



Massachusetts Department of Elementary and Secondary Education

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Jeff Wulfson
Acting Commissioner

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeff Wulfson, Acting Commissioner

A handwritten signature in cursive script that reads "Jeff Wulfson".

Date: March 16, 2018
Subject: Charter Schools – Request by Pioneer Valley Chinese Immersion Charter School for Review of Commissioner’s Decision

The board of trustees of the Pioneer Valley Chinese Immersion Charter School (PVCICS) has requested a review of my decision to not recommend an increase of the school’s maximum enrollment from 584 to 1,036 students. The charter school regulations, 603 CMR 1.10(8), state that "should the Commissioner deny an amendment request, the charter school's board of trustees may seek review of the Commissioner's decision by the Board." This memorandum details the process for review; outlines the school's request submitted on August 1, 2017, and the review performed by the Department of Elementary and Secondary Education (Department); and provides context for my decision. Representatives of the school will be present at the March meeting to provide information to the Board of Elementary and Secondary Education (Board) regarding their appeal. Staff from the Department's Office of Charter Schools and School Redesign will also be available to answer your questions.

Requests for Approval of Charter Amendments and Reviews of Denial

Under the charter school regulations, the Board approves amendments to a charter with respect to grade span, maximum enrollment, districts served, and contract with education management organizations. 603 CMR 1.10(1). The Department performs a comprehensive review of each amendment request based upon the criteria found in section 1.10 of the charter school regulations and the Department's Amendment Guidelines. In evaluating a school's request to amend its charter, the Department and the Board must consider affirmative, credible evidence that the request meets the Department's criteria and additional evidence of a school's success in each of the three accountability areas: academic program success, organizational viability, and faithfulness to the terms of its charter.

When an amendment request is brought to the Board for consideration, I have determined that the request has substantially met the criteria for approval. In cases where a charter school's amendment request is not brought to the Board for consideration, the board of trustees may appeal directly to the Board to review my decision regarding their request. The Board's options during its review are as follows.

The Board:

- May vote to approve the school's amendment request, notwithstanding my objections;
- May vote to deny the amendment request; or
- May take no formal action, in which case the denial stands.

School Summary and Requests for Growth

Pioneer Valley Chinese Immersion Charter School			
Type of Charter	Commonwealth	Location	Hadley
Regional or Non-Regional?	Regional	Districts in Region	39 districts in Franklin, Hampshire, and Hampden Counties ¹
Year Opened	2007	Year(s) Renewed	2012, 2017
Chartered Maximum Enrollment	584	Current Enrollment	493 ²
Chartered Grade Span	K-12	Current Grade Span	K-12
Students on Waitlist	80 ³	Current Age of School	11 years
Mission Statement			
<p>"The Pioneer Valley Chinese Immersion Charter School (PVCICS) is a K-12th grade educational program that produces academically strong students highly proficient in Chinese and English. The program goals are: to develop proficiency in Mandarin Chinese; to maintain and extend students' proficiency in English; to develop high levels of academic attainment, meeting or exceeding national and state standards, through rigorous study and instruction aligned with the Massachusetts Curriculum Frameworks; and to develop students' understanding of other cultures and the ability to interact successfully with others whose language and/or culture differs from their own.</p> <p>PVCICS serves the Pioneer Valley region and offers a diverse group of students an innovative educational opportunity unavailable elsewhere in Massachusetts. PVCICS works to disseminate the school's experiences and serves as a resource for schools trying to develop similar programs."</p>			

¹ These districts include Agawam, Amherst, Amherst-Pelham, Belchertown, Chesterfield-Goshen, Chicopee, Conway, Deerfield, East Longmeadow, Easthampton, Frontier, Gill-Montague, Granby, Granville, Greenfield, Hadley, Hampden-Wilbraham, Hampshire, Hatfield, Hawlemont, Holyoke, Leverett, Longmeadow, Ludlow, Mohawk Trail, Northampton, Pelham, Pioneer Valley, Shutesbury, South Hadley, Southampton, Springfield, Sunderland, West Springfield, Westfield, Westhampton, Whately, Williamsburg, and Southwick-Tolland.

² As reported in the Student Information Management System (SIMS) as of October 1, 2017.

³ As reported in the Massachusetts Charter School Waitlist Report Update for 2017-2018 from October 1, 2017. The school initially reported 113 students on the waitlist in March 2017 after the school's principal lottery. Fifty-three students were removed from the waitlist between the initial report in March and the follow-up report in October. The school reported that 20 new students were added to the waitlist after the principal lottery.

PVCICS received a charter in February 2007 to establish a K-8 school with a maximum enrollment of 300 students. At the time of the school's first renewal in 2012, the Board placed the school on conditions related to governance and leadership of the school and also voted to permit the school to implement a ninth grade in 2012-2013 for its existing class of eighth grade students, approximately seven students. In February 2013, the Board removed the 2012 conditions⁴ and approved a modified charter amendment to increase the school's maximum enrollment to 584 students and to serve grades K-12. At the time, former Commissioner Mitchell D. Chester's recommendation and the Board's approval of the additional 284 seats was 100 seats fewer than the school's request. The former Commissioner indicated that additional requests for growth should be submitted in connection with the school's next renewal in 2017, once the high school grades were fully implemented and demand for the size of 684 students proposed by the school could be supported by evidence.

Contrary to the former Commissioner's request, in 2014, PVCICS submitted a request to increase its maximum enrollment by 384 students to serve a total of 968 students in grades K-12. Because the school had not fully implemented its earlier expansion and had only limited evidence of demand, former Commissioner Chester did not bring the school's amendment request to the Board for consideration and encouraged the school to seek an enrollment increase in connection with its next application for renewal in August 2016. The board of trustees of PVCICS requested a review of former Commissioner Chester's decision in April 2016, approximately fifteen months after the Commissioner's response.⁵ In June 2016, the Board reviewed the Commissioner's decision and took no action on the school's request for review.

In 2016, PVCICS submitted a new request to increase its enrollment from 584 to 1,144 students. The school's 2016 request was a modified approach to growth based upon discussions with the Department regarding demand and the school's educational model. The request included higher cohort sizes in elementary grades, where the school has experienced consistent demand in recent years, and lower cohort sizes in the middle and high school grades, where the school has not yet established the same evidence of demand. During the Department's review in 2016, the request lacked evidence of sufficient demand to support an additional 560 students, particularly in middle and high school grades. In response to the Department's concerns, the school decreased its request by 108 to 452 students as a modification that would permit the school to grow at a reasonable pace and support successful implementation of the school's educational model. The school's revised request sought to increase its maximum enrollment from 584 to 1,036 students.

At the Board's February 27, 2017 meeting, former Commissioner Chester recommended approval of the school's modified request with an enrollment condition. The condition specified that if the school failed to increase student enrollment in accordance with its growth plan and reported fewer than 800 students enrolled at the school on October 1, 2021, the school's maximum enrollment would be reduced accordingly.

⁴The Department determined that the board of trustees had substantially addressed the conditions imposed, including revisions to the process for evaluating the executive director and principal and a board self-evaluation and governance training.

⁵In June 2017, the Department clarified the timeline for submission of requests for review in its published guidance. Boards of trustees may not request review of the Commissioner's decision beyond the fiscal year in which the request was submitted. For example, a request to increase maximum enrollment that is submitted on August 1, 2017, cannot be subject to review by the Board of Elementary and Secondary Education after its meeting in June 2018.

After a discussion of the merits of the school's request and specific areas of concern, the Board voted 2-7 to decline the request. At the time, the Board cited the reasons that follow for declining to approve the amendment.

- The school had not yet reached its maximum enrollment of 584 students.
- The school's waitlist demonstrated insufficient demand for the proposed increase to 1,036 students.
- The school's enrollment and attrition data indicated the need for enhancement of its recruitment and retention efforts for specific subgroups. The Board specifically noted the lack of comparability of the school's student population with its sending districts and the higher rates of attrition of students with disabilities than other schools in PVCICS's charter region.

At the time, former Commissioner Chester strongly encouraged the school "to delay re-submission in order to identify methods to address the specific reasons individual Board members declined to support the school's request." The three reasons indicated above were conveyed to the school in a letter dated March 15, 2017.

On August 1, 2017, the board of trustees of PVCICS submitted another request to increase the school's maximum enrollment from 584 to 1,036. The Department determined the request provided only limited new information in response to the Board's concerns in February 2017. On August 10, 2017, the Department asked the school to submit evidence to specifically address or rebut the areas of concern expressed by the Board. The school submitted two responses to the August 10th letter: a letter from the executive director on October 20, 2017, and a letter from the board chair on December 13, 2017. The Department reviewed the school's request and subsequent supplemental information provided by the school's executive director and board chair and interviewed members of the board of trustees and the school's administrators in December 2017 to gather additional information.

After reviewing all the information, I concluded that the school did not provide sufficient additional, affirmative evidence of its efforts to fully address the Board's concerns or to rebut those concerns. As a result, I did not bring the school's amendment request to the Board for consideration because the specific facts that informed the Board's rejection of the request in February 2017 have not changed in the intervening months. I notified the school of my decision in a letter sent to the board chair on January 12, 2018.

On January 21, 2018, pursuant to 603 CMR 1.10(8), the board of trustees of PVCICS requested that the Board review my decision not to recommend the school's amendment request to increase enrollment.

Overview of Factors Relevant to Decision

PVCICS has not yet addressed the concerns raised by the Board in February 2017, primarily because insufficient time has passed to permit the school to show concrete evidence of improvement in the specific areas identified by the Board. The school has not grown to its maximum enrollment, has not provided evidence of demand for the school at the proposed size, and still exhibits a lack of comparability of its student population with its sending districts and higher rates of attrition of students with disabilities than other schools in its charter region. More evidence related to each of these concerns follows.

The school has not yet reached its maximum enrollment of 584 students.

PVCICS expanded to its full grade span (K-12) during the 2016-17 school year. As of October 2017, the school reported an enrollment of 493 students, below its maximum enrollment of 584 by 91 students and below the pre-enrollment projections reported by the school in March 2017 of 539 students. Please see Table 1 below for the historical enrollment patterns of the school.

Table 1:

Student Enrollment by School Year	Grade													Total
	K	1	2	3	4	5	6	7	8	9	10	11	12	
2011-2012	44	44	47	41	19	13	15	11	7	0	0	0	0	241
2012-2013	45	44	44	47	41	17	19	12	8	3	0	0	0	280
2013-2014	48	44	44	44	47	38	18	19	8	12	0	0	0	322
2014-2015	43	48	44	44	43	45	57	15	20	19	11	0	0	389
2015-2016	44	44	47	44	40	43	57	52	11	30	16	11	0	439
2016-2017	44	44	45	45	43	39	58	49	44	14	20	15	11	471
2017-2018	44	44	44	46	47	43	54	50	46	39	9	16	11	493

The school’s waitlist demonstrates insufficient demand for the proposed increase to 1,036 students.

At the time of the Board’s vote to decline approval for the school’s request in February 2017, the school reported that its March 2016 waitlist was 116 students and that its updated waitlist in October 2016 was 109 students. In March 2017, the school initially reported 113 students waitlisted after the school’s principal lottery. In subsequent reporting to the Department, the school has reported a waitlist of 80 students as of October 2017, showing waitlist decline over time. Fifty-three students were removed from the waitlist between the initial report in March and the second report in October. The school reported 20 new students added to the waitlist after the principal lottery. Please see Table 2 below for the school’s historical waitlist data.

Demand as evidenced by the school’s waitlist is not supportive of the school’s request for an additional 452 seats.

Table 2:

Students on the PVCICS Waitlist	Grade													Total
	K	1	2	3	4	5	6	7	8	9	10	11	12	
March 2015 waitlist	55	5	5	12	8	8	7	9	1					110
October 2015 waitlist	51	4	7	13	0	4	6	10	3	3	1	1		103
March 2016 waitlist	57	8	9	9	13	6	0	9	2	0	2	1		116
October 2016 waitlist	50	12	9	2	12	1	0	10	4	5	2	1	1	109
March 2017 waitlist	53	15	9	16	6	5	0	5	2	0	1	1	0	113
October 2017 waitlist	36	19	1	11	6	0	0	1	3	0	1	2	0	80

The school’s enrollment and attrition data indicate the need for enhancement of its recruitment and retention efforts for specific subgroups.⁶

In February 2017, the Board expressed concern about the school’s enrollment and attrition data, specifically noting the lack of comparability of its student population with its sending districts and the higher rates of attrition of students with disabilities than the school’s sending districts. At the time of the Board’s vote in February 2017 to not approve the school’s proposed amendment, the school’s enrollment of students with disabilities, English learners (ELs), and students identified as economically disadvantaged was consistently below the rate of comparison schools during its second charter term from 2012 through 2016. In 2016-2017, these trends continued with a decline in the enrollment of ELs, students with disabilities, and economically disadvantaged students.

Moreover, the school’s rates of attrition have risen in recent years. In 2017, the attrition rate for ELs rose from 6.7 percent to 18.8 percent, above the third quartile of comparison schools. Similarly, the attrition rate for economically disadvantaged students rose from 5.1 percent in 2016 to 21.1 percent in 2017, above the third quartile of comparison schools of 16.0 percent. Finally, the attrition rate of students with disabilities has climbed from 11.1 percent in 2016 to 20.7 percent in 2017, above the third quartile of comparison schools of 17.0 percent.

⁶ Enrollment and attrition data from 2017-2018 was not available during the Department’s review and did not play a role in the Commissioner’s final decision. In 2018, the school enrolled a similar proportion of students with disabilities (5.9 percent), ELs (2.8 percent), and students identified as economically disadvantaged (16 percent) as in 2017. In 2018, the attrition rate for ELs rose to 25 percent, the attrition rate for economically disadvantaged students declined to 5 percent, and the attrition rate for students with disabilities declined to 14.8 percent.

As noted above, the Board may take any of the actions that follow:

- Vote to approve the school's amendment request, notwithstanding my objections.
- Vote to deny the amendment request.
- Take no formal action, in which case the denial stands.

If you have any questions regarding the school's request for review or require additional information, please contact me; Cliff Chuang, Senior Associate Commissioner; or Alison Bagg, Director of Charter Schools and School Redesign.

Enclosures:

- Correspondence from Pioneer Valley Chinese Immersion Charter School: Appeal Request
- Correspondence from Pioneer Valley Chinese Immersion Charter School: Amendment Request, including Supplemental Information provided by the School's Executive Director and Board Chair
- Amendment Review Analysis for Pioneer Valley Chinese Immersion Charter School
- Notification Letter of Amendment Request Denial Decision
- Public Comment Received from Stakeholders in Support and Opposition