

HOUSE No. 4417

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 26, 2024.

The committee on Education, to whom were referred the petition (accompanied by bill, House, No. 439) of Antonio F. D. Cabral and others relative to transparency and accountability in charter school finances, the petition (accompanied by bill, House, No. 484) of Colleen M. Garry for legislation to establish an opt-out admissions lottery process for charter schools, the petition (accompanied by bill, House, No. 545) of James J. O'Day and Daniel M. Donahue for legislation to promote collaboration in Horace Mann and innovation schools, the petition (accompanied by bill, House, No. 573) of Adam Scanlon relative to local approval for charter schools, the petition (accompanied by bill, House, No. 594) of Steven Ultrino and Paul J. Donato relative to charter school renewals, the petition (accompanied by bill, House, No. 595) of Steven Ultrino and Michelle M. DuBois relative to the fiscal impact of charter schools on public education, the petition (accompanied by bill, House, No. 598) of Steven Ultrino and Jason M. Lewis relative to the net school spending cap, and the petition (accompanied by bill, House, No. 608) of Tommy Vitolo, Steven Ultrino and others for legislation to ensure charter school transparency and public accountability, reports recommending that the accompanying bill (House, No. 4417) ought to pass.

For the committee,

DENISE C. GARLICK.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to 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. Paragraph (3) of subsection (i) of section 89 of chapter 71, as appearing in
2 the 2022 Official Edition, is hereby amended by striking out the third paragraph and inserting in
3 place thereof the following paragraphs:-

4 If a district is no longer in the lowest 10 per cent, the net school spending cap shall be 9
5 per cent, unless the district net school spending was above 9 per cent in the year prior to moving
6 out of the lowest 10 per cent in which case the net school spending cap shall remain at the actual
7 spending level plus enrollment previously approved by the board; provided, that for the purposes
8 of a regional charter school, enrollment previously approved by the board shall mean the actual
9 enrollment of students from a district as a portion of the total enrollment previously approved by
10 the board for the regional charter school. The department shall determine and make available to
11 the public a list of the school districts in said lowest 10 per cent.

12 The department shall not approve any additional seats for charter schools that originate
13 from a sending district that moved out of the lowest 10 per cent if the net school spending cap of

14 the sending district was above 9 per cent at the time that the sending school district moved out of
15 the lowest 10 per cent, provided that any district costs related to seats previously approved in
16 contradiction to this paragraph shall be borne by the department.

17 The department shall provide the total tuition amount owed by the sending district
18 calculated for each enrolled charter school student from a district that is no longer in the lowest
19 10 per cent who was permitted to enroll notwithstanding the net school spending cap. The
20 department shall not require a charter school or the district to reimburse the department for said
21 tuition amount. The state treasurer shall not deduct the tuition amount from the district's state
22 school aid, as defined in section 2 of chapter 70 of the General Laws.

23 SECTION 2. Subsection (j) of said section 89 of said chapter 71, as so appearing, is
24 hereby amended by striking the first paragraph and inserting in place thereof the following
25 paragraph:-

26 The board shall make the final determination on granting charter school status and may
27 condition charters on the applicant's taking certain actions or maintaining certain conditions. The
28 board shall establish criteria for the approval of a charter application and recommendations to the
29 board shall be based upon and reference those criteria. Criteria shall, to the extent possible,
30 include, but not be limited to, (i) the projected impact on enrollment to the sending district or
31 districts and (ii) the projected financial impact to the sending district or districts.

32 SECTION 3. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is
33 hereby amended by adding the following paragraph:-

34 The decision by the board to renew a charter shall be based upon the presentation of
35 affirmative evidence regarding the faithfulness of the school to the terms of its charter. The

36 presentation of affirmative evidence shall be made available to the public by the board at least 30
37 days prior to the vote to renew a school's charter. Further, the board shall solicit public
38 comment for a period of at least 30 days prior to the board's vote to renew a school's charter.
39 The board shall review all material submitted in support of or in opposition to the charter
40 renewal prior to a renewal vote.