

SENATE No. 321

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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:	
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/2/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>

SENATE No. 321

By Ms. Moran, a petition (accompanied by bill, Senate, No. 321) of Susan L. Moran, Vanna Howard and James B. Eldridge for legislation to ensure charter school transparency and public accountability. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020 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) Within 2 years of a charter school’s founding, at least 50 percent of the members of
9 each charter school governing board shall be representatives from among parents at the school,
10 elected by parents, and, in the case of high schools, students, elected by students. Non-parent or
11 student members of the governing board should be required to reside in the school district in

12 which the school operates. Each charter school shall list board members with affiliations on the
13 school's website. Members of charter school governing boards shall file full financial disclosure
14 reports and identify any potential conflicts of interest, relationships with management
15 companies, or other business dealings with the school, its management company, or other charter
16 schools. These documents shall be available online through the department.

17 (c) Governing boards of charter schools shall hold all meetings in the district in which
18 their school or schools operate and at times that are convenient to parents. All meetings shall be
19 open to the public and publicized in advance according to the same laws that apply to the local
20 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) Employees of charter schools shall be considered public employees for purposes of
26 tort liability under chapter 258 and for collective bargaining purposes under chapter 150E.
27 These rights must include due process rights for all school employees as a condition for
28 receiving or renewing a charter, including that the employer must provide the employee with
29 evidence of alleged misconduct or reason for termination and that the employer must give the
30 employee a chance to respond to those allegations.

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

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

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

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

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

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

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

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

53 (n) An independent ombudsman office shall be created within the department to allow
54 parents to challenge or appeal enrollment, student classification, or withdrawal decisions by the

55 charter school. The ombudsman's office shall have the authority to take action against any
56 charter school found to be in violation of a law or regulation.

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

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

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

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

71 (s) Every charter school shall make its school discipline policy publicly available on the
72 school's website, so that parents can thoroughly review the policy before enrolling their child.
73 All charter discipline policies should include explicit provisions regarding due process for
74 students, including the right to a hearing before long-term removal, suspension, expulsion,
75 disciplinary or safety transfers, or alternative school placements, as well as parental appeals and
76 notification rights.

77 (t) Charter schools shall report annually on all disciplinary actions and withdrawals from
78 the school, including the reason for the student’s departure, suspension, or other action and the
79 statement that documentation of due process rights was available. These data shall be
80 disaggregated by race and ethnicity, gender, age, grade level, free and reduced meal status,
81 disability status, and English proficiency status.

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

87 (v) The board shall establish minimum qualifications for charter school treasurers.

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

91 (x) Charter school financial documents shall be made available to the public annually on
92 the websites of the school, the department, and any management company. These documents
93 should include a comprehensive statement of revenues, financial and in-kind donations, state and
94 local funding, New Market Tax Credits, bond issuances, and any and all additional funds or debt
95 service connected to the operation of the school and/or network of schools.

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

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

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

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

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

109 SECTION 2.

110 (a) The Department of Elementary and Secondary Education (hereinafter, the
111 Department) shall gather all charter school waitlist information required by law, including
112 student addresses, telephone numbers, and birthdates, in order to develop and maintain accurate
113 consolidated waitlists. If the Department determines that privacy/child protection considerations
114 warrant special security measures to protect statutorily mandated information, it shall enhance its
115 data privacy protection measures.

116 (b) The Department shall develop options for more efficient and accurate waitlist
117 processing, which may include the use of a single consolidated waitlist at the Department with a

118 standardized software system developed and distributed by the Department for use in processing
119 online applications for families wishing to enroll a child in a charter school.

120 (c) The Department shall routinely conduct verification of charter school waitlist
121 information.

122 (d) In collaboration with charter and district schools, the Department shall establish
123 detailed guidance regarding standards and expectations for the development, dissemination, and
124 replication of innovative programs and best practices.

125 (e) During the charter renewal process, the Department shall ensure that charter schools
126 meet all the requirements for the development of innovative programs and best practices and
127 shall establish corrective action requirements for charter schools that do not effectively fulfill
128 this statutory purpose.

129 (f) The Department shall develop policies and procedures for the verification of charter
130 schools' reported data. Such procedures shall include a program of on-site data verification as
131 well as a system to ensure that corrective action is taken when problems are identified. DESE
132 should continually adjust its data verification and data quality programs to reflect common data
133 issues that are uncovered.

134 (g) The Department shall consistently apply its performance criteria in the charter
135 renewal process, including requiring schools to meet the measures of success shown in their
136 Accountability Plans.