

ANDOVER PUBLIC SCHOOLS



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April 11, 2019

On Thursday, April 11, 2019, the Andover School Committee voted 5-0 not to accept Fusion Academy's application to operate a non-public school in Andover, Massachusetts based on the recommendation of Sandra Trach, assistant superintendent of Teaching and Learning. Superintendent Sheldon Berman supports the recommendation by Ms. Trach, based on her review and research of Fusion Academy's application.

"The School Committee appreciates the hard work of Assistant Superintendent Sandra Trach and Superintendent Berman. This process began in summer 2018, and we are grateful for their due diligence and thorough review of this matter," notes Shannon Scully, chairperson of the Andover School Committee. "The recommendations by Ms. Trach made it clear to the Committee that Fusion Academy's application would not meet the statutory standards required by Massachusetts General Laws regarding a private school's instruction equaling the public schools in '*...thoroughness and efficiency and that private schools are making the same progress as public school students.*'"

The full memo of Ms. Trach's recommendation is attached, and a summary is provided below.

Ms. Trach's research found Fusion Academy did not meet statutory standards of Massachusetts General Laws (c.76 §1) in the following areas:

Time on Learning & Curriculum:

Fusion Academy's total number of learning hours for a middle or high school student is 26 hours per week for a full time student. However, based on Fusion Academy's model, 50% of this time is not direct instruction. Students spend time in the "Homework Café," which is essentially a study hall. For a year-long course, a student at Fusion Academy would receive 42 hours of direct instruction time. This is in contrast to Andover High School, where students receive 119 hours of direct instruction, which does not include additional time spent on homework.

Fusion Academy's curriculum is not equivalent to that offered in the Andover Public Schools. For example, the District was not provided with any information indicating that Fusion has the capacity to provide students with on-site science lab experiences, as required as part of a science curriculum.

In health education, Fusion's content does not include important aspects of curriculum, i.e. suicide prevention and human sexuality. In reviewing Fusion Academy's overall unit plans, we could not conclude a student would be able to meet the breadth and depth of curricular requirements, even in a 1:1 setting, within the program's limited direct instruction time.

Higher Ed Impacts:

While Fusion Academy requires a minimum of 230 credits for graduation, Fusion requires fewer core courses for graduation, which may impact a student's application and preparation for higher education.

Lack of Access to Medical Care on-site:

Fusion Academy acknowledges it will not have a nurse on-site. Fusion will be unable to address emergency medical needs on-site, absent appropriate school nursing support. Fusion will be unable to comply with regulations for the delegation of prescription medications. Impacted students include, but are not limited to, students requiring medical management of diabetes or other chronic conditions, students with life-threatening allergies, and students requiring medication during the school day.

Student Services:

Fusion has informed APS that it will admit students who have not been successful in traditional school environments, i.e. students with anxiety, learning differences and depression. There is no indication that Fusion has the capacity to provide students access to direct services to address their social, emotional and behavioral needs.

Teacher Qualifications:

There is no state policy for teacher licensure for private schools, and Fusion Academy states that their teachers come from a wide range of background, and typically have a bachelor's level degree. This contrasts to APS where 100% of teachers are licensed in their subject or specialist area and 88% of APS faculty have been teaching three (3) years or more.

Application Materials:

Fusion did not provide in their application materials an anti-discrimination policy. Anti-discrimination policy prohibits discrimination on the basis of race, religion, national origin, sex, gender identity, sexual orientation, and disability.

Additionally, the District was not provided with several application materials, despite multiple requests, including:

- Staff, student, and parent handbooks that communicate school policies including students' health care needs, record regulations, attendance policies, and student discipline.
- Data regarding teacher turnover rates, subject matter expertise or policy on teacher preparation time.

Given Fusion's substantial program deficits – including hours of direct instructional learning time, inability to meet the needs of students with social/emotional challenges, and the inability to meet the needs of any student requiring medication administration – the School Committee was not able to approve Fusion's application.

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To: Andover School Committee
CC: Sheldon Berman, Ed.D., Superintendent
From: Sandra A. Trach, Assistant Superintendent for Teaching and Learning
Date: April 10, 2019
R/E: Recommendation on Fusion - Andover Application for Private School Status

On May 29, 2018, Fusion Academy submitted a written request to the Andover Public Schools (APS) for approval to operate a nonpublic school in Andover, Massachusetts. This request is subject to the Andover School Committee Policy, *Relations with Nonpublic Schools*, File LBC. This memorandum provides my final review of Fusion's application for approval by the Andover School Committee and the additional materials submitted by Fusion for review, as well as my recommendation to the Andover School Committee.

Education Law and Regulations on Approval of Private Schools

The *Standards for Approval of Private Schools* is outlined in *The Advisory on Approval of Massachusetts Private Schools* pursuant to M.G.L. c. 76, §1 by Jeffrey M. Nellhaus, Acting Commissioner of Education, October 7, 2007. The statutory standard for private school approval under M.G.L. c. 76, §1 states, "School Committees will approve a private school when satisfied that its instruction equals the public schools in the same town in thoroughness and efficiency and that private students are making the same progress as public school students." M.G.L. c.76, §1. (Office of Innovation and Improvement, MA State Regulations, Private Schools, 2016.)

Criteria for Consideration of a Private School by a School Committee

According to the Massachusetts Department of Elementary and Secondary Education (DESE), there are eleven (11) sample criteria for consideration of a private school application. In my March 5, 2019 memorandum to Dr. Berman, presented to the Andover School Committee on March 7, 2019, I outlined my review of Fusion's application materials.

As compared to the robust curriculum and hours of direct instruction offered in APS, Fusion fails to satisfy the statutory standard set forth in M.G.L. c.76, §1. See *Andover High School 2019-2020 Program of Studies*. The curriculum offered is not equivalent to that offered in the Andover Public Schools generally and, specifically, in the following instructional areas:

Mathematics, Science and Technology, History and Social Science, English, Foreign Languages, the Arts, and Physical Education. Additionally, Fusion provides inadequate hours of direct instruction per school day/school week, as well as inadequate hours of direct instruction in each subject.

In reviewing Fusion's unit plans for middle school and high school courses, even in a 1:1 setting, I cannot conclude that a student could meet the breadth and depth of the curricular requirements (i.e. enduring understandings, essential questions, student abilities, performance tasks including labs, textbook reading, and final exams) within Fusion's extremely limited direct instructional time.

Fusion Academy states "the total number of learning hours offered for a middle school and high school student is 26 hours per week for a full-time student." However, based on the materials provided including sample schedules, approximately 50% of a student's overall weekly schedule at Fusion (approximately 13 hours) is "guided independent study" at the "Homework Café," and not direct instruction. This is in contrast to the approximately twenty-eight (28) hours per week of direct instruction provided to APS middle school and high school students.¹

Fusion's one-to-one (1:1) teaching model is predicated on teaching core courses and electives in twenty-five (25), fifty (50) minute sessions, totaling 20.8 hours per class, per cycle/semester. All content courses and elective instruction are paired with a "Homework Café." The "Homework Café" is essentially a study-hall where ten (10) to thirty (30) students are supervised by one (1) staff member. Students complete their homework on-site in the Homework Café.² Students take a Fusion-designed benchmark exam at the end of the course and must pass with at least 70% mastery.

At Fusion, students are generally enrolled in four (4) to seven (7) content courses per cycle/semester. Students take three (3) to four (4) classes on opposing days. On Fridays, students participate in small groups and projects. Students have one (1) hour of "guided independent learning" in the "Homework Café" assigned to them "for every hour of class time in a given day." For example, if a student has three (3) hours of classes for a specific day, the student will have three (3) hours of Homework Café. For a year-long course, a Fusion student would receive approximately forty-two (42) hours of direct instruction. In contrast, an AHS year-long course requires one-hundred nineteen (119) hours of direct instruction, which does not include time spent on homework.

With regard to graduation requirements, AHS and Fusion both require a minimum of 230 credits for graduation, however, as stated above, the total direct instructional hours that comprise Fusion's courses and credits are in no way comparable to Andover High School's

¹ For the 2019-2020 school year, Andover High School will increase the hours of the school week to approximately 30 hours per week.

² APS students receive homework in addition to direct instructional time, which is generally expected to be completed outside of class, and there are no study halls.

thorough and comprehensive instructional course requirements. Moreover, in some cases, Fusion requires fewer core courses for graduation, which may impact a student's application and preparation for higher education. In contrast, AHS follows the Massachusetts Core recommendation for academic requirements, which aligns to higher education expectations.

Fusion's course and credit requirements for graduation are not equivalent to AHS' requirements in the following areas:

- AHS requires 3 courses of Social Studies (World History Global Interactions, Modern World History, and US History). Fusion requires 2 courses, as well as a half credit of Economics and half credit of Government.
- AHS requires 4 courses of Mathematics – one each year. Fusion requires 3 courses.
- Science labs are an essential part of the APS Science curriculum for grades 6 through 12. At Fusion's Newton site, reportedly labs are not permitted on the school site; there may be community based activities to supplement the lack of direct Science lab instruction. The District was not provided with any information indicating that Fusion has the capacity to provide students with on-site Science lab experiences.
- AHS and Fusion require the same number of credits for World Language, however there are no known opportunities for peer dialogue in a 1:1 setting at Fusion.
- AHS requires 4 Physical Education courses: 1 course per year. Fusion requires 3 courses.
- AHS requires 2 courses (1/2 credit each) of Health Education. Fusion requires 1 course plus a Wellness course. However, Fusion's content does not include important aspects of the AHS curriculum (e.g. human sexuality, suicide prevention).
- AHS requires 1.5 credits of Arts Education, which includes Digital Education. This is .5 credits more than Fusion's requirements.

Application Materials

Several remaining application materials have not been provided by Fusion to date, despite multiple requests, including but not limited to:

1. Anti-discrimination policy;
2. Staff, student and parent handbooks that communicate school policies including students' health care needs, student records regulations, attendance, and student discipline; and
3. Data regarding teacher turnover rates, subject matter expertise, or its policy regarding teacher preparation time.

Additional Concerns

Fusion has informed APS that among populations served, Fusion will admit students who have not been successful in traditional school environments, including students with learning differences, anxiety, and depression. Fusion claims it will provide "adequate pupil services for all students including: health care procedures, guidance programs, counseling programs, and

discipline procedures.” There is no indication, however, that Fusion intends or has the capacity to provide students with direct services to address their social, emotional, and behavioral needs (e.g. psychological services, counseling, social work, nursing, etc.). Consequently, students’ needs in these areas cannot be addressed with the same thoroughness and efficiency as compared to the extensive direct support and instruction for these students offered by APS. See <http://www.aps1.net/79/Student-Services-Office> for information regarding the special education, nursing, and social work services available through APS.

Fusion acknowledges it will not have a nurse on site. Accordingly, Fusion will be unable to comply with Massachusetts Department of Public Health (DPH) regulations for the delegation of prescription medications.³ Impacted students include, but are not limited to, students requiring medical management of diabetes and other chronic conditions, students with life threatening food or other allergies, and students requiring administration of prescription medication during the school day. Accordingly, Fusion will have no option but to decline to admit or terminate the enrollment of students on the basis of medical conditions requiring medication administration, constituting discrimination on the basis of disability. Additionally, Fusion is unable to address any emergency medical needs on site, absent appropriate school nursing support.

Fusion states that their teachers come from a wide range of backgrounds, and typically have a Bachelor’s level degree. Fusion offers new teacher orientation, professional development, and a Fusion teacher evaluation. This contrasts to Andover Public Schools where 100% of APS teachers are licensed in their subject or specialist area and 88.7% of APS teachers have been teaching three (3) years or more in Massachusetts schools. APS offers a comprehensive New Teacher Orientation, a robust array of ongoing professional development courses and workshops, and implementation of the Massachusetts Model Teacher Evaluation System. APS’ teacher retention rate is 90.4%. Middle School teachers have 225 minutes per week of preparation time. AHS teachers have 300 minutes per week of preparation time.

Although there is no state policy for teacher licensure for private schools, Fusion’s failure to provide data regarding teacher turnover rates, subject matter expertise, or its policy regarding teacher preparation time does not support a finding of thoroughness and efficiency of instruction as compared to APS.

Recommendation

Fusion Academy has submitted a private school application to the Andover Superintendent of Schools and the Andover School Committee. Several requested documents have not been provided to the school district to date, including an anti-discrimination policy, handbooks, and data regarding teacher turnover, subject matter expertise and preparation time.

³ See 105 C.M.R. 210.00.

Pursuant to M.G.L. c. 76, §1, “school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that of the public schools in the same town.”

Given the substantial direct instructional time differences between APS and Fusion, in terms of hours of direct instruction per week and hours of instruction per course, the design, structure, and course requirements of Fusion’s program fail to meet with the same thoroughness and efficiency than that of the Andover Public Schools.

In addition, despite targeting students with social/emotional challenges for admission, Fusion will be unable to meet the social, emotional, and behavioral needs of said students due to inadequate staffing and absent a viable programmatic plan/model to provide these students with direct support, intervention, and instruction in these areas of need. With respect to this population of prospective students, Fusion also fails to satisfy the statutory standard.

Fusion will be unable to meet the needs of any student requiring medication administration and will therefore necessarily exclude said students on the basis of their disability.

In light of the foregoing, it is my recommendation that the Andover School Committee decline to approve Fusion’s application for private school approval.