

HOUSE No. 4163

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATIVE TO CHARTER SCHOOLS IN UNDERPERFORMING DISTRICTS.

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

1 1. Chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby
2 amended by inserting after section 89 the following section:-

3 Section 89A. (a) Notwithstanding subsection (i) of section 89 of this chapter or any other
4 general or special law to the contrary, the board of elementary and secondary education may
5 authorize charter school applications in a public school district in which the total charter school
6 tuition payment to commonwealth charter schools will, as a result of the establishment of such
7 charter school(s), exceed 9 percent of the district’s net school spending; provided, however, that
8 the following conditions must be met:

9 (i) In any fiscal year, no public school district’s total charter school tuition payment to
10 commonwealth charter schools shall exceed 18 percent of the district’s net school spending;
11 provided, however, the commonwealth shall incur charter school tuition payments for siblings
12 attending commonwealth charter schools to the extent that their attendance would otherwise
13 cause the school district’s charter school tuition payments to exceed 18 percent of the school
14 district’s net school spending; and

15 (ii) The board of elementary and secondary education may only approve an application
16 for the establishment of a charter school under this section in instances in which the charter
17 school's student enrollment will be comprised of students from districts scoring in the lowest 10
18 percent in the state as measured by the combined Composite Performance Index scores on the
19 English language arts and mathematics Massachusetts Comprehensive Assessment System
20 exams.

21 No limitation under section 89 of this chapter regarding the number of charter schools
22 allowed to operate in the commonwealth shall apply to schools that meet the foregoing
23 conditions and that are authorized under this section.

24 (b)(i) In this section the term "provider" shall mean a charter management organization,
25 educational management organization, public or private college or university, community-based
26 organization, any other individual or entity as approved by the board and any consortia of these
27 entities approved by the board; provided, that no for-profit business and no for-profit corporation
28 shall be eligible to apply for a charter.

29 In addition to the categories of persons and entities listed in subsection (e) of section 89
30 of this chapter, the board of elementary and secondary education shall accept applications from
31 existing charter school boards of trustees. In order to be eligible to apply to operate a charter
32 school under this section, an applicant, or a provider with which an applicant proposes to
33 contract, must have a record of operating at least 1 school or similar program that demonstrates
34 academic success and organizational viability and serves student populations with similar
35 representations, when compared to the population of students the proposed school seeks to serve,
36 from among the following categories: low-income; special education; limited English proficient;

37 sub-proficient, which shall mean students who have scored in the “needs improvement,”
38 “warning” or “failing” categories on the mathematics or English language arts exams of the
39 Massachusetts Comprehensive Assessment System for 2 of the past 3 years or, as applicable,
40 shall be defined by the department using a similar measurement; students who are determined to
41 be at risk of dropping out of school based on predictors determined by the department; students
42 who have dropped out of school; or other at-risk students, as determined by board regulations,
43 who should be targeted in order to eliminate achievement gaps among different groups of
44 students.

45 (ii) The board of elementary and secondary education may authorize a single board of
46 trustees to manage more than 1 charter school authorized under this section. The board of
47 elementary and secondary education may also authorize a single board of trustees to manage a
48 charter school or charter schools authorized under this section in addition to a charter school
49 authorized under section 89 of this chapter. The board of elementary and secondary education
50 may also authorize an amendment under this section to a charter school’s charter so that the
51 charter school may serve a greater number of students, subject to the amendment process set
52 forth in regulations promulgated under section 89.

53 (c) Each applicant shall submit an application for each charter school it proposes, except
54 that applicants proposing to create more than 1 charter school in more than 1 geographically
55 proximate district may submit 1 application for such schools. The board of elementary and
56 secondary education shall establish the information needed in an application for the approval of a
57 charter school under this section; provided, however, that the application shall include but not be
58 limited to the information specified in subsection (f) of section 89 of this chapter as well as a
59 recruitment plan and a student retention plan. The recruitment plan shall include but not be

60 limited to a detailed description of deliberate, specific strategies the school will use to attract and
61 enroll a student population that, when compared to students in similar grades in schools in the
62 same area of the district in which the charter school will be located, contains a comparable or
63 greater percentage of students from 2 or more of the following categories: low-income; special
64 education; limited English proficient; sub-proficient, as defined in subsection (b); students who
65 are determined to be at risk of dropping out of school based on predictors determined by the
66 department; students who have dropped out of school and other at-risk students, as determined
67 by board regulations, who should be targeted in order to eliminate achievement gaps among
68 different groups of students. The student retention plan shall include but not be limited to a
69 detailed description of deliberate, specific strategies the school will use to: maximize the number
70 of students who successfully complete all school requirements; prevent students from dropping
71 out; and minimize the number of students in the categories enumerated in this section from
72 returning to district schools. The student retention plan may include, but shall not be limited to,
73 the following strategies: regular communication with parents and family members addressing
74 how to work together to help students succeed; early and frequent intervention with at-risk
75 students; and extra tutoring. No part of this student retention plan requirement shall be construed
76 as requiring a school to lower its academic or behavioral standards in order to retain students.

77 (d) Charter schools authorized under this section shall: develop a plan for recruiting and
78 retaining the categories of students enumerated in subsection (c); set enrollment goals; and
79 annually submit to the board of elementary and secondary education a report detailing progress
80 towards the enrollment goals and retention efforts. If a charter school has not enrolled a student
81 population matching the enrollment goals, the report must explain why this is the case.

82 The report shall include an accounting of how many students were designated as
83 requiring special education services or English language services upon enrollment and how many
84 of these students were subsequently no longer designated as such, along with a description of
85 methods used by the school to achieve these outcomes and the rationale behind the
86 methodologies used.

87 As part of the charter school renewal process set forth under section 89 of this chapter,
88 the board of elementary and secondary education shall consider for charter schools authorized
89 under this section the data described in this paragraph and other information as
90 applicable showing: (1) the extent to which the school has followed its recruitment plan by using
91 deliberate, specific strategies towards recruiting and enrolling the categories of students
92 enumerated in subsection (c); and (2) the extent to which the school has followed and enhanced
93 as necessary its student retention plan, as described in subsection (c).

94 (e) In order to ensure that charter schools authorized under this section are able to recruit
95 and serve the categories of students enumerated in subsection (c), the school district in which the
96 charter school is located shall provide to a third party mail house authorized by the department
97 the addresses for all eligible students in the district, unless a student's parent or guardian requests
98 that the district withhold this information. Each charter school authorized under this section
99 shall supply a mailing in the most prevalent language(s) of the district(s) of the students the
100 charter school is authorized to serve, to the extent feasible, to the third party mail house and pay
101 for it to be copied and mailed to families in targeted neighborhoods.

102 (f) In the case of a district approaching its net school spending cap, the board of
103 elementary and secondary education shall give preference to applications from providers
104 building networks of schools in more than 1 municipality.

105 (g) Unless otherwise stated in this section, the provisions of section 89 of this chapter
106 shall apply to and govern charter schools authorized under this section.

107 (h) The board of elementary and secondary education shall promulgate regulations
108 necessary to effectuate the purposes of this section.