

HOUSE No. 2065

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

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 ensure charter school transparency and public accountability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/20/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	

HOUSE No. 2065

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 2065) of Frank I. Smizik and others for legislation to ensure charter school transparency and public accountability. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 490 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to ensure charter school transparency and public accountability.

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. Chapter 71 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by adding after Section 89 the following new section: -

3 Section 89A. Charter School Transparency and Public Accountability

4 This section shall apply to all charter schools, as defined in Section 89 of this chapter.

5 (a) Each charter school’s original application and charter agreement shall be available
6 online on the websites of both the individual school and the department of elementary and
7 secondary education.

8 (b) At least 50 percent of the members of each charter school governing board shall
9 be representatives from among parents at the school, elected by parents, and, in the case of high

10 schools, students, elected by students. Non-parent or student members of the governing board
11 should be required to reside in the school district in which the school operates. Each charter
12 school shall list board members with affiliations on the school's website. Members of charter
13 school governing boards shall file full financial disclosure reports and identify any potential
14 conflicts of interest, relationships with management companies, or other business dealings with
15 the school, its management company, or other charter schools. These documents shall be
16 available online through the department.

17 (c) Governing boards of charter schools shall hold all meetings in the district in
18 which their school or schools operate and at times that are convenient to parents. All meetings
19 shall be open to the public and publicized in advance according to the same laws that apply to the
20 local school committee, including the state open meeting law.

21 (d) Minutes from charter school governing board meetings, the school's policies,
22 information about staff, instructional strategies, curriculum, school rules and behavior codes,
23 school budgets, and information about management companies or other large contracts shall be
24 available online.

25 (e) Charter applications shall include language of neutrality and non-interference
26 with teachers' and school employees' right to unionize and to bargain collectively over working
27 conditions to the extent possible. These rights must include due process rights for all school
28 employees as a condition for receiving or renewing a charter.

29 (f) Charter schools shall be subject to all state laws regarding freedom of
30 information, public records, and public meetings. The board shall impose specific and escalating
31 sanctions for schools that fail to comply with these state laws.

32 (g) Charter schools shall comply with state laws or district requirements on school-
33 based parent and educator advisory councils or groups to ensure that parents, teachers, and
34 school staff have a voice in school matters.

35 (h) Complete contracts for management services shall be electronically posted on the
36 schools' websites within ten days of execution. The posting should include detailed information
37 about the services to be provided by the management company and all financial commitments
38 and compensation, as well as all fees and bonuses to be provided to the management company.

39 (i) Charter management organizations shall provide full public financial disclosure of
40 their expenditures and profits related to the operation of each school they serve.

41 (j) Any person with a financial relationship to a charter management organization
42 shall be prohibited from serving on the governing board of any charter school.

43 (k) The charter school governing board, and not the charter management company,
44 shall directly select, retain, and compensate the school attorney, accountant, and auditing firm.

45 (l) Charter schools shall be prohibited from utilizing enrollment and registration
46 procedures that directly or indirectly exclude or discourage certain students from enrolling at the
47 school.

48 (m) All new charter applications shall include detailed plans for the school's
49 enrollment and admission procedures. All enrollment forms and requirements shall be posted on
50 the schools' websites in English and any other relevant languages.

51 (n) The department shall monitor charter school enrollment and retention practices
52 through uniform and consistent data requirements to ensure that charter schools are enrolling a
53 proportionate share of students across subgroups.

54 (o) An independent ombudsman office shall be created within the department to
55 allow parents to challenge or appeal enrollment, student classification, or withdrawal decisions
56 by the charter school. The ombudsman’s office shall have the authority to take action against any
57 charter school found to be in violation of a law or regulation.

58 (p) The department shall establish a charter student identification system that allows
59 the department to track charter student mobility during the course of the school year.

60 (q) Each charter school shall provide documentation and reporting of student attrition
61 throughout the school year, including date of leaving, reason for leaving, and where the student
62 is now attending school. Reports shall also include all disciplinary actions, including both in-
63 and out-of-school suspensions and referrals to law enforcement, and voluntary and involuntary
64 exits, disaggregated by race or ethnicity, gender, age, grade level, free or reduced meal status,
65 disability status, and English proficiency status.

66 (r) Before any student withdraws from a charter school, the student, his or her parent
67 or guardian, and school personnel shall sign a document stating that the student is withdrawing
68 voluntarily and that charter school personnel have not prohibited, discouraged, or attempted to
69 discourage the student from continued enrollment in the charter school.

70 (s) Per pupil funding, provided to schools based on their enrollment, shall be adjusted
71 throughout the school year to accommodate changes in enrollment due to mobility.

72 (t) Every charter school shall make its school discipline policy publicly available on
73 the school's website, so that parents can thoroughly review the policy before enrolling their
74 child. All charter discipline policies should include explicit provisions regarding due process for
75 students, including the right to a hearing before long-term removal, suspension, expulsion,
76 disciplinary or safety transfers, or alternative school placements, as well as parental appeals and
77 notification rights.

78 (u) Charter schools shall report annually on all disciplinary actions and withdrawals
79 from the school, including the reason for the student's departure, suspension, or other action and
80 the statement that documentation of due process rights was available. These data shall be
81 disaggregated by race and ethnicity, gender, age, grade level, free and reduced meal status,
82 disability status, and English proficiency status.

83 (v) The board shall establish standards for charter school disciplinary codes,
84 expressly identifying and defining inappropriate strategies and barring their use and shall ensure
85 that individual charter school discipline policies and practices are promulgated and implemented
86 to avoid discriminatory and/or disproportionate punishments of students based on race, gender,
87 or other characteristics and are consistent with federal school discipline laws and guidance.

88 (w) The board shall establish minimum qualifications for charter school treasurers.

89 (x) Legal services, accounting and financial auditing services provided to a charter
90 school shall be independent of any education management company employed by the governing
91 board of the charter school.

92 (y) Charter school financial documents shall be made available to the public annually
93 on the websites of the school, the department, and any management company. These documents

94 should include a comprehensive statement of revenues, financial and in-kind donations, state and
95 local funding, New Market Tax Credits, bond issuances, and any and all additional funds or debt
96 service connected to the operation of the school and/or network of schools.

97 (z) Charter schools shall report on administrative expenses and publish reports on
98 expenses incurred for student recruitment and marketing.

99 (aa)Charter schools shall document and publicly disclose the owners of any non-public
100 property used to house a charter school, along with documentation of the amount of rent being
101 paid for the facility, to whom payments are being made and verification that there are no
102 conflicts of interest between the school and the holder of the property.

103 (bb)All vendor or service contracts over \$25,000 at any charter school should be
104 available as public information on the department's website.

105 (cc)Governing charter school board members, administrators, parents, students,
106 educators, school staff, and community members shall be protected from retaliation for
107 whistleblowing.

108 (dd)The board shall promulgate regulations for implementation and enforcement of this
109 section.

110 SECTION 2.

111 (a) The Department of Elementary and Secondary Education (hereinafter, the
112 Department) shall gather all charter school waitlist information required by law, including
113 student addresses, telephone numbers, and birthdates, in order to develop and maintain accurate
114 consolidated waitlists. If the Department determines that privacy/child protection considerations

115 warrant special security measures to protect statutorily mandated information, it shall enhance its
116 data privacy protection measures.

117 (b) The Department shall take the measures necessary to ensure that charter schools
118 notify it within 30 days when vacancies are filled and that it uses this information to update its
119 waitlists.

120 (c) The Department and the Board of Elementary and Secondary Education
121 (hereinafter, the Board) shall modify the recently amended 603 Code of Massachusetts
122 Regulations 1.05 to fully prohibit the use of rolling waitlists and require that each student
123 reconfirm prior applications to maintain a spot on the waitlist.

124 (d) The Department shall develop options for more efficient and accurate waitlist
125 processing, which may include the use of a single consolidated waitlist at the Department with a
126 standardized software system developed and distributed by the Department for use in processing
127 online applications for families wishing to enroll a child in a charter school.

128 (e) The Department shall routinely conduct verification of charter school waitlist
129 information.

130 (f) In collaboration with charter and district schools, the Department shall establish
131 detailed guidance regarding standards and expectations for the development, dissemination, and
132 replication of innovative programs and best practices.

133 (g) During the charter renewal process, the Department shall ensure that charter
134 schools meet all the requirements for the development of innovative programs and best practices

135 and shall establish corrective action requirements for charter schools that do not effectively
136 fulfill this statutory purpose.

137 (h) The Department shall develop policies and procedures for the verification of
138 charter schools' reported data. Such procedures could include a program of on-site data
139 verification as well as a system to ensure that corrective action is taken when problems are
140 identified. DESE should continually adjust its data verification and data quality programs to
141 reflect common data issues that are uncovered.

142 (i) The Department shall consistently apply its performance criteria in the charter
143 renewal process, including requiring schools to meet the measures of success shown in their
144 Accountability Plans.