

Putting Children First

The History of Charter Public Schools in Massachusetts

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by Cara Stillings Candal, Ed.D



PIONEER INSTITUTE
PUBLIC POLICY RESEARCH

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Introduction

For over a decade, Massachusetts has been viewed as a national model for K-12 education reform. One of the first states to significantly revamp an inequitable state formula for school funding that relied too heavily on the local property tax, Massachusetts has also implemented a strong system of academic standards and accountability for student outcomes, one that federal legislators looked to when crafting the *No Child Left Behind Act*. Because of their wide influence and overwhelming success, these reforms sometimes overshadow another important facet of education policy in Massachusetts that also came into being with the Education Reform Act of 1993—charter public schools. Home to a great number of very successful charter public schools, Massachusetts has been cited as a nationwide leader when it comes to the academic achievement of its charter schools and sensible charter authorization practices.¹

Indeed, some charter public schools in Massachusetts are so successful that, in recent years, they have led the state in student achievement, as measured by the Massachusetts Comprehensive Assessment System (MCAS).² This trend is of note not only because charter schools are a comparatively new phenomenon, but also because many high performing charters serve populations of students that face significant disadvantages of racial and social class background. Even considering this kind of success, however, charter schooling is still a widely misunderstood movement in Massachusetts, and the existence of charter schools remains a political flashpoint for many in the education establishment.

What are charter public schools, how did they come to exist in Massachusetts, and what do we know about their impact on students and on the wider educational system? These questions are answered often—and often differently—in the popular press and by supporters and opponents of the charter school movement. But honest answers

to these questions do exist; answers based on years of longitudinal data collected at the state, district, and school levels.

The story of charter schooling in Massachusetts is, by and large, the story of an idea that took hold at the local level and was quickly adopted by legislators who saw charter schools as one key to addressing devastating problems with the state’s urban school districts. It is also the story of diverse groups of constituents—politicians, businesspeople, parents, and concerned citizens—coming together to create innovative schooling options for the Massachusetts students that need them most.

As with any important education reform, the story of charter schools is replete with subplots that speak to challenges and setbacks. Over time, charters have met with fierce and often successful opposition from those with an interest in maintaining the status quo in education. From many of these challenges and setbacks have come valuable lessons learned about charter schools and the dynamics of education reform in general.

A. What Are Charter Schools?

Although they vary greatly from state to state in both number and form, “over 4,600 charter schools, serving more than 1.5 million children,” currently exist in the United States.³ Educator Ray Budde and former head of the American Federation of Teachers (AFT), Albert Shanker, are credited with developing the charter school idea in the late 1980s, when they first proposed creating “a district policy mechanism that would enable any school or group of teachers...to develop a proposal for how they could better educate youngsters...and give them a ‘charter’ to do so.” According to Budde and Shanker, such charters would exempt schools from district regulation, allowing leaders to implement their vision for better educating youngsters. In exchange for such exemptions, charter schools would be subject to periodic district evaluations, and evaluators would have the power to “extend” or “revoke” a charter based on evaluation results.⁴

The innovation for which this concept could allow was exciting to educators and policy makers who were disillusioned with decades of failed education reforms in some of the nation's most troubled school districts. By the early 1990s, the idea of "chartering" schools was catching on nationwide.

Minnesota is credited with passing the first charter school law in 1991, and Massachusetts was one of the first states to follow Minnesota's lead, passing its charter school law as part of the landmark Massachusetts Education Reform Act of 1993 (MERA).⁵ The charter schools that exist in most places today closely resemble Budde's and Shanker's vision, with the exception that many charters schools (such as some in Massachusetts) are not beholden to school districts at all; instead they establish their charter with and are subject to review by other entities, such as a state board of education or a university. Despite important differences from state to state, charter schools across the nation can be described as public schools that enjoy greater autonomy than their traditional public (or district) school counterparts while also being held more accountable for student performance and other pre-determined outcomes.

In Massachusetts and in most other states with charter school laws, any group or individual can apply to establish and run a charter school. If approved by the body or bodies recognized as legally competent to authorize charter schools—in Massachusetts, the single authorizer is the Board of Elementary and Secondary Education (BESE) — a charter school may be established based upon a contract, or charter, which outlines its performance goals and the standards to which it will be held.⁶

Once approved, charter schools may begin to admit students, and, as public schools, they are obliged to take all students who apply. In the likely event that a charter school has more applicants than it does seats, the school holds a lottery, thus admitting a random selection of

applicants. It is through the lottery process that charters guarantee a fair admissions system, one that in no way selects high performing or other "desirable" students.⁷

Of course, many charter schools in Massachusetts make it their mission to serve certain populations of students. Indeed, a great many charters aim to serve disadvantaged students who have not historically performed well in the traditional public system. Although charter school leaders cannot aim to fulfill such missions through selective admissions processes, they can market to certain populations of students and help to attract certain populations of students based upon where they choose to locate a school.

Once the start-up process is complete and a school is operating, charter public schools in Massachusetts are subject to a review, performed by the authorizer, which takes place every five years. In addition to ensuring that charters meet the standards to which any other public school in the state is held, including student achievement standards set by the state and federal governments, the state is obliged in its five-year review process to ensure that charter schools are meeting all other terms of their contract with the state, including fulfilling the mission outlined in the establishing charter. If a charter school does not pass the authorizer's review, it may have the charter revoked by the BESE and be shut down.⁸

In exchange for submitting to this accountability and oversight, *most* charter schools in Massachusetts enjoy some basic freedoms, listed in Table, 1 below. It is important to note that the state Board of Elementary and Secondary Education in Massachusetts authorizes two different types of charter schools, known as Commonwealth and Horace Mann charters. Commonwealth charters, which came into existence with the Massachusetts Education Reform Act of 1993, enjoy all of the freedoms listed below. Horace Mann charter schools, which were first established in 1997, must have their applications approved "by the

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local school committee and the local teachers' union, in addition to the Board of Elementary and Secondary Education.” Further, unlike Commonwealth charters, employees of Horace Mann Charter Schools “remain members of the local collective bargaining unit; continue to accrue seniority; and receive, at minimum, the salary and benefits established by the local collective bargaining agreement.”⁹

Table 1. The Basic Freedoms That Charter Schools Enjoy

• The freedom to organize around a core, mission, curriculum, theme, or teaching method
• The freedom to operate as a single school district and outside of teachers' union contracts and work-rules
• The freedom to hire and fire teachers and other staff
• The freedom to determine school budgets
• The freedom to extend the school day and year

Source: Massachusetts Department of Elementary and Secondary Education, Massachusetts Charter Schools Fact Sheet

When originally conceived in Massachusetts, it was believed that all of the freedoms and autonomies outlined in Table 1, coupled with greater degree of accountability to which charters are subject, would allow charter schools to innovate in ways that their traditional district school counterparts could not—and charter schools were designed to be innovative laboratories in which to inform and drive best practices in district schools. In many, though not all, cases this has proved true. Some proponents also hoped that charter schools in Massachusetts would serve populations of students that have historically struggled to succeed in the traditional public system, such as African American, Hispanic, low-income students, and those with limited English proficiency (LEP) and other special educational needs (SPED).

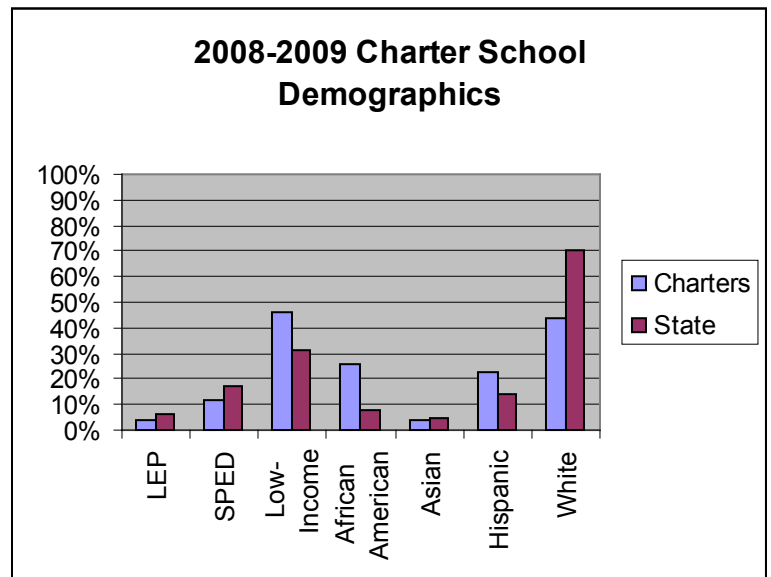
To date, those reformers who originally saw charters as a hopeful alternative for disenfranchised populations have been pleased to see that they disproportionately attract students who are minority and low-income. At present,

the 62 operating charter schools in Massachusetts enroll a total of 26,384 students, 49 percent of whom are African American and Hispanic and 46 percent of whom are low-income.¹⁰

Though important to understand, these basic demographic facts about Massachusetts charter schools do not tell the entire story. Charter schools currently serve about 2.6 percent of the total student population of Massachusetts, but they could serve a considerably greater number of pupils and families.

As of September 2009, 24,066 students were on charter school waitlists.¹¹ This number approaches that of the current total charter school enrollment. Students and families come to be on charter school wait lists when the number of students applying to a given charter school exceeds the number of available seats in that school. In the case of oversubscription, charter schools admit students who win a charter school “lottery”, a method for ensuring that students admitted to charter schools are randomly selected, instead of chosen because they have preferred background or other characteristics.¹²

Chart 1



LEP= Limited English Proficient

SPED= Special Education

Source: Massachusetts Department of Elementary and Secondary Education, Massachusetts Charter Schools Fact Sheet

Table 2. Charter School Operating Status and Student Enrollment

Operating Status	
Operating Commonwealth Charter Schools in 2009-2010	55
Operating Horace Mann Charter Schools in 2009-2010	7
Charters approved but not yet open	1
Student Enrollment	
Maximum enrollment allowed by currently authorized charters	30,765
# of students attending charter schools in 2008-09 on Oct. 1, 2008	26,384
# of students on charter school waiting lists for 2009-10 as of March 2009	24,066
% of 2008-09 PK-12 public school population enrolled in charter schools	2.6%

Source: Massachusetts Department of Elementary and Secondary Education, Massachusetts Charter Schools Fact Sheet

The current number of students on charter school waiting lists in Massachusetts is extremely high because the state Legislature caps the number of charter schools that can operate in the state (see Table 2); state law also caps the number of charters that can operate in individual districts by limiting the amount that a given district can spend on charter school tuition to 9 percent of the district’s annual net school spending.¹³

The cap was originally negotiated when the first charter school law was passed in 1993, and although it has twice been raised in response to increased public demand for charter schools, the cap remains a controversial issue. Generally supported and perpetuated by those who oppose the existence or expansion of charter schools, the cap is also a flashpoint for charter school proponents who would like to see it raised or abolished altogether.

In 2009, the existence of the charter school cap is perhaps more controversial than ever before. This is in large part because the national dialogue surrounding charter schools, especially as a tool for providing better educational opportunities for minority and low-income students, has taken an unprecedented turn. With great support from President Barack Obama, United States Secretary of Education Arne Duncan is offering financial incentives to states that expand charter school options by raising caps and by using charter

schooling as one model to turn failing district schools around.¹⁴

The federal Race to the Top fund will distribute \$4.35 billion dollars to states in the form of competitive grants. Receipt of these grants is contingent upon states embracing certain reforms that, in the words of Secretary Duncan, understand that “maintaining the status quo in our country is unacceptable,” in the eyes of the Obama administration, the expansion

of successful charter schools is one important way to challenge the status quo.¹⁵

In response, Massachusetts Governor Deval Patrick, “who once resisted calls to lift the state’s limits on charter schools,” has proposed legislation that would “create an estimated 27,000 new charter school seats in about 30 districts across the state.”¹⁶ The bill creates these new seats by increasing “the current statutory limitation on district spending on charter schools from 9 to 18 percent” for the “lowest-scoring 10 percent of school districts, as measured by the Massachusetts Comprehensive Assessment System (MCAS) exams.”¹⁷ These new seats may only come through the expansion or replication of existing school operators who have a track record of success with high-need populations.

New legislation at both the state and federal levels has the potential to reinvigorate what seems to be the stalled debate about the role and impact of charter schools in the state of Massachusetts. In the 16 years that charter schools have existed in the state, the dialogue surrounding them has shifted very little; it is a dialogue in which supporters focus on the positive impact of the education reform on the state’s most disadvantaged students, while detractors claim that charter schools harm the traditional public system.

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By focusing first on how charter schools in Massachusetts came to be and outlining the evolution of charter schooling as a movement, this policy brief aims to move the debate forward and to separate fact from fiction when it comes to charter schools. Moreover, drawing from the best and most recent data available, this brief aims to provide the reader with a comprehensive picture of the impact of charter schools, both on student outcomes and on the traditional public system. It is only by focusing on the reality of charter schooling, as opposed to the rhetoric, that both detractors and supporters can ensure that present and future charter schools remain viable, even exceptional, educational alternatives for those who matter most: Massachusetts students.

I. The Birth of Charter Schools in Massachusetts

In 1991, when Minnesota passed the first charter school law in the nation, charters were only a seed of an idea in Massachusetts. Some in the education community had taken notice of Minnesota's move to create more autonomous and innovative schools, but state legislators, concerned with mending an overall system of education that was failing an increasing number of students, were looking for answers to problems that were specific to Massachusetts.¹⁸

Economic times were tough in the early 1990s. Local communities were feeling the strain on school budgets, and local school committees, with the support of parents and grass roots organizations, were accusing the state of a failure to live up to its constitutional duty to provide an adequate education for every Massachusetts child. These assertions culminated in a lawsuit that reached the Massachusetts Supreme Judicial Court (SJC) in 1990. In that case, *McDuffy v. Secretary of the Executive Office of Education*, the Court found the state's system of school finance—one that depended in large part on

funds raised by the property tax at the local level—unconstitutional. It called upon the state “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 or district in which such children live.”¹⁹ The Court also went on to outline “seven capabilities” that an educated child should have.²⁰

The Court's 1993 decision in *McDuffy* addressed many of the same concerns that Massachusetts legislators had been voicing for some time. Since 1991, the Legislature had been engaged in vigorous debate about the content of what was to be called the Massachusetts Education Reform Act (MERA).²¹ Co-authored by Governor William Weld, Senator Thomas Birmingham, and Representative Mark Roosevelt, the Governor signed the MERA into law three days after the *McDuffy* decision was handed down.²² The MERA addressed the Court's substantive concerns by providing for a new system of school finance that established a highly progressive state funding formula, as well as a foundation budget, which mandates the local contribution that all school districts need to make and establishes a minimum level of local funding necessary for school districts to operate effectively. Importantly, in cases where local communities cannot raise the pre-determined amount of necessary minimum funding, the MERA obliges the state to make up the difference.

In an attempt to address the Court's concerns about the “seven capabilities” that an educated child should have, the MERA also created the Massachusetts Comprehensive Assessment System, which mandated academic curriculum frameworks for use in classrooms across the state, assessments at designated grades through grade eight, and an exit examination to be administered at the high school level. Also included in the MERA was a provision to establish 25 charter schools across the state.

Though perhaps not the most contentious item included in the MERA, ensuring the inclusion of charter schools in the new law was by no means an easy feat. Indeed, it was a process that required bipartisan cooperation and an educational campaign to inform legislators and others of the potential benefits of charters.

In 1991, most people in Massachusetts knew little to nothing about the charter school concept. Ideas that can be considered pre-cursors to charter schools did exist in Massachusetts, but many of those ideas hadn't received the political and other support necessary to ensure that they would come to fruition or flourish—this is in part because of a political climate was not always favorable towards initiatives that included school choice.²³

In 1987, for example, the Legislature approved the establishment of Carnegie Schools, schools that allow for heavy teacher involvement in school decision-making and in which management is largely devolved to site-based school councils. Seen as a pre-cursor to today's Horace Mann charter schools, in Carnegie schools, teachers and other staff could also receive a "waiver" that exempted them from following certain regulations (those imposed by the district's central office) that might inhibit the implementation of "the provisions of the Carnegie School plan."²⁴

Carnegie schools, though legal in Massachusetts, were limited in their ability to effect change in the wider system—they did not allow for the choice that charter schools would eventually provide students and families, nor did they provide the complete freedom from school district politics that Commonwealth charter schools would eventually have. This is in part because skepticism of school choice and similar reforms was abundant in the 1980s and 90s.

That skepticism is evident in a 1991 report authored by current Secretary of Education and former head of the Massachusetts Business

Alliance for Education (MBAE), S. Paul Reville. Although the report is often cited as a source for the ideas included in the MERA, especially those that pertain to standards and assessments, it is clear that the MBAE embraced a different notion of assessment-based reform than that which would eventually be included in the law.²⁵ Moreover, there is no mention of charter schools or the charter concept in the report at all. This is likely because an endorsement of the charter concept would have been at odds with much of the other content included in "Every Child a Winner!".

According to the report, school choice, especially of the "unregulated" or "market-driven" variety, ran the risk of "exacerbate[ing] resource inequalities between rich/high spending school districts and poor/low spending school districts." Additionally, the report's author noted the competition "engendered" by choice would not "create strong enough continuous incentives for school improvement."²⁶ These sentiments make clear that the concept of charter schools or a similar reform was not something that the MBAE was willing to recommend or support in 1991. The Commonwealth charter schools authorized by the MERA would come to flourish in large part because they do provide parents with school choice, and because they create an educational market that provides incentives for all schools, charters and non-charters alike, to continually improve.

Despite the anti-choice sentiments expressed by the MBAE in its 1991 recommendations, a small group of concerned Massachusetts legislators and activists had taken notice of the charter school concept in as it unfolded in Minnesota. In 1991, they, unlike the MBAE, concluded that school choice, especially the kind of choice provided by charters, held great promise for schools and for students. Among the most prominent state leaders to first voice support for the idea of charter

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schools in Massachusetts were Representative Mark Roosevelt, the Democratic House chair of the Joint Committee on Education, and the state's then-governor, Republican William Weld. Senate President William Bulger and Senator Thomas Birmingham also expressed their support for the idea of charter schools early on; along with their colleagues in the House and governor's office, these men were largely interested in the idea of charter schools because of the promise that they held as an alternative schooling option for disadvantaged students.²⁷

These somewhat unlikely and sometimes reluctant collaborators came together to build a base of support for charter schools in Massachusetts. That base of support was soon widened in 1992, when the publication of a book by Steven F. Wilson, then Co-Executive Director of the Pioneer Institute for Public Policy, brought the charter school concept to wider academic and public attention. Entitled *Reinventing the Schools: A Radical Plan for Boston*, the book outlined the basis for the charter concept; "an idea for turning existing schools into entrepreneurial schools that would have increased autonomy in exchange for proof of better results."²⁸ Bolstered from support by like-minded reformers in the Legislature and governor's office, the book and its ideas, especially surrounding the purpose and powers of charter schools, would eventually inform the 1993 MERA legislation. In 1992, however, its more immediate impact was to garner the attention of key players in the business and policy communities, including former President of State Street Bank and Pioneer board member, William Edgerly.

Upon reading Wilson's work, Edgerly in particular came to see the charter concept as one important mechanism for school choice—a way to enable families in failing schools and districts to access a high quality education. In this regard, his thinking was already aligned with that of politicians who

were working to advance the charter school concept on Beacon Hill. Charters, these reform-minded community leaders believed, could be an important complement to the wider effort at education reform already underway in the state. According to charter advocates such as Wilson and Edgerly, there was an understanding among early supporters of the movement that academic standards and accountability for outcomes were important; however, there was also a feeling that standards and accountability did not go far enough in addressing the social injustice perpetuated by assigning students to schools based solely on where they lived.

The wider business community likewise came to see charters as a way out for students, many of whom appeared to be trapped, especially in Boston's underperforming schools. Indeed, while former State Street Bank President William Edgerly considered the school finance reform and assessment components of the MERA, to be "key," he also feared that they would result in "no real change" in a system that systematically deprived low-income students of access to the best schools and teachers.²⁹

Edgerly had observed this student deprivation first hand. For 20 years he had been working closely with the Boston Public Schools (BPS) on a program known as the Boston Compact, which would guarantee jobs to BPS graduates so long as the school district met incremental improvement benchmarks. By the early 1990s, it had become clear to Edgerly and many of his counterparts in the business community that working within the system was no way to effect real change—they had not seen the steady, incremental BPS improvement for which they had once hoped. One *Boston Globe* article at the time summed up Edgerly's disappointment with the Boston Compact, noting: "business lived up to its end of the bargain, the schools could not."³⁰ Charter schools represented a way for business and

community leaders to “impact the system from the outside in.”³¹

It was in early 1993 that the business community—led in large part by Edgerly, who had formed a group of 130 business men and women called CEOs for Fundamental Change in Education—descended upon the Legislature to lobby on behalf of the charter school idea. Almost immediately, they “found an ally in Senate President Bulger.” Bulger had long been concerned about the educational opportunities available to students in his home community of South Boston and had, by 1993, already been working to popularize the charter school idea in the Senate for nearly a year.³²

With new support from the business community, Bulger, along with his Senate colleague Thomas Birmingham—a man who many would come to call “the hero of education reform”—continued to advocate for the charter idea in the Senate. But finding support among legislative colleagues was no easy task, especially since many in the House and Senate relied upon endorsements from the powerful Massachusetts Teachers Association (MTA), the state’s largest teacher labor union lobby group, which has, from the start, “staunchly opposed” the charter school idea.³³

While Senators Bulger and Birmingham would eventually persuade a majority of their Senate colleagues that charter schools could be one important piece of the larger education reform effort, winning the support of House members was, perhaps, an even more challenging endeavor—one that was largely left to House Education Chair Roosevelt, one of the state’s earliest charter supporters. As the MERA was being crafted in the early 1990s, Roosevelt had agreed to work with Senators Bulger and Birmingham to ensure that the eventual legislation included charter schools, but the idea of charter schools was not immediately welcomed by many in the House, including the leadership.³⁴

Then-Speaker of the House Charles Flaherty advised Roosevelt that any legislation that included charter schools would also have to include a conservative cap on the number of charters that would be allowed. Without this cap, it became clear, the legislation that included charter schools would be very unlikely to pass in the House. Thus, to mollify his colleagues, Roosevelt pushed for a limit of 25 charter schools to be included in the MERA. Although not a popular idea with either Governor Weld or Senate leaders, even these ardent charter supporters came to see the cap as a necessary trade-off if charter schools were to be established in Massachusetts at all.³⁵

Such negotiations played a key role in crafting the charter school legislation that would eventually pass as part of the MERA, but many of the ideas that would ultimately shape charter schooling in Massachusetts were not born of a process driven by political compromise. In fact, as early as 1992, the Weld-Cellucci administration had proposed legislation that included charter school reforms. Importantly, that bill outlined an idea for how charter schools in Massachusetts would be authorized. The authorizing mechanism, devised by future Secretary of Education and then-Weld advisor Michael Sentance, set Massachusetts apart from other states across the country that were crafting their own charter school legislation.³⁶

Unlike the charter provisions being written in many other states and the district-based authorizing ideas that Roosevelt and Bulger were considering in the House and Senate, under Sentance’s plan, charter schools in Massachusetts would fall under the purview of only one authorizer, the Executive Office of Education (EOE), an agency that had been formed in 1991 under the Weld administration and operated independently of other education bureaucracies in the state, such as the then-Massachusetts Department of Education (DOE).³⁷

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Sentance and his team, which included then-Secretary of Education Piedad Robertson, were able to convince legislators of a single authorizer mechanism. Allowing school districts to authorize charter schools, as was the model in Minnesota, they argued, would not guarantee charters the true autonomy they would require to operate effectively. Indeed, the single authorizer model, which stands in contrast to those in most other states that allow multiple entities, such as school districts and universities, to authorize charter schools, has been widely touted as contributing to the high quality of charter schools in the state.³⁸

With an understanding of the purpose of charter schools and an authorizing scheme in place, the MERA was close to final form at the beginning of 1993. However, supporters and opponents of charter schools remained locked in opposition to the very end. One anecdote, in particular, illustrates this.

The MERA passed the House in early 1993 with, at the insistence of Speaker Flaherty, a provision that capped the number of charter schools that could exist at 25. When that bill reached the Senate after almost a week of House debate, Senator Robert Havern of Arlington, a supporter of the charter school cap, submitted an amendment that would ensure that the Senate version of the bill recede to that of the House. Havern who, along with many legislators, relied upon the electoral support of the politically powerful Massachusetts Teachers Association (MTA), was seeking a way to push the House's charter cap through the Senate, despite the fact that Senate President Bulger and Senate Ways and Means Committee Chair Thomas Birmingham did not support it.³⁹

Senate President Bulger attempted to quell Havern's amendment by calling for a voice vote on the bill, and Havern countered by asking that the voice vote be recorded. Havern knew that recording the vote would discourage Senators who might have given verbal but not "on record"

support to a version of the bill that did not include the charter school cap. This is because many legislators—especially during campaign season—prided themselves on having a voting record 100 percent in line with the MTA's agenda. Havern forced the count, but Senate President Bulger was ultimately able to convince enough of his colleagues to vote down the proposed amendment. Turning to Havern once the vote had been taken, Bulger reportedly told him, "you are nothing but a wholly owned subsidiary of the MTA."⁴⁰

When ultimately adopted in 1993, the MERA did include a charter school provision, and the bill that was ultimately signed into law did include a charter school cap of 25, over the objections of the Senate. Charter schools received limited press attention compared to the law's provisions for standards and assessment, but they had remained a sticking point among legislators until the very end, with Weld, Bulger, and Birmingham insisting on a charter school provision over Speaker Flaherty's strong objections.⁴¹ Only because of the high financial stakes involved and the adoption of the restrictive cap upon which he insisted, did Flaherty ultimately relent. The result was a reform that would set precedent not only in the state, but nationally.

Among the distinctive features of the Education Reform Act's charter school provision was the funding formula that the state provided for charter schools. Whereas in many states, charter schools are funded at about two thirds the rate as their traditional public counterparts, Massachusetts charters have always been funded in a manner that approximates the per pupil cost of education.⁴² According to Massachusetts General Laws, Chapter 70, Section 89:

The commonwealth shall pay a tuition amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter

school. Tuition amounts for each sending district shall be calculated by the department of education...to reflect, as much as practicable, the actual per pupil spending amount that would be expended in the district if the students attended the district schools.

Still widely considered to be fair, some changes have been made to the Massachusetts charter funding law since Education Reform in 1993. Presently, instead of using “an average for all of the pupils in the sending district (excluding out-of-school special education students), the new formula calculates an “actual cost” for each student depending on his/her demographic makeup (i.e. low-income) and grade level.” Moreover, in fiscal year 2005, charter schools “began receiving funding for a portion of their capital [facilities] expenses.”⁴³

It is reasonable to assume that one reason charters are equitably funded in Massachusetts is because they came into being as part of a greater effort to reform school finance in the state. This is not the only important way in which charters are linked to the main components of education reform in Massachusetts. Because charter schools in Massachusetts have, since their inception, had to participate in MCAS, they have always had to prove that they could deliver measurable results. “From the beginning,” notes charter school leader Kevin Andrews, “we knew we had to test well.”⁴⁴ This link to wider efforts at school improvement and others has come to shape not only the character but also the success of many charter schools in Massachusetts.

But that success would not be evident immediately, and the path to existence for charter schools in Massachusetts, though fascinating for the diversity of players involved and the insightful nature of some early policy decisions, only lays the foundation for the rest of the story. Since 1993, charters have been on a trajectory that has built well upon that foundation in the

face of profound opposition and some important setbacks.

A. Charter Schools: The Early Years

In the face of opposition from teachers’ unions—who viewed these new non-union schools as a long-term threat to their membership—and from local school committees and superintendents—who feared the loss of revenue and control they would suffer when students left district schools to attend charters—the relatively new Executive Office of Education (EOE) was faced with a great challenge in soliciting applications for and eventually authorizing the first 25 charter schools in Massachusetts.

There were differing opinions even within the DOE about the authorizing approach that should be taken. While some felt that they should “let 1,000 flowers bloom” by embracing innovation and diversity, others advocated an emphasis on quality by placing a priority on raising student achievement.⁴⁵

In 1994, then-Secretary of Education Piedad Robertson approved an inaugural cohort of 15 charter schools, which were slated to open their doors in September 1995.⁴⁶ According to Mike Sentance, who was assistant secretary of education at the time, the first round of charter school applications included a wide range of the good, the bad, and the ugly. It was clear from some of the applications “that applicants hadn’t really thought through the reality of running a school. This led to fascinating conversations both within the office and with charter applicants.” It also forced the EOE to “figure out internally what it was [they] wanted to see from applicants and in what kind of detail.”⁴⁷

Although the first group of charter schools that were authorized in Massachusetts represented a diversity of pedagogical and curricular approaches that probably hasn’t been seen since,

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the reality of a cap of 25 charter schools eventually helped resolve any philosophical tensions that existed with regard to the preferred approach to authorization. With only a handful of charters left, EOE put a premium on student achievement over innovation. The benefits of taking a more rigorous approach to authorizing became even clearer when the first group of 15 charter schools opened in 1995. Some were immediately beset with financial, educational, and other problems that would eventually lead to their closure.⁴⁸

This philosophy of caution was injected into the authorization process soon after the first group of charter schools opened, and it has changed very little in subsequent years. Notes Jose Alfonso, who joined EOE in 1992, the process, which came to involve rigorous internal and external evaluations, sought answers to three key questions: 1) Is the application espousing a philosophy and methodology that can raise student achievement? 2) Will the school, as proposed, be financially viable? 3) Do the applicants have the experience and skill it takes to run a school?⁴⁹

In addition to closely monitoring applications for these qualities and keeping an eye on the student achievement results that new charter schools were producing (first as measured by norm-referenced assessments such as the Iowa Test of Basic Skills and later by the fully implemented MCAS), the EOE also committed itself early on to close charter schools that were unable to meet performance expectations.⁵⁰

This commitment did not mean, however, that new charter schools and those who founded them were expected to produce stellar results with no support. Although it worked in an oversight capacity, the EOE, in the early days, also viewed itself as a primary advocate for charter schools; if a school were in trouble, the office could be there to offer advice and support, all the while looking to see a response to such support in the form of measurable improvements.⁵¹

In large part, EOE was aided by the work of the Charter School Resource Center (CRSC), a project of Pioneer Institute. Initially funded by a grant from the Smith Richardson Foundation and launched by James Peyser, who would later chair the Massachusetts Board of Education, the CRSC was led by Linda Brown. The CRSC focused on 1) raising public awareness of charter schools and their role in education reform, 2) recruiting and supporting charter school founders, and 3) providing technical assistance to aspiring charter school operators as they “navigated the application process” and worked to “get their schools off the ground.”⁵² Through her work with CRSC, Linda Brown would later be the acknowledged “founding mother” of the charter school movement in Massachusetts.

This assistance from Pioneer and CRSC was incredibly important to charter school leaders and, according to some⁵³ charter supporters in the local community, went a long way toward helping charter schools form a community amongst themselves. Prior to the founding of the Massachusetts Charter Public School Association (MCPSA) in 2000, the public advocacy of the CRSC and Pioneer on behalf of charter schools was especially important to the survival and success of this fledgling movement. This was in large part true because the acrimonious debate surrounding charters had persisted since the passage of education reform, and it was heating up even more as charter schools became a reality.⁵⁴ While an increasing number of parents and others were coming to see charters as a way “to light a fire and inspire other schools,” others continued to claim that charters were merely “private schools” masquerading as public schools that ultimately drained funding from the public system.⁵⁵

A major shift in the way that charters are governed occurred in 1996, when Governor Weld and the Democratic legislative leaders abolished the Executive Office of Education and transferred

authority for charter school authorizing to the Massachusetts Board of Education (BOE), which meant that the office responsible for authorizing charter schools in Massachusetts would now be housed in what was then known as the state Department of Education (DOE).⁵⁶ While the move derived from a larger plan to streamline government bureaucracy in general, it meant that the charter school office, which had been housed within an agency seen as external to the traditional educational establishment, would now have to exist within the establishment itself. The consequences of this, according to some in the education community, were grave. According to one former member of the charter authorizing team, Ed Kirby, the impact of the move was not immediately felt, but the move did, nonetheless, quietly and gradually undermine the original chartering ethos of school autonomy through the growing burden of regulation and bureaucratic process.⁵⁷

This is not to say that charter schools entered into an explicitly hostile environment at the Department of Education. Indeed under both Commissioner Robert Antonucci and Commissioner David Driscoll, the charter school office enjoyed a degree of relative autonomy. Driscoll, who became Commissioner of Education in 1998, points out that under his tenure there was a keen awareness within the DOE of the potential negative consequences of subsuming the charter school office into the education bureaucracy—consequences that he and his team sought to avoid. In 1996, not only was the head of the charter school office, at the insistence of then-Board of Education Chair John Silber, made an associate commissioner, Driscoll later ensured that the charter office was given “physical prominence” within the department so that the “autonomy and import” of the office would be maintained. Furthermore, Driscoll notes that he viewed his own role with regard to charter schools as one that was focused on ensuring that the Department

had all of the right information when it came to charter schools and recommendations affecting them. “My job,” he says, “was to push back” at the charter office to be sure that they “had the facts...if the charter office was making the right recommendation, then I recommended it. Every decision that I made ultimately complied with recommendations made by the charter school office.”⁵⁸

It is also important to point out is that the move to subsume the charter school office under the authority of the Board of Education did not leave charter schools and those that worked to authorize them without any allies in state government. Support remained steadfast in the Governor’s office through the Weld, Cellucci, Swift, and Romney administrations. Between 1997 and 2006, charter schools had great advocates on the BOE. In addition to James Peyser, who chaired the Board from 1999 to 2006, various charter supporters such as Abigail Thernstrom, Roberta Schaefer, Henry Thomas, John Silber, Edwin Delattre, and Charles Baker, among others, ensured a relatively friendly policy environment for charter schools.

By 1996, soon after the first round of charter school authorizing had been completed, the cap of 25 put in place by the MERA had nearly been reached, and charter supporters began to lobby to have it raised. This lobby was spurred on, in part, by the creation of a waiting list of approved charter schools, an idea that then-Secretary of Education Mike Sentance drew from the School Building Assistance (SBA) program. Under the SBA, the Board of Education would annually approve projects, although those projects might not be funded for a long period of time—up to 20 years. Sentance rightly assumed that the creation of a waiting list would “create a constituency to demand additional schools” and lift the cap.⁵⁹

Although only one year after the first charter schools had opened, it seemed that a push to raise

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the cap might indeed be justified. New applicants were lining up and many of the first charter schools were off to a good start, serving a population of students that *The Economist* referred to as “tough children,” mostly minority and low-income, who could greatly benefit from alternative schooling options.⁶⁰

Moreover, charters were proving popular with the public. By 1997 there were already 5,000 students on charter schools waiting lists, vying for precious spots in the 24 existing schools.⁶¹ New advocacy organizations aligned with the efforts of the business leaders who supported the original charter school legislation were also emerging. A group calling themselves Citizens United to Raise the Cap, led in part by Lawrence Coolidge of the Mifflin Foundation and his wife, long-time education activist Nancy Coolidge, raised money to support the effort. “We wanted to prove that poor and minority students could succeed if given the chance,” notes Nancy Coolidge. To Citizens United and others, charter schools were that chance.⁶²

But it was by no means clear that public demand for charters and an emerging track record of success would be enough to ensure that the initial cap of 25 schools would be lifted. The Massachusetts Teachers Association continued to “[lobby] hard against raising the cap on charter schools,” and superintendents and local school committees remained vocal opponents.⁶³ The main arguments put forth by these groups, which still drive the dialogue surrounding charter schools today, were that 1) charter schools drain funds from traditional public school districts as money designated for a pupil’s education follows him or her to the charter school of choice, and 2) that charter schools were only serving a self-selected group of already successful students from families that were motivated and well informed.

Although the second argument was, by this time, clearly losing traction, the first maintained

a powerful sway, which is one of the main reasons why Citizens United saw fit to hire the state’s first full-time charter lobbyist, Kevin Dwyer. Having seen the successes of some early charter public schools, Dwyer knew that the expansion of charters could benefit some of the state’s neediest children. He also believed that the money allocated for education was for children and not schools or districts. With great help from players who had been advocating for charters all along, such as Senate President Bulger, Senator Birmingham, Speaker of the House Thomas Finneran, CEOs for Fundamental Change in Education, and others, Dwyer worked hard to convince the Legislature of the benefits of additional charter schools, and charter supporters saw the cap raised in 1997.⁶⁴

However, when the charter school cap was successfully raised for the first time, it came with a number of concessions. First, the Legislature established a state reimbursement program for districts, still in place today, which pays districts some of the monies lost when pupils enroll in charter schools. In brief, when a student opts to attend a charter school, the state deducts funds from the district’s local aid account, roughly equivalent to the level of per-pupil spending in that district. These funds are then transferred to the charter school. Under the revised charter school law, the state would now reimburse the district for any increase in its annual charter school deduction. In other words, if a district were paying more in total charter school tuition in 1998 than in did it 1997, the state would allocate additional funds to that district, equal to 100 percent of the total tuition increase. In the two subsequent years, the state would reimburse the district for the prior year’s tuition increase at respective rates of 60 percent and 40 percent, in effect easing the financial burden that districts feel when pupils go elsewhere.⁶⁵

While this reimbursement formula was initially seen by charter advocates as an effective political

compromise, the reality is that it costs the state dearly in education dollars.⁶⁶ Paying districts for students who are no longer in the system may help to ease the burden on districts, which find it difficult to adjust their budgets in the face of declining enrollment, but it may become unsustainable as the charter sector continues to grow. Indeed, in fiscal year 2009, district schools received nearly \$51 million in reimbursements for students who had been lost to charter schools.⁶⁷

The reimbursement formula was not the only trade-off that came with an increase in the charter school cap. Although the overall charter school cap was lifted in 1997 from 25 to 50, 13 of these additional charter schools would be Horace Mann Charter Schools, a new variety of charter school requiring the approval of the local school committee and the teachers' union.⁶⁸ As a result of the 1997 legislation, the original type of charter schools would now be called Commonwealth Charter Schools.

Although charter advocates were willing to accept Horace Mann charters as a small price to pay for raising the cap, few considered them to be a viable alternative to the “real thing.” The point of charters, these advocates believed, is freedom from the rules that govern traditional public schools—including freedom from school committee politics and teachers' union dictates. Over the past 12 years, just a handful of Horace Mann charter schools have been created—in 2009 only seven exist—and one has converted to Commonwealth status.⁶⁹ Most charter school advocates see the Horace Mann charters as a “failed reform.”⁷⁰

The success of the Horace Mann model notwithstanding, the flexibilities granted to Horace Mann Charter Schools in 1997 were a clear institutional response to some of the success that the more autonomous Commonwealth charter schools had seen. Likewise, in 1995, the Boston Public Schools launched its own “pilot school”

initiative—an approach to schooling modeled in part on charter schools, which provides certain flexibilities to district schools, such as the ability to expand the school day and relax union work rules. These and other innovations spurred on by charter schools will be discussed in greater detail later in this report.

In 2000, citing the growing success of many of the early charter schools, the Legislature, with encouragement from the Governor and then Commissioner of Education David Driscoll, once again raised the charter school cap from 50 to 120, allowing for “a total of 72 Commonwealth and 48 Horace Mann charter schools.” Quoted in the *Boston Globe*, Driscoll elaborated upon his support for charter schools, saying “we’ve seen enough. They’re working... They have long waiting lists and strong curriculums, longer days, greater parental involvement... I think they’ve shown themselves to be very effective.”⁷¹

But two successful attempts to raise the charter school cap in just three years did not mean that political opposition to charter schools had waned. Charter detractors remained a strong lobby at the turn of the century—as they do today—and in 2004 they nearly succeeded in enacting a moratorium on the establishment of new charter schools. The moratorium had been crafted in response to what some on both sides of the debate saw to be an unfair formula, and, had it passed, it would have halted the establishment of any new charter schools until such time that the funding formula was revised.⁷²

Indeed, in 2004, the Legislature passed the moratorium provision as part of the state budget—with a veto-proof majority—and the bill made it to the desk of then-Governor Mitt Romney. Spurred into action by the threat of a moratorium, both the Romney administration and charter supporters in the House worked to amend the funding formula in a manner that would address the concerns of the Legislature. With a new funding formula

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devised and approved, Romney then vetoed the provision, and turned to then-Speaker of the House Thomas Finneran for assistance in preventing the veto from being overturned by the Legislature. Satisfied with the new funding formula, Finneran delivered support from the House, and Romney's veto on the moratorium was ultimately upheld.⁷³

Given the sequence of events, some legislators can legitimately claim that their call for a moratorium led to a better funding formula for charter schools. However, 77 members of the Legislature still voted to overturn Romney's decision, despite the fact that their demands to revise the funding formula had been met.⁷⁴ The charter lobby has since come to see the call for a moratorium as a thinly veiled attempt on the part of some charter opponents to stop the growth of the charter movement altogether.⁷⁵ In part because of this, the ability of the pro-charter lobby to effectively halt the moratorium is seen as a definitive moment in Massachusetts' charter school history.

The 2004 charter funding formula, which is still in place today, revised the 1993 formula that considered the *average* per pupil amount that a sending district would spend to educate a child who opted to attend a charter school. In response to claims from both charter opponents and proponents that the funding formula did nothing to consider the additional funding that a sending district might receive for a student who, for example, had special educational needs, the Romney administration revamped the charter funding formula to "better integrate with the foundation budget formula" that had been used, since 1993.⁷⁶

In essence, this meant that charter schools would receive the same weighted per-pupil funds that district schools would have spent on a charter school student; accordingly, district schools would continue to be reimbursed, for a period of three years, for monies lost to charters when they absorbed students from the district.⁷⁷ Moreover,

the new formula provided for charter schools to receive, for the first time, some funding through a formula explicitly intended to cover capital expenses. Today charter schools are eligible for a small grant of about \$742 per pupil to cover capital expenses.⁷⁸

Two years later, in 2006, charter detractors once again used the legislative process to attempt to strip the charter school movement of some of its power. That year the Legislature passed a "card check" bill that "allowed public workers to organize if a majority signed union authorization cards as opposed to casting a traditional secret ballot." Although ultimately vetoed by then-Governor Romney, a similar version of the bill was passed by both chambers in 2007 and signed into law by current Governor Deval Patrick. As a result of this card check legislation, one school in Boston, the Conservatory Lab School, unionized in 2009.⁷⁹ According to Romney, in an editorial he wrote for the *Washington Times*, the American Federation of Teachers had worked hard during the summer of 2008 "to sign up a majority of the 20 teachers at the school. Administrators learned of the successful organizing effort only after the decision to unionize had been made."⁸⁰ For many charter school supporters and parents, the unionization of Conservatory Lab came as a powerful blow; freedom from union work rules and pay scales, these advocates argue, are some of the main things that set charter schools apart from their district counterparts.

Long before the card check legislation was passed in 2007 and even before charter detractors were successful in passing a charter moratorium in both chambers, a great many charter schools had proven themselves. They continue to do so today, not only in terms of student outcomes but also in terms of their ability to impact traditional public schools by showing them what innovation could look like. Of the new charter schools that were authorized in the late 1990s, many take a "no

excuses” approach to education. This approach often means longer school days and years for students, mandatory after school tutoring, and an educational approach focused on literacy and numeracy, especially for students who enter charters without a good command of those basic educational building blocks.

Importantly, it is the success of innovations such as the “no excuses” schools that appears to be driving federal calls for education reform based on the charter school model. State and federal policymakers have taken notice of the ways in which these schools are eliciting excellent results and even closing achievement gaps. These outstanding results are beginning to revive the debate over charter caps, which has been stalled since 2000.

B. Charter School Politics in Massachusetts Today

Even as support for charter schools grows, opposition to the movement remains entrenched. Indeed, the rhetoric of 2009 is not much different from the rhetoric of 1999, with superintendents, school committees, and teachers’ unions bemoaning the loss of students and funds to charters in their towns and cities. Case in point: The Massachusetts Association of School Superintendents (MASS) is currently “asking legislators to limit Chapter 70 payments to charter schools to either \$5,000 or to 75 percent of the total cost of educating charter students.”⁸¹ Unless the state were able to find other sources to make up the funding deficit this plan would impose, the reduction in payments to charter schools would put Massachusetts on equal footing with many other states, where charter schools are currently funded at dramatically lower rates than their district counterparts.

This current proposal, which is only one in a long line of efforts to reduce payments to charter schools and to ensure that the cap remains in

place, has many charter advocates worried about the future of the charter school movement in the state—and perhaps with good reason. While Massachusetts has historically been known for strong charter authorization laws and for relative equity in charter school funding, the politics surrounding charter schools in the state and, most notably, the existence of such a restrictive cap on charter schools, has caused what many see as a “brain drain” in Massachusetts. As James Peyser (now a partner with NewSchools Venture Fund) pointed out in 2008:

For almost 15 years, Massachusetts in general and Boston in particular have been places where rising stars of education have come to build charter schools, offering students—mostly from poor neighborhoods—a superior education. But now these leaders are starting to leave, concluding that Boston is just not the place for them to realize their greatest aspirations. The city is approaching a state-mandated limit on the number of charter schools, and the broader environment has been at best tepid, and frequently hostile.⁸²

If Peyser is correct, the consequences of failing to raise the charter school cap will be felt by the students—mostly poor and minority—that charters serve more than anyone else. As tens of thousands of students languish on charter school waitlists and as talented charter leaders leave the state to pursue opportunities elsewhere, it is quite possible that Massachusetts could see its status as a leader in education reform decline.

It is also possible, however, that new programs being launched under the Obama administration that are supportive of charter schools could contribute to a revival of the stalled movement in Massachusetts. With \$4.35 billion dollars of federal grant money at stake for states that implement reforms, some politicians in Massachusetts who once opposed charter schools are reconsidering their stance.⁸³ Although he

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has, in the past, resisted calls to raise the charter school cap in Massachusetts, Governor Deval Patrick recently “proposed doubling the number of charter school seats in... school districts with the lowest MCAS scores.”⁸⁴ Patrick’s new enthusiasm for the possibilities that the charter concept holds for turning around failing schools has also been matched by Boston Mayor Thomas Menino.

Menino, who for years has expressed “deep reservations” about charter schools, recently came out in support of opening new charters in Boston. In June, Menino said that “he would file state legislation that would allow the city to bypass union approval and transform low-performing schools into ‘in-district’ charter schools controlled by the mayorally appointed School Committee.”⁸⁵ Although mayoral and school committee control of charters is not something that ardent charter school advocates support, the mayor’s shift in policy is notable and represents a small victory for the pro-charter lobby.

Despite their manifest success and the recent boon that a new federal policy environment has given to charters, the debate over the benefits of charter schooling in Massachusetts continues. One reason is that the performance of charter schools relative to comparable district schools has been obscured by the inherent technical problems of making an apples-to-apples comparison of student achievement. For many years after the passage of the original charter school law in Massachusetts, charter opponents could reasonably question data that only hinted at the strong performance of some charter schools. With time, however, has come enough MCAS data to generate new and more sophisticated studies about charter school performance. The data are difficult to dispute; charters are more accountable for student performance, and the great majority of charters are living up to the promise of dramatically improved student achievement. A closer look at

measures of success in charter schooling supports this assertion.

II. Measuring Success: How Well Do Charter Schools Serve Students?

In recent years, charter schools students have consistently outperformed their counterparts in traditional district schools on the Massachusetts Comprehensive Assessment System. In 2009, three of the top 10 schools in 10th grade math were charter schools, as were 4 of the top 10 schools in 10th grade English language arts.⁸⁶ Considering, especially, that charter schools serve less than 3 percent of the student population in Massachusetts, and that many of these high-scoring charters serve student populations that are heavily, if not disproportionately, low-income and minority (unlike most of the top-scoring district schools), the MCAS results are dramatic.

Moreover, other data suggest that Massachusetts charters are doing a better job than their district counterparts of preparing students for college. Of the top 10 Massachusetts schools ranked on The Challenge Index, a survey published each year by *Newsweek* that considers the number of high school students enrolled in Advanced Placement and International Baccalaureate classes, the top three were charters.⁸⁷

These rankings alone, however, are not enough to convince critics that charter schools in Massachusetts have an impact when it comes to student outcomes, nor should they be. From the beginning, it has been clear that drawing fair comparisons between charters and their district counterparts, especially when it comes to student achievement, is a complicated endeavor.

In brief, charter critics point out that charter school students, much like those who attend private schools, choose to apply to these non-traditional schools, which implies that they (or their parents) are predisposed to value education and therefore to achieve better outcomes in school. Most

charter supporters realize that this phenomenon, also known as self-selection bias, is difficult to dispute. Nonetheless, many have long maintained not only that students and families should not be faulted for desiring a better education, but also that charter schools still allow students to achieve at levels higher than they would in a traditional district school.

In the past 10 years, some attempts have been made at the national level to draw a fair comparison between the achievement of charter school students and those in traditional district schools.⁸⁸ Most notably, Caroline Hoxby has applied an approach that compares the performance of charter school students to students who applied for a seat in a charter school but did not win the charter school lottery. This research design accounts for selection-bias and by comparing “apples-to-apples,” or students who, presumably, have the same educational aspirations. Using it, Hoxby has consistently found that students who win the charter lottery, by and large, outperform their peers who have no choice but to remain in a district school.⁸⁹ Of course, given the large

differences between charter school policies and the overall performance of charter schools in different states, these large-scale national studies, though informative, say very little about outcomes for charter school students in Massachusetts, specifically.

In the past three years, two studies have attempted to shed light on the performance of students in Massachusetts charter schools in particular. The first was performed by the Massachusetts Department of Education in 2006. The other, more comprehensive, study was commissioned by The Boston Foundation and released in January of 2009.

The latter study employed a research design similar to the “apples-to-apples” approach taken on a national scale by Hoxby. This kind of design is considered a gold standard in education research. The Boston Foundation study also compared charter schools not only to traditional district schools but also to pilot schools, which in Massachusetts have become known as the district-level response to charters. Pilot schools

Table 3. Top Performing Massachusetts Schools, MCAS, The Challenge Index

Top 10 Massachusetts Schools, MCAS (Grade 10 English)	Top 10 Massachusetts Schools, MCAS (Grade 10 Math)	Top 10 Massachusetts Schools, The Challenge Index
Academy of the Pacific Rim Charter School	Boston Collegiate Charter School	Sturgis Charter Public
Boston Latin Academy	Boston Latin, Boston	MATCH Charter
Boston Preparatory Charter School	Boston Preparatory Charter School	Mystic Valley Regional Charter High School
Boston Latin	MATCH Charter High School	Boston Latin
Dover-Sherborn Regional High School	Boston Latin Academy	Weston High School
Manchester Essex Regional High School	Holliston High School	Manchester Essex Regional High School
Norwell High School	O'Bryant School Math/Science	Cohasset Middle/High School
Cohasset Middle/High School	Cohasset Middle/High School	Hopkinton High School
Francis W. Parker Charter Essential School	Dover-Sherborn Regional High School	Mount Greylock Regional
Groton-Dunstable Regional High School	Groton-Dunstable Regional High School	Lexington High School

Sources: *Newsweek*, <http://www.newsweek.com/id/201160>, and MA DESE

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Table 4. State-Wide Performance Summary—Charter Schools and Comparison Sending Districts

<ul style="list-style-type: none"> • In most years [2001-2005], there is a significant difference between charter school and CSD performance for approximately 40 percent to 50 percent of the charter schools; When there is a significant difference in performance, it is much more likely to favor the charter school than the CSD.
<ul style="list-style-type: none"> • In both English Language Arts and mathematics, at least 30 percent of the charter schools performed significantly higher than their CSD in each year with the exception of 2001. In 2001, 19 percent of the charter schools performed significantly higher than their CSD in English Language Arts and 26 percent in mathematics.
<ul style="list-style-type: none"> • The percentage of charter schools performing higher than their CSD each year has remained fairly constant in English Language Arts and mathematics while the number of charter schools and the number of students tested in charter schools has increased.
<ul style="list-style-type: none"> • The percentage of charter schools performing lower than their CSD has declined to approximately 10 percent in mathematics and dropped below 10 percent in English Language Arts.
<p>Results for African American and Hispanic Students</p>
<ul style="list-style-type: none"> • In English Language Arts, between 33 percent (2002) and 43 percent (2005) of African American subgroups in charter schools performed significantly higher than their CSD counterparts each year since 2002. In 2001, one charter school had an African American subgroup that performed significantly higher than the African American subgroup in its CSD.
<ul style="list-style-type: none"> • In mathematics, between 25 percent (2001) and 38 percent (2005) of African American subgroups in charter schools performed significantly higher than their CSD counterparts each year.
<ul style="list-style-type: none"> • In English Language Arts, since 2001, between 25 percent (2001) and 58 percent (2005) of Hispanic subgroups in charter schools have performed significantly higher than their CSD counterparts each year.
<ul style="list-style-type: none"> • In mathematics, since 2001, between 22 percent (2001) and 48 percent (2004) of Hispanic subgroups in charter schools have performed significantly higher than their CSD counterparts each year.

Source: Massachusetts Department of Elementary and Secondary Education, “Charter School Achievement Comparison Study,” pp. 10-12

are public schools that have been granted some of the same flexibilities as charters (such as budgeting, staffing, and scheduling), but they remain part of the school district and staff remain members of the teachers’ union.

The following pages describe results of The Boston Foundation and DOE reports, and speak to what can fairly be called the great success of the Massachusetts charter schools at improving academic outcomes for the students that they serve. Outcomes as measured by test scores, however, should not be the only test of charter school success. A fair look at the impact of charter schools also considers indicators such as dropout, graduation, and college attendance rates. These issues are also discussed below.

A. Massachusetts Charter Schools and MCAS Performance

Although numerical rankings of school performance on state-wide MCAS examinations can provide useful information about charter and district schools, more detailed comparisons of MCAS results show not only the extent to which many charter school students outperform their district peers, but also the educational growth that many charters school students experience over time in comparison to their peers in district schools.

A 2006 study conducted by the Massachusetts Department of Education took a two-pronged approach to understanding the performance of charter school students on MCAS.⁹⁰ First, the study made “direct comparisons of MCAS results in English language arts and mathematics for

individual charter schools and their comparison sending districts (CSD).” (The comparison sending district, as defined by DOE, is the traditional school district that students in a given charter school would otherwise attend.) Second, the Department conducted a “value-added analysis to examine growth in MCAS scores over time for students continuously enrolled in charter schools and their CSD.”⁹¹

In terms of state-wide direct comparisons of charter and traditional public school performance, the results of the DOE study favor charter schools. Perhaps more importantly, the results of the study suggest that certain populations of students, notably low-income African American and Hispanic students, fare particularly well in charter schools. Table 4 provides a performance summary for all charter schools and traditional districts included in the study, state-wide, from the years 2001-2005.

The results of the state-wide MCAS comparison between charters and their traditional district counterparts speak to the student achievement success that a majority of Massachusetts charter schools have had over time. But, comparisons between charter schools located in the Boston area and the Boston Public Schools show an even greater advantage for charter schools in the state’s largest urban center.

According to the DOE, “charter school students in Boston as a combined cohort have performed significantly higher than students enrolled in Boston Public Schools each year from 2001 to 2005 in both English language arts and mathematics...among the African American, Hispanic, low-income, and special education subgroups, charter school performance was significantly higher than the CSD in each year since 2002 in both content areas.”⁹² Indeed, the impressive performances of many Boston area charter schools is likely one of the main reasons why these schools are in high demand—many of the more than 24,000 students currently on charter school waitlists across the state now attend traditional schools in the district of Boston.

Of course, as mentioned, studies surrounding charter schools, such as the one cited here conducted by the Massachusetts DOE, are often cited by critics as being flawed because they do not account for student motivation. This criticism is apt, which is why the findings of the 2009 Boston Foundation comparison of charter, pilot, and traditional public schools are integral to understanding the success of charter schools in Massachusetts.

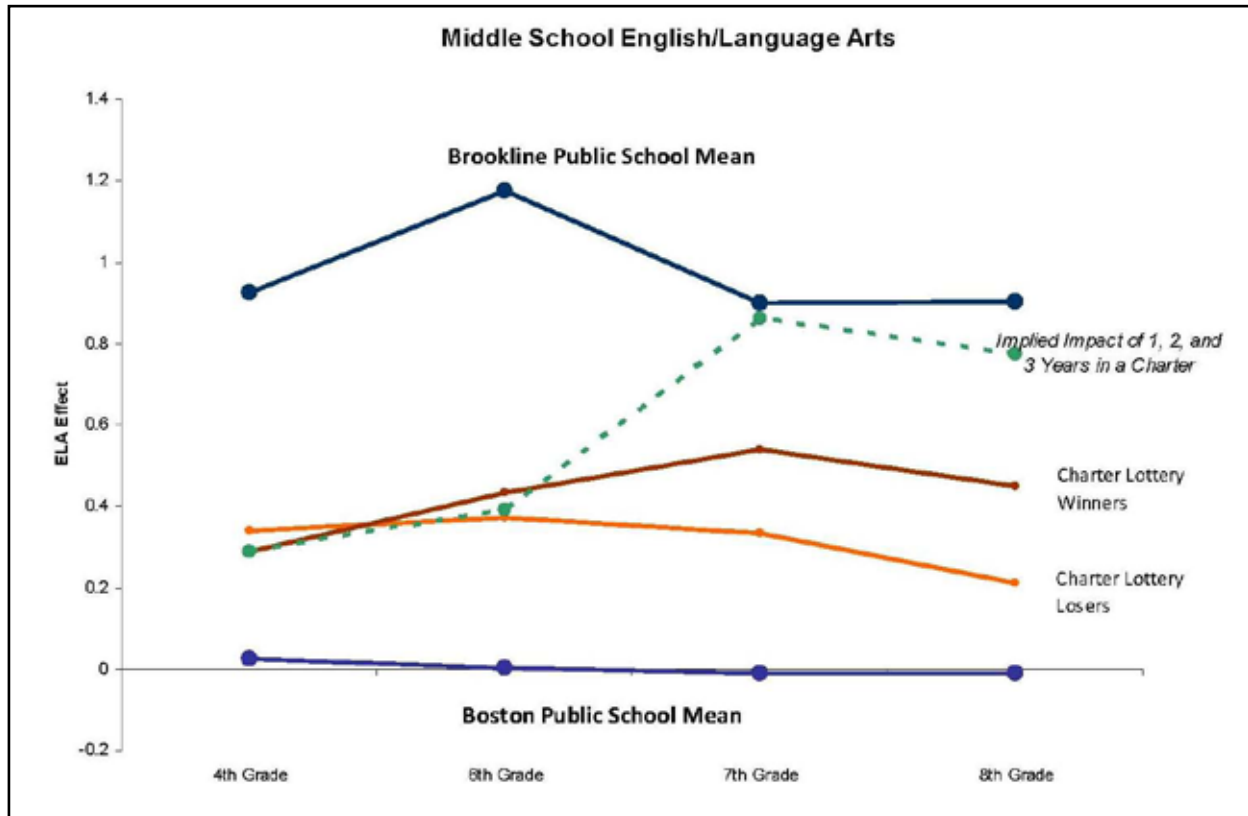
In 2009, the authors of The Boston Foundation Report—a group of prestigious education researchers from institutions such as Duke University, Harvard University, the University of Michigan, and the Massachusetts Institute of Technology—took two different approaches to “resolve the doubts surrounding the impacts of charter and pilot schools.”⁹³ In the first approach, the Foundation used “newly available data from the Commonwealth of Massachusetts’ data system to follow individual students over time, and use[d] those data to control for each student’s achievement, demographics, and program participation *prior* to attending a charter or pilot school.”⁹⁴ In short, this means that the study compared pilot and charter students to traditional district school students “who had similar academic achievement and other school traits during an earlier school year.”

The second approach employed by The Boston Foundation took advantage of the lottery system employed in Massachusetts to decide which students will win a limited number of charter school seats. Researchers compared the outcomes of “those who were offered a seat in a charter or pilot school to those who applied to the same schools and were not offered a slot.”⁹⁵

Accounting for selection bias by comparing the performance of charter lottery “winners and losers,” The Boston Foundation finds, much like the DOE report in 2006, a significant advantage for Boston charter schools when it comes to student academic outcomes:

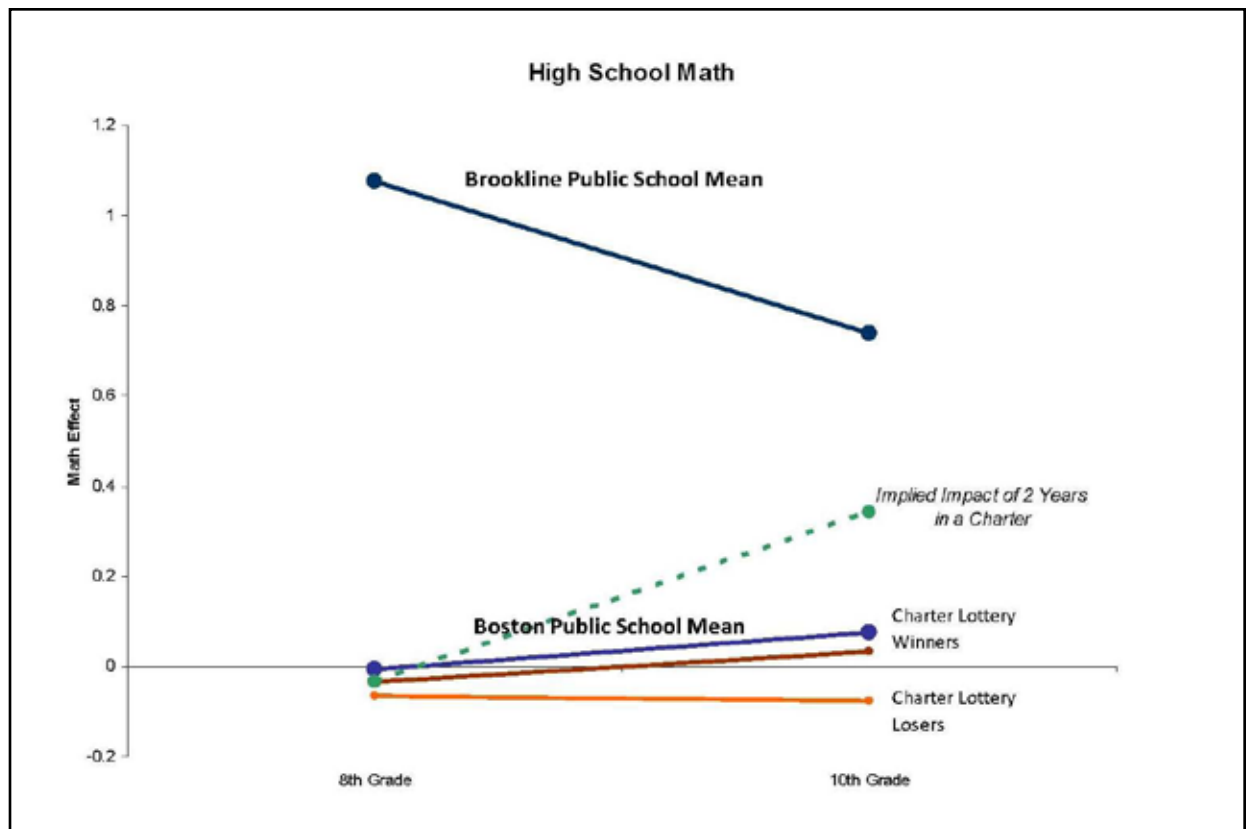
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Graph 1



Source: The Boston Foundation

Graph 2



Source: The Boston Foundation

Whether using randomized lotteries or statistical controls for measured background characteristics, we generally find large and positive effects for charters schools, at both the middle and the high school levels. For each year of attendance in middle school, we estimate that charter schools raise student achievement .09 to .17 standard deviations in English Language Arts and .18 to .54 standard deviations in math relative to those attending traditional schools in the Boston Public Schools. The estimated impact for charter middle schools is extraordinarily large. Increasing performance by .5 standard deviations is the same as moving from the 50th to the 69th percentile in student performance. *This is roughly half the size of the black white achievement gap* (emphasis added).⁹⁶

This positive impact of charter schools that The Boston Foundation finds is more easily understood in context. Graphs 1 and 2 portray the “mean test scores of students in the Boston Public Schools and the Brookline Public Schools in 4th grade and sixth through 8th grade.” They also display “the mean scores of applicants in the charter school lotteries,” contrasting “the scores of all ‘lottery ‘winners’ and lottery ‘losers’, including those in either group who may have attended charter schools or traditional public schools.” Importantly, “the difference between the two lines represents the impact of being *offered a slot* in one of the charters that was subject to the lottery.”⁹⁷ (Emphasis from quoted text).

The impressive impacts conveyed by these graphs are not the only important finding of The Boston Foundation study, however. The study further finds that even in comparison to pilot schools, charter schools in the Boston area have significant student achievement advantages: “Charter schools appear to have a consistently positive impact on student achievement in all MCAS subjects in both middle and high school... In contrast, the results for pilot schools are less conclusive.”⁹⁸

The latter findings are especially important because, in effect, if the kinds of charter-like flexibilities that pilot schools in Boston enjoy are supposed to provide the district and/or union “answer” to underachievement in the traditional public system, we would expect that charter and pilot schools in the Boston area would have similar impacts on student achievement. The Boston Foundation report generally finds that this is not the case, and this finding gives credence to one sentiment often espoused by charter school supporters: that proximity to district bureaucracies and the constraints of union pay-scales hamper traditional public schools (and pilots) from having the same dramatic effect as charters.

Findings regarding student achievement in charter schools are important on a number of levels. First, they prove not only that charters are responsible for student results but also that they deliver far stronger student results than their district counterparts do. Perhaps more important, however, is that many charters are helping students who have traditionally been viewed as disadvantaged to achieve these strong outcomes.

The majority of Massachusetts charter schools serve student populations that are disproportionately poor and minority; by creating environments in which these students achieve at high levels, charters are closing the achievement gap in a way that district schools are not. This assertion is supported not only by the evidence provided above but also by newly released data from DESE. The data list schools in the state in which students are improving at rates “equal to or greater than their peers in the state” on MCAS examinations.⁹⁹ Some of the schools listed serve high proportions of low income students and add great value to the education of those students, as measured by MCAS growth from year to year. When it comes to low-income students and high growth, a disproportionate amount of schools on this list are charters.

Indeed, some of the charter schools that rank highest on MCAS examinations also serve the

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highest percentages of poor and minority students. The MATCH school and Boston Preparatory Charter School both serve populations of students that are over 90 percent African American and Hispanic and between 75 percent and 80 percent low-income. The students of Boston Preparatory ranked first in the state on the 10th grade MCAS English Language Arts assessment and tied with the students of MATCH for first on the 10th grade MCAS mathematics assessment.¹⁰⁰

B. Charter School Graduation Rates

As important as they are, high test scores are not the only measure of a good school or of an effective educational model. It is therefore necessary to look beyond student achievement data and ask tough questions about the rates at which charter schools in Massachusetts retain and graduate students.

Graduation rates, in particular, can be difficult to calculate. Although states are now required to calculate graduation rates under the federal *No Child Left Behind* act, the comparatively short time that this requirement has been in place means that few longitudinal data sets exist that speak to graduation rates in Massachusetts, specifically. Fortunately, however, the state has done an

excellent job in recent years of collecting and publishing graduation rate data, and other local organizations, such as The Boston Foundation have taken a particular interest in graduation rates and post graduate trends in Boston. Together, these sources allow for some interesting comparisons.

The Massachusetts Department of Education first began reporting graduation/dropout rates in 2007. It calculates the graduation rate by dividing the number of students in a given cohort who graduate in five years or less by the number of first time entering ninth graders, subtracting student transfers out of a school and adding student transfers in.¹⁰¹

For the cohort of students graduating in 2008, the overall graduation rate in Massachusetts was 85 percent. Charter schools in the state, as a group, had a 71 percent graduation rate. At first blush, this number seems disappointingly low, especially when one considers the great success that charters have had, overall, with improving student outcomes.¹⁰²

However, upon considering the population of students that charters serve, it becomes clear that comparing charter school graduation rates to the statewide average is far from fair. This is

Table 5. Massachusetts Schools Serving Low-Income Groups That Have High Growth (2008 and 2009)

English Language Arts	Mathematics
Hugh Roe O'Donnell School (Boston)	Hugh Roe O'Donnell School (Boston)
Community Day Charter Public School (Lawrence)	Frank M. Sokolowski Elementary School (Chelsea)
Edward Brooke Charter School (Boston)	Community Day Charter Public School (Lawrence)
Excel Academy Charter School (Boston)	Edward Brooke Charter School (Boston)
Atlantic Middle School (Quincy)	Excel Academy Charter School (Boston)
Roxbury Preparatory Charter School (Boston)	KIPP Academy Lynn Charter School (Lynn)
	Moody Elementary School (Lowell)
	Neighborhood House Charter School (Boston)
	Beachmont Veterans Memorial School (Revere)
	Roxbury Preparatory Charter School (Boston)
	Patrick J. Kennedy School (Boston)
	Clark St. Community School (Worcester)

Source: Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/news/news.aspx?id=5114>

Table 6. Graduation Rates for Charter Schools and Comparable Districts			
	Graduation Rate	Percent Population African American and Hispanic	Percent Population Low-Income
Charter Schools (average of all eligible charter high schools in state) ¹¹³	71%	49%	46%
Brockton Public Schools	73%	63%	69%
Fall River Public Schools	56%	22%	72%
Worcester Public Schools	69%	49%	66%

Source: Massachusetts Department of Elementary and Secondary Education, 2008 Graduation Report, http://profiles.doe.mass.edu/state_report/gradrates.aspx

because charters, in comparison to other public schools statewide, disproportionately serve students who are poor and minority. In other words, they serve the students who are at least likely to graduate on time and at the highest risk for dropout. In 2008-09, for example, the state reported that public schools, on average, served a population of students that was 22 percent African American and Hispanic and 31 percent low-income. In contrast, charter public schools, on average, served a population of students that was 49 percent African American and Hispanic and 46 percent low-income.¹⁰³

Given this reality, it seems more just to compare charter school graduation rates to the rates of districts that serve populations of students similar to the population served by charter schools in general. As indicated in Table 6, when charter school graduation rates are compared to the same rates in the cities of Brockton, Fall River, and Worcester, it becomes clear that charters perform at least as well as their peers on this measure. Even more telling, however, is a comparison between charter schools where Boston is the sending district and the Boston Public Schools. This comparison is shown in Table 7.

The data presented here suggest that charters face many of the same challenges as their traditional district counterparts when it comes to graduation rates. However, they also show that some charters have a slight edge over their counterparts when it comes to ensuring that students most affected by achievement gaps graduate from high school within four years. Of course, it is important to note that some of the highest and lowest performing schools in the Commonwealth, in terms of graduation rates, were charter schools. Some of the lowest performing schools, such as Phoenix Charter Academy in Chelsea have a lot to learn from their high performing peers. On the other hand, all schools can learn from the four schools in the Commonwealth that had 2008 graduation rates of 100 percent. Three of those four are Commonwealth Charter Schools, and two of those three, Academy of the Pacific Rim, and Abby Kelley Foster Charter Public serve populations of minority and low-income students that well exceed the state average.

C. Charter School Students and College Attendance

Because of the inherent difficulty of tracking students once they have left the public school

Table 7. Graduation Rates for Boston Area Charter Schools and Boston Public Schools			
	Graduation Rate	Percent Population African American and Hispanic	Percent Population Low-Income
Charter Schools in the city of Boston and surrounding towns (average) ¹¹⁴	76%	79%	61%
Boston Public Schools	60%	76%	74%

Source: Massachusetts Department of Elementary and Secondary Education, 2008 Graduation Report, http://profiles.doe.mass.edu/state_report/gradrates.aspx

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system, the rates at which charter and other public school students go on to attend and graduate college are difficult to calculate and report. While tracking the number of students in a school who are accepted to college is one endeavor, tracking the number of students who ultimately attend college and stay in college is another altogether.

One strong indicator of likely college enrollment is whether or not students participate in an Advanced Placement course of study or some other form of college preparatory work. Many charter schools across the state espouse missions

that are explicitly focused on college preparedness and therefore make a concerted effort to offer each and every student a college preparatory experience.

Mentioned at the beginning of this section, *Newsweek's* annual Challenge Index ranks schools nationwide according to the percentage of students enrolled in Advanced Placement or International Baccalaureate Programs. Because students enrolled in these programs can earn college credit while in high school, participation can be a useful indicator of the proportion of

Chart 3

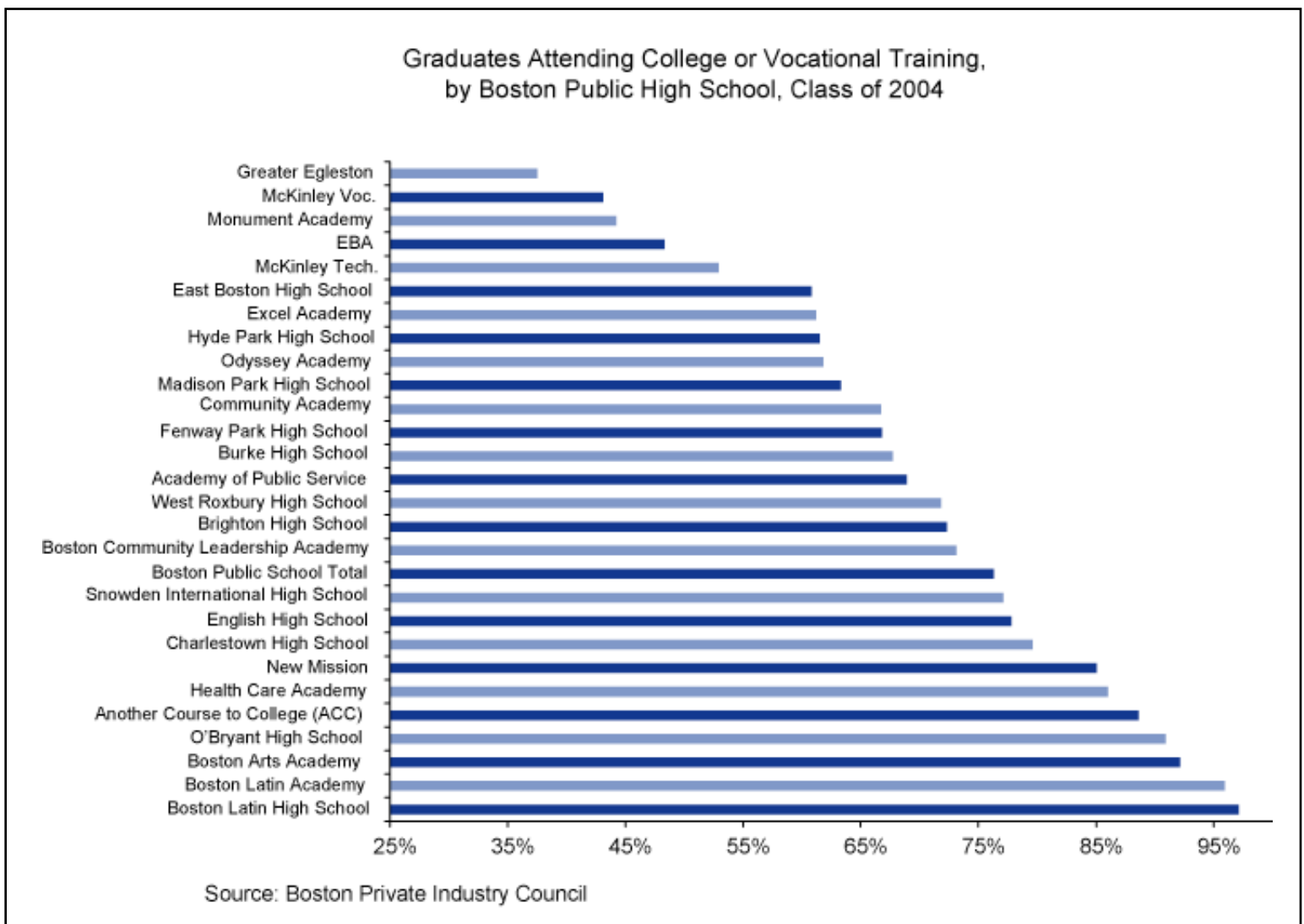
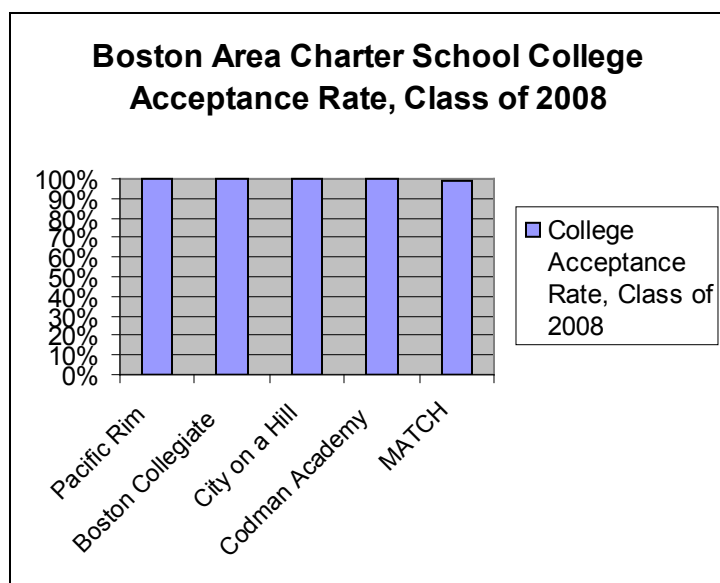


Chart 2



Source: Data collected from individual schools

a school’s graduating class likely to go on to college. While it is important to mention that the Challenge Index is a flawed measure in some ways—for example, it awards schools only for enrollment in college placement programs and not for the types of students enrolled—as a straightforward ranking of the schools offering access to college placement, it is useful.¹⁰⁴

Although Massachusetts on the whole did not fare particularly well on the 2009 Challenge Index rating (only three schools ranked in the top 100 and five schools ranked in the top 200), it is worth noting that the three Massachusetts schools ranked in the top 100 were all charter public schools. One of those three schools, the MATCH Charter Public School, ranked 85 out of 100, serves a population of students that is predominantly minority and low-income.

Though an exception in terms of the Challenge Index rating, the culture of college readiness espoused at MATCH is shared by many of its charter counterparts in the city of Boston. Indeed, of the remaining five Commonwealth charter

schools operating in Boston, all report that 100 percent of the class of 2008 was accepted to college (MATCH reports that 99 percent of its graduating seniors were accepted).

To determine whether or not these data compare favorably with district schools serving similar students, it is useful to once again look to Boston. Absent school level data describing how many graduates of Boston Public Schools are accepted and go on to college, an estimate of the number of BPS graduates currently enrolled in college is telling. Through its Boston Indicators Project, The Boston Foundation estimates that 73 percent of Boston Public School graduates of the class of 2006 are currently enrolled in a two- or four-year college or a vocational-technical training program.¹⁰⁵ Even considering that all charter school students who are accepted to some form of post-secondary education (and most charter schools only report four-year college acceptance rates) will not ultimately attend or persist, it stands to reason that, given such high acceptance rates in general, a greater number of Boston area charter school graduates go on to college than do their counterparts in the Boston Public Schools.

D. Charter School Dropout Rates

While MCAS scores and graduation and college acceptance rates speak to the things that charter schools in Massachusetts do well, reports of a seemingly high aggregate dropout rate have plagued the charter movement in recent years.¹⁰⁶ Of course, as with most of the extant data on charter schools, it is important to look beneath the numbers to understand the whole story. Aggregate dropout rates for charter schools, unlike those in most traditional district schools, fail to take into account the unique purpose and character of the charter school movement.

Indeed, some charter schools have an explicit mission to serve students who have already dropped out or are at high risk of drop out from the regular public system. When students who have

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Table 8. Annual Dropout Rates by School Type 2003-04 to 2007-08					
	2003-04	2004-05	2005-06	2006-07	2007-08
Regular/Comprehensive Academic Schools (306)¹¹⁵	3.7%	3.7%	3.4%	3.7%	3.1%
Vocational-Technical Total (39)	3.2%	3.0%	2.2%	2.6%	2.2%
City/Town (10)	7.2%	6.0%	4.7%	5.5%	5.0%
Regional/County/Independent (29)	2.1%	2.3%	1.5%	1.8%	1.4%
Charter Schools (31)¹¹⁶	5.6%	6.1%	4.2%	6.4%	7.7%
Schools Located in Cities (166)¹¹⁷	5.6%	5.8%	5.3%	5.7%	5.3%
Schools Located in Towns (210)	2.0%	1.9%	1.6%	1.9%	1.6%

Source: Massachusetts Department of Elementary and Secondary Education “Dropout rates in Massachusetts public schools, 2007-08

come to charter schools as a last resort ultimately drop out of school altogether, many of these special charter schools contribute to an aggregate charter dropout rate that is, in a sense, artificially inflated. This is because the sending district can count such students as transfers, or students who have left the district to attend another, and these charter schools of “last resort” ultimately absorb the higher drop out rate.

In fact, when disaggregated, many charter schools—even those that are considered to be high performing—have dropout rates on par with or better than state and district averages. Indeed, even when viewed in the aggregate (see Table 8), the overall charter school dropout rate is not far removed from the rate seen in the state’s urban centers.

Of course, one thing that charter schools do deal with is student mobility, but this is true of any district that allows students school choice, such as the Boston Public Schools. Although mobility rates, or the rates at which students that transfer from one school to another from year to year are not publicly reported, it is important to distinguish between mobile students and dropouts. In high performing charter schools that are known for their rigor, especially, students unwilling to meet the extra demands of the charter school may feel that they always have the “fallback” option of returning to their assigned traditional public school district. More data are needed on the extent to which students transfer both between traditional district schools and between district schools and

charters. More data are also needed to understand the relationship between student mobility and the perceived academic rigor of schools.

In addition to considering the extant and needed data on charter school outcomes, it is also important to think about the different ways in which charters have impacted their traditional district counterparts and the wider public system. As the next section details, there is evidence that charters have been a positive force for change in the education sector. It is probable that such change could not have occurred had traditional district schools, in general, not seen something worth replicating in the charter school movement.

III. The Broad Policy Impact of Massachusetts Charter Public Schools

Key to replicating the successes of the charter school movement is an understanding of how charters schools achieve success in the first place. What, for example do most charter schools in Massachusetts and other places do with the additional autonomies and accountability afforded to them under their charters? What is it about charter school programming that elicits strong student outcomes?

A study of high-performing charter schools performed by the Massachusetts Charter Public School Association shows that these schools share a number of characteristics, including:

Table 9. Grade 9-12 Dropout Rate by Selected Charter School in Comparison to Sending District and State, 2007-08

	School	Sending District (Boston Public School District)	State
MATCH Charter Public	0.0%	7.6%	3.4%
Health Careers Academy Charter Public	1.0%	7.6%	3.4%
Academy of the Pacific Rim Charter Public	0.0%	7.6%	3.4%
Boston Preparatory Academy Charter Public	10.0%	7.6%	3.4%
City on a Hill Charter Public	3.9%	7.6%	3.4%

Source: Massachusetts Department of Elementary and Secondary Education, School and District Profiles

- A laser-like focus on the school’s mission: student achievement and success in college;
- A culture of high expectations and support to get there;
- Carefully developed systems and structures that serve the school’s mission; and
- Tremendous teachers and leaders who are committed to continuous improvement.¹⁰⁷

While it may be easy to understand how some of these characteristics are cultivated, others require elaboration. For example, what support is necessary to foster a culture of high academic expectations? Which carefully developed systems and structures serve a mission that focuses on college success? The answers to these questions lie, in large part, in how charter schools structure the school day and student schedules. Shared features of many high performing charter schools include: expanding the school day and year, providing for smaller class sizes that allow for more individualized instruction, and ensuring that students have access to teachers and/or tutors who can work with them on a one-on-one basis. Moreover, it is clear that many charters use the additional autonomy afforded to them to engage in school-based management practices and even merit pay initiatives, which help them to recruit “tremendous teachers and leaders.”

The impact of these initiatives can be seen not only in the outcomes achieved by charter school students but also in the wider education community. Along with politicians at all levels, traditional schools and districts have begun to look to charter schools and adopt some of the innovations that they have fostered. The following are examples of innovations born largely of the charter school movement that can now be felt, to one degree or another, across the traditional public school spectrum.

A. Pilot Schools

One of the first charter-like innovations to occur at the district level was the development of pilot schools in the Boston. Established in 1995, soon after the Massachusetts charter school law was passed, Boston’s pilot schools are exempt from some district policies and mandates, and teachers who work in pilot schools are free from many union work rules, although they are subject to the union pay scale and collective bargaining agreements. Much like Horace Mann Charter Schools, which were first approved in 1997, the idea behind pilot schools is to provide school leaders and staff with greater flexibility to innovate (thereby improving student results), without completely discounting the influence of the local school committee or the teachers’ union.

While the Center for Collaborative Education (CCE) found evidence in 2006 that “pilot schools are outperforming the district average on virtually every indicator of student engagement and achievement,” as The Boston Foundation report discussed in the previous section indicates, there is still a student achievement differential between Boston pilot schools and charter schools in the Boston area, with results clearly favoring charter schools.¹⁰⁸

B. School-Based Management

A philosophy that was embedded in the 1993 education reforms and has been embraced by the charter school movement from the beginning, school-based management gives administrators at the school level control of school budgets, of hiring and firing practices, and of major curricular and other decisions. This reform has also been catching on in non-charter schools and districts. The Barnstable Public Schools in the Town of Barnstable, Massachusetts provides one example.

After receiving approval for a Horace Mann Charter School in the late 1990s, the Barnstable School Committee, under then-superintendent Thomas McDonald, sought to produce the results it had seen in its new charter school from all schools in the district. In 2009, school principals in all of Barnstable's public schools control 80 percent of their operating budgets and have the autonomy to implement curricular and pedagogical decisions that can mean real change for students. It is clear that the changes that occurred in Barnstable would not have been made were it not for evidence from the charter sector that school-based management can lead to improved student outcomes.¹⁰⁹

C. Expanded Learning Time

Since their inception, one of the key innovations that many charter schools have implemented is expanded learning time, in the form of longer school days and school years. In the Boston area alone, many charter schools require that students attend summer programming that helps to boost skills, both basic and advanced. A great number also extend the school day. The MATCH School in Boston, for example, requires students to attend school from 8:30 a.m. to 5 p.m. During that time, students receive not only classroom instruction but also one-on-one tutoring and support in all subject areas. Sports and other extra-curricular activities generally take place after 5 p.m., which is the end of the *academic* school day.

Via the advocacy of Massachusetts 2020 Foundation, a Massachusetts-based education reform group, the idea of expanded learning time has not only caught on in traditional school districts such as Boston, where it can be seen in the city's pilot schools, it has also become part of a wider agenda for school reform on both the state and federal levels. Officials like Governor Deval Patrick, President Barack Obama, and Secretary of Education Arne Duncan espouse the benefits that expanded learning time can bring, especially to disadvantaged students. Expanded learning time is, for example, one challenge to the "status quo" of education cited as an important reform in the Race to the Top grant competition.

D. Differential (Merit) Pay for High Performing Teachers and Leaders

Because teachers in Commonwealth charter schools do not have to be members of the teachers' union, they need not be compensated based upon union pay scales. This allows charter school administrators a considerable amount of autonomy with regard to whom they can hire, whom they can fire, and how much staff members will be paid. Not only does this freedom allow charter leaders to assemble a staff that may be uniquely qualified to support a school's mission, it also gives them the ability to provide financial and other incentives (such as bonuses) for highly qualified teachers to work in their school.

Though perhaps the most controversial charter school innovation, the idea of differential/merit pay is catching on across the country and in Massachusetts. The Obama administration supports differential teacher pay as one strategy for recruiting highly qualified teachers to the nation's neediest schools, and a number of cities and states are beginning to experiment with merit pay programs. Indeed, in 2006, the City of Springfield, Massachusetts launched a voluntary differential pay program, in which eligible teachers who choose to participate can receive increased raises in exchange for a number of objectively measurable results,

including improving student results as measured by standardized assessments and other measures and having good work attendance.¹¹⁰ While very far from being widespread, the idea of merit pay is gaining in popularity. Leaders in traditional schools and districts are looking to the charter school model to understand how to elicit good work from good teachers and how to keep the best teachers in the neediest classrooms.

E. Alternative Certification Options and Recruitment of “Career Changers”

One of the many positive consequences of differential pay scales is that they allow charter school and other leaders to pay mid-career professionals salaries that approximate those they might have been awarded before turning to teaching as a profession. Although schools often cannot afford to match the salary of a highly paid executive or scientist, they may be able to soften the blow of a career shift by offering professionals a higher salary than they would receive in the traditional public system. In charter schools that emphasize teaching excellence, especially in certain subjects such as science and math, hiring teachers with significant experience in relevant professions is a budget priority. Moreover, because charter school teachers do not have to meet traditional certification requirements (although, in Massachusetts, they must pass a state mandated examination), many mid-career professionals are more easily enticed to make a career shift to teaching in the charter sector.

While programs such as Teach for America and others can also be credited with forcing a change in some state teacher certification requirements, it is also true that state agencies have begun to look to charter schools to see how they might recruit more seasoned professionals to work in traditional public schools. Alternative certification and teacher residency programs in Massachusetts and many other states now make it easier for many professionals to make the transition to teaching. They also provide yet another example of how charter schools have

impacted the wider educational landscape in Massachusetts and beyond.

These innovations are not an exhaustive list of the changes that charter schools in Massachusetts have spurred in the traditional public system. Indeed, looking at the state on a district-by-district basis, one is likely to see many programs in traditional public districts that existed in charter schools first. Likewise, some charters have taken important cues from high performing district schools and incorporated them into their missions and programming.

The difference is that many charters have succeeded in infusing programming once reserved for middle- and upper-middle class students, such as Advanced Placement coursework, into schools that serve students who are majority minority and low-income. Indeed, the demanding curricula and schedules often seen in charters that label themselves “no excuses” schools are not innovations in the sense that they are new; they are innovations in the sense that charters have imported them to new school environments.

The idea that even the most disadvantaged students can perform at the highest of levels when given the opportunity is just one lesson learned from charter schools. Many more lessons exist. Those that have been highlighted in the body of this report are summarized below.

IV. Conclusions and Lessons Learned

In the end, the story of charter schools in Massachusetts is one of the numerous success stories of the historic 1993 Massachusetts Education Reform Act and the generous state funding, academic standards and assessments, and overall accountability embodied in that landmark legislation. Crafted and encouraged by a politically diverse group of politicians and

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policymakers, educators, business leaders, and concerned parents and citizens, charter public schools in Massachusetts came to be not because one educational or political ideology dominated education policy in 1993, but because charter supporters believed that there had to be a more successful model of education, especially for the state's neediest students. Amidst the many battles won and lost along the way, a great number of charter schools in Massachusetts have thrived. At times they have done so seemingly against enormous odds, but for the most part these schools have been set up for success by a high quality charter law and by shrewd policymakers and others that have acted as advocates for the charter school movement.

As an early national leader in education reform, especially with respect to greater school autonomy and accountability for outcomes and the charter school movement, Massachusetts provides a wealth of examples from which others can learn. It is important to point out, however, that not all of the lessons learned from Massachusetts speak to positive experiences. In some respects, the Massachusetts experience should force concerned parties to think about unintended policy consequences. The following is a list of lessons learned from the Massachusetts experience.

Lessons Learned

- **A professional, objective approach to charter authorization works.** Although very problematic in other ways, in the sense that it caused authorizers to be very cautious about which charter school applicants would eventually receive permission to run schools, the charter school caps in Massachusetts have been a boon to the quality of the state's charter schools. Knowing that only a limited number of schools could exist, the state was forced, early on, to develop an approach to authorizing that is transparent and perceived as fair. The result is that the charters

authorized in Massachusetts are, for the most part, high performing schools serving populations of students that might not otherwise have access to a high standard of education.

Perhaps most importantly, in the event that the first steps of the authorizing process fail to distinguish between schools that will produce acceptable and unacceptable results, the state does not hesitate to close low-performing schools. Provided that charter schools will likely need and deserve some degree of support and guidance, especially as they struggle to get off the ground, it is imperative that those that do not live up to their promise, cease to exist. The state Board of Elementary and Secondary Education, as the single authorizer, has ensured the qualitative superiority of Massachusetts' charter schools by insisting that a charter school's performance equal or exceed that of district schools.

- **School autonomy matters.** Strong charter school legislation provides charters with the autonomy they need to produce the results that they promise. True school autonomy means freedom from the politics and mandates of local districts and school committees, and the autonomy to determine school budgets, to implement preferred and/or specialized curricular and pedagogical approaches, to expand the school day or year, to hire and fire staff, and to determine staff salary schedules, among other things. The Massachusetts charter schools that have the best track records in terms of student achievement are Commonwealth Charter Schools, which enjoy all, not some, of the freedoms listed here. In contrast, though some produce good results, Horace Mann Charter Schools and their Boston cousins, pilot schools, see limited student gains in exchange for their comparatively limited freedom from local bureaucracies.

- **School accountability and data make a difference.** While charter schools are indisputably more accountable than their traditional district

counterparts because they exist on the basis of a charter contract with the state, the additional accountability provided by MCAS has worked very much in favor of charter schools. MCAS not only holds charters to the same academic standards as their district counterparts, it also helps them to prove, year after year, that they have a positive and measurable impact on student outcomes. Many charter schools have thrived in the new standards-based policy environment, and this is likely because they came into existence at the same time as education reform. Many charters welcome the kind of exposure that inevitably comes with an external accountability system not only because it helps them to track their own performance, but also because it keeps them apprised of how they might continue to improve in comparison to their charter and non-charter counterparts.

• **Schools that fail to perform must close.** Arguably one of the strongest features of Massachusetts charter public school policy is that the state has not been hesitant to close charter schools that do not perform to the expectations outlined in their charters. Since 1994, 13 charter schools that were granted operating rights in Massachusetts have either been closed or failed to open.¹¹¹ A charter school may close for a variety of reasons, including financial mismanagement or a failure to produce acceptable achievement outcomes for students. Massachusetts' willingness to hold schools accountable for failure stands in contrast to charter school policies that exist in some states, where accountability seems more of a suggestion than a reality.¹¹² This policy of strict accountability has in many ways assured the great success of the charter school movement, as a whole, in the state.

• **Funding formulas must be equitable.** In comparison to their counterparts in other states, charter schools in Massachusetts enjoy a comparatively high level of funding that

accounts for per-pupil needs, despite the fact that they remain liable for a certain portion of capital costs. The Massachusetts funding formula is a testament to the idea that there should be a high common minimum level of funding for all children in all schools, regardless of school location, school type, or school population. Freedom from worry about providing needed resources, especially to disadvantaged students, has helped many Massachusetts charter schools to produce excellent results. Moreover, although it comes with consequences for state budgets, the existence of a reimbursement formula for traditional district schools that lose students to charters allows charter schools to counter the argument that they drain resources from their district school counterparts.

• **Policy environments matter.** Although many of the lessons already detailed speak to the relatively friendly policy environment that Massachusetts has created for charter schools in the past 16 years, there is compelling evidence that, over time, that environment has become less friendly to charters. A failure to change the current environment could mean an unwelcome difference in the quality of charter schools that will exist in Massachusetts in coming years.

In addition to the increased regulation that charter schools have faced in recent years, the existence of the charter school cap has become a detriment to charter schooling that policy makers can no longer ignore. Although the state's low charter school cap originally contributed to a conservative and rigorous approach to authorizing, it has outlived its usefulness. The state now has a clear idea of what good charter school authorizing entails. If talented charter school operators have no chance to open new schools or experiment with new ideas, they will take their innovations elsewhere. Moreover, if it fails to raise the cap, Massachusetts stands to lose out on significant federal funding in both the near and long term.

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Despite this concern about the overall policy environment in the state, charter public schools in Massachusetts have accomplished terrific results and have much to be proud of. These alternatives to traditional public schools are highly accountable for outcomes, and many charter schools thrive on such accountability. Working to carefully and constantly support missions that help them to deliver a high quality of education to students in the state who are the hungriest for it, many charter schools in Massachusetts have also proven that it is possible to close the achievement gap.

Indeed, before charter schools came to be in Massachusetts, few examples of high performing, high poverty schools existed within the public school system. Once an idea that only a hopeful few espoused, the notion that family and social class background do not have to dictate the educational success of a student is now impossible to deny; in large part, charter schools are responsible for proving this.

This is why all of the lessons highlighted in this report are so important to the future of the charter school movement, not only in Massachusetts but beyond. However, should the state fail to seize this important moment for charters and do what it takes to allow them to build upon the good work that has already begun, charter schools and the larger education community will suffer a great loss. Above all, the loss will be keenly felt by the tens of thousands of Massachusetts students who have come to see charters as their opportunity for educational and life success. In the end, even detractors of the charter movement must agree, it is students who matter most, which is why it is time to do what it takes to reinvigorate the charter school movement in Massachusetts.

About the Author:

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About Pioneer:

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to change the intellectual climate in the Commonwealth by supporting scholarship that challenges the “conventional wisdom” on Massachusetts public policy issues.

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Charter Public School. Boston Day and Evening Academy and Health Careers Academy, which are both Horace Mann Charter Schools and therefore affiliated with the Boston Public School District are not included in this analysis.

115. Represents the number of schools in the category in the 2007-08 school year.

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