function somewhat independently, staff noted that all staff are knowledgeable about and have received cross-team development specific to the functions of both teams.

Management structures include the following:

- **Monthly full OCSSR meetings.** These meetings are designed to share information about key activities and provide "shout-outs" for exemplary progress and work. In addition, staff view these meetings as important professional development, as individual staff members, including those who are not managers, are able to present on key topics. Recent topics have included state accountability changes, English Learners, state budgeting processes, deeper understanding of data and synthesis, and "problems and solutions from the field."

- **Leadership meetings.** OCSSR managers meet monthly to discuss progress on deliverables and activities, and to prepare for upcoming meetings. In addition, the Charter Schools Director meets regularly with the Senior Associate Commissioner for Educational Options. Staff believe conversations in preparation for Board meetings may decrease as more decision-making authority has been delegated to the Commissioner on some high-stakes decisions (see other sections of this case study for details).

- **Weekly team meetings.** Similar to the monthly leadership team meetings, weekly team meetings are designed to provide progress and deliverables updates and problem solve issues that arise. In addition, the Accountability and New Schools Teams meet weekly during key times of the year

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[3] The Access and Equity team also provides support to the New Schools Team.

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when joint work is required (e.g., during site visit and renewal seasons).

- **Weekly one-on-one supervisor meetings.** Each staff member meets with his/her direct supervisor weekly to discuss performance, progress, and address issues that come up.

When queried about formal professional development activities, stakeholders noted that due primarily to budget priorities, staff sought out as many "free" opportunities as possible offered by the Department. Examples in recent years included the state's Educational Policy Fellowship Program and sessions on effective supervision and management.

Relationships with Entities Outside the Authorizing Office

Many entities in Massachusetts—including governmental, philanthropic, new school development, and school improvement organizations—have been instrumental in the strong positive outcomes observed among charter schools in the Commonwealth. As noted by staff, those entities include organizations such as the Massachusetts Charter Public School Association (MCPSA), Boston Compact, the Boston Foundation, Building Excellent Schools, Harvard, MIT, Massachusetts Insight, and Massachusetts 2020, among others. Stakeholders also noted the critical leadership, support, communication, and data sharing provided by the Governor's Office since the inception of the Massachusetts charter law. While it is beyond the scope of this case study to describe in detail how each of these organizations has contributed to the strong sector in the Commonwealth, it is important to note that the Massachusetts charter sector benefits from the presence and support of these and other organizations.

Massachusetts Department of Elementary and Secondary Education. All stakeholders made it clear that while the OCSSR operates within the larger state Department of Education with several other offices, authorizing staff are responsible for authorizing work exclusively. Authorizing staff have positive, collegial, and supportive relationships with others within the larger state Department and largely take care of authorizing work independently. OCSSR staff are dependent on Department staff that handle academic data and classification of schools via Massachusetts's statewide accountability system. OCSSR staff are seen as

helpful colleagues within the larger Department and do collaborate with other staff on issues as they arise.

Massachusetts Charter Public School Association (MCPSA). Stakeholders noted that the MCPSA has been an important entity in the charter school space and intersects frequently with authorizing functions. The MCPSA is a charter school membership organization founded in 2001. The OCSSR has frequent conversations with MCPSA staff, typically multiple times a month. The MCPSA also has a standing quarterly meeting with the Commissioner. OCSSR authorizing staff noted that they typically don't communicate key decisions without, at a minimum, informing the MCPSA about that decision. At times and when appropriate, OCSSR staff also include the MCSPA and others in the Massachusetts charter sector in the decision-making process. In some instances, the MCPSA and OCSSR staff work together on identifying technical assistance topics in response to specific and/or common issues or problems that the MCPSA then organizes and executes.

Authorizing staff noted that they believe the primary ways the MCPSA has influenced authorizing in the Commonwealth has been (a) assisting the OCSSR to reflect on the optics of the accountability and evaluation of authorizing decisions; (b) serving as a conduit on the perspectives of some member schools, as some schools are more comfortable raising issues with the MCPSA than their authorizer; (c) helping parents and new applicants to access resources (e.g., directing parents to the Boston School Showcase, where parents can meet and talk to school leaders and others in the city of Boston) and developing new resources in response to needs identified in the field; and (d) providing a robust professional development series annually for member schools.

The working relationship between the MCPSA and the OCSSR was described as important, including times of healthy disagreement. Stakeholders noted that for the most part the MCPSA and the OCSSR have many common goals and identify common school- and sector-wide issues but sometimes have different ideas about how those goals should be achieved or how issues should be resolved.

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ORGANIZATIONAL CULTURE

Basic Values

Massachusetts is known as the fountainhead of authorizing practice, where many now-familiar practices were invented by early leaders and staff of the Board of Elementary and Secondary Education (BESE) Office of Charter Schools and School Redesign. The incumbents are aware of this history and feel a responsibility "not to mess up their reputation," as senior leadership remarked. The historic nature of their position comes through in the way office staff talk about their work, using such terms as excellence, respect, integrity, and objectivity, meaning no bias in favor of one model or another.

The mission statement for the Office of Charter Schools and School Redesign (OCSSR) reflects these values, touching on quality, innovation, and sustainability:

> The Office of Charter Schools and School Redesign supports and oversees the creation and sustainability of a variety of high-quality public school options—including those that innovate in the areas of instructional practice, time, resources, and technology—to ensure that all students in the Commonwealth have equitable access to a pathway to success after high school.

The last phrase of the mission statement—"to ensure that all students in the Commonwealth have equitable access to a pathway to success after high school"— appears to be particularly important. It is reinforced by 2010 legislation and regulations that demand equity in enrollment processes and put the state far ahead of others in prescribing charter backfilling. In addition, access and equity are common values across teams in the Center for Educational Options.

How Values and Intentions are Communicated

As part of a state agency, there are no motivational banners in the hallways. Values are communicated through action. One watershed moment was reached in 2002 when Lynn Community Charter School was shut down for academic reasons. This was the first time a charter school was closed, and that closure sent an important signal about the value of excellence and the primacy of academics.

The way the OCSSR is organized today says a lot about what it values in terms of organizational priorities. It's organized around three teams with heavy concentrations on the application process and renewal/revocation decisions. This tight dual focus says that the gatekeeping function is paramount—getting it right at the two critical high-stakes decision points and leaving little room to meander into intrusive oversight in other areas.

View of Charters and Relationship to Schools

The OCSSR seeks a collaborative, "no-surprises" relationship with the schools it oversees. Staff routinely seek consultation from the field when considering a new policy initiative, both by posting drafts and by scheduling face-to-face meetings. Recent topics—arising from access and equity concerns—have included enrollment comparability and suspension policies. In these instances, the OCSSR tries to maintain a zone of autonomy for the schools, refraining from setting hard targets that might override the distinctive approach and mission of various charters.

OCSSR staff also try to preserve autonomy by differentiating oversight, pulling back on qualitative reviews when schools have performed well over time, understanding that public reporting in such cases can actually be counterproductive in getting needed organizational change. They do provide robust feedback to schools whenever a site visit takes place.

Office staff are committed to creating strong, sustainable charter schools, which of course has a value on its own, but it appears that chartering has a clear focus on addressing students in underperforming schools across the Commonwealth. Senior leadership indicated that "our job is 'all children' and this [chartering] is one of our best levers for improvement." Senior leadership added that the OCSSR is very focused on "lost opportunities" and remedying underperforming schools—which speaks to the role chartering has in some of the state's turnaround efforts.

Senior leadership summed up the desired relationship with schools as "collegial, collaborative, productive, and positive" with "a lot of transparency." One of the guardrails

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in this respect is that the OCSSR contracts with external providers for renewal reviews so that whatever views have been formed about schools along the way, these high-stakes decisions benefit from a fresh and unbiased set of eyes.

External vs. Internal Focus

Although senior leadership readily admits borrowing tools from other authorizers as needed and although the OCSSR works in partnership with the state's charter association (for example, inviting the state association to partner in studying access and equity issues), the OCSSR focus is internal to a remarkable extent. The OCSSR has declined some sources of external support—including from NACSA—due to internal capacity and expertise to evaluate and develop internal systems. The staff are long-tenured, with all senior leadership working together as a team for more than six years. They work closely together and have an unusually reflective practice, devoting time each year to reviewing and adjusting norms and judgment criteria. They also periodically test their ratings of schools against other outcomes to ensure that their judgments are holding up. A primary internal focus is not to say that OCSSR staff do not also engage in external activities. Several staff members have consulted or led workshops for NACSA, and staff actively cultivate relationships with other authorizers.

To some extent this internal focus may be a by-product of the Commonwealth's relatively slow growth. A nonprofit incubator, the MA Center for Charter Public School Excellence (MCCPSE), went out of business in 2011, and the state doesn't have the sort of organic networks of support organizations that tend to be more prevalent in fast-growth states.

Role of Leadership

There appears to be strong alignment in the BESE chain of command around the values and practices of the charter office. The current Senior Associate Commissioner for Educational Options was the former OCSSR Director and now spends approximately 20 percent of his time on charter school issues. The implications of that growth mean that OCSSR Directors have serious leadership responsibilities of their own. In addition to everyday duties, for example, the current OCSSR Director generally "quarterbacks" briefings for the Commissioner on charter schools and authorizing issues.

The current Commissioner has served in that capacity since 2008 and, as described in other sections, plays a key role as the person who makes recommendations to the rest of the BESE. In an effort to keep charter matters from overwhelming the BESE agenda (according to stakeholders, charter-related issues account for approximately one-third of their time now), the BESE has recently delegated final decisions on non-controversial charter school renewals to the Commissioner. OCSSR staff view the Commissioner as an objective leader who shares their commitment to excellence and objectivity.

Growth Mindset

Because Massachusetts has a complex set of caps (by number of schools and also by share of district budgets), the question of whether the OCSSR has a "growth mindset" is somewhat moot. But there is clearly a nurturing attitude. OCSSR staff referred to the multi-stage application process as "our secret way of doing technical assistance," since the initial prospectus allows novice applicants to present their ideas and receive feedback. A Board member indicated, "Almost all first-timers [new applicants] need a couple of years." There is also a streamlined process for high-performing potential replicators that can deploy in low-performing districts and turnaround sites.

Entrepreneurial vs. Compliance-driven Attitude

As part of a statewide agency, the OCSSR has less opportunity than some other authorizers for being entrepreneurial in the sense of spotting specific needs and problem areas and cultivating new charters in those places of identified need. This is largely driven by statute; the caps are designed in part to incentivize chartering in specific locales. While the OCSSR conducts public meetings and otherwise encourages turnaround applications, they can mainly point to districts where there are seats available under the cap law.

The Office does, however, define its role expansively in engagement with schools. A senior staff member made the telling remark that "if it's mandatory for us to review by-laws, for example, then we have a right to put a thumb on the scale—or else what's the point of authorizing?" This might sound like the (literal) heavy hand of a compliance-driven office, but it's actually the opposite. This is an office that does not receive and rubber-stamp forms; rather,

it uses its legal authority to engage with schools and promote demanding standards of performance.

Process vs. Professional Judgment

This is perhaps the most surprising aspect of the OCSSR's organizational culture. As noted, this state created many of the processes and tools now regarded as best practices in charter authorizing. One would assume a highly criteria-driven system of decision making. Yet to a remarkable extent, key decisions are grounded in the professional judgment of staff rather than the accumulation of "meets" and "exceeds" on a scoring rubric.

The highest value here is the collective wisdom of an experienced and highly-skilled team, whose understanding of quality is well aligned and routinely fine tuned. As a senior staff member put it, "Authorizing isn't paint by numbers." That perspective is why there are no rubrics used to evaluate charter applications and no simple grading system that produces a "yes" or "no" on renewals. Intervention decisions are not automatically triggered but are guided by a more holistic approach. As one staffer put it, "Experience tells us where the danger points are" (although the OCSSR is also trying to codify more clearly certain governance "flashpoints," such as whether a trustee board is evaluating the CEO). When remedies are prescribed, staff often specify that their expectations are "significant and sustained improvement," rather than hitting a target such as a specific test score.

Staff noted some risks in this approach. It's theoretically possible, for example, for decisions to be swayed by bias or emotion, rather than evidence. Staff noted they go to great lengths and have implemented strong systems to guard against this and other risks, including actively pursuing multiple sources of evidence and receiving input from a team of professionals. The professional judgment approach likely works here because the staff are smart, have worked together for an extended period of time, use input from teams of people, and are assiduous. As one senior staffer said, "It's all about human capital."

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APPLICATION SYSTEMS AND PROCESSES

Virtually all stakeholders interviewed noted that reviewer and staff judgment and expertise are central to the charter application process of the Office of Charter Schools and School Redesign (OCSSR) at the Massachusetts Department of Elementary and Secondary Education. The OCSSR has intentionally built a strong team of experienced staff and expert reviewers focused on identifying quality applicants. That experienced team has built a number of systems and processes designed to identify and select applicants that will create strong schools. At the same time, those systems and processes are not determinative nor exhaustive of the critical role staff judgment and decision making play in the application process. As stated by one senior staff member, "You cannot create enough guardrails, because authorizing requires leadership and judgment. Strong, documented processes are nothing without intelligent, expert reviewers and staff. No amount of codification can make up for a lack of leadership. A bad leader will just change what is codified."

What follows are descriptions of the charter school application systems and processes of the OCSSR.

Priorities for New Charter School Authorization

The OCSSR historically has not set priorities for new charter schools and applicants.[4] Massachusetts's charter law currently permits only 120 charter schools statewide with 72 charters reserved for Commonwealth charter schools and 48 reserved for Horace Mann charter schools. The Massachusetts Board of Elementary and Secondary Education (BESE) must approve Commonwealth charter schools. Unlike Commonwealth charter schools, in addition to the approval of the BESE, Horace Mann charter schools must also obtain the approval of the local school committee and teachers union.[5]

Notwithstanding the total number of charters available, state law limits the number of charters by type and location that the BESE can grant. These limits establish priorities for charter schools. Prior to any other charters (described below) being granted, BESE must first grant at least two charters for schools located in districts where overall student performance on the Massachusetts Comprehensive Assessment System (MCAS) is in the lowest 10 percent statewide in the two years prior to the charter application. In any one year, the BESE may also approve only one regional Commonwealth charter school application to be located in a district where overall student performance on the MCAS was in the top 10 percent in the preceding year. The BESE may not approve a Commonwealth charter in any community with a population of fewer than 30,000, as determined by the most recent United States Census estimate, unless it is a regional charter school.

There is also a statutory limit on the amount of funds that can be transferred to charter schools from any one district for the purpose of charter school tuition. A district's total charter school tuition payment to Commonwealth charter schools cannot exceed 9 percent of that district's net school spending, unless that district has performed in the lowest 10 percent statewide on the MCAS for the previous two years. If the district is in the lowest 10 percent, the cap on net school spending is increased to 18 percent. These restrictions effectively incentivize charter school operators to apply for charters in poorly performing school districts.

Application Process

The OCSSR has a robust, multi-stage process for approving charter schools. The OCSSR releases its application kit annually, which serves as a request for proposals of sorts. The application process begins with a Letter of Intent and includes a prospectus and a final application phase, participation by internal and external reviewers for both phases, opportunities for written public comment, public hearings, and an interview with each

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[4] The Commissioner recently issued a set of broad priorities http://www.doe.mass.edu/news/news.aspx?id=24350

[5] There are three types of Horace Mann charter schools, each with a particular set of requirements. A Horace Mann "I" must have its charter application approved by the local school committee and the local teachers union in addition to the Board of Elementary and Secondary Education, while a Horace Mann "II" is a conversion school approved by a majority of its faculty. Horace Mann "III" charter school can be chartered without the approval of the local collective bargaining unit. All Horace Mann charter schools must operate under a Memorandum of Understanding with the district in which it resides.

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applicant group and proposed board of trustees in the final application phase. Prospectuses and final applications are each reviewed against extensive criteria set forth in the charter statute, charter school regulations, and in the Application for a Massachusetts Charter Public School.[6] What follows is a description of how application decisions are made, from Letter of Intent receipt to final decision making by the Massachusetts Board of Education.

Letter of Intent (LOI). The OCSSR requires prospective applicants to submit a Letter of Intent by June 15. The LOI has two components: the letter and the applicant information sheet. The letter provides a brief description of the mission and purpose of the school, describes the students to be served (e.g., targeted population, at-risk youth), and the general approach to curriculum and teaching. The OCSSR also requires prospective applicants to provide information on the composition of the applicant group and, if applicable, information about Proven Provider status (see the next section for a description of what Proven Provider status means). The applicant information sheet requires applicants to describe the year the proposed school will open, five-year enrollment projections, grade spans, and information about the district(s) to be served by the school. Applicants have likely interacted with OCSSR staff before the LOI deadline (e.g., at in-person information sessions).

The LOI allows the OCSSR to learn more about the group, whether or not they have interacted with OCSSR staff in the past. It also gives the school the opportunity to learn about and access OCSSR resources. After LOI submission, applicants are contacted by OCSSR staff to confirm participation in a required two-hour applicant training session that takes place within two weeks of the LOI deadline. When OCSSR staff receive an LOI from an unknown prospective operator, staff contacts that operator to determine awareness of resources and areas where technical assistance is required. OCSSR staff also follows up with applicant groups multiple times after LOI submission, typically 2-3 times depending on the needs of the applicant group. Typically, LOI and prospectus deadlines are about six weeks apart.

Prospectus. Charter applicants must submit a prospectus to the OCSSR along with a Proven Provider Request

(if applicable) no later than August 1. Applicants for a Commonwealth charter must also file a copy of the prospectus with the school committee(s) in the school districts(s) in which the charter school expects to enroll students by August 5. Horace Mann charter applicants[7] are additionally required to submit a signed certification statement that certifies that the prospectus has received approval from the school committee and teachers union where the school will be located.

In the prospectus, the applicant group describes their plans for a potential charter school and must demonstrate that they have the potential to create a high-quality public charter school. Internally, the prospectus stage allows the OCSSR to eliminate groups that have no chance at being accepted. When the OCSSR first began accepting charter school applications, the prospectus was far more limited in scope. Because schools were not submitting applications with well-developed operations sections of the application, the Office expanded the prospectus. Consistent with the Office's desire to help applicants succeed, the expanded prospectus requirements enable the Office to give more feedback to applicants and point out areas of growth, giving the applicants "more bites at the apple."

The prospectus is organized around three key questions:

- How will the school demonstrate faithfulness to the charter?
- How will the school demonstrate academic success?
- How will the school demonstrate organizational viability?

The OCSSR provides guidance in their application describing specific requirements for answering each question and related evaluation criteria.

Proven Provider Status. Proven Provider status is required for applicants seeking to open in districts that have performed in the lowest 10 percent statewide on Massachusetts's statewide accountability examination for two consecutive years and where the 9 percent net school spending cap described previously has been or is expected to be raised by any additional charter school growth. Proven Provider status is assessed from evidence that demonstrates "a significant management

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[6] *http://www.doe.mass.edu/charter/new/2015-2016QandA.pdf*

[7] Massachusetts has three types of Horace Mann charters (see footnote 5. Only Horace Mann I charter applications require approval of the school committee and local collective bargaining unit.

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or leadership role at a school or similar program that is an academic success, a viable organization, and relevant to the proposed charter." Evidence includes background information about the school and the role of leadership, academic and non-academic student performance data, student demographic data, and evidence of organizational viability. Existing schools seeking to replicate must alert the OCSSR that they are seeking Proven Provider status but are not required to submit documentation because the necessary data is already available to OCSSR staff. The Proven Provider application describes what information must be provided and thresholds of performance. Approval as a Proven Provider applies only to the current charter application board of trustees and is not automatically carried forward to possible applications for future applicants. According to staff, more than half of the applicants in the last six years have gone through the Proven Provider process. Historically, Proven Providers have largely been "home-grown" Massachusetts charter networks, as opposed to national charter networks.

One-Stage vs. Two-Stage Application Processes. Some applicants can by-pass the prospectus phase of the application process. In 2014, the OCSSR decided that existing charter operators could forego the prospectus because documentation of existing capacity and prior performance already existed.

In the one-stage process, current charter school boards of trustees are exempt from submitting a prospectus but must still meet Proven Provider requirements, if applicable, and submit a LOI and complete the final application addressing the criteria set forth in the charter statute, charter regulations, and in the Application for a Massachusetts Charter Public School for Current Boards of Trustees. In addition, the applicant must have undergone one successful renewal, cannot have a school with any OCSSR established conditions/problems, cannot be on probation, and must meet school performance requirements under the Commonwealth's academic accountability system. The final application review process for current boards of trustees is virtually identical to other categories of applicants.

The sorting of applicants into either the one-stage or the two-stage process allows the OCSSR to target technical assistance to those applicants they believe really need it. The OCSSR's charter application process is focused on the applicants "presenting their best selves." Office

staff made it clear that they are not interested in "playing gotcha" or denying an application for purely procedural reasons (if it can be helped). Staff members don't want to deny strong applications for bureaucratic purposes; they want applicants to succeed or at least to improve via the process if they are denied.

Prospectus Evaluation. During the prospectus review stage, every application is reviewed by seven to 10 reviewers. Reviewers include school leaders and teachers, education consultants, representatives from nonprofit organizations, higher education administrators, and other staff within the Massachusetts Department of Elementary and Secondary Education (Department). The majority of reviewers are volunteers and approximately only one-third of reviewers are employed by the Department. Reviewers are individuals who strongly believe that the entire sector is impacted by having high-quality schools and who are committed to the review process. Interviewees credited the overlap of diverse reviewer perspectives as bringing strength to the process. Copies of prospectuses are distributed after submission on August 1, and reviewers use an online survey tool to record their reviews using specific criteria. Reviewers read and comment on one to two 40-page prospectuses. Reviewers are expected to thoroughly review the entire application, though they're not expected to teach themselves something new if they are not familiar with a particular area. Internal Department reviewers focus on specific subject matter areas across the application (e.g., a special education reviewer would read the entire application but would look specifically for special education provision issues), while OCSSR team members examine the entire application.

The charter application describes requirements and evaluation criteria for each area of the application in great detail. Evaluation criteria are specific and numerous. The prospectus application for new operators describes more than 85 distinct criteria, not including additional criteria for Horace Mann applicants.

The OCSSR does not score prospectuses. There are no numbers or ratings assigned to the prospectus or to individual sections within the prospectus application. Instead, they rely on qualitative descriptions of the strengths and weaknesses of the application prospectus. Reviewers recognize their jobs are advisory, are not asked if they would recommend the application for approval,

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and do not interact with each other during the prospectus evaluation process.

Reviewers are required to submit their review on or before August 31. The OCSSR uses the feedback from charter application reviewers to assist the Commissioner in determining which applicant groups will be invited to submit final charter applications in early November. Charter office team members look at the entire application. They look for themes among the reviewers and identify common challenges. They also identify weaknesses that can be addressed by the applicant and critical weaknesses that may result in a denial at the prospectus stage. Reviewers or OCSSR staff flag the weaknesses, and an internal summary (one page, typically) is disseminated to ensure a common understanding of the applicant's strengths and weaknesses.

The Commissioner meets with OCSSR staff in September and every applicant is discussed. Office staff present a synopsis of the information to the Commissioner. No official recommendations come from the Office. Instead, the Commissioner and Office staff discuss the evidence, the strengths and weaknesses of the application, and any red flags or "deal breakers." They highlight the potential of each applicant. Neither the Office nor the Commissioner relies on a rubric or scoring in the evaluation of the prospectus. This forces the Office to be highly specific, detailed, and evidence-based in its assessment of each application. Conversations about borderline applications were reported to be the most difficult.

At the conclusion of this phase, based upon the information presented, the Commissioner determines which applicant groups will be invited to move into the final application stage. The Commissioner doesn't invite applicants to apply if they don't meet the prospectus requirements. From the 1994-95 through the 2015-16 school year, 58 percent of prospectus submissions were invited to submit final applications (258 of 447 charter school prospectuses). The appeals process is not available to applicant groups that are eliminated during the prospectus phase.

Questions and concerns raised are communicated to all applicants in-depth and in writing after the prospectus phase, regardless of whether or not the Commissioner invites the applicant to submit a final application. OCSSR staff reported that this feedback loop is extremely important for applicant groups and the Office itself. Office staff report that applications submitted after receiving feedback tend to be better the following year.

Final Application Process. Invited applicants are required to submit a final application by November 1. If an applicant group's board of trustees is granted a charter, the final application serves to define the material terms of the charter to which the school is held accountable, along with any approved amendments.

The final application is organized around the same three questions guiding the prospectus (i.e., faithfulness to charter, academic success, and organizational viability). The Office's charter school application outlines specific requirements and evaluation criteria for the final application. Many of the requirements and evaluation criteria are identical between the prospectus and final application. The most substantial differences between the prospectus and the final application are in the areas of enrollment and recruitment, school management and governance, facilities and transportation, and a required action plan that outlines the steps needed to be taken to open the school on a clear timeline.

The final application includes requirements and evaluation criteria for specific types of applicants, including Horace Mann versus Commonwealth schools; conversion Horace Mann charter schools versus new Horace Mann charter schools; requirements for applicants who plan to sign a contract with an education management organization; and requirements for current charter school boards of trustees applying for a new Commonwealth charter and intending to build a network of schools.

Final application review panels are composed of both external and internal reviewers. Purposefully, prospectus and final-phase reviewers are different—there is no overlap except for OCSSR reviewers. In addition, external reviewers are not permitted to review the same applications over multiple years. Volunteers who review final applications are asked to read and comment on one or two final applications in November and December, as well as convene in early December at the OCSSR to discuss the evidence provided within each application based on specific criteria. The meetings to discuss each application must be in-person (with very rare exceptions, as staff have found phone participation to lack the same productivity and robustness of in-person conversations). During the in-person review, final application reviewers interact, examine the full application, and debate. Written

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narratives are not collected from reviewers during final application phase. Review panel meetings last approximately two-and-a-half hours. As a group, the reviewers examine the application from beginning to end. Office staff take detailed notes. Notes are organized by evidence, lack of evidence, and remaining questions for the applicant group. During the final application phase, questions are more targeted and not about basic school information that is already known by the review team.

Public Hearings. Staff noted that public hearings are a critical component of the application review process. Each public hearing on a final application is held in the school district in which the proposed charter school intends to locate. The hearing is an opportunity for applicants to demonstrate broad community support and for opponents to voice disagreement in public and in the presence of members of the OCSSR and the BESE. Public hearings demonstrate how well applicants can navigate community politics and give districts and community members the opportunity to interact with the charter process. Public hearings are also critical for the authorizing staff: new issues are sometimes raised at hearings, giving Office staff the opportunity to collect additional evidence and to ensure that BESE members have sufficient information about those issues when they later vote on an application.

The OCSSR and BESE also solicit and review comments from the superintendents of the school district(s) from which the applicant intends to draw students and any contiguous districts. All public comment, including written comment from superintendents and school committees, is considered in the review process. Strong opposition or support is not enough to deny or grant a charter, but those comments do inform the overall evaluation. Issues raised in the public hearing that demonstrate weaknesses related to stated criteria are considered and addressed during the applicant interview and final decision-making process.

Applicant Interview. The OCSSR conducts an interview with the applicant. The OCSSR encourages applicants to have their full board, any proposed school employees, and key representatives of any partner organization essential to the educational program and/or mission attend and participate in the application process. At a minimum, they require a majority of proposed board, school leader (if identified), and a representative of the proposed partner organization (especially if granted Proven Provider status). The two-and-a-half hour interview serves as

an opportunity for Office staff to assess the capacity of the applicant group and proposed board of trustees to establish an effective charter school.

Comments and questions raised through the application review process, public hearings, and public comment serve as the basis for the interview in early January. The initial draft of questions is usually approximately 12 pages long. Office staff construct a "decision tree," tailoring the initial lists of questions, categorizing the questions, streamlining them as much as possible, and prioritizing them between "nice to know" and "must haves." Interview questions are tailored and specific to the application rather than standard across all applications. Staff indicated that standard questions across all applications do not add much value; responses are more likely to be "canned." With questions tailored to a specific application and aligned to a specific purpose, reviewers are more likely to get valuable evidence—"General questions lead to general responses." The interview is scripted, but interviewers do ask additional questions if new issues are raised during the interview.

The interview is the "final pressure test" to determine the capacity of the applicant and the last opportunity for the applicant to answer all questions of weakness. The interview is not adversarial but is designed to "poke holes" and expose weaknesses in applications. Office staff use the applicant interview to anticipate and answer any questions the Commissioner or BESE members may have about the application.

Interviews are recorded. OCSSR staff maintains a written, detailed summary of interviews and includes that summary in the materials that are provided to local school officials, the public, and the BESE (although staff are currently in conversations about the form of the written summary from a cost-benefit perspective).

Commissioner Review. The Commissioner receives and reviews the results of the entire charter application process. OCSSR staff provide the Commissioner a detailed document that evaluates the charter application relative to all application criteria. During a meeting with the Commissioner, staff present the body of evidence. Depending on the application, conversations can be quite robust or very short and straightforward. Office staff do not present a formal recommendation to the Commissioner, and the Commissioner makes the final decision to recommend the application to the BESE. The BESE votes

only on recommendations to approve charters, and thus a charter not recommended by the Commissioner does not come before the BESE for a decision. The Commissioner presents his recommendations to the BESE, along with a comprehensive written summary of all materials prepared by the Office. The Office also sends a copy of the comprehensive summary to the applicant.

Board Decision Making. The BESE votes to award charters no later than the February BESE meeting. At those meetings, BESE members discuss the merits of each application and ask the Commissioner and OCSSR staff any remaining questions related to the recommendation. A majority of the 11 BESE members must vote in favor of the Commissioner's recommendation for the application to be approved. Considering decision making at each stage (prospectus review, final application recommendations, and Board decision making), the BESE has a 24-percent charter approval rate, approving 108 charters out of 447 charter prospectuses received.[8] Applicants who are not awarded charters during a given cycle may reapply in the future. As noted by staff and public records during the last five years, most votes are 8-3 in favor of the Commissioner's recommendation for approval, with nay votes often due to philosophical opposition to charters rather than the merits of particular applications. A decision of the BESE on a charter application is final.

Access and Equity Issues in the Application Process. The BESE and OCSSR are dedicated to protecting access to charter schools and maintaining equity for students of all backgrounds. This dedication is reflected in their charter application review staffing and process.

Staffing. The OCSSR includes a team of staff focused on equity and access issues (referred to by staff as the Access and Equity Team). This team of two staff members is an integral part of the Accountability Team. Access and Equity staff participate in both application prospectus and final application evaluation. They review school plans for recruitment and retention. Access and Equity staff provide professional development training internally on special education issues and the legal requirements for schools. By integrating staff focused on accountability and access

and equity, the emphasis on equity issues has spread throughout the charter office.

Application Criteria. The OCSSR has extremely well-developed and detailed application criteria related to services for English Learners and special education students outlined both in the application and on the Office's website.

The recruitment and retention plan submitted as part of the application must include deliberate, specific strategies the school will use to attract, enroll, and retain a student population with a demographic and academic profile comparable to students in similar grades in schools from which the charter school would recruit. The plan must include strategies for recruiting and retaining students, including the following sub-groups: Limited English Proficient (LEP), students with disabilities, low-income students (free and reduced lunch), students who score below proficient on the state's standards-based academic assessment, students at risk of dropping out of school, students who have dropped out of school, or other at-risk students who should be targeted to eliminate achievement gaps. While the subgroup composition of a charter school is not required to be a mirror image of the schools in its sending districts and region, Office staff do evaluate and scrutinize the applicant's plans in these areas.

Charter applicants are required to describe the school's philosophy and plans regarding student behavior and discipline for the general student population and students with special needs. This includes policies for suspension and expulsion, or a reasonable plan for the development of the required discipline policies. While OCSSR staff are careful not to proscribe a particular disciplinary approach, they do evaluate the legality of the school's plans and internal consistency with the rest of the application.

Applicants are required to describe in detail their plans for supporting diverse learners, including English Learners and students with disabilities. The OCSSR provides detailed guidance to applicants in these areas, including the *Massachusetts Primer on Special Education and Charter Schools*. Applicants must describe the processes and procedures that the proposed school will employ to identify, assess, and serve students who are English Learners. Applicants are also required to describe the

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[8] From its first application cycle in 1994 through the 2015-2016 school year.

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special education staffing levels the school intends to provide by year for each of the school's first five years. Those descriptions must include qualifications, salary, and percentage of time each staff member will devote to special education services.

Horace Mann conversion applicants must indicate whether (and how) the proposed plans for special education programming and English language development programming are different from the existing school's programs. Applicants must also provide an analysis of the existing school's current efforts serving students receiving special education services and English Learners and how the proposed programming addresses identified areas for improvement.

PERFORMANCE MANAGEMENT

Performance Contracts

Formal charter contracts are not issued. Together, the Charter School Regulations, Charter School Performance Criteria issued by the Office of Charter Schools and School Redesign (OCSSR or Office), the final charter application (with a statement of assurances), and the accountability plan executed by the charter school's board and the Office fully define the roles, powers, and responsibilities for the school and authorizer, as well as the academic and operational performance expectations by which the school will be judged.

Pre-Opening Systems and Practices

The school opening process begins long before and extends beyond the school's opening day. The opening process begins with a charter award by the Board of Elementary and Secondary Education (BESE) and concludes in June of the school's first year of operation when the school submits a draft accountability plan to the Office. The Office provides schools with a *Handbook* that summarizes the pre-opening process for charters, identifies the action items that must be completed prior to the school's opening, lists documents that must be submitted to the Office as part of the opening procedures process (as well as their due dates), and lists additional resources available to the school.

The *Handbook* is structured as a comprehensive checklist outlining the necessary procedures that must be taken, policies that must be adopted, and documentation to be turned in within the first year of a new charter school's operation. The areas covered include governance, enrollment, grants, student learning time, student handbook policies, human resources and professional development, student services, finance and operations, facilities management, as well as the school's draft accountability plan.

Pre-opening documents hold a place in the charter school's permanent file, though are not part of the charter's contract (recall that Massachusetts does not use traditional charter contracts) and any changes to the material terms of the charter require that the charter school's board submit a request for a charter amendment to either the BESE or the Commissioner of Elementary and Secondary Education (Commissioner).

During the pre-opening phase and throughout the first year of operation, charters receive intensive technical assistance from the Office. Schools must submit documentation and evidence to OCSSR staff before their board is allowed to open its doors to students.

Performance Framework

There are 10 criteria—the Charter School Performance Criteria—that define expected performance in the three guiding areas of charter school accountability in Massachusetts: faithfulness to charter, academic program success, and organizational viability (see table below). The Office evaluates these criteria through the use of quantitative and qualitative data, as well as with evidence presented by the school, compiled over the course of the school's charter term.

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CRITERIA		RATING
1. **Mission and Key Design Elements:** The school is faithful to its mission, implements the key design elements outlined in its charter, and substantially meets its accountability plan goals.		
2. **Access and Equity:** The school ensures program access and equity for all students eligible to attend the school.		
3. **Compliance:** The school compiles a record of compliance with the terms of its charter and applicable state and federal laws and regulations.		
4. **Dissemination:** The school provides innovative models for replication and best practices to other public schools in the district where the charter school is located.		
5. **Student Performance:** The school consistently meets state student performance standards for academic growth, proficiency, and college and career readiness.		
6. **Program Delivery:** The school delivers a high-quality academic program that meets the academic needs of all students.	1. Curriculum	
	2. Instruction	
	3. Assessment and Program Evaluation	
	4. Supports for Diverse Learners	
7. **Culture and Family Engagement:** The school supports students' social and emotional health in a safe and respectful learning environment that engages families.	1. Social, Emotional, and Health Needs	
	2. Family Engagement	
8. **Capacity:** The school sustains a well-functioning organizational structure and creates a professional working climate for all staff.	1. School Leadership	
	2. Professional Climate	
	3. Contractual Relationships (if applicable)	

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9. **Governance:** Members of the board of trustees act as public agents authorized by the state and provide competent and appropriate governance to ensure the success and sustainability of the school.	
10. **Finance:** The school maintains a sound and stable financial condition and operates in a financially sound and publicly accountable manner.	

The rating scale used to rate the criteria is:

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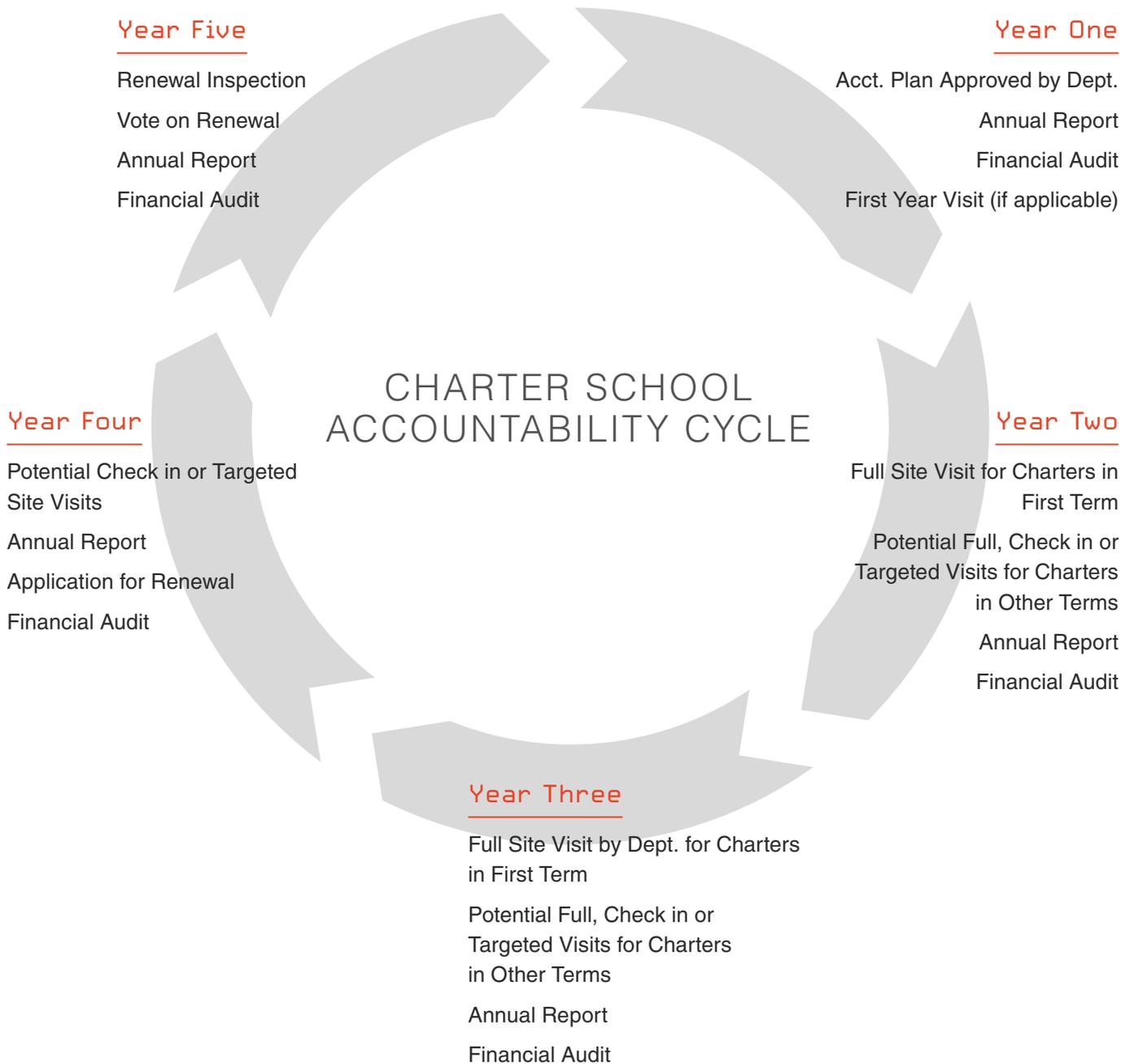- **Falls Far Below:** The school falls far below the criterion, and/or significant concern(s) are noted.

There is no official rubric for determining if a school is or is not meeting expectations. The Office relies on an extensive body of evidence and uses professional judgment in the performance management process. For example, when asked if they use a rubric to rate schools on the criteria of the Performance Framework, staff explained that while they have discussed formalizing a rubric, they have decided against doing so to avoid a "lockstep" process. Staff believe there are numerous ways to meet the standards and don't want to be too prescriptive.

The Office is quite conscientious about the potential influence of bias in the process, however, and thus has taken steps to guard against it, including prioritizing norming (and extensive use of external reviewers, described later in this section). They meet as teams on a regular basis to walk through their rating process. They use an internal tool, similar to a rubric, to moderate their conversations around clarity and consistency in the ratings. Additionally, they have structured the process so that new team members shadow more senior members on site visits in order to observe the process before being required to conduct independent reviews. Throughout the interviews, the idea of reflecting on practices and talking through how to improve them came up frequently. Teams meet weekly, to talk about trends they're seeing, issues that have arisen, and to brainstorm any needed adjustments. The Office also reserves part of the summer for planning time and systematically reviews documents and protocols, evaluating for improvements.

Performance Accountability

The BESE is required by Massachusetts General Law and regulations to conduct ongoing oversight of charter schools and, by the fifth year of each school's operation, decide whether those charters should be renewed. Massachusetts's law does not mandate closure. Instead, it indicates that the BESE *may* suspend or revoke a charter for a variety of reasons, including material misrepresentation in the application for approval of the charter; failure to comply substantially with the terms of the charter or law; misappropriation or mismanagement of funds; fraud; criminal convictions on the part of the charter school or its board of trustees; or failure to fulfill any conditions imposed by the BESE in connection with the grant of a charter.

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Throughout the charter term and during renewal, charter schools are held accountable to the Charter School Performance Criteria (described in the prior section). The figure below shows the key components of the accountability cycle by year.

CHARTER SCHOOL ACCOUNTABILITY CYCLE

Year Five
Renewal Inspection

Vote on Renewal

Annual Report

Financial Audit

Year One
Acct. Plan Approved by Dept.

Annual Report

Financial Audit

First Year Visit (if applicable)

Year Four
Potential Check in or Targeted Site Visits

Annual Report

Application for Renewal

Financial Audit

Year Two
Full Site Visit for Charters in First Term

Potential Full, Check in or Targeted Visits for Charters in Other Terms

Annual Report

Financial Audit

Year Three
Full Site Visit by Dept. for Charters in First Term

Potential Full, Check in or Targeted Visits for Charters in Other Terms

Annual Report

Financial Audit

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Annual Report. In accordance with charter school laws and regulations, a charter school must submit an annual report to the Office on or before August 1 of each school year and post annual reports to its school's website(s). The Annual Report is used by the Office to review the school's performance and progress for the past academic year.

The *Annual Report Guidelines* provide a thorough description of the information that schools must include in the Annual Report, including the charter's mission and key design elements, any amendments to the charter, a description of student performance, as well as information about school discipline, any changes to the school's structure or teacher evaluations, and many documents related to the school's budget and financial health.

Accountability Plan. The Accountability Plan defines the school's internally set performance objectives and how progress toward these objectives will be measured. It is a central piece of evidence the Office uses to measure a charter's performance against Criterion 1: Mission and Key Design Elements.

Charter schools create an Accountability Plan at the end of year one of their first charter term to articulate to the community and state what goals the school will use to measure its success during following years. Schools in their second term and beyond submit new accountability plans to the Office at the end of the fifth year of the charter term. The Accountability Plan must receive approval from the Office before a school can begin implementation.

Site Visits. Schools receive at least two site visits within each charter term. The primary purpose of the Department's site visit process is to corroborate and augment the information contained in a school's annual report and to gather evidence on progress the school is making toward meeting the standards articulated in the *Charter School Performance Criteria* (Criteria). During a site visit, the team conducts classroom observations, conducts focus groups with various stakeholders, and reviews school documents. Site visits are organized and executed according to the *Charter School Site Visit Protocol.*

Following the site visit, the team composes a report on the evidence gathered under each criterion. The report becomes part of the body of evidence used by the Commissioner when making renewal decisions at the end of the charter term. Each school is given the opportunity

to factually correct the report before it is finalized. Additionally, if the school substantially disagrees with the findings or ratings in the report, it may issue a response that is included as an appendix to the final site visit report.

The accountability team—employees of the Office—lead the visits, but they include external visitors, including school leaders, faculty at schools of education, teachers, guidance counselors, and board members, among others, to observe and offer their expert opinions. When asked how they choose the external visitors, staff said, "We bring in school leaders, people from schools of education, teachers, guidance counselors, board members… We try not to just choose heads of school. We want a diverse group of external visitors. A lot of times, if a school is facing a specific problem, we will try our best to find an external visitor with expertise in that area with which the school is struggling."

Application for Renewal. Every charter school undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school can continue to operate. The renewal process includes the submission of a renewal application, a renewal inspection visit (see next section on renewal reports), and analysis of all evidence related to the charter school's performance, including quantitative and qualitative evidence collected through the Office's charter school accountability process. The application for renewal of a charter is the school's opportunity to present evidence that demonstrates success in the three areas of charter school accountability: faithfulness to the charter, academic program success, and organizational viability. The school's renewal application presents evidence of the school's performance during the current charter period relative to the Charter School Performance Criteria. The renewal application process also allows the school to offer explanations for any performance or operational issues, identify actions taken to correct past problems, and provide information regarding the school's plans for improvement in the future.

Renewal Reports. After submitting an application for renewal, each school undergoes a one to two-day renewal inspection conducted by a non-Department vendor (vetted and hired by the Office) or an internal Office team. The visit is designed to corroborate and augment the school's application for renewal and identify the school's progress toward meeting the Criteria. The renewal inspection

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team's final report provides an independent and objective judgment regarding the school's performance and serves as another component of the body of evidence used for renewal determinations.

Summary of Review. The Renewal Inspection Report, Application for Renewal, Annual Reports, Site Visit Reports, performance on state assessments, financial records, and other information present in the school's file provide the evidentiary basis for the Commissioner's review and recommendation regarding the renewal of each school's charter. This material is reviewed by the Office, and a Summary of Review is written by the Office summarizing the evidence from the entire charter term. Schools have the opportunity to review and respond to the Renewal Inspection Report and Summary of Review with factual corrections.

Memorandum Regarding Renewal. The Commissioner reviews the Summary of Review and based on the data contained in the report makes a renewal determination or recommendation to the full Board (as described in the next section, some renewal decisions have been delegated to the Commissioner, while others require full Board engagement). A memo is written containing the Commissioner's recommendation or determination, and it is presented to the BESE. During renewal, schools may receive an unconditional renewal, a renewal with conditions, a renewal with probation, or a non-renewal of the charter.

Financial Audit. Every charter school has an independent audit conducted of its accounts, consistent with generally accepted government auditing standards and any guidelines issued by the Department; the charter school must contract annually with a qualified certified public accounting firm to conduct the audit. Audits must be filed with the Department and the State Auditor by November 1 of each school year in alignment with the Charter School Audit Guide. Office staff annually review the audits that are submitted and flag potential issues.

Intervention. The Office does not have a formal intervention process for schools prior to renewal decisions. The Office does identify significant issues through their accountability processes and systems. To the degree those identified issues are deemed major, such issues are presented to the Commissioner. The Commissioner may recommend formal conditions or probation (which signifies a heightened level of severity) that the school would need

to meet in order to be renewed. Otherwise, the Office prefers to work with struggling schools and steer them towards finding solutions for themselves.

Often, site visits can serve as opportunities for this kind of steering. After the visits, the Office writes up a review of what was observed and provides the report to the school leader. One staff member compared the reports to a mirror, saying, "If [the school leader is] thoughtful, the school should take that information to change and improve those areas or to celebrate strengths. Even if [a school] gets a '"meets,' the process should help the school reflect. Our reports provide reflection for school leaders and board members to improve. It isn't technical assistance, but it should be used."

The Office does at times get requests for assistance and guidance, especially as it relates to issues of special education (and the Access and Equity Team—part of the Accountability Team—plays a critical role in responding to these questions and issues). Similar to its accountability intervention approach, the Accountability team takes a "gentle leader" approach. As one team member said, "We would never say, 'Do this to fix this.' We would instead say, 'You might want to talk to these people.'" Schools receive assistance not only from the Office but from offices throughout the Department. Just like other public schools across Massachusetts, the Department offers charters both voluntary and mandatory professional development and training sessions.

Extension, Renewal, and Revocation

The renewal process results in one of the following outcomes:

- **Unconditional Renewal** (decision delegated to the Commissioner): A school's charter may be renewed for another term of five years without conditions. Generally, to receive a renewal without conditions, the school must have a strong and compelling record of meeting or exceeding the Charter School Performance Criteria. This decision places particular emphasis on Criterion 5, Student Performance.

- **Renewal with Conditions** (decision delegated to the Commissioner): A school's charter may be renewed for another term of five years and have conditions imposed on its charter that require the school to address specific areas of concern.

In general, conditions are linked to substandard performance relative to one or more areas of the Criteria.

- **Renewal with Probationary Conditions** (BESE vote): The BESE may renew a school's charter for another term of five years, place the school on probation, and impose conditions on the school's charter that require the school to address specific areas of concern. A renewal with probation signals strong concern about a school's viability and would permit the BESE to summarily revoke a school's charter if the school fails to remedy the causes of its probation.

- **Non-Renewal** (BESE vote): The BESE will not renew a school's charter if the school does not apply for renewal or if the school lacks affirmative evidence regarding academic program success, organizational viability, and faithfulness to the terms of its charter, including the extent to which the school has followed its recruitment and retention plan. In the case of non-renewal, a school's charter expires at the end of its term, and the school must comply with the BESE's Closing Procedures to ensure an orderly closure.

After the BESE votes its intent to non-renew, revoke, or suspend the charter of a charter school, or a vote by a school's board of trustees to voluntarily surrender its charter, the trustees of the school are responsible for ensuring the completion of the items listed in the *Closing Procedures* in cooperation with the Office and Department. In general, they prefer failing schools to surrender their charters, instead of revocations. From staff's perspective, when charters get revoked and shut down, people tend to disappear, leaving a lot of loose ends. "It is better for everybody when board chairs and school leaders surrender. It is not less contentious, but a revocation puts all of it on public display—which can be both good and bad."

While the Office takes school closures very seriously and recognizes the impact they can have on students and families, they do not shy away from closure when warranted. Part of the Massachusetts state rating system involves classifying districts and schools, including charter schools, into one of five accountability and assistance levels, with the highest performing in Level 1 and the lowest performing in Level 5. But as a member of the

Office mentioned, "There will never be a Level 4 [charter school] closure. The reason? Because that's too late. Charter schools that are not performing well can receive conditions and probations, and if areas of concern are not addressed, then the schools are closed."

Replication and Growth

To date, there has not been a priority or outlined strategy for the addition of new schools outside of targeted replication, likely due to the influence of the cap in Massachusetts limiting charter growth. Charters seeking to grow their number of seats or grades must submit a request for a charter amendment in August. The Office considers growing grades more complex than growing seats since the requests are to do something entirely new. Submissions go through a similar process and timeline as initial charter applications. The Office has instituted interviews for substantial amendments, such as an elementary or middle school adding a high school, or a request for a large number of new seats. One team member indicated that the interview is important because it allows the schools to communicate "Why us? Why now?" in a more compelling way as compared to the amendment application alone.

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