

HOUSE No. 02722

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

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 to improve student retention in charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Thomas M. McGee</i>	<i>Third Essex and Middlesex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>

HOUSE No. 02722

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 2722) of Sciortino and others relative to the enrollment of students in charter schools Joint Committee on Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to improve student retention in charter schools.

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. Section 89 of Chapter 71 of the General Laws, as amended by Chapter 12 of the
2 Acts of 2010, is hereby amended by striking out subsection (m) and inserting in place thereof
3 the following subsection:-
4 (m) Charter schools shall be open to all students, on a space available basis, and shall not
5 discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation,
6 mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the
7 English language or a foreign language, family income, past behavior or conduct or academic
8 achievement. Charter schools may limit enrollment to specific grade levels and may structure
9 curriculum around particular areas of focus such as mathematics, science or the arts. There shall
10 be no application fee for admission to a charter school. There shall be no tuition charge for
11 students attending charter schools. Entry into a charter school shall not be based upon parent or
12 student interviews. Acceptance or retention of any student shall not be based upon parent or

13 student contracts or any other practices designed to exclude students who do not commit to or
14 meet certain requirements that would not be the basis to exclude or expel a student from a district
15 public school.

16 SECTION 2. Section 89 of Chapter 71, as so amended, is hereby further amended by striking
17 out subsection (p) and inserting in place thereof the following subsection:-

18 (p) A student may withdraw voluntarily from a charter school at any time and enroll in another
19 public school where the student resides; provided, however, that the charter shall not advise or
20 counsel students to withdraw from the school for minor behavioral infractions or for poor
21 academic performance; and, provided further, the charter shall keep a written record of every
22 student who withdraws from the charter including the name, address, grade level, age, race,
23 gender, language, special needs, poverty status and academic record, and the specific reason or
24 reasons that the student withdrew from the charter school; and, provided further, that this
25 information for all such students shall be reported annually to the Board.

26 A student may be expelled or suspended from a charter school based on criteria determined by
27 the board of trustees, and approved by the board, with the advice of the principal and teachers;
28 provided, however, that charter school policies shall be consistent with sections 37H and 37H1/2
29 and shall not provide that students may be suspended or expelled for minor behavioral
30 infractions or poor academic performance; and, provided further, that any such expulsion, or
31 suspension longer than 10 days, shall be reported to the Board within 10 days of such expulsion
32 and suspension, which report shall contain specific information regarding the student, including
33 the name, address, grade level, age, race, gender, language, special needs, poverty status and
34 academic record, as well as the reason for the expulsion or suspension.

35 SECTION 3. Section 89 of Chapter 71, as so amended, is hereby further amended by striking
36 out subsection (dd) and inserting in place thereof the following subsection:-

37 (dd) A charter granted by the board shall be for any period up to 5 years. The board shall
38 develop procedures and guidelines for revocation and renewal of a school's charter; provided,
39 however, that a charter for a Horace Mann charter school shall not be renewed by the board
40 without a majority vote of the school committee and local collective bargaining unit in the
41 district where said charter school is located; provided, however, that a commonwealth charter
42 shall not be renewed unless the board of trustees of the charter school has documented in a
43 manner approved by the board that said commonwealth charter school has provided models for
44 replication and best practices to the commissioner and to other public schools in the district
45 where the charter school is located; and, provided further, that a commonwealth charter shall not
46 be renewed if student attrition rates match or exceed the dropout rates in the district where the
47 charter is located or the sending district of a majority of its students.

48 When deciding on charter renewal, the board shall consider progress made in student academic
49 achievement, whether the school has met its obligations and commitments under the charter, the
50 extent to which the school has followed its recruitment and retention plan by using deliberate,
51 specific strategies towards recruiting and retaining the categories of students enumerated in
52 paragraph (3) of subsection (i) and the extent to which the school has enhanced its plan as
53 necessary. The board may impose conditions on the charter school upon renewal if it fails to
54 adhere to and enhance its recruitment and retention plan as required. When deciding on charter
55 renewal, the board shall take into account the annual attrition of students. The board shall also
56 consider innovations that have been successfully implemented by the charter school and the
57 evidence that supports the effectiveness of these practices. Upon renewal of its charter, a school

58 shall update and enhance its recruitment and retention plan as necessary to account for changes
59 in enrollment.

60 SECTION 4. Section 89 of Chapter 71, as so amended, is hereby further amended by striking
61 out subsection (jj) and inserting in place thereof the following subsection:-

62 (jj) Each charter school shall submit an annual report, no later than August 1, to the board, the
63 local school committee, each parent or guardian of its enrolled students and each parent or
64 guardian contemplating enrollment in that charter school. The annual report shall be in such form
65 as may be prescribed by the board and shall include, but not be limited to: (i) discussion of
66 progress made toward the achievement of the goals set forth in the charter; and (ii) a financial
67 statement setting forth by appropriate categories the revenue and expenditures for the year just
68 ended and a balance sheet setting forth the charter school's assets, liabilities and fund balances or
69 equities.

70 Each commonwealth charter school, in addition to the information provided in the first paragraph
71 of this subsection, shall provide in its annual report to the board and to the local school
72 committee the total number of students in each grade by race, gender, language, special needs
73 and poverty status, as well as the total number of students who exited the school within the past
74 year, by race, gender, language, special needs and poverty status, and the specific reason for each
75 departure.

76 The department shall promulgate regulations creating a reporting requirement for a charter
77 school's net asset balance at the end of the fiscal year; provided, however, that said regulations
78 shall require, without limitation, the following: the revenue and expenditures for the year just
79 ended with a specific accounting of the amount and uses of all public and private dollars; how

80 the capital needs component of the charter school's tuition was spent; the compensation and
81 benefits for all teachers, staff, administrators, managers, executives, and members of the board of
82 trustees; the amount of any and all funds transferred to a management company and for what
83 purpose; the sources of any surplus funds, specifically whether they are private or public; how
84 any surplus funds were used in the previous fiscal year; and the planned use of any surplus funds
85 in the upcoming fiscal year on in future fiscal years.

86 Each charter school shall keep an accurate account of all its activities and all its receipts and
87 expenditures and shall annually cause an independent audit to be made of its accounts. Such
88 audit shall be filed annually on or before January 1 with the department and the state auditor and
89 shall be in a form prescribed by the state auditor. The state auditor may investigate the budget
90 and finances of charter schools and their financial dealings, the compensation packages to school
91 managers and administrators and board members, transactions and relationships, and shall have
92 the power to examine the records of charter schools and to prescribe methods of accounting and
93 the rendering of periodic reports.

94 SECTION 4. Section 89 of Chapter 71, as so amended, is hereby further amended by striking
95 out subsection (kk) and inserting in place thereof the following subsection:-

96 (kk) The commissioner shall collect data on the racial, ethnic and socio-economic make-up of
97 the student enrollment of each charter school in the commonwealth, including the total number
98 of students in each grade by race, gender, language, and poverty status, as well as the total
99 number of students who exited the school by race, gender, language, and poverty status, within
100 the past year and the specific reason for each departure. The commissioner shall also collect data
101 on the number of students enrolled in each charter school who have individual education plans

102 pursuant to chapter 71B and those requiring English language learners programs under chapter
103 71A, as well as the number of such students who exited the school within the past year and the
104 specific reason for each departure. The commissioner shall file all said data annually with the
105 clerks of the house and senate and the joint committee on education not later than December 1.