

**HOUSE . . . . . No. 4457**

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**The Commonwealth of Massachusetts**

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INITIATIVE PETITION OF JAMES A. PEYSER AND OTHERS.

OFFICE OF THE SECRETARY.  
BOSTON, JANUARY 4, 2010.

Steven T. James  
*Clerk of the House of Representatives*  
State House  
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, an Initiative Petition for An Act to Increase Quality and Parental Choice in Public Education by Expanding Enrollment in High-Quality Charter Public Schools, signed by ten qualified voters and filed with this department on or before December 2, 2009, together with additional signatures of qualified voters in the number of 72,641, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN,  
*Secretary of the Commonwealth.*

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

The Commonwealth of Massachusetts

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In the Year Two Thousand and Ten.

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AN ACT TO INCREASE QUALITY AND PARENTAL CHOICE IN PUBLIC  
EDUCATION BY EXPANDING ENROLLMENT IN HIGH-QUALITY  
PUBLIC CHARTER SCHOOLS.

*Be it enacted by the People, and by their authority, as follows:*

- 1 SECTION 1. Chapter 71 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by replacing subsection 89(i) with a  
3 new subsection that shall read as follows:
- 4 (i) In administering its duties pursuant to this subsection, the board of  
5 elementary and secondary education shall consider the following goals:
- 6 (1) Improving student learning by creating high-quality schools with  
7 high standards of performance for all students;
- 8 (2) Closing the achievement gaps between high-performing and  
9 low-performing groups of public school students;
- 10 (3) Increasing high-quality educational opportunities within the  
11 public education system for all students, especially in low-performing  
12 school districts and low-income communities;
- 13 (4) Allowing public schools freedom and flexibility in exchange for  
14 results-driven accountability; and
- 15 (5) Encouraging the expansion and replication of successful public  
16 charter schools.

17 The board of elementary and secondary education shall make the final  
18 determination on granting charter school status and may condition  
19 charters on the applicant's taking certain actions or maintaining certain  
20 conditions and quality standards.

21 In considering charter applications, the board shall give priority to  
22 applicants for charter schools located in districts where overall student  
23 performance on the statewide assessment system approved by the board  
24 of elementary and secondary education pursuant to section 1I of chapter  
25 69 is at or below the statewide average in the year preceding said charter  
26 application. In any year, the board shall not approve more than one  
27 regional charter school application for any commonwealth charter school  
28 located in a school district where overall student performance on the  
29 statewide assessment system is in the top 10 per cent in the year  
30 preceding said charter application.

31 In the case of an applicant for a charter school that will be located in a  
32 district where overall student performance on the statewide assessment  
33 system is in the bottom 10 percent of all districts, as determined by the  
34 commissioner, the board shall approve applications submitted by  
35 applicants that have otherwise fulfilled the requirements of this section  
36 and that have operated at least one school that has demonstrated  
37 academic success and organizational viability, as determined by the  
38 commissioner, serving significant numbers of students from one or more  
39 of the following categories:

- 40 (1) low-income students;
- 41 (2) students receiving special education services;
- 42 (3) students with limited English proficiency;
- 43 (4) students who persistently under-perform their peers on statewide  
44 testing;

45 (5) students who are determined by the commissioner to be at risk of  
46 dropping out of school;

47 (6) students who have dropped out of school in the past; or

48 (7) other categories of students that should be targeted in order to  
49 reduce or eliminate achievement gaps among different groups of  
50 students,

51 unless the board determines that there is a compelling reason not to  
52 approve such application. The board may authorize a single board of  
53 trustees to manage more than one charter school authorized under this  
54 paragraph.

55 The board may give priority to applications that have demonstrated broad  
56 community support, an innovative educational plan and a demonstrated  
57 commitment to assisting the district in which it is located in bringing  
58 about educational change. The board shall not approve a new  
59 commonwealth charter school in any community with a population of  
60 less than 30,000 unless it is a regional charter school.

61 SECTION 2. Subject to appropriation, charter schools shall be funded in  
62 a manner and amount such that no school shall receive, on a per pupil  
63 basis, less than is provided for in chapter 71 of the General Laws, section  
64 89(nn), as appearing in the 2008 Official Edition.

65 SECTION 3. The several provisions and clauses of this Act are  
66 independent and severable and the invalidity, if any, of any part or  
67 feature thereof shall not affect or render the remainder of the Act invalid  
68 or inoperative.

69 Section 2. Section 1 shall take effect on January 1, 2011.

## FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
James A. Peyser	5 Norway Road	Milton
William S. Edgerly	32 Highland Street	Cambridge
Melinda T. d'Arbeloff	5 Norway Road	Milton
Mark Culliton	13 Thornley Street	Boston
Paul L. Sagan	5 Sunset Ridge	Lexington
James McManus	77 Westover Street	Boston
Dominic F. Slowey	246 Ledgewood Drive	Hanover
Greg A. Shell	1257 Blue Hill Avenue	Boston
Hugh Richard Jones, III	7 Old Sudbury Road	Wayland
Thomas Keane	193 Beacon Street, #1	Boston

Summary of 09-12.

This proposed law would remove certain limits on the number of charter schools, their funding, and enrollment; would require approval of certain qualified applications for charter schools to be located in districts where average student performance is lowest; and would make other changes in the law governing charter schools.

The proposed law would eliminate existing limits that (1) no more than 120 charter schools may operate in the state at one time; (2) no public school district's total charter school tuition payment to Commonwealth charter schools may exceed 9% of that district's net school spending in that fiscal year; and (3) the total number of students attending Commonwealth charter schools may not exceed 4% of the total number of public school students in the state.

The proposed law would require the state Board of Elementary and Secondary Education to approve any application for a charter school to be located in a district where student performance on the statewide assessment system is in the bottom 10% of all districts, unless the Board has a compelling reason not to, provided that the applicant is otherwise qualified and has operated a school with demonstrated academic success and organizational viability in serving a significant number of students from any of several categories. These would include low-income, special education, or limited-English-proficient students, those who underperform their peers on statewide testing, and those who have dropped out or are at risk of dropping out of school.

The proposed law also would set goals for the Board to consider in deciding whether to approve a charter school application, including: improving student learning, closing achievement gaps between different

groups of public school students, increasing educational opportunities within the public education system, especially in low-performing school districts and low-income communities, allowing public schools freedom and flexibility in exchange for accountability, and encouraging the expansion and replication of successful charter schools. The proposed law would allow the Board to condition a charter on the applicant's maintaining quality standards.

The proposed law also would require the Board to give priority to applications for charter schools to be located in districts where overall student performance on the statewide assessment system was at or below the statewide average in the preceding year. It would eliminate the existing requirement that at least three new applications approved in any year be for such schools.

The proposed law also would require that charter schools be funded in a manner and amount such that, subject to appropriation by the state Legislature, no charter school would receive, on a per pupil basis, less than provided for under the funding formula in the charter school law as it existed in 2008-2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

## CERTIFICATE OF THE ATTORNEY GENERAL.

September 2, 2009.

Honorable William Francis Galvin  
*Secretary of the Commonwealth*  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

RE: Initiative Petition No. 09-12: An Act to Increase Quality and Parental Choice in Public Education by Expanding Enrollment in High-Quality Charter Public Schools.

Dear Secretary Galvin:

I accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Cordially,

MARTHA COAKLEY,

*Attorney General.*