



# Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000  
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Mitchell D. Chester, Ed.D.  
Commissioner

February 6, 2015

Alec Resnick  
Innovation School Planning Committee  
Somerville STEAM Academy  
339R Summer Street  
Somerville, MA 02144

**Subject:** Planning Committee's Request for Approval – Educator Licensure and Educator Evaluation

Dear Mr. Resnick:

This letter responds to two requests of the Innovation School Planning Committee of the proposed Somerville STEAM Academy (SSA) for approval of provisions in the proposed innovation school plan that conflict with law.<sup>1</sup> Pursuant to G.L. c. 71, § 92(c), and 603 CMR 48.03(3)(b), SSA requests approval of provisions in the proposed plan that conflict with state law requiring licensure of educators and conflict with state law requiring evaluation of educators. This letter approves certain provisions regarding educator licensure, to the extent that such provisions conflict with state law. I decline to approve the provisions that purportedly conflict with state law regarding educator evaluation.

## **Innovation School Statute and Regulations**

The innovation school statute, G.L. c. 71, § 92(c), permits innovation schools flexibility with respect to legal requirements that apply to other public schools. The statute states that “[a]n Innovation School shall operate in accordance with the law regulating other public schools, except as the law conflicts with this section or any innovation plans created thereunder.” G.L. c. 71, § 92(c).

With respect to provisions of innovation school plans that conflict with law, the innovation school regulations require such provisions to be approved by the Commissioner of Elementary and Secondary Education (Commissioner).

If an innovation plan committee is proposing an innovation plan that may conflict with laws (including regulations) governing other public schools, the committee shall, before presenting the plan to the school committee for approval, request approval from the

<sup>1</sup> The third request of SSA related to G.L. c. 30B is still being evaluated. This letter does not respond to that request.

Commissioner for any provision in the plan that may conflict with such laws. The Commissioner's approval shall be based on his determination that the plan is consistent with 603 CMR 48.03(2) and with the state's obligations under the education clause of the Massachusetts Constitution, Mass. Const., pt. II, ch. V, s. II, as defined by a court of competent jurisdiction, and that the provision in the plan that may conflict with such laws is necessary to advance the mission or educational programs of the innovation school. If the Commissioner does not approve the proposed provision in the plan, the innovation plan committee may ask the Board to review the matter and the Board shall make the final decision.

603 CMR 48.03(3)(b) (emphasis added).

### Proposed Innovation School

<b>Mission</b>	"The [proposed] Somerville STEAM Academy (SSA) will be a vocational lab school opening in Fall 2015 emphasizing computational immersion and targeting struggling students offering an intimate, small school setting where learners will explore project-based curricula integrating the arts and sciences. The SSA will feature tight community integration via internships and mentorships and will rely on tie-in volunteer efforts throughout Somerville."
<b>Enrollment</b>	Approximately 180 students, at least 36 per grade
<b>Location</b>	Somerville
<b>Grade Span</b>	Appears to be 8-12

### Educator Licensure

SSA's proposed plan contains two provisions that conflict with state law requiring licensure of educators in public schools. See G.L. c. 71, § 38G (requiring school committees to employ licensed educators); 603 CMR 7.00 (provisions for licensure, including hardship waivers). These provisions, quoted below, appear on pages 84 and 89, respectively, of the proposed plan.

While traditional licensure and experience will be taken into account as a distinct advantage in considering a hire, the SSA will be able to hire independent of

licensure, and specifically, licensure cannot ever be made a requirement of an SSA hiring contract.

\* \* \*

While the SSA will be able to consider licensure and background as a competitive advantage in hiring, no teaching contract with the SSA will require licensure.

I approve these two provisions to the extent that they conflict with the requirements for licensure in G.L. c. 71, § 38G, and 603 CMR 7.00. In doing so, to the extent that they conflict with the requirements for licensure in G.L. c. 71, § 38G, and 603 CMR 7.00, I have determined that these provisions are consistent with 603 CMR 48.03(3) (anti-discrimination provision for innovation schools) and the education clause of the Commonwealth's constitution. I have also determined, to the extent that they conflict with the requirements for licensure in G.L. c. 71, § 38G, and 603 CMR 7.00, that these provisions are necessary to advance the mission or educational program of the innovation school as it is proposed in the materials provided to the Department.

Should the school committee of Somerville Public Schools subsequently approve the school's innovation plan, my approval of the two provisions is explicitly conditioned upon SSA complying with the requirements that follow. SSA **must ensure** that:

- all teachers at the proposed school take and pass, within their first year of employment at the proposed school, the relevant Massachusetts Tests for Educator Licensure, including the Communication and Literacy Skills tests, or be already licensed to teach in Massachusetts;
- all core academic teachers responsible for the education of one or more students who are English language learners are appropriately qualified and, by July 1, 2016, hold Sheltered English Immersion (SEI) Teacher Endorsements;
- the school has at least one teacher licensed in English as a Second Language (ESL) and otherwise meets the requirements of 20 U.S.C. 1703(f) (Equal Educational Opportunity Act); and
- all staff implementing specialized instruction included in an Individualized Education Program (IEP) meet the qualifications for service delivery providers established by the Department.

### **Educator Evaluation**

In its request, SSA asserts that staff evaluations must be customized to reflect SSA's unique definitions of student performance and cannot be captured by the traditional state evaluation system. SSA believes that its team-based staffing model, implemented with staff with non-traditional backgrounds, and its focus on individualized student assessment would make

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compliance with existing regulations governing educator evaluation unworkable. The founding group asserts that attempts to conform to existing requirements will create an onerous burden without benefit. Therefore, SSA intends to design its own teacher evaluation system.

State law addresses the evaluation of educators in G.L. c. 69, § 1B (requiring the Board to establish guidelines for personnel evaluations); G.L. c. 71, § 38 (requiring superintendents to comprehensively evaluate all educators); and 603 CMR 35.00 (regulations specifying requirements for educator evaluations). The educator evaluation regulations are designed

- to promote growth and development amongst leaders and teachers;
- to place student learning at the center, using multiple measures of student learning, growth, and achievement;
- to recognize excellence in teaching and leading;
- to set a high bar for professional teaching status; and
- to shorten timelines for improvement.

The regulations permit SSA to implement an evaluation system consistent with the proposed innovation plan. Therefore, because the provisions of the proposed plan regarding SSA's evaluation system do not conflict with the laws regulating other public schools, approval of such provisions is not required, and I decline to approve such provisions in the proposed plan.

My approval, pursuant to 603 CMR 48.03(3)(b), of two provisions of SSA's innovation school plan, to the extent that such provisions conflict with laws regulating other public schools, does not substitute for local approval of the proposed innovation school plan. Responsibility for approval of the proposed innovation plan rests with the Somerville school committee. Ultimately, the school committee for Somerville Public Schools must review and determine whether SSA's proposed plan should be implemented.

Sincerely,



Mitchell D. Chester, Ed.D.  
Commissioner of Elementary and Secondary Education



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Telephone: (781) 338-3000  
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Mitchell D. Chester, Ed.D.  
Commissioner

March 25, 2015

Alec Resnick  
Innovation School Planning Committee  
Somerville STEAM Academy  
339R Summer Street  
Somerville, MA 02144

**Subject:** Planning Committee's Request for Approval – Educator Licensure and Educator Evaluation

Dear Mr. Resnick:

This letter responds to a request of the Innovation School Planning Committee of the proposed Somerville STEAM Academy (SSA) for approval of provisions in the proposed innovation school plan that conflict with law. Pursuant to G.L. c. 71, § 92(c), and 603 CMR 48.03(3)(b), SSA requests approval of a provision in the proposed plan that conflicts with state law regarding procurement, G.L. c. 30B.<sup>1</sup> Subject to certain conditions, this letter approves one provision regarding procurement, to the extent that such provision conflicts with G.L. c. 30B. In approving this provision, I have consulted with the Office of the Inspector General, and the conditions reflect that consultation.

## **Innovation School Statute and Regulations**

The innovation school statute, G.L. c. 71, § 92(c), permits innovation schools flexibility with respect to legal requirements that apply to other public schools. The statute states that “[a]n Innovation School shall operate in accordance with the law regulating other public schools, except as the law conflicts with this section or any innovation plans created thereunder.” G.L. c. 71, § 92(c).

With respect to provisions of innovation school plans that conflict with law, the innovation school regulations require such provisions to be approved by the Commissioner of Elementary and Secondary Education (Commissioner).

If an innovation plan committee is proposing an innovation plan that may conflict with laws (including regulations) governing other public schools, the committee

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<sup>1</sup> I previously approved certain provisions regarding educator licensure, to the extent that such provisions conflict with state law, and declined to approve the provisions that purportedly conflict with state law regarding educator evaluation.

shall, before presenting the plan to the school committee for approval, request approval from the Commissioner for any provision in the plan that may conflict with such laws. The Commissioner's approval shall be based on his determination that the plan is consistent with 603 CMR 48.03(2) and with the state's obligations under the education clause of the Massachusetts Constitution, Mass. Const., pt. II, ch. V, s. II, as defined by a court of competent jurisdiction, and that the provision in the plan that may conflict with such laws is necessary to advance the mission or educational programs of the innovation school. If the Commissioner does not approve the proposed provision in the plan, the innovation plan committee may ask the Board to review the matter and the Board shall make the final decision.

603 CMR 48.03(3)(b) (emphasis added).

### **Proposed Innovation School**

<b>Mission</b>	"The [proposed] Somerville STEAM Academy (SSA) will be a vocational lab school opening in Fall 2015 emphasizing computational immersion and targeting struggling students offering an intimate, small school setting where learners will explore project-based curricula integrating the arts and sciences. The SSA will feature tight community integration via internships and mentorships and will rely on tie-in volunteer efforts throughout Somerville."
<b>Enrollment</b>	Approximately 180 students, at least 36 per grade
<b>Location</b>	Somerville
<b>Grade Span</b>	Appears to be 8-12

### **Procurement and G.L. c. 30B**

SSA's proposed plan contains a provision that conflicts with state law regarding procurement in public schools. See G.L. c. 30B (Uniform Procurement Act). This provision, quoted below, appears on pages 135 through 136, of the proposed plan.

To enable these priorities and flexibility, the SSA will have complete autonomy in the dispensation of its funds. It [SSA] will be in charge of—and adopt all legal exposure for—its procurement, payroll, and other financial functions, establishing

and maintaining proper accounting records and internal procedures in the process with help from the Inspector General's office. This is largely to make possible the "one bucket" approach which has emerged as the consensus best practice for small schools targeting struggling students implementing flexible curricula. The SSA will be exempt from MGL procurement laws including Chapters 30B, 30§39M, and 149. The SSA will design and implement its own procurement, financial controls, and budgeting office.

I approve this provision to the extent that it conflicts with the requirements for procurement in G.L. c. 30B. In doing so, to the extent that it conflicts with the requirements for procurement in G.L. c. 30B, I have determined that this provision is consistent with 603 CMR 48.03(3) (anti-discrimination provision for innovation schools) and the education clause of the Commonwealth's constitution. I have also determined, to the extent that it conflicts with the requirements for procurement in G.L. c. 30B, that this provision is necessary to advance the mission or educational program of the innovation school as it is proposed in the materials provided to the Department.

Should the school committee of Somerville Public Schools subsequently approve the school's innovation plan, my approval of this provision is explicitly conditioned upon SSA complying with the requirements that follow. SSA **must ensure** that:

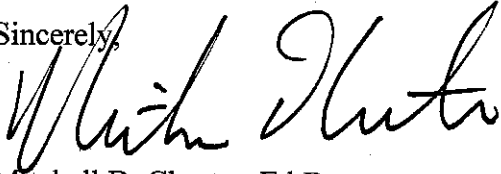
- individual(s) responsible for overseeing and managing procurement for SSA take, at a minimum, the Public Contracting Overview Seminar and the Supplies & Services Seminar offered by the Office of the Inspector General;
- it develops its own internal procurement practices, in consultation with an expert or legal counsel familiar with government procurement, prior to procuring goods and services;
- it consults with the Office of the Inspector General, following the development of comprehensive internal procurement practices and prior to procuring goods and services, and makes all changes requested by the Office of the Inspector General;
- it follows its internal procurement practices as developed in compliance with these conditions; and
- it complies with all guidance and directives provided to SSA by the Office of the Inspector General.

My approval, pursuant to 603 CMR 48.03(3)(b), of this provision of SSA's innovation school plan, to the extent that such provision conflicts with laws regulating other public schools, does not substitute for local approval of the proposed innovation school plan. Responsibility for approval of the proposed innovation plan rests with the Somerville school committee.

Alec Resnick  
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Ultimately, the school committee for Somerville Public Schools must review and determine whether SSA's proposed plan should be implemented.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell D. Chester". The signature is written in a cursive style with a large, prominent initial "M".

Mitchell D. Chester, Ed.D.  
Commissioner of Elementary and Secondary Education

C: Glenn A. Cunha, Inspector General  
Anastasia M. Bizanos-Ashe, Senior Counsel, 30B Coordinator,  
Office of the Inspector General