

**HOUSE . . . . . No. 468**

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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>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2013</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/30/2013</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/30/2013</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>	
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	

**HOUSE . . . . . No. 468**

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 468) of Denise Provost and others relative to the enrollment of students in charter schools. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2722 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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 most recently amended by  
2 chapter 199 of the acts of 2011, is hereby amended by striking out subsection (m) and inserting  
3 in place thereof the following subsection:- (m) Charter schools shall be open to all students, on a  
4 space available basis, and shall not discriminate on the basis of race, color, national origin, creed,  
5 sex, gender identity, ethnicity, sexual orientation, mental or physical disability, age, ancestry,  
6 athletic performance, special need, proficiency in the English language or a foreign language,  
7 family income, past behavior or conduct or academic achievement. Charter schools may limit  
8 enrollment to specific grade levels and may structure curriculum around particular areas of focus  
9 such as mathematics, science or the arts. There shall be no application fee for admission to a  
10 charter school. There shall be no tuition charge for students attending charter schools. Entry into  
11 a charter school shall not be based upon parent or student interviews. Acceptance or retention of  
12 any student shall not be based upon parent or student contracts or any other practices designed to  
13 exclude students who do not commit to or meet certain requirements that would not be the basis  
14 to exclude or expel a student from a district public school.

15 SECTION 2. Section 89 of Chapter 71, as so amended, is hereby further amended by  
16 striking out subsection (p) and inserting in place thereof the following subsection:- (p) A student  
17 may withdraw voluntarily from a charter school at any time and enroll in another public school  
18 where the student resides; provided, however, that the charter shall not advise or counsel students

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

34 SECTION 3. Section 89 of Chapter 71, as so amended, is hereby further amended by  
35 striking out subsection (dd) and inserting in place thereof the following subsection:- (dd) A  
36 charter granted by the board shall be for any period up to 5 years. The board shall develop  
37 procedures and guidelines for revocation and renewal of a school's charter; provided, however,  
38 that a charter for a Horace Mann charter school shall not be renewed by the board without a  
39 majority vote of the school committee and local collective bargaining unit in the district where  
40 said charter school is located; provided, however, that a commonwealth charter shall not be  
41 renewed unless the board of trustees of the charter school has documented in a manner approved  
42 by the board that said commonwealth charter school has provided models for replication and best  
43 practices to the commissioner and to other public schools in the district where the charter school  
44 is located; and, provided further, that a commonwealth charter shall not be renewed if student  
45 attrition rates match or exceed the dropout rates in the district where the charter is located or the  
46 sending district of a majority of its students. When deciding on charter renewal, the board shall  
47 consider progress made in student academic achievement, whether the school has met its  
48 obligations and commitments under the charter, the extent to which the school has followed its  
49 recruitment and retention plan by using deliberate, specific strategies towards recruiting and  
50 retaining the categories of students enumerated in paragraph (3) of subsection (i) and the extent  
51 to which the school has enhanced its plan as necessary. The board may impose conditions on the  
52 charter school upon renewal if it fails to adhere to and enhance its recruitment and retention plan  
53 as required. When deciding on charter renewal, the board shall take into account the annual  
54 attrition of students. The board shall also consider innovations that have been successfully  
55 implemented by the charter school and the evidence that supports the effectiveness of these  
56 practices. Upon renewal of its charter, a school shall update and enhance its recruitment and  
57 retention plan as necessary to account for changes in enrollment.

58 SECTION 4. Section 89 of Chapter 71, as so amended, is hereby further amended by  
59 striking out subsection (jj) and inserting in place thereof the following subsection:- (jj) Each  
60 charter school shall submit an annual report, no later than August 1, to the board, the local school  
61 committee, each parent or guardian of its enrolled students and each parent or guardian  
62 contemplating enrollment in that charter school. The annual report shall be in such form as may  
63 be prescribed by the board and shall include, but not be limited to: (i) discussion of progress  
64 made toward the achievement of the goals set forth in the charter; and (ii) a financial statement  
65 setting forth by appropriate categories the revenue and expenditures for the year just ended and a  
66 balance sheet setting forth the charter school's assets, liabilities and fund balances or equities.  
67 Each commonwealth charter school, in addition to the information provided in the first paragraph  
68 of this subsection, shall provide in its annual report to the board and to the local school  
69 committee the total number of students in each grade by race, gender, language, special needs  
70 and poverty status, as well as the total number of students who exited the school within the past  
71 year, by race, gender, language, special needs and poverty status, and the specific reason for each  
72 departure. The department shall promulgate regulations creating a reporting requirement for a  
73 charter school's net asset balance at the end of the fiscal year; provided, however, that said  
74 regulations shall require, without limitation, the following: the revenue and expenditures for the  
75 year just ended with a specific accounting of the amount and uses of all public and private  
76 dollars; how the capital needs component of the charter school's tuition was spent; the  
77 compensation and benefits for all teachers, staff, administrators, managers, executives, and  
78 members of the board of trustees; the amount of any and all funds transferred to a management  
79 company and for what purpose; the sources of any surplus funds, specifically whether they are  
80 private or public; how any surplus funds were used in the previous fiscal year; and the planned  
81 use of any surplus funds in the upcoming fiscal year on in future fiscal years. Each charter school  
82 shall keep an accurate account of all its activities and all its receipts and expenditures and shall  
83 annually cause an independent audit to be made of its accounts. Such audit shall be filed  
84 annually on or before January 1 with the department and the state auditor and shall be in a form  
85 prescribed by the state auditor. The state auditor may investigate the budget and finances of  
86 charter schools and their financial dealings, the compensation packages to school managers and  
87 administrators and board members, transactions and relationships, and shall have the power to  
88 examine the records of charter schools and to prescribe methods of accounting and the rendering  
89 of periodic reports.

90 SECTION 4. Section 89 of Chapter 71, as so amended, is hereby further amended by  
91 striking out subsection (kk) and inserting in place thereof the following subsection:- (kk) The  
92 commissioner shall collect data on the racial, ethnic and socio-economic make-up of the student  
93 enrollment of each charter school in the commonwealth, including the total number of students  
94 in each grade by race, gender, language, and poverty status, as well as the total number of  
95 students who exited the school by race, gender, language, and poverty status, within the past year  
96 and the specific reason for each departure. The commissioner shall also collect data on the  
97 number of students enrolled in each charter school who have individual education plans pursuant

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