

HOUSE No. 01086

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 01086

By Ms. Marty Walz of Boston, petition (accompanied by bill, House, No. 01086) of Chris Walsh and others relative to charter schools.. Joint Committee on Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to charter schools.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide greater transparency and accountability for charter schools, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

□

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Subsection h of section 89 of chapter 71 of the General Laws, as appearing in
- 2 section 7 of chapter 12 of the acts of 2010, is hereby amended by inserting, after the first
- 3 sentence, the following sentence:-

- 4 All information submitted to the board by a commonwealth charter school applicant shall be
- 5 submitted simultaneously to the school committees of affected districts and shall be immediately

6 made available by the board to members of the public without a request pursuant to section 10 of
7 chapter 66.

8 SECTION 2. Said subsection h of section 89, as so appearing, is hereby further amended by
9 striking the last sentence of the first paragraph and inserting in place thereof the following
10 sentences:-

11 A comprehensive written summary of all materials prepared by the department or its
12 administrative subdivisions regarding a charter application shall be delivered to the members of
13 the board, the applicant, and affected districts not later than 10 working days before any board
14 vote on the charter application. Any report prepared by the department or its administrative
15 subdivisions regarding a charter application shall be delivered to the members of the board, the
16 applicant, and affected districts within 10 days of the completion of said report.

17 SECTION 3. The last sentence of said subsection h of section 89, as so appearing, is hereby
18 further amended by inserting after the word “districts” the following:-

19 at least 10 working days

20 SECTION 4. Said subsection h of section 89, as so appearing, is hereby further amended by
21 inserting, after the last sentence, the following sentence:-

22 There shall be a 10 working day freeze on any new material to be made available to the board
23 prior to the day of the board vote on a commonwealth charter school application.

24 SECTION 5. Subsection j of said section 89, as so appearing, is hereby amended by striking out
25 the second sentence of the first paragraph and inserting in place thereof the following sentences:-

26 The board shall create and use a rubric for the approval of a charter application. The board shall
27 publicly review each charter application against the rubric at each stage in the application
28 process. In reviewing applications, the board shall consider whether the school committee in the
29 community in which the charter school is to be located or the school committee in any
30 community from which the charter school is expected to enroll students has been asked to
31 implement the educational program being proposed by the applicant and has declined to do so.

32 SECTION 6. Subsection k of said section 89, as so appearing, is hereby amended by inserting
33 after the words “parochial schools” in clause 5, the following:-

34 or a for-profit entity operating a charter school

35 SECTION 7. Subsection m of said section 89, as so appearing, is hereby amended by inserting
36 after the first paragraph the following paragraph:-

37 A charter school may not administer tests to potential applicants or predicate enrollment on
38 results from any test of ability or achievement; provided, however, that a performing, visual, or
39 graphics arts school may hold auditions or require evaluations of visual or graphic arts portfolios.
40 Required attendance by a parent or guardian at an informational meeting or an interview, a
41 commitment to volunteer at the school by a parent or guardian or a contract or other form of
42 written agreement with the school signed by a parent or guardian shall not be designed, intended,
43 or used to discriminate against a student or to deny a student enrollment in a charter school.

44 SECTION 8. Subsection dd of said section 89, as so appearing, is hereby amended by inserting
45 after the word “students” in the third sentence of the second paragraph the following:-

46 , teachers, and administrators

47 SECTION 9. Subsection ff of said section 89, as most recently amended by section 51 of chapter
48 131 of the acts of 2010, is hereby amended by inserting at the end of the subsection the
49 following:-

50 In the event that the board revokes a charter, or if a charter school ceases to exist for any reason,
51 the charter school shall, within six months of the revocation of said charter or closure of the
52 school, submit to the board a detailed financial accounting of all the school's assets, including all
53 real property, vehicles, equipment and supplies.

54 SECTION 10. Subsection jj of section 89 of chapter 71, as appearing in section 7 of chapter 12
55 of the acts of 2010, is hereby amended by inserting after the word "charter;" in clause (i) of the
56 first paragraph the following:-

57 (ii) discussion of progress made toward the benchmarks and retention efforts described in the
58 school's recruitment and retention plan, provided that, if a charter school has not enrolled and
59 retained a student population matching such benchmarks, the report must explain why this is the
60 case; (iii) an accounting of how many students were designated as requiring special education
61 services or English language services by language proficiency level as measured by the
62 Massachusetts English Proficiency Assessment examination or its successor upon enrollment and
63 how many of these students were subsequently no longer designated as such, along with a
64 description of methods used by the school to achieve these outcomes and the rationale behind the
65 methodologies used; (iv) the number of students, teachers, and administrators who have left the
66 charter school and their reasons for leaving; (v) the number of students enrolled in the charter
67 school eligible for free lunch as defined in section 2 of chapter 70; (vi) the number of students
68 enrolled in the charter school eligible for reduced price lunch as defined in section 2 of chapter

69 70; (vii) the number of homeless students enrolled in the charter school; (viii) the number of
70 students in the care of the Department of Youth Services enrolled in the charter school;

71 SECTION 11. Said subsection jj of section 89, as so appearing, is hereby further amended by
72 striking out the figure “(ii)” in the first paragraph and inserting in place thereof the following
73 figure:-

74 (ix)

75 SECTION 12. Said subsection jj of section 89, as so appearing, is hereby further amended by
76 inserting, at the end of the second paragraph, the following:-

77 The regulations shall authorize the commissioner to recommend withholding the release of all or
78 some part of the quarterly tuition payments for any school that has not timely filed the required
79 report. Such report shall be filed annually on or before January 1 with the department.