

**HOUSE . . . . . No. 2722**

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**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 adoption of the accompanying bill:

An Act to improve student retention in charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/21/2011</i>
<i>James B. Eldridge</i>		<i>2/3/2011</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2011</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/3/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>2/4/2011</i>

**HOUSE . . . . . No. 2722**

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 2722) of Denise Provost and others relative to the enrollment of students in charter schools. 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  
2 of the Acts of 2010, is hereby amended by striking out subsection (m) and inserting in place  
3 thereof 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  
17 striking 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  
19 another public school where the student resides; provided, however, that the charter shall not  
20 advise or counsel students to withdraw from the school for minor behavioral infractions or for  
21 poor academic performance; and, provided further, the charter shall keep a written record of  
22 every student who withdraws from the charter including the name, address, grade level, age,  
23 race, gender, language, special needs, poverty status and academic record, and the specific  
24 reason or reasons that the student withdrew from the charter school; and, provided further, that  
25 this 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  
27 determined by the board of trustees, and approved by the board, with the advice of the principal  
28 and teachers; provided, however, that charter school policies shall be consistent with sections  
29 37H and 37H1/2 and shall not provide that students may be suspended or expelled for minor  
30 behavioral infractions or poor academic performance; and, provided further, that any such  
31 expulsion, or suspension longer than 10 days, shall be reported to the Board within 10 days of  
32 such expulsion and suspension, which report shall contain specific information regarding the  
33 student, including the name, address, grade level, age, race, gender, language, special needs,  
34 poverty status and 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  
36 striking 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  
38 shall develop procedures and guidelines for revocation and renewal of a school's charter;  
39 provided, however, that a charter for a Horace Mann charter school shall not be renewed by the  
40 board 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  
49 academic achievement, whether the school has met its obligations and commitments under the  
50 charter, the extent to which the school has followed its recruitment and retention plan by using  
51 deliberate, specific strategies towards recruiting and retaining the categories of students  
52 enumerated in paragraph (3) of subsection (i) and the extent to which the school has enhanced its  
53 plan as necessary. The board may impose conditions on the charter school upon renewal if it fails  
54 to 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  
61 striking 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  
63 board, the local school committee, each parent or guardian of its enrolled students and each  
64 parent or guardian contemplating enrollment in that charter school. The annual report shall be in  
65 such form as may be prescribed by the board and shall include, but not be limited to: (i)  
66 discussion of progress made toward the achievement of the goals set forth in the charter; and (ii)  
67 a financial statement setting forth by appropriate categories the revenue and expenditures for the  
68 year just ended and a balance sheet setting forth the charter school's assets, liabilities and fund  
69 balances or equities.

70 Each commonwealth charter school, in addition to the information provided in the first  
71 paragraph 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  
77 charter school's net asset balance at the end of the fiscal year; provided, however, that said  
78 regulations shall require, without limitation, the following: the revenue and expenditures for the  
79 year just ended with a specific accounting of the amount and uses of all public and private

80 dollars; how the capital needs component of the charter school's tuition was spent; the  
81 compensation and benefits for all teachers, staff, administrators, managers, executives, and  
82 members of the board of trustees; the amount of any and all funds transferred to a management  
83 company and for what purpose; the sources of any surplus funds, specifically whether they are  
84 private or public; how any surplus funds were used in the previous fiscal year; and the planned  
85 use of any surplus funds 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  
87 and 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  
95 striking 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  
97 make-up of the student enrollment of each charter school in the commonwealth, including the  
98 total number of students in each grade by race, gender, language, and poverty status, as well as  
99 the total number of students who exited the school by race, gender, language, and poverty status,  
100 within the past year and the specific reason for each departure. The commissioner shall also  
101 collect data on the number of students enrolled in each charter school who have individual

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