

# **Charter School Caps and Strings Attached**

## **The Achievement Gap Act of 2010 and Charter Policy**

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**PIONEER INSTITUTE**  
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Cara Stillings Candal, Ed.D

### Contents

Introduction	1
Charter Schools in Massachusetts	1
<i>An Act Relative to the Achievement Gap</i> - Charter School Provisions	3
The Challenges that Remain	4
Remaining Charter School Caps	5
The Language of Legislation	7
The Impact of Politics	11
Conclusions and Recommendations for Change	12
About the Author	14
Endnotes	15

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### Introduction

In January 2010, the charter school movement in Massachusetts won what is, by most accounts, an important victory. As part of a larger education reform, known as Chapter 12 of the Acts of 2010, or *An Act Relative to the Achievement Gap*, one of two existing charter school caps in Massachusetts was raised.<sup>1</sup> The cap affected had previously limited spending on charter school tuition in all Massachusetts districts to 9 percent of a district's total school spending. By lifting this cap in certain, low-performing districts to allow for charter school tuition to total 18 percent of total school spending, the state legislature created important educational opportunities for some Massachusetts students, more than 24,000 of whom are currently on charter school waitlists.<sup>2</sup>

The 2010 legislation includes key provisions for turning around failing public schools and closing achievement gaps. Taken together with its provisions addressing one of the caps on charter schools, the Act represents a significant effort to hold schools accountable for student outcomes. But while the rise in the charter school cap has been met with praise, in some respects that satisfaction is shortsighted. This is because the new legislation not only burdens charter schools with new bureaucratic regulations, but it also leaves some aspects of charter school authorization and growth dangerously open to arbitrary (and even political) interpretation by those policy makers charged with implementing the law.

Amidst excitement about Massachusetts's recent win in round two of the federal Race to the Top Competition, which Chapter 12 and its charter school cap raise were designed to facilitate, charter advocates are failing to engage in a much-needed conversation about the potential impacts of the new legislation on existing and future charters and on the movement as a whole. This white paper attempts to fill that void and outline the pros and cons of the new legislation. It does so by taking a close look at the language of the law, the conditions attached to the charter school cap

raise, and the recent politics of charter schooling in the state.

### Charter Schools in Massachusetts

Charter schools were established in Massachusetts as part of the Education Reform Act of 1993. Since the first charters opened in 1995, they have been a popular and successful education reform. In the past fifteen years, a growing number of charter schools have entered the ranks of the most effective schools in the state, and Massachusetts has come to be nationally known for its rigorous and effective charter school authorization process.

To understand what makes charter schools in Massachusetts so successful, it is first necessary to understand the nature of the charter school bargain. In brief, charter schools are public schools of choice that may not discriminate as to the students they admit. They are established on the basis of a charter, or agreement, with the state Board of Elementary and Secondary Education (BESE) – the single charter school authorizer in Massachusetts – and granted greater autonomy than their traditional district counterparts. In exchange for this relative freedom, charter schools are held to a higher standard of accountability than other schools; when a charter school fails to live up to the terms of its contract with the state, it is closed.

There are two types of charter schools in Massachusetts: Commonwealth and Horace Mann charter schools. Both have the freedom to organize around a particular educational theme, curriculum, or teaching method. Commonwealth charter schools, which are considered to be school districts unto themselves, also have the freedom to create and manage their own budgets and hire and fire staff. Moreover, teachers in Commonwealth charter schools need not be part of a teachers' union. Horace Mann charter schools are different from Commonwealth charter schools in that their charters must be approved by the local school committee and, in some cases, the teachers' union in addition to the state board. However, like Commonwealth charters, they enjoy certain

autonomies that traditional district schools do not, such as the freedoms to extend the school day and year and opt out of certain provisions of local collective bargaining agreements.<sup>3</sup>

Massachusetts has come to be known for the quality of its charter schools in large part due to its rigorous charter authorization process. The state is one of the few in the country that adhere to a single authorizer model; all charter schools in Massachusetts are authorized by the state Board of Elementary and Secondary Education. When determining who will be granted a charter, the state looks carefully at the ability of each group to establish and run an effective school.<sup>4</sup> Perhaps more importantly, the state takes seriously its charge to hold charter schools to the terms of their agreements; it has rarely hesitated to close schools that fail to produce acceptable outcomes for students. In these regards, Massachusetts is different than many of the 39 other states that permit charter schools to operate.<sup>5</sup>

As a result not only of the state’s approach to authorizing but also because charter schools in Massachusetts experience a relatively high degree of autonomy in comparison to their counterparts in other states, the charter school movement in Massachusetts has flourished. In recent years, charter school students have consistently outperformed their counterparts in traditional district schools on the Massachusetts Comprehensive Assessment System exams (MCAS). Despite accounting for less than 3 percent of the state public school population, four of the 10 best-performing schools on the 2010 MCAS 10th grade math test were charter schools, as were 3 of the top 10 schools in 10th grade English language arts.<sup>6</sup> Recent studies support these rankings, showing that charter schools help low-income and minority students in particular to make greater gains than their counterparts in traditional district schools.<sup>7</sup>

The tendency of charter schools to serve disproportionate numbers of low-income and minority – especially African-American students

– speaks to their popularity with communities that have traditionally been underserved by the public school system. As an alternative to zoned district schools, charter schools represent a form of school choice that many low-income families in Massachusetts would not otherwise have. Table 1 below gives a summary comparison of charter school demographics to the rest of the state.

**Table 1**

2008-2009 Demographics	Charters	State
First Language Not English	16%	15%
Limited English Proficient	4%	5.9%
Special Education	11.9%	17%
Low Income	45.8%	30.7%
African-American	26.4%	8.2%
Asian	4.3%	5.1%
Hispanic	22.9%	14.3%
White	43.5%	69.9%

Taken from Massachusetts Department of Elementary and Secondary Education, Charter School Fact Sheet, <http://www.doe.mass.edu/charter/factsheet.xls>

The success and popularity of charter schools with low-income and minority students has led to increased demand from these populations, which has in turn led to long charter school waiting lists in the districts where such students are most heavily concentrated.<sup>8</sup> For, as part of the initial charter schooling bargain in Massachusetts, the legislature placed caps on the number of charter schools that can exist statewide (the cap is now at 120 schools, 48 of which should be Horace Mann schools) and in given districts. District caps, which have nearly been reached in many urban districts across the state, are based on a formula that limits district spending on charter school tuition to 9 percent of total school spending in the district.<sup>9</sup> It is this formula that the 2010 legislation changes for some districts, with hope that charter schools continue to serve these traditionally underserved communities.

### *An Act Relative to the Achievement Gap – Charter School Provisions*

Motivated by the prospect of \$250 million in federal education grants, the Patrick administration, which had formerly been lukewarm at best toward charter school expansion, led the charge in 2009 to raise the charter school cap in some school districts.<sup>10</sup> The cap addressed in Chapter 12 is not the statewide cap of 120 charter schools (72 Commonwealth charter schools and 48 Horace Mann) last raised in 2000. Instead, the legislation addresses the cap that is tied to school district spending on charter schools, which had, since 1997, been limited to 9 percent of a given district's net school spending.

Described as a “smart cap,” this legislation provides for district caps to be lifted in the lowest performing 10 percent of state school districts, most of which happen to be urban districts that are already bumping up against the 9 percent spending cap. In those districts, the legislation raises the spending cap on charter schools to 18 percent of total district spending, which allows for the establishment of several new charter schools in each qualified district and stands to open up thousands of new seats for students on charter school waitlists.<sup>11</sup>

The legislation further provides that new charter schools established under the smart cap legislation be established by “proven providers.” That is, it requires that the state Board give:

priority to applicants that have demonstrated broad community support, an innovative educational plan, a demonstrated commitment to assisting the district in which it is located in bringing about educational change and a record of operating at least one school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve.<sup>12</sup>

This requirement of the legislation is a well-intentioned effort to ensure that only new charter schools that are highly likely to succeed open in the state's neediest districts. Among the 42<sup>13</sup> applications for new charter schools submitted in 2010, it is already clear that the competition among proven providers is especially strong.<sup>14</sup>

In addition to including a proven provider provision, the 2010 law attaches many other conditions to both old and new charter schools, including conditions related to the ways in which charter schools 1) recruit and retain students (all schools are now required to draft and prove compliance with a recruitment and retention plan), 2) maintain waitlists (charters are now required to maintain waitlist information and share it with the state), and 3) fill seats that are vacated after the start of the school year. While each of these new provisions represents some form of response to criticisms that are commonly launched at charter schools,<sup>15</sup> it remains to be seen whether they will translate to positive outcomes for charter schools and for the students that they serve.<sup>16</sup>

There are clear pros and cons to the smart cap. The most obvious positive outcome of the smart cap raise is that it is better than no cap raise at all; thousands of Massachusetts students will now have enhanced educational choice and more opportunity to attend a highly effective school. Moreover, the students who will have greater access to a charter school education are those who need it the most: low-income and minority students who disproportionately populate the state's lowest performing school districts.

Furthermore, in that the smart cap represents a kind of compromise between those who would like to see all charter school caps abolished and those who would like to halt the expansion of charter schools altogether, the legislation has served to “lighten a negatively charged atmosphere” around charter schools.<sup>17</sup> Finally, charter advocates see in the cap raise, which was deemed necessary to win federal money and further educational opportunities within the state,

a tacit acknowledgement from critics that charters are working well, especially for the minority and low-income students who need them the most.

However, the smart cap should not be seen as the ultimate answer to increased educational opportunity and state charter school expansion. The law falls short of providing equality of educational opportunity for all Massachusetts students in that it concentrates the charter school cap raise in only a handful of districts, providing no incentive for prospective charter school operators to look outside the lowest performing 10 percent of districts. Moreover, the many strings attached to the smart cap, coupled with the law's confusing and sometimes contradictory language, raise important questions about how the smart cap will change the nature of charter schooling in Massachusetts and even affect the future of the movement. This language, these conditions, and their potential consequences are discussed in further detail below.

As with most pieces of legislation associated with the charter school movement in recent years, it is important to note that the institution of the smart cap comes at a great expense to taxpayers in the form of an enhanced reimbursement plan for traditional public schools that lose students to charters. The new legislation replaces an older and exceedingly generous reimbursement plan, under which school districts were reimbursed whenever the tuition amount calculated for a given charter school increased from one year to the next. Under the old plan, school districts were reimbursed for 100 percent of lost charter school tuition in the first year of a tuition increase, 60 percent in the second year, and 40 percent in the third year.<sup>18</sup>

The latest legislation provides not only that these costly reimbursements continue but also that they be expanded to take place over a period of six years, though the reimbursements decrease to 25 percent in years three to five of the reimbursement period. This means that school districts that lose students to charters continue to receive tuition

for those students, who they are not educating, for a period of six years.<sup>19</sup> By the end of that period, districts will have been reimbursed for 225 percent of the cost of educating every student who chooses to attend a charter school.<sup>20</sup>

Of course, this costly reimbursement plan remains a reflection of the politics of charter schooling in Massachusetts, which permeate most every aspect of the new charter school legislation. This is why it is important to recognize that, despite some of the important strides that it does make for charter schools and for Massachusetts students, the smart cap legislation does not eliminate all the barriers to charter school growth and success in the state. In some ways, the legislation simply replaces old barriers to growth with new ones. Because of this, charter school advocates and the public in general should pay very close attention to how the implementation of this latest cap raise will affect charter schools and their students.

## **The Challenges that Remain**

The 2010 legislation, although a step in the right direction, is ultimately only a partial triumph for charter proponents. Not only does it do nothing to address the statewide charter cap, the content and language of the law leave some charter advocates with important questions about how it will impact the quality of the charter school movement in Massachusetts.

A close look at the language of the law suggests that charter proponents, especially those concerned with maintaining the state's reputation for a rigorous authorizing process and resulting high quality charter schools, should pay close attention to how specific provisions are implemented. The legislation contains some provisions that are disconcertingly vague, such as those related to the preferential treatment that should be given to "proven providers" who wish to expand and replicate. Other provisions are dangerously over-prescriptive, attaching bureaucratic conditions, or "strings," to important aspects of the organization of charter schooling, such as recruitment and

## ■ Charter School Caps and Strings Attached

retention policies and the manner in which charters fill vacant seats. For those concerned with maintaining the purpose and integrity of the charter schooling movement in the state, these conditions are especially worrisome: one of the main tenets of the charter school movement and one of the greatest contributors to charter success is that charters are free from many of the bureaucratic constraints that bind their traditional public counterparts. New components of the legislation shift the focus on charter schools from accountability for results to accountability for compliance – this is a big change, which shouldn't go unnoticed.

Such contradictory language raises important questions about how the goals of the legislation will be interpreted by policy makers. Could members of the Board of Elementary and Secondary Education unsympathetic to the charter movement find room within vaguely worded provisions to impose additional obstacles to the creation and expansion of charter schools? Will prescriptive language so overburden charters with regulations that they will soon become nothing more than “traditional public schools by another name?”<sup>21</sup> From either perspective, the language of the legislation creates new, potentially strong barriers to the continued success of the charter movement.

The confusing nature of this law is not necessarily a surprise. It is not likely that Massachusetts would have seen any kind of charter cap-raise had it not been for federal incentives in the form of Race to the Top competition guidelines. Given such a window of opportunity, charter advocates seized the moment, forging important compromises and garnering necessary concessions from the state's deeply entrenched anti-charter movement. The result of this rush to legislate, however, is that Chapter 12 of the Acts of 2010 was crafted largely through a short-sighted political lens. As former Secretary of Education Mike Sentance points out, “in comparison to the Education Reform Act, which delegated responsibility for details, this law enumerates everything,” giving

too much power to the legislature and stripping charters of autonomy.<sup>22</sup> Considering, especially, recent events that point quite clearly to the politicization of the charter authorization process (discussed in greater detail below), it is clear that the politics of public education in Massachusetts remain another potential barrier to the charter movement's success.

The following pages outline the remaining barriers to charter school growth and success in Massachusetts. They categorize those barriers under three main headings: 1) remaining charter school caps, 2) the language of the legislation, and 3) the impact of politics upon charter schools and the charter authorization process.

### *Remaining Charter School Caps*

The most obvious remaining barrier to charter expansion in Massachusetts is the statewide cap on charter schools, which has not been raised since 2000. The 2010 legislation is clear: “Not more than 120 charter schools shall be allowed to operate in the Commonwealth at any time... not more than 48 shall be Horace Mann charter schools.” Although “proven providers” granted charters to operate new schools under the smart cap legislation will not count against the statewide cap, it is important to note that failure to lift the overall state cap has consequences for the growth of the charter movement and the overall quality of education available to students across the state.<sup>23</sup>

Of course, the law's focus on lifting district tuition caps is positive. As Edward Brooke Charter School Principal Kimberly Steadman notes, the requirement that new charters be established in the most troubled districts will allow the charter movement to do an even better job of serving the state's neediest students.<sup>24</sup> But such a relentless focus on the communities that have now come to demand charter schools, even if that focus is expanded to encourage greater rates of participation among Hispanic students and English language learners,<sup>25</sup> fails to consider not only the other communities that would like to



reap the benefits of charter schools but also the ways in which a strong statewide charter school movement can ensure that Massachusetts remains a leader in education both in the United States and worldwide.

Opinion polls conducted between 2008 and 2010 by *Education Next* and the Harvard Program on Education Policy and Governance show that support for charter schools among the general public is reasonably strong and on the rise. Of a representative sample of nearly 2,800 respondents polled in 2010, 44 percent cited support for charter schools, which is more than double the 19 percent of people polled who do not support charter schools. Not surprisingly, within minority communities support for charters is even greater and on the rise. “Among African-Americans, the portion who support charters grew from 42 percent to 49 percent between 2008 and 2009 and leapt to 64 percent in 2010, with only 14 percent expressing opposition. Among Hispanics, levels of support grew from 37 to 47 percent across the three annual surveys.”<sup>26</sup>

Ignoring public support of charter schools by failing to raise the state cap favors certain segments of the population over others and denies smaller communities in particular an important form of public school choice. Although it is mainly the state’s urban communities that have reached or come close to reaching the district charter school tuition caps that will be raised under the new legislation, it is conceivable that many other communities could be denied the opportunity to establish one or more charter schools, should the statewide number of (Commonwealth) charter schools, which now stands at 62, approach or reach the state cap of 72.<sup>27</sup>

Perhaps a more immediate danger associated with the statewide cap, however, is that a failure to raise the cap dulls Massachusetts’s ability to remain educationally competitive with other states. According to the National Alliance for Charter Public Schools, the single most important component of a state’s charter school policy is

the presence, or lack thereof, of charter school caps. That is, the strongest state charter school policies impose no caps at all.<sup>28</sup> In recent years, Massachusetts has slipped in the rankings of states that are charter school friendly. Now ranked sixth in the nation, the state’s remaining caps are cited as its primary points of weakness.<sup>29</sup>

But what do such rankings mean for the state’s charter school movement and, more importantly, for students who attend charter schools? In brief, they mean that prospective charter operators, many of whom once came to Massachusetts with radically effective ideas and methods for reforming public education, are more likely to take their talents elsewhere. In recent years, charter advocates have noted this “brain drain,”<sup>30</sup> as they watched the state lose talent to places like Minnesota, which relies upon rigorous authorizing processes, as opposed to caps, to ensure the quality of its charter schools, and New York and California, where charter school caps exist but are comparatively generous and have not been reached.<sup>31</sup>

Even under the new smart cap legislation, such a brain drain could pose a problem, as the districts that will be allowed to establish new charter schools will almost certainly reach the new (18 percent of net district spending) cap within the six years specified by the legislation as a period for the incremental authorization of charter schools.<sup>32</sup> Already, in 2010, the state has received a record 42 applications to establish charter schools in eligible districts; “the 42 submissions represent the highest number received in a single year since 1997, when the cap on district net school spending for funding of charter schools was last raised to 9 percent.”<sup>33</sup> The 42 submissions point to the great deal of excitement that exists with regard to the potential to establish new charter schools in the state: in 2008 and 2009 the DESE received only 7 and 14 applications, respectively, for new charter schools.<sup>34</sup>

Because Massachusetts has a history of very strong authorizing practices, there is reason to

## ■ Charter School Caps and Strings Attached

believe that an overall cap lift, coupled with a steady and apolitical approach to authorizing (see discussion below), could ensure that the very best charter school talent is attracted to the state. Attracting such talent is critical, because strong charter schools make for a strong public education system in general – this is apparent in the number of charter schools that lead in the state’s MCAS ranking. Moreover, it is becoming increasingly clear that charter-friendly policies, including the lifting of caps, are a priority for the federal government, which is targeting large sums of money to states that enact the kinds of policies the Obama administration supports. According to Secretary of Education Arne Duncan, “We need more high-performing schools, and good charter schools are absolutely part of the solution.”<sup>35</sup>

Aside from the immediate limitations the state cap imposes, there are also important considerations related to the purpose and character of the charter school movement. When conceived in the late 1980s and early 1990s, the purpose of charter schools was, in large part, to provide students with innovative educational options.<sup>36</sup> A failure to raise the state cap, coupled with the institution of a smart cap, stands to limit growth and innovation in Massachusetts charter schools on two levels. First, the presence of any cap limits the number of charter schools that an authorizer can approve. While this can result in a productive competition that forces authorizers to choose the charter schools that are most likely to succeed, it also tends to result in a desire to authorize only a certain type of charter school and therefore encourages applications for charters that play to that type.<sup>37</sup>

The proliferation of *No Excuses*<sup>38</sup> schools, especially in the state’s urban districts, is an example of this. These schools have, without question, served students, especially low-income and African-American students, in important and productive ways. However, their now widespread presence among charters more generally indicates that they may no longer represent the innovation they once did. The preference that the new smart

cap legislation gives to “proven providers” could exacerbate this problem. Depending upon how this provision is interpreted by policy makers (see the discussion in the next section of this brief), it is likely that the charter schools authorized in the immediate future will be more similar to one another than they are different. Not only does it make sense for these proven providers to deliver education in a manner that they have refined and, in some cases, come close to perfecting, it would seem that this is exactly what the state wants them to do. Although this could bode very well for increasing student achievement among students who will eventually be admitted to new charter schools, it also means that students who require different and/or innovative methods to help them learn may find that such innovations are unavailable to them.

### *The Language of Legislation*

These problems related to the continued presence of a state cap aside, charter advocates and leaders should be optimistic about what is at least an incremental victory in the effort to abolish charter caps altogether. The lifting of any cap, district-based or otherwise, is more than they might have hoped for even two years ago. Such optimism, however, should be tempered with a degree of caution regarding how the language of the 2010 legislation will eventually be implemented. For, as many of the charter advocates and leaders interviewed for this policy brief noted, this latest piece of charter school legislation is markedly different from its predecessors.

Most notably, the legislation leaves key aspects of charter school expansion and operation open to broad interpretation while at the same time hampering other aspects of charter school expansion and operation with prescriptive regulations that further entangle charter schools with the state education bureaucracy from which they are supposed to be free. The result is legislation which contains contradictions that will undoubtedly lead to confusion as the state moves forward with the authorization of new charter schools.

Perhaps the most confusing aspect of the 2010 legislation relates to the requirement that strong preference be given to charter operators who are already “proven providers.” The legislation states that when authorizing charter schools,

The Board may give priority to applicants that have demonstrated broad community support, an innovative educational plan, a demonstrated commitment to assisting the district in which it is located in bringing about educational change and a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve.<sup>39</sup>

The legislation goes on to specify that in districts “whose charter school tuition payments exceed 9 percent of the school district’s net school spending” the Board shall only approve an application for a commonwealth charter school “if an applicant, or a provider with which an applicant proposes to contract, has a record of operating at least 1 school or similar program that demonstrates academic success and organizational viability.” Presumably, this means that in the state’s largest urban districts, where charter school wait lists are the longest and where the 9 percent net school spending cap has been reached, new charter schools will be members of networks and/or expansions of existing schools.

Certainly, given the track records of the state’s many excellent urban charter schools, this proven provider provision stands to open up wonderful opportunities for students. Many of the charter leaders interviewed for this policy brief head schools that are seeking to replicate and expand; all expressed confidence that their organizations would be deemed proven providers under the new law. Indeed, only the state’s last remaining Education Management Organization (EMO), SABIS, expressed skepticism in this regard, and the EMO’s suspicions were confirmed when its applications to establish charter schools in Lowell

and Springfield were rejected by the state in late September.<sup>40</sup>

But even the Department of Elementary and Secondary Education notes that it remains unclear exactly who can and will be deemed a proven provider.<sup>41</sup> For example, the by all accounts excellent MATCH charter high school – which currently serves grades 6-12 – has submitted an application to replicate as a pre-K-12 school in the City of Boston.<sup>42</sup> While there is no argument that MATCH is a proven provider of middle and high school education, will the Board, as the state’s single authorizer, find that MATCH is therefore a proven provider for elementary school students? Likewise, what if a charter school that can be deemed a proven provider for a certain population of students – most charter schools in urban centers serve predominantly low-income, African American student populations – proposes to start a school geared toward students for whom English is a second language (ELL students)?<sup>43</sup> Is that school a proven provider for this population? On these points, the law is open to interpretation.<sup>44</sup>

Even more problematically, the legislation is silent about what happens if one school within a network of schools operated by a proven provider fails. The legislation states that one charter school board can hold multiple charters,<sup>45</sup> but will the state hold the board accountable for failure to meet the terms of only one charter, or will the failure of one school reflect upon all other schools in what will likely be closely intertwined charter school networks? Leaving such questions up to the interpretation of the state Board of Elementary and Secondary Education, especially given its current make-up (see discussion below), causes confusion and opens the state up to set what could be problematic precedent. On the one hand, if the Board is overly strict in its interpretation of what constitutes a proven provider, excellent schools may be denied the opportunity to replicate and serve more students. On the other, if the Board is very loose with its interpretation of what constitutes a proven provider, the state could see the establishment of mediocre schools or schools

## ■ Charter School Caps and Strings Attached

that are bound to fail. In this case, should the tendency of the Board to do a good job of holding charters accountable for failure wane, the state's reputation for excellent charter schools could be at risk.

Arguably more dangerous than the legislation's vague proven provider language is its incredibly prescriptive language surrounding other aspects of chartering—language that layers bureaucratic requirements upon existing and future charter schools. This language is concentrated in provisions pertaining to recruitment and retention policies and the manner in which charters should fill vacant seats.

Statutory language for how charter schools should aim to recruit and retain students arose out of a longstanding and somewhat heated debate between charter opponents and advocates. Teachers unions and superintendents organizations have long accused charter schools of failing to serve ELL students and students with other special educational needs.<sup>46</sup> Charter school leaders and other advocates maintain that charter schools do reach out to and serve these populations, but that they do not label these students as such. Instead, they treat English language learners and students with other educational needs the same as their mainstream counterparts.<sup>47</sup> According to Dominic Slowey of the Massachusetts Charter Public School Association, when the new legislation was being negotiated, charter proponents, fearing that legislators would impose a quota system upon charter school admission procedures, accepted language pertaining to recruitment and retention policies that could ultimately prove burdensome to charters.<sup>48</sup> This language requires that charter schools create and “update annually a recruitment and retention plan, which includes annual goals for: (i) recruitment activities; (ii) student retention activities; and (iii) student retention.”<sup>49</sup> Other provisions in the law, especially those related to the establishment of new charter schools, make it clear that student recruitment should focus in large part upon students from low-income,

minority, English language learner, and special education populations. In brief, the legislation suggests that charters should strive to have the same demographic and academic make-up as the traditional public schools in the sending district.<sup>50</sup>

The issue with recruitment and retention requirements is not that they exist; indeed, most charter advocates and leaders have a great desire to serve these students.<sup>51</sup> Instead, as one DESE official puts it, the issue is that the requirement for charter schools to create and annually update recruitment and retention plans places a disproportionate amount of emphasis on whether charters comply with a given bureaucratic regulation; there is no expectation in the law that charters must receive a desirable recruitment and retention outcome.<sup>52</sup> In other words, charters are expected to produce more paperwork than before, but whether they are able to achieve an intended result is seemingly unimportant. Of course, when their charters come up for renewal, the law does state that charter schools should be evaluated on the extent to which they have employed the recruitment and retention strategies outlined in their plan, but the consequences outlined relate to a failure “to adhere to and enhance (a) recruitment and retention plan as required,”<sup>53</sup> not a failure to achieve a desirable outcome.

Given that charter schools, when first established in the state, were supposed to have autonomy to operate as they saw fit in exchange for increased accountability for outcomes, the state, through its imposition of these recruitment and retention plans, is reversing the terms of the original charter school “bargain.” It also seems to be slowly chipping away at the degree of choice charter schools afford Massachusetts families and students. By dictating the populations from which charters should recruit, the state is making charters look more and more like their district counterparts, even if that means charters have to attempt to assemble a given student population as opposed to serving the population of students that is attracted to them.

The new legislation's language also attaches tight strings to charter school waitlists and how charters fill vacant seats. Charter schools are now required to produce additional paperwork related to waitlists for the express purpose of passing that waitlist on to the Department of Elementary and Secondary Education. The goal of such a requirement is so the DESE might produce "a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools."<sup>54</sup> As one interviewee mused, "what's the point?" The production and maintenance of both a school level and a consolidated waitlist becomes simply one more bureaucratic task for charters to fulfill and seemingly needless work for the authorizer.

But the most bureaucratic provision is clearly that pertaining to the manner in which charters fill vacant seats. The legislation requires that charters comply with an array of bureaucratic details and dates, all of which seem to be a response to the longstanding debate between charter supporters and detractors, in which supporters point to charters' success with low-income and minority students and detractors claim that charters are only successful because they "counsel out" students who are likely to fail.<sup>55</sup>

In brief, when a student leaves a charter school before February 15 of a given school year, that school must aim to fill the vacancy by offering it to the next available student on the waitlist in that grade. Charter schools are prohibited from "backfilling," or filling a vacant seat by offering it to a student in a lower grade, although charters need not fill a vacant spot in the three highest grades of a school or in grades 10, 11, and 12 at the high school level.<sup>56</sup> This prescriptive language limits charter autonomy. It also opens up a space for increased bureaucratic monitoring of charter schools; arguably, some agency will have to oversee the process of filling charter school vacancies.

Finally, in addition to the legislation's overly prescriptive elements, there are provisions that are simply contradictory. The most obvious contradiction pertains to the establishment and reauthorization of Horace Mann charter schools. In keeping with the original purpose of Horace Mann charter schools,<sup>57</sup> the current legislation provides "Horace Mann charter schools shall not be subject to the requirement of an agreement with the local collective bargaining unit prior to Board approval,"<sup>58</sup> which means, essentially, that Horace Mann schools do not need union approval to be established. Upon their reauthorization however, the legislation provides "that a charter for a Horace Mann charter school shall not be renewed by the Board without a majority vote of the school committee and local collective bargaining unit in the district where said charter school is located." Thus, these alternatives to traditional district schools, created in large part to free school leaders and teachers from district and union constraints, are now only free of those constraints for a limited time.

Whether such a contradictory provision is simply an unintended outcome of the "sausage-making" that is the creation of legislation, or whether it is a more insidious attempt to ensure more district control of schools that were supposed to be comparatively autonomous remains to be seen. Without a doubt, however, charter schools continue to be a contentious political issue in the state. Charter detractors continue to claim, against much evidence to the contrary, that charters harm traditional district schools, and charter advocates do their best to publicize the superior results that charter schools have, by and large, produced for low-income and minority students.<sup>59</sup> Even as federal pressure and the resulting Chapter 12 legislation have helped to "lighten" this "negatively charged atmosphere" to some degree, the charter school movement in Massachusetts continues to be negatively impacted by political wrangling.<sup>60</sup>

## ■ Charter School Caps and Strings Attached

### *The Impact of Politics*

In addition to the aforementioned barriers to charter school expansion and success in Massachusetts, it is important to consider the extent to which the politics of chartering in the state continues to influence both the movement in general and individual charter schools. Politics permeate all aspects of the charter school legislation described above, and, unfortunately, some politically motivated actors will determine how the new law is implemented.

Massachusetts remains one of the few states that relies upon a single authorizer, the state Board of Elementary and Secondary Education, to grant, oversee, and renew charters. Until recently, Massachusetts was known for the high quality and rigor of its charter school authorization process. There was a tendency to be conservative in granting charters (the statewide cap on charter schools contributed to this conservatism), and the Board (and, prior to 1996, the Secretariat of Education) had a reputation for holding charter schools accountable for outcomes. It did not hesitate to close schools that failed to meet the terms of their charters.<sup>61</sup>

Now that the possibility for further charter school expansion has been realized, it is critical that the state authorization process be rigorous and apolitical. Unfortunately, current events and the current roster on the state Board of Elementary and Secondary Education call into question whether this is possible.

Of the 12 sitting members of the Board, none can be described as charter supporters, and some have been vocal opponents of the movement.<sup>62</sup> Moreover, recent events surrounding the authorization of charter schools in Gloucester and Brockton suggest that the authorization process, which should award charters and charter renewals based upon the quality of proposals and proof of outcomes, has been politicized.

In September 2009, it was revealed that a charter was awarded to a school in Gloucester

not because of a strong proposal, but because at least one Board member feared that failure to award the charter would result in political turmoil for the Patrick administration. After the Department of Elementary and Secondary Education's Charter School Office recommended that the Gloucester Community Arts charter not be awarded, Secretary of Education Paul Reville nonetheless asked Commissioner of Education Mitchell Chester to consider recommending that a charter be granted to the school.

In an e-mail to Chester later obtained by the *Gloucester Times*, Reville suggested that despite receiving an unworthy batch of charter school proposals in 2009, failure to accept something would risk the labeling of the Patrick administration as "hostile" to charter schools. Such a perception, Reville wrote, would "cripple (the administration) with a number of key, moderate allies like the *Boston Globe* and Boston Foundation."<sup>63</sup> Thus, Reville suggested that the proposed school in Gloucester, which he viewed as the best of three bad proposals, be approved to open, despite the Department's recommendation to the contrary.

The Gloucester embarrassment was not the first time Reville had been accused of politicizing the charter authorization process. In 2008, with Reville as chair, the State Board, for the first time, rejected a charter application that had been recommended for approval by the Commissioner of Education. That charter was to be managed by SABIS, a for-profit educational management organization. Going against the Commissioner's recommendation suggested to charter advocates and detractors alike that Reville could let personal opinion and politics stand in the way of charter school establishment and expansion.<sup>64</sup>

With a record 42 charter school proposals in 2010, this recent tendency to politicize the authorization process does little to ensure that Massachusetts will continue to authorize quality charter schools and hold them accountable for outcomes. Moreover, a recent tendency to provide support

to struggling charters as opposed to immediately closing those that fail to meet the terms of their agreement with the state represents a worrisome softening of the all-important accountability component of the charter bargain.<sup>65</sup>

The authorization process is not the only aspect of the charter school movement that is vulnerable to politics. One of the greatest challenges cited by charter school leaders is the cost of purchasing a building in which charter schools can operate. Unlike their traditional public counterparts, charter schools do not receive state assistance to cover the cost of purchasing a building, and raising enough capital to do so, according to charter leaders, can be debilitating.<sup>66</sup> Since the beginning of the charter school movement in Massachusetts, districts have been adept not only at preventing the state from assisting charters with capital costs but also at making it difficult for charters to find facilities by refusing to lease empty buildings to charter schools. This is despite the very generous funding that traditional public schools receive via the Massachusetts School Building Authority, which covers anywhere from 40-80 percent of school construction and renovation costs. Charters, on the other hand, receive only a small, per-pupil grant, which on average covers 12 percent of building costs.<sup>67</sup>

Absent any state incentive that would encourage districts to play fair with charters when it comes to building and renovation costs – and such incentives are absent from the most recent legislation – charters cannot operate on a level playing field when it comes to facilities.<sup>68</sup> This is why most charters undertake large funding drives year after year and rely heavily upon donations from businesses and private citizens. It is also why many charter schools are housed in spaces rented from and shared with non-profit organizations and located in places that require students to commute long distances. Unfair state policies related to capital costs for charter schools remain an important barrier to the success and expansion of the movement.

This barrier, along with the many others detailed in this brief, reflect a lingering hostile attitude toward charter schools on the part of some politicians and the traditional public school establishment, which is led by state and local teachers' unions and superintendents. Although it is important to note that Chapter 12 does represent an important step in the expansion of the charter school movement, one that could not have been achieved without support from state government and without concessions from charter school detractors, the law does not go far enough. Considering this, charter supporters should continue to push for changes that will ultimately provide Massachusetts families with greater access to charter schools.

## **Conclusions and Recommendations for Change**

On the whole, charter school leaders and proponents should be excited about the prospect of limited charter school expansion in the state, especially because such expansion will serve the low-income and minority students who benefit the most from charter schools in Massachusetts. This comparatively small victory for the charter movement, should not, however, lead to complacency among charter school advocates. Failure to realize the challenges that remain for the charter school movement – some old and some new – would be a disservice to the many students who have sought but will continue to be denied access to the high quality of education that so many Massachusetts charter schools provide. The following are recommendations for policy changes that pertain generally to the politics of chartering in Massachusetts and more specifically to the 2010 legislation.

*Lift the overall cap on charter schools* – According to the National Alliance for Public Charter Schools, the most important component of a strong charter school law is that there are no caps on the number of charter schools that can exist in the state. Not only does Massachusetts continue to pose district tuition caps, the state cap

## ■ Charter School Caps and Strings Attached

on charter schools will eventually limit growth and will continue to contribute to the perception that Massachusetts is not “charter friendly” which encourages talented educators to take good ideas for new charter schools elsewhere. Especially because Massachusetts has a history of effective charter school authorizing – which includes rigorous criteria for awarding charters and the immediate closure of charters that do not live up to the terms of their agreements – the state should rely on the authorizing process, with one major modification (see the next recommendation below), to ensure the quality of charter schools.

*Create a body separate from the Department of Elementary and Secondary Education to make recommendations to the state Board regarding charter school authorization* – In the earliest years of the charter school movement in Massachusetts, between 1993 and 1996, the body responsible for recommending charters for authorization and closure was housed in the Secretariat of Education, a body separate from the state Department of Elementary and Secondary Education. When, in 1996, as part of a larger effort to streamline government, the Secretariat was abolished and the charter school office moved into what is now DESE, many feared that charter school authorization could become politicized.<sup>69</sup>

Given the recent history of the politics of charter school authorization described earlier in this brief, it is clear that those fears have been realized. Moving the charter school office out of DESE and making it an autonomous body could serve to sever its current close political ties to the state administration. A more autonomous body could also provide a needed check on the decisions of the State Board of Elementary and Secondary Education, helping to keep the politics that have recently become the norm out of charter school authorization.

*Develop a clear definition of a proven provider and ensure that such a definition does not limit the types of charter schools that can exist in the state* – If the 2010 legislation is to result in

the authorization of new, high quality charter schools, it is critical that legislators clearly define what it means to be a proven provider. Without attaching burdensome regulations and additional paperwork to the process of becoming a proven provider, legislators should answer key questions about 1) the intent and purpose of this component of the legislation, 2) the extent to which being a proven provider with one population of students will translate into becoming a proven provider for another population, and 3) what will happen if one school within a network of proven providers does not meet the terms of its charter (is the entire network affected or will only the failed school be subject to closure?). Moreover, the Charter School Office and the state Board should make every effort to ensure that multiple types of charter schools (in terms of educational mission, pedagogical and curricular approach, and populations of students served) fall within the definition of a proven provider. It is critical to the success of the movement that multiple and innovative educational approaches be allowed to flourish.

*Revoke statutory language pertaining to waitlists and backfilling* – the legislature should carefully consider any unnecessary bureaucratic burden the 2010 legislation has imposed upon charters and, where possible, nullify it. New statutory language attached to the maintenance of waitlists and the manner in which charter schools are to fill vacant spots are not only time consuming, they are largely unnecessary and, in some cases, a threat to the very philosophy that drives the charter school movement.

*Exempt Horace Mann charters from the requirement of union approval for establishment and reauthorization* – while the 2010 legislation specifies that Horace Mann charter schools do not need the approval of the local school board and/or teachers’ union to exist, it does specify that Horace Mann charters will be subject to the approval of both of these bodies upon reauthorization. This provision undermines the autonomy of Horace Mann charter schools and makes it difficult



for these schools to enjoy the autonomies that contribute to the superior performance of their Commonwealth charter school counterparts.<sup>70</sup>

*Establish a state program to assist with charter school building costs and/or provide incentives to public school districts to lease available space to charter schools* – Charter schools may very well opt to avoid any potential bureaucratic strings that may come attached to the acceptance of school building and renovation funding from the state. In this sense, it may not be ideal for charters to lobby for subsidies from the Massachusetts School Building Authority. To begin to level the playing field, however, the state should provide incentives to districts to lease empty school buildings to charter schools. Such an incentive program might offer districts the opportunity to pay loans on these buildings at lower rates or over extended periods of time.<sup>71</sup> Not only could such a program help many districts that claim to be financially burdened, it could at the same time allow charter schools to operate in locations that are easier for students to access and in buildings that provide more comfortable learning environments. Indeed, many charter schools are housed in spaces that were not meant to serve as schools, such as old warehouses and nursing homes. Despite their availability and affordability, these facilities are not easily converted into ideal learning environments. Should the state provide incentives to districts to lease empty buildings, charters, traditional public schools, and even the state all stand to gain something: charter school students would gain better learning environments, districts would gain rent from charter schools while keeping state subsidies, and the state would ensure that the money that districts make from renting their facilities goes to public school children, as opposed to private landlords.

### ***About the Author:***

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## ■ Charter School Caps and Strings Attached

### Endnotes

1. The legislation does not affect a statewide cap on charter schools. That cap currently allows for the existence of 120 charter schools statewide.

2. Massachusetts Department of Education, Charter School Fact Sheet, updated September 30, 2009. <http://www.doe.mass.edu/charter/factsheet.xls>

3. Massachusetts Department of Education, Questions and Answers, <http://www.doe.mass.edu/charter/about.html>

4. Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to: (i) a non-profit business or corporate entity; (ii) 2 or more certified teachers; or (iii) 10 or more parents; provided, however, that for profit business or corporate entities shall be prohibited from applying for a charter. Chapter 12, Section 7(d).

5. National Alliance for Public Charter Schools, <http://www.publiccharters.org/dashboard/schools/page/overview/state/ND/year/2010>

6. Boston.com, 2010 MCAS results, <http://www.boston.com/news/education/>

7. The Boston Foundation, “Informing the Debate, Comparing Boston’s Charter, Pilot, and Traditional Schools,” January 2009, p. 8.

8. According to the Massachusetts Department of Elementary and Secondary Education, more than 24,000 students are currently on charter school wait lists. Charter schools, especially in urban districts, can rarely accommodate all of the students who would like to enroll. Because charter schools cannot discriminate as to who they accept, when a school is oversubscribed, it holds a lottery to determine admission on a “first picked, first served” basis. Students who do not win the lottery are placed on a waitlist.

9. When a student opts to leave a district school for a charter public school, the state determines

how much money it would cost to educate that student in a traditional district school and transfers that amount of money from the sending district’s state local aid payment to the charter school. This formula also considers a student’s background characteristics, which simply means that the charter school receives the same “extra” funding for a student with, for example, special educational needs, that the district school would have received. A detailed explanation of this funding formula is provided by DESE at <http://www.doe.mass.edu/charter/about.html>

10. The federal Race to the Top competition promised more than \$250 million in federal grants to states that, among other things, created charter school friendly policy environments and committed to national standards and the linking of teacher evaluations to student test scores. Massachusetts was awarded a Race to the Top grant in August, 2010, in the second round of the competition. See: State News Service, “Governor Patrick signs historic education reform bill to close achievement gaps, transform Massachusetts public schools,” January 18, 2010.

11. Chapter 12, Section 7(3). Also see, Murphy, Matt, “Education reform bill gets final clearance,” Fitchburg Sentinel and Enterprise, January 15, 2010.

12. Chapter 12, Section 7(3).

13. On September 30, 2010, the state announced that 25 of the original 42 applicants had been invited to submit full proposals.

14. Interview with Mike Goldstein, MATCH, August 19, 2010.

15. The law’s recruitment and retention provisions, for example, have been called a “slap on the wrist” by charter school supporters. They are a response to the perception (which advocates call false) that charter schools prefer not to serve students who are English language learners and/or have other special educational needs.

16. Chapter 12, Section 7.
17. Interview with Marc Kenen, August 28, 2010.
18. Massachusetts Department of Elementary and Secondary Education, "School Finance: Charter Schools, Reimbursement of Charter School Tuition, <http://finance1.does.mass.edu/charter>
19. Chapter 12, Section 7(gg).
20. Interview with Marc Kenen, August 27, 2010.
21. Interview (anonymous), September 3, 2009.
22. Interview with Mike Sentance, August 31, 2010.
23. Chapter 12, section 7 (3).
24. Interview with Kimberly Steadman, August 20, 2010.
25. The law's recruitment and retention requirements, to be discussed in greater detail below, require this "expanded" focus.
26. <http://educationnext.org/meeting-of-the-minds/>
27. Massachusetts Department of Elementary and Secondary Education, Charter Schools Fact Sheet, updated 9/30/2009, downloaded from: <http://www.doe.mass.edu/charter/factsheet.xls>.
28. Rotherham, Andrew, J., "Mass can build on success of its charter schools," *The Providence Journal*, January 10, 2010.
29. National Alliance for Charter Public Schools, "How State Charter Laws Rank Against the New Model Law," p. 4 downloaded from, [http://www.publiccharters.org/files/publications/DB-ModelLaw\\_Report\\_01-12-10.pdf](http://www.publiccharters.org/files/publications/DB-ModelLaw_Report_01-12-10.pdf), Sept. 16, 2010.
30. Peyser, James, "Why so many talented educators are leaving Boston for New York," *Boston Globe*, September 14, 2008.
31. National Alliance for Charter Public Schools, "How State Charter Laws Rank Against the New Model Law," p. 4 downloaded from, [http://www.publiccharters.org/files/publications/DB-ModelLaw\\_Report\\_01-12-10.pdf](http://www.publiccharters.org/files/publications/DB-ModelLaw_Report_01-12-10.pdf), September 16, 2010. Note: California's current charter school cap, according to the National Alliance for Charter Public Schools, is 1350 statewide but is increased by 100 each year. New York caps the number of start up charter schools at 200 but, according still has "some room to grow" under this cap. <http://www.publiccharters.org/charterlaws/state/NY>.
32. The cap on district net school spending will be raised to 18 percent in incremental steps: net school spending on district charter school funding will increase to 12 percent in 2011 (thus the large number of applications for new charters submitted in 2010), and will rise by 1 percent each year until the 18 percent cap is reached. This means that within a period of seven years eligible districts will most likely have reached the district tuition cap. Chapter 12 of the Acts of 2010, Sec. 7, section i.
33. Massachusetts Department of Elementary and Secondary Education, "42 groups submit new charter school prospectuses," Monday, August 16, 2010.
34. Massachusetts Department of Elementary and Secondary Education, Charter School Office, News and Archives, <http://www.doe.mass.edu/charter/default.html?section=archive>
35. Blain, Glenn, Duncan credits NY's 'breathtaking courage' in Race to the Top Effort, *New York Daily News*, August 30, 2010. downloaded from, [http://www.nydailynews.com/ny\\_local/education/2010/08/31/2010-08-31\\_ed\\_czar\\_gives\\_new\\_york\\_a\\_for\\_race\\_to\\_top\\_effort.html](http://www.nydailynews.com/ny_local/education/2010/08/31/2010-08-31_ed_czar_gives_new_york_a_for_race_to_top_effort.html), Sept. 16, 2010.
36. Shanker, Albert, Restructuring our schools, *Peabody Journal of Education*, 65(3), p. 98.

## ■ Charter School Caps and Strings Attached

37. Finn, Manno & Vanourek (2001), *Charter Schools in Action: Renewing Public Education*, Princeton, Princeton University Press.

38. “No Excuses” is the popular name of an education philosophy that has come to be embraced by many charter schools, especially some of the most successful charter schools in Boston, Massachusetts. As a philosophy, “No Excuses” embraces tough academic standards and accountability for outcomes.

39. Chapter 12, Section 7, i.

40. SABIS currently operates two successful schools in western Massachusetts. In an October 3 article in the Lowell Sun, Jose Alfonso, director of board and government affairs for SABIS International, is quoted as saying: “I don’t think we fit the mold for the political environment that currently exists...We believe almost in the polar opposite of what the current ideology is on the Board of Education: larger schools, larger class sizes, performance-based assessments and lesson plans that are instruction driven by the teachers. We are really at the opposite end of the spectrum on what we believe to be an effective approach to education.” Meyers, Jennifer, “Lowell charter school backers call state denial unfair,” *Lowell Sun*, Oct. 3, 2010.

41. Interview, Mary Street, Department of Elementary and Secondary Education Charter School Office, Sept. 3, 2009.

42. Massachusetts Department of Elementary and Secondary Education, “42 groups submit new charter school prospectuses,” Monday, August 16, 2010.

43. Indeed, the recruitment and retention provisions of chapter 12 encourage schools to better reach out to and serve the ELL population of the state, among others.

44. On September 30, the state announced that MATCH had been invited to submit a full proposal.

45. Chapter 7, section c(3).

46. See, for example, Massachusetts Teachers Association, “Charter School Success, or Effective Out-Migration of Low-Achievers?,” 2009, p. 1, downloaded October 13, 2009 from [http://bostonherald.com/news/document.bg?f=misc/Charter\\_School\\_REPORT](http://bostonherald.com/news/document.bg?f=misc/Charter_School_REPORT)

47. Interview with Mike Goldstein, MATCH, August 19, 2010.

48. This fear was based on the knowledge that the imposition of a quota system, or a system that would require charter schools to admit students on the basis of achieving a certain demographic make-up within each school, would upend the choice component of chartering. Were charters schools to admit students based upon quotas, they would no longer be able to admit students on a first come first serve basis, without discrimination as to student background, as they do today. Under the current system, if a given school is oversubscribed, students are admitted via a lottery, which preserves the “first come first served” nature of the system and maintains parent and student choice.

49. Chapter 12, Section 7(f).

50. Chapter 12, Section 7(b) and 7(i).

51. Interview, Marc Kenen, August 27, 2010.

52. Interview, Mary Street, September 3, 2010.

53. Chapter 12, Section 7(f).

54. Chapter 12, Section 7(b) and 7(i).

55. Of course, the data provided at the beginning of this report, which show that charters serve students who have traditionally struggled in district schools at disproportionately high rates, suggest that charter detractors are incorrect.

56. Chapter 12, Section 7(h).

57. Horace Mann charter schools were conceived as in-district alternatives to Commonwealth

charters. They are meant to be free from many of the requirements—such as the requirement that teachers be part of a district collective bargaining unit—that bind their traditional district counterparts.

58. Chapter 12, Section 9 (i)(3) and (i)(cc)

59. Murphy, Matt, “Law makers give ed reform final approval,” *Lowell Sun*, January 15, 2010.

60. Interview with Marc Kenen, August 27, 2010.

61. See, Candal, Cara, “Putting Children First: The History of Charter Public Schools in Massachusetts,” Pioneer Institute White Paper, No. 48, September, 2009.

62. Board member Ruth Kaplan has commented, for example, that charter schools are too focused on sending students to college, saying “families... don’t always know what’s best for their children.” Cited in Chieppo, Charles and Gass, James, *Accountability Overboard: Massachusetts Poised to Toss Out the Nation’s Most Successful Reforms*, *Education Next*, spring 2009, (9, 2), pp. 18-26.

63. Anderson, Patrick, “Charter OK based on agenda?”, *The Gloucester Times*, September 19, 2009.

64. “Mired in Gloucester; Reville e-mail taints process for charters,” *Worcester Telegram and Gazette*, September 23, 2009.

65. Interview (anonymous), September 3, 2009.

66. Interview with Mike Goldstein, MATCH, August 19, 2010; also, interview with Kimberly Steadman, August 20, 2010.

67. Massachusetts Charter School Association, *Myths/Realities about Charter Public Schools*, Charter Public School Financing.

68. The only component of the 2010 legislation that addresses building costs is the allowance for charter schools to keep a capital budget in reserve separate from its budget for operating

costs. Otherwise, charter schools are required to account for any reserve holdings above and beyond tuitions coming from sending districts. If holdings are in excess of 20 percent of the charter school’s operating budget, charters must return money to the sending district(s), Section 7, hh(3).

69. Candal, “Putting Children First: The History of Charter Public Schools in Massachusetts,” Pioneer Institute White Paper, No. 48, 2009.

70. The Boston Foundation, “Informing the Debate, Comparing Boston’s Charter, Pilot, and Traditional Schools,” January 2009.

71. Interview with Mike Goldstein, MATCH, August 18, 2010.





