

# THE FIGHT FOR THE BEST CHARTER PUBLIC SCHOOLS IN THE NATION



PIONEER INSTITUTE  
PUBLIC POLICY RESEARCH

By Cara Stillings Candal

ABOUT THE AUTHOR  
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Cara Stillings Candal is a Senior Fellow at Pioneer Institute. She has an extensive background in national and international education policy and teacher development, and she is the author/editor of numerous articles and several books about school university partnerships, charter schools, and other structural innovations in education. Candal holds a B.A. in English Literature from Indiana University at Bloomington, an M.A. in Social Science from the University of Chicago, and a Doctorate in Education Policy and Leadership from Boston University.

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## PRAISE FOR

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# THE FIGHT FOR THE BEST CHARTER PUBLIC SCHOOLS IN THE NATION

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“At a time in American history when charters are attacked for being unaccountable, privatized, arch-enemies of public education, Dr. Candal uses scholarship, financial data, and real-world examples from some of the highest performing charter schools in the United States as a measured response to those claims. She also identifies challenges within the charter sector, and offers helpful recommendations learned from Massachusetts. This is a must-read book for governors, state lawmakers, and charter authorizers.”

– Gerard Robinson, Executive Director of the Center for Advancing Opportunity and former senior state education official in Virginia and Florida

“Massachusetts’s high-quality charter schools have demonstrated that schools and the adults that run them cannot use poverty as an excuse for a failure to educate all children. But not all charter schools are effective. Dr. Candal identifies the factors that create these quality schools. Her analysis offers a way forward for any serious policymaker interested in closing access and achievement gaps with the use of charter schools.”

– Michael Sentance, former senior state education official in Massachusetts and Alabama

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“Since the publication of *A Nation At Risk*, charter schools are one of the few reform strategies that have delivered measurable improvements in student outcomes at scale. This book explains why Massachusetts has become a national thought leader in authorizing, funding and expanding charter schools. It also details how the Commonwealth has jeopardized that success in recent years. The history and lessons outlined in this book are critical to developing better strategies for meaningful education reform.”

– Jack McCarthy, CEO, AppleTree Institute for Education Reform

“Pioneer Institute has performed more high-quality research on Massachusetts’s charter sector than any other organization. This is an excellent book that provides a detailed history and analysis of how the Commonwealth has produced the best charter schools in the nation. Anyone who wants to understand how to close achievement gaps through sound policy and practice should read it.”

– Kevin Andrews, Founding Headmaster, Neighborhood House Charter School

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## MISSION

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.

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## CHAPTER 1

# A Brief History of Charter Schooling in Massachusetts

**M**ASSACHUSETTS'S CHARTER SCHOOLS HAVE been called some of the best public schools — charter or district — in the nation. Researchers have taken a great interest in Boston's high-performing charter sector, especially because so many Boston charters close persistent achievement gaps.

When the Massachusetts Legislature included charter public schools as part of its landmark Education Reform Act of 1993, supporters believed they could be an important way to provide greater educational opportunity to poor and minority students. But they had little idea of how charter schools would look in practice and, more importantly, how the processes of establishing and overseeing them would work. At the time, only a handful of states had experimented with charter schools, and no one could tell who, if anyone, was getting it right.

Charter schools in Massachusetts exist on the basis of the fundamental bargain that founders and early supporters of the charter movement — Ted Kolderie, Ray Budde, and American Federation of Teachers' (AFT) president Albert Shanker — conceived. They are public schools of choice that enjoy greater autonomy than district schools. In exchange for that autonomy, charters are held to a higher standard of accountability.

The Massachusetts legislators who created charters never questioned the components of the bargain, but there was disagreement about how it would be upheld and enforced. There was also disagreement as to how much the Commonwealth should invest in an unproven education reform. Who would oversee charter schools? How much and what kind of autonomy would they have? How many would be allowed?

The answers to these questions would shape the charter school movement in Massachusetts for decades to come. But at the time, few people realized how important they would be. This is because charter schools were but one small part of the Education Reform Act's much larger education reform agenda.

## Charter Schools: “One Small Part” of Education Reform

Although they would come to be the most controversial aspect of the 1993 Massachusetts Education Reform Act, when written into the law charters were just one small part of a sweeping effort to overhaul public education. The end of the 1980s was a tough economic time, and into the 1990s school budgets across the U.S. were feeling the strain. Education activists in the Commonwealth watched closely as lawsuits in other states forced change in the way schools were funded.

A case decided by Kentucky's Supreme Court in 1989, *Rose v. Council for Better Education*, declared that the state had a responsibility to provide all citizens with an adequate education. The court mandated that the state “take fiscal action” to ensure that citizens had access to an adequate education, no matter where they lived and no matter how much money local communities could raise for schools. Advocates for education reform in Massachusetts and other states took notice, and a wave of “adequacy lawsuits” were filed throughout the country in the 1990s.<sup>1</sup>

In 1990, *McDuffy v. Secretary of the Executive Office of*

*Education* arrived at the Massachusetts Supreme Judicial Court (SJC). At stake was a system of school finance in which local communities bore the majority of the financial burden for schools; a system that resulted, according to the plaintiffs, in vast disparities in educational opportunity that broke down along lines of income and race.

In *McDuffy*, the SJC found that Massachusetts school funding relied too heavily upon local property taxes, resulting in funding and quality inequities so egregious that they were unconstitutional. The SJC determined that it is the duty of the Commonwealth “to provide an education in the public schools for the children there enrolled, whether they be rich or poor, and without regard to the fiscal capacity of the community in which such children live.”<sup>2</sup> The SJC went on to outline the “seven capabilities” that every child in the Commonwealth should have upon graduation.<sup>3</sup>

The SJC’s decision meant that localities would no longer bear the majority burden of providing an acceptable education. Reform-minded legislators had been anticipating and preparing for the plaintiff’s victory in *McDuffy*; MERA became law just three days after the SJC handed down its decision.<sup>4</sup>

The MERA provided a new system of financing schools, which included a “foundation budget.” Each cycle, the Legislature determines the minimum level of per-pupil revenue school districts require to provide students with an adequate education. In cases where local communities cannot raise these minimum funds through the property tax, the Commonwealth is obliged to make up the difference. The amount the Commonwealth provides localities is referred to as Chapter 70 aid.<sup>5</sup>

But MERA wasn’t only about closing revenue gaps. It also mandated the creation of state curriculum frameworks in core subject areas and a statewide assessment system to determine whether localities were successfully teaching those frameworks. The Massachusetts Comprehensive Assessment System was conceived as a “check” to ensure that government was getting a return on its investment.

## Massachusetts Education Reform Act, 1993

- ① **Access:** The state ensures that each child has an adequately funded education by establishing a foundation budget.
- ② **Outcomes:** The state determines what each child should know and be able to do upon graduation. The state establishes minimum competency standards and tests to hold schools accountable for helping students meet those standards.
- ③ **Opportunity:** The state provides for diverse and innovative school models in the form of charter public schools.

The foundation budget and MCAS set precedent: Massachusetts was one of the first states to tie educational funding to standards and accountability for outcomes. Along with a few others, such as New York and Texas, it would eventually become a model for the George W. Bush administration's landmark reauthorization of the *Elementary and Secondary Education Act*, better known as *No Child Left Behind*.

In the larger context of Massachusetts education reform, a provision to establish 25 charter schools across the state garnered comparatively little attention. But the first 25 charters were the result of a quiet and consistent push from outside of the Commonwealth's education establishment to provide parents with more public education options.

## Building a Charter School Law from the Outside In

When Education Reform passed in 1993, the term “charter school” was still relatively unknown. Ray Budde, a New York

educator credited with coining the term, proposed in a 1988 book that “teams of teachers could be ‘chartered’ directly by a school board for a period of three-to-five years.” In Budde’s vision, “No one — not the superintendent or the principal or any central office supervisors — would stand between the school board and the teachers when it came to matters of instruction.”<sup>6</sup>

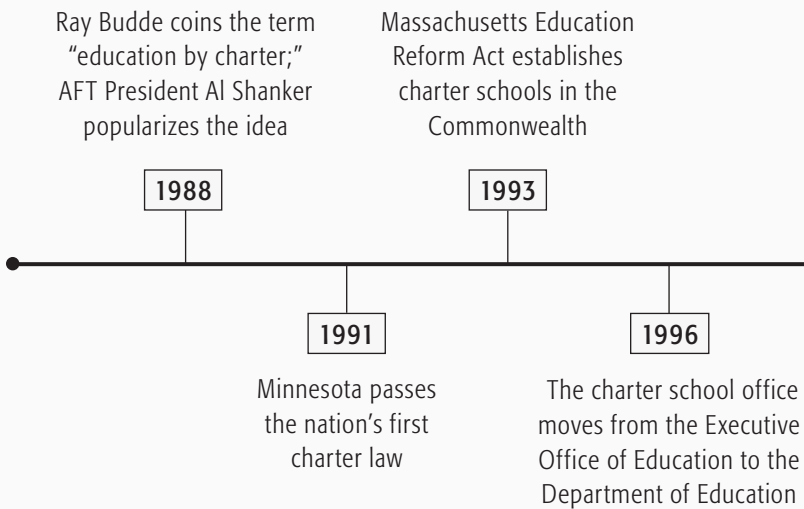
Budde’s proposal gained traction when AFT leader Albert Shanker endorsed it in *The New York Times* later that year, noting that change was needed but too often sidelined in district schools “for no good reason.”<sup>7</sup> Minnesota became the first state to pass charter school legislation in 1991, about the same time that key Massachusetts legislators were starting to focus on reforming the Commonwealth’s approach to school finance and accountability.<sup>8</sup> Key players such as Mark Roosevelt, House Chair of the Joint Committee on Education, his Senate counterpart Thomas Birmingham, Senate President William Bulger, and then-governor William Weld took notice of what was happening in Minnesota. They were especially interested, according to Birmingham, “in the promise that the charter concept held for disadvantaged students.”<sup>9</sup>

At the same time, the charter idea was becoming popular in academic and business circles. In 1992, Pioneer Institute published a book by Stephen Wilson that envisioned turning Boston’s schools around by giving them “increased autonomy in exchange for proof of better results.”<sup>10</sup> After reading the book, State Street Bank President William Edgerly became a quiet champion for the charter concept in the Commonwealth.

For nearly 20 years Edgerly had invested time and money in the Boston Public Schools through a program known as the Boston Compact, which guaranteed jobs for graduates if the district could show incremental but steady progress. But he became disillusioned with the effort when it failed to effect real improvement. In a 1993 *Boston Globe* article, Edgerly critiqued the Compact, saying, “business lived up to its end of the bargain, the schools could not.”<sup>11</sup>

As Edgerly tracked the establishment of charter schools in other states, he saw potential for the change he had hoped for

## Timeline of the Charter Movement

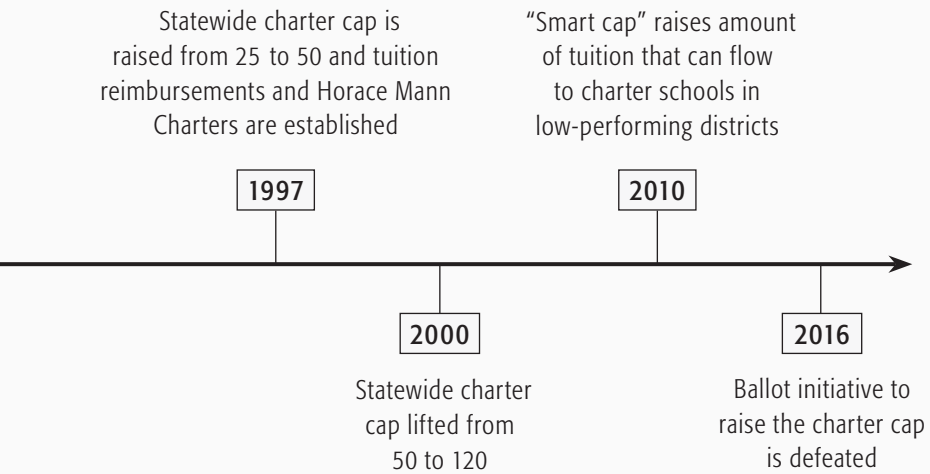


under the Compact. He thought charters could be a “way for business and community leaders to impact the system from the outside in,” something they hadn’t been able to do in the past.<sup>12</sup>

Including charters in the MERA would require a coming together of the Senate and House. Senators William Bulger and Thomas Birmingham persuaded their colleagues that charter schools could be an important component of education reform. But the House questioned how the powerful state and local teachers’ unions would perceive this new kind of school.

In the end, the only way the House would agree to pass a version of the MERA that included charter schools was to include in the legislation a cap on the number that could exist statewide: 25. Though such a conservative cap was unpopular with the Senate and the Weld administration, they saw it as a necessary trade-off to establish the charter movement in Massachusetts.

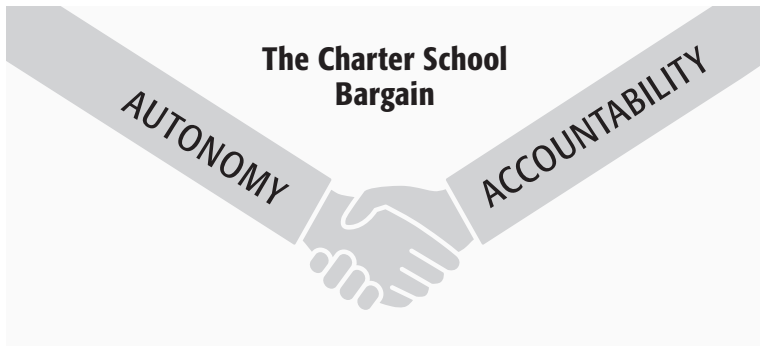
But the administration wasn’t willing to compromise when it came to charter school authorizing. As states began to establish charter school laws in the 1990s, many adopted a model in



which local school districts were responsible for establishing, overseeing, and holding charter schools accountable. The model is inherently problematic because charters are often painted as competition for school districts; they give families another public school option.

Moreover, school districts have little incentive to grant charter schools the kinds of autonomy they require to succeed, such as the ability to extend the school day and year and offer innovative curricula and programming. Massachusetts school districts have traditionally sought to impose uniformity on their schools because uniformity, it is presumed, is bureaucratically efficient. Districts are also accustomed to bargaining with teachers' unions to establish lock-step pay grids and prescribed working days and years for all teachers. In the charter model, teachers in individual schools would have the *option* to unionize but most do not.

Instead of giving authorizing power to school districts, Massachusetts was purposeful in giving it to a single state



entity, the Executive Office of Education (EOE), which the Weld administration had formed in 1991. The EOE operated independently of the Commonwealth's other education bureaucracy, then called the Massachusetts Department of Education (DOE), which was responsible for overseeing district schools.

Much like the charter school cap, the MERA's provision that charter schools be authorized by a single state entity has been a defining but sometimes controversial aspect of the Massachusetts approach to chartering schools. On the one hand, this model forecloses the possibility that school districts can authorize charter schools. This is important because research overwhelmingly demonstrates that when districts authorize charters, charters fail to sufficiently differentiate themselves from district schools and often fail to produce strong academic outcomes.<sup>13</sup> On the other hand, the single authorizer model also forecloses other entities, such as universities and not for profits, from authorizing charter schools—authorizing models that have been successful in other places.<sup>14</sup>

Another signature feature of the Commonwealth's charter school law is the funding formula, which is distinctive in two ways: First, it ensures that charter public schools receive the same per-pupil tuition rate (provided by the state) as their district counterparts.<sup>15</sup> The second distinctive aspect of the formula came later. It was devised in consideration of the financial strain that districts can experience when they lose students. Since 1997, the state has reimbursed districts for a period of time when they lose students to charter schools.



Both these aspects of the charter school funding formula set Massachusetts apart from other states. In many states, charter schools receive less per-pupil funding than their district counterparts. In most states, districts receive no additional funding or other financial assistance when students choose to attend a charter rather than a district school.<sup>16</sup>

But these distinctive aspects of the law do not ensure financial equality for charter and district schools. Charters receive only a small state stipend for capital and facilities expenses, which means they have to raise money to pay rent or buy a building. Compared to districts, which can rely upon local revenue and ample funding from a state program designed to support the establishment and maintenance of public (district) school buildings, charters are at a financial disadvantage.<sup>17</sup>

This unfair funding scheme has posed challenges but has not been a detriment to most charter schools, which have been very successful, both academically and in terms of financial viability and sustainability. Some contend that charters, which “do more with less,”<sup>18</sup> prove that district schools are not efficiently run.

Of course, there are other aspects of Massachusetts’s charter law that have helped Commonwealth charters to do much more for kids. The original law ensured that charters would have real autonomy in exchange for real accountability. Faithfully implementing the spirit of that law would take careful consideration, and the early years of chartering in Massachusetts are evidence that some degree of experimentation was necessary to get it right. The charter school movement was born of a push from outside of the education establishment, and its advocates grew the movement, slowly but surely, from the ground up.

## Building a Charter School Sector from the Ground Up

The post-MERA 1990s were a time of both promise and turmoil in Massachusetts’s schools. The MERA promised school finance reform. It also promised that the state would hold schools

accountable for outcomes, but schools and districts didn't know what accountability would look like. Fear of the then-unknown MCAS might have outweighed concerns about the nascent charter school movement, but the state's powerful teachers' unions were still keen to express their distaste for the new reform. They were especially unhappy with the prospect of non-unionized public schools and saw charters as a threat to maintaining and growing their membership.<sup>19</sup>

It was in this time of uncertainty and union opposition that the relatively new Executive Office of Education, headed by Weld appointee Piedad Robinson, had to decide how it would approach the charter school authorization process. This included setting parameters for soliciting and accepting charter school applications, understanding what would constitute a strong charter school application, and thinking through how EOE would hold schools accountable.

There were different opinions even within EOE about what authorizing approach to take. Some felt EOE should "let a thousand flowers bloom" by prioritizing applications and schools that were innovative and diverse in their approaches. Others wanted a narrower focus on academic outcomes, stressing the opportunities that new schools with rigorous academic programs could provide to poor and minority students, especially in the state's urban centers.

Potential charter founders were excited. In the first application year (1994), EOE received 48 applications to open charter schools.<sup>20</sup> The first round of applications represented a diverse range of ideas about pedagogical and curricular approaches. They also taught EOE staff about how to design a sound application process. It was clear from some of the applications that "applicants hadn't really considered some of the realities of running a school." EOE would "have to figure out what it wanted to see from applicants and in what kind of detail."<sup>21</sup>

The charter school cap would also play a large part in shaping the Massachusetts application and authorization process. In the first year after the MERA was passed, EOE approved 15 charter

school applications, leaving room for only 10 more charters to open in subsequent years, unless some of the inaugural cohort failed to survive.<sup>22</sup> Thus it was soon after the advent of charter schooling in Massachusetts that EOE began to take a more risk-averse approach to authorizing.

In the mid-1990s EOE began to evaluate applications by asking three specific questions:

- Is this application espousing a philosophy and methodology that can raise student achievement?
- Will the school, as proposed, be financially viable?
- Do the applicants have the experience and skill it takes to run a school?

An approach to authorizing that values these questions, especially the first one, places an emphasis on high-quality educational opportunities and strong student achievement outcomes. Massachusetts's charter schools have been defined by this approach to authorizing from almost the beginning.

In part because of this approach, the Commonwealth's reputation for chartering excellent schools grew, even as authority for authorizing charter schools shifted. The Weld administration eliminated the EOE in an attempt to streamline government. In doing so, it also moved authority for charter school authorizing to the Board of Education (BOE). The charter school office, which would make important authorizing recommendations to the BOE, moved into what is now called the Department of Elementary and Secondary Education (DESE).<sup>23</sup>

Weld's move garnered criticism from charter advocates wary of overregulation. Whereas EOE operated independently of the larger state education bureaucracy, moving authorizing authority to the BOE, which would ultimately take most recommendations from DESE, meant the charter school office would be a part of the very bureaucracy it was created to circumvent. According to Ed Kirby, a member of the EOE's original charter school team, once authorizing responsibility fell to BOE and DESE, regulatory burden and the piling on of unnecessary bureaucratic processes began to undermine the original chartering ethos of the EOE,

which greatly valued school autonomy.<sup>24</sup>

But the move was not immediately felt, and most charter advocates were more worried about the MERA's charter school cap than about a more regulated approach to authorizing. Lobbying to raise the charter cap of 25 had begun as soon as the first round of authorizing was completed in 1995. The lobby was spurred in part by the creation of a waiting list of approved charter schools — schools that the charter office deemed worthy of approval but that it wouldn't approve until there was more room under the cap.<sup>25</sup>

And there were other reasons to raise the cap. Massachusetts's first charters were getting noticed, even in international publications like *The Economist*, which lauded them for providing alternative schooling options to those who could benefit most from them.<sup>26</sup> More importantly, citizens were taking notice. By 1997, there were already 5,000 students on charter school waiting lists, vying for spots in 24 existing schools.<sup>27</sup>

This community demand for charters, especially in places like Boston, was hard to ignore. Parents felt that many charters were offering real alternatives for students. According to Karin Wall, a Boston charter school parent from 1998 on, “In the early days, those of us who took advantage of charters knew that they were offering something different: they were small, the academic programming was more rigorous, and they were safe places where motivated students could learn. In addition, as a parent, the schools felt small enough to wrap your arms around and get involved alongside other parents who wanted to contribute to the place where their children were spending six to eight hours a day. We felt we had a voice.”<sup>28</sup>

But parents and community advocates who wanted more charter options were up against a very powerful anti-charter lobby, including the Massachusetts Teachers Association, superintendents, and local school committees. Charter advocates knew they would need to organize to dispel the arguments — some would say myths — that the anti-charter lobby was advancing. A group called Citizens United to Raise the Cap, led in part by

Lawrence and Nancy Coolidge of the Mifflin Foundation, raised money to launch a public awareness campaign in support of the cap lift.

Citizens United to Raise the Cap had an uphill battle. Even in the early days of MCAS, many charter schools were showing surprisingly strong academic results, but charter detractors questioned the validity of those results by suggesting (as they do today) that charters were “creaming” the best students. They also sought to convince the public that charter schools harm districts by taking away funding and resources.

At the time, there were little empirical data available to confirm or deny these arguments. Today those data exist, and they refute both claims (see chapters 2 and 5). Regardless of the reality, the anti-charter lobby was successfully advancing powerfully negative notions about charter schools to the voting public.

When the Legislature did raise the statewide cap in 1997 (from 25 to 50 charter schools) it did so with conditions attached, in part to appease the anti-charter lobby. The first condition was a significant change in the school funding formula. The Legislature established the state reimbursement program for districts that exists today, though some aspects of it have been altered.

In 1997, that meant that when a student opted to attend a charter instead of a district school, the state would first deduct the per-pupil tuition the district would have received for that student and send it to the charter school. Once all charter school tuition deductions were made, the state would then consider any change in the amount of charter school tuition that the district would have to pay from one year to the next, and reimburse the district for any increase in that tuition.

In other words, if a district lost more pupils (and more tuition) to charters in 1998 than in 1997, the state would reimburse the district for 100 percent of that tuition increase. The reimbursements would continue for an additional two years, first at 60 percent of the tuition increase and then at 40 percent. The idea was that, year over year, districts would feel less financial strain

when students left the system and would be able, over the course of several years, to adjust to smaller operating budgets and fewer students.

The second condition of the 1997 cap raise was that 13 of the additional 25 charter schools that would be allowed under the cap would be a new kind of charter school — Horace Mann (also known as “in-district”) charter schools. Charter advocates viewed the addition of these types of schools as a concession because Horace Mann schools require the approval of a local school committee and teachers’ union. While the schools would have more autonomy than other district schools (such as freedom to extend the school day and even some flexibility around hiring and dismissing teachers), they were still subject to many constraints, such as the constraint that all teachers remain members of the local collective bargaining body (union).

The final condition of the 1997 cap raise was another kind of charter school cap. The legislature increased the number of charter schools that could exist statewide but it also limited the amount of money that individual districts can spend on charter school tuition. In 1997, this district cap limited charter school tuition payments to no more than nine percent of net school spending.\*

Another modest cap raise occurred in 2000. Then-commissioner David Driscoll supported the increase, citing not only the excellent outcomes charters were achieving but also the great demand for them in many communities. Charters were also showing district schools what was possible. Noted Driscoll, “they have strong curricula, longer days, long waiting lists, and great parental involvement. They’re working.”<sup>29</sup>

One reason the charter movement was flourishing, despite the cap, was the Commonwealth’s approach to charter school closures. From the beginning, EOE and then BOE and (now) BESE<sup>30</sup> have never hesitated to close charter schools when they fail to perform. Once established, charter schools have to continually prove themselves through a charter renewal process that takes place every five years.<sup>31</sup>

\* MERA, Chapter 70, Section 8.

## **The Purposes of Charter Schooling**

- ① Stimulate the development of innovative programs within public education;
- ② Provide opportunities for innovative learning and assessments;
- ③ Provide parents and students with greater options in choosing schools within and outside their school districts;
- ④ Provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management;
- ⑤ Encourage performance-based educational programs; and
- ⑥ Hold teachers and school administrators accountable for students' educational outcomes.<sup>32</sup>

Since the first charter schools were approved in 1995, the state has revoked five charters and failed to renew two. In the vast majority of cases, charters were revoked or not renewed because of financial mismanagement or because the schools have failed to perform academically, as measured by MCAS results.<sup>33</sup>

Despite the clear success of so many charter schools, it would be a decade before the movement saw another opportunity to expand. Opposition to charters, led by state and local teachers' unions, remained so strong that in 2004 the Legislature passed a moratorium on charter schools as part of the state budget. Though the moratorium was vetoed by then-governor Mitt Romney, it was clear that the political climate for expansion was difficult.

## Shifting the Sector in 2010

The charter movement was largely stagnant until 2010, despite evidence that many Massachusetts charters, particularly in Boston, were among the best schools—charter, district, or private—in the country. With years of MCAS testing data and, thanks to *No Child Left Behind*,<sup>34</sup> similar (though not comparable) test score data from other states, researchers were beginning to understand which schools were closing achievement gaps. For the first time in U.S. history, parents were empowered to understand, because of test score data, how much value, if any, their local school was adding to the average child’s education.

In 2009, the Obama administration leveraged these data about high-performing charter sectors in Massachusetts and elsewhere to incent states to create more charter schools. In its RttT initiative, the administration awarded competitive grants to states that demonstrated certain commitments to school reform, among them charter school expansion.

In Massachusetts, the Patrick administration—which had formerly been lukewarm toward charter schools—led the charge to raise the charter cap. The administration’s proposal, which was developed with some cooperation from organizations traditionally opposed to charters, such as the MTA, proposed to lift the cap in communities that most needed and wanted charters: urban centers such as Boston.

The 2010 legislation that was written in response to RttT, known as the *Achievement Gap Act*, instituted a “smart cap.” It lifted the cap on the amount of money individual districts can pay to charter school tuition, rather than the overall cap that limits the number of schools that can exist statewide.

In 1997, the amount of total school tuition that districts could pay to charters for taking on district students was limited to 9 percent of net school spending. The *Achievement Gap Act* raised tuition payments to 18 percent of net school spending in the lowest performing 10 percent of school districts in the Commonwealth. Additionally, the legislation required that BESE



give priority status to “proven providers” who submit charter applications for schools that open under the smart cap. Proven providers are applicants with “a record of operating at least one school or similar program that demonstrates academic success and organizational viability...”<sup>35</sup>

The concentrated cap lift and proven provider clause included in the 2010 legislation have fundamentally changed the arc of the charter movement in Massachusetts. Although charter expansion had stalled by 2010, the momentum that the cap lift spurred was uneven because the smart cap dictated that many of the new charter seats would be replications of proven programs rather than new, innovative offerings.

Moreover, the smart cap framed charter schools as a tool for turning around struggling and failing districts, especially in urban centers. While it is true that demand for charter schools has historically been concentrated there, the explicit, statutory language that called upon charter schools to close achievement gaps in low-performing school communities further circumscribed the role of these schools in perception and practice. Charter schools were now a “brand,” meant to serve certain types of students (low-income students of color) in certain communities (urban centers) using certain methods (a no excuses pedagogical approach). Not only would suburban and rural residents have little impetus to think of charter schooling as an option under this legislation, would-be charter operators had no incentive to move outside of urban centers or to propose anything other than the “tried and true.”

The reputation of charter schools as both “for” a certain type of student and “serving” a specific purpose became very clear in November 2016, when Massachusetts voters went to the ballot box to decide whether to again raise the cap on charter schools in low-performing districts. Amid largely unsubstantiated claims by the Massachusetts Teachers Association that charters drain money from districts, charter proponents told suburban voters “if you like your public school, Question 2 won’t affect you.”<sup>36</sup>

Charter supporters understood that suburban voters could

determine the fate of Question 2 for those most likely to use charter schools (urban parents), so they pushed the idea that charter schools exist mainly to fill a void where only low-performing schools exist.<sup>37</sup> But what charter supporters failed to realize was that urban parents, too, were becoming dissatisfied with the charter options available to them. As one parent says:

*As charter schools became a “movement” the schools failed to realize that kids have diverse needs and desires. Many schools developed a brand; short on relationships, high on discipline. Other parents I spoke to during the ballot initiative mentioned feeling like they and their children were being “managed” instead of engaged. The laser focus on high academics and college admissions seemed to lose sight of the need for other outlets that motivate struggling students to try harder, such as the arts or sports and music, where kids may find a measure of success. Additionally, living, learning and teaching in the urban environment brings with it other challenges, sometimes social/emotional, sometimes financial, etc. Failure to recognize these challenges and the impact they can have on learning doesn’t make them go away.<sup>38</sup>*

In other words, some would-be consumers of charters seemed to feel that charters were becoming more and more like districts. Across the Commonwealth, the answer to Question 2 was a resounding “no.” One of the most controversial and most expensive ballot initiatives in Massachusetts history, Question 2 is reflective of the confounding history of charter schooling in the Commonwealth.

In 2017, Massachusetts charter schools were the highest performing in the nation. At the same time, the growth of the charter sector in Massachusetts is among the slowest. The success of the Commonwealth’s charter schools is attributable to thoughtful and, in many ways, conservative legislation and to a likewise thoughtful and conservative approach to authorizing charter schools. However, this risk-averse conservatism has

defined the charter movement in a way that might cause its demise. If charter schools, which were meant to be “laboratories of innovation,” are circumscribed to one type and even one geographic area, it is unlikely that they will flourish either in number or in quality as they once did.

This history and the tension around and within the Massachusetts charter sector make it worthy of deep study. Massachusetts is a model for other states when it comes to charter authorizing and operation, and the following chapters will outline much of what the nation can learn from the Commonwealth. But the slow demise of the sector should also serve as a warning for states interested in expanding high-quality school options for parents. In a time when those options feel more and more necessary, Massachusetts charter opponents have convinced most of the voting public that charters should not be a major vehicle for school choice and educational excellence going forward.

"In the decades since *Brown v. Board of Education of Topeka, Kansas*, the nation seems to be searching for a magic formula to close achievement gaps. But educational change isn't about magic; it's about finding the political will to serve all children. In America there is no 'us' and 'them,' there is only us. In the 1990s, Massachusetts summoned the courage to establish an excellent public charter school sector; it has closed achievement gaps more effectively than any other reform of the past 30 years. This book from Pioneer Institute provides valuable lessons for anyone hoping to leverage public charter schools to deliver on the promise of equal opportunity in American education."

– Cheryl Brown Henderson, daughter of the Rev. Oliver L. Brown, lead plaintiff in the landmark 1954 U.S. Supreme Court case, *Brown v. Board of Education of Topeka, Kansas*

"Pioneer Institute's reports on education policy in Massachusetts provide the facts and context essential to understanding how education reform works and what (too often) stands in the way of its success. Dr. Candal's latest book for Pioneer details how Massachusetts developed what is probably the best panoply of charter schools in the country, and why that achievement is threatened by the forces of the status quo. Like Horace Mann's Annual Reports in the 1840s, it is illuminating reading for reformers in other states and even in other countries."

– Charles L. Glenn, Professor *Emeritus* of Educational Administration and Policy, Boston University and former Executive Director, Office of Educational Equity, Massachusetts Department of Education

"Great charter schools give families real choices and give school leaders and teachers the power to do what they do best—educate children to the highest standards. Massachusetts has great charter schools and this book tells us why. It is a valuable tool for policymakers and charter school leaders nationwide."

– Nina Rees, President and Chief Executive Officer, the National Alliance for Public Charter Schools

"Massachusetts's charter schools consistently rank among the best in the nation, but the Commonwealth continues to impose senseless caps that foreclose opportunity for too many students. This book provides a detailed history of how Massachusetts's charter schools came to be so good and an honest take on the politics that prevent the movement from growing."

– Jeanne Allen, President and Chief Executive Officer, Center for Education Reform



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