HOUSE DOCKET, NO. 1180 FILED ON: 1/20/2011

HOUSE . . . . . No. 1086

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	*8th Suffolk*
Ann-Margaret Ferrante	*5th Essex*
Elizabeth A. Malia	*11th Suffolk*
Bruce E. Tarr	☐ *[District]* ☐
Chris Walsh	*6th Middlesex*

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By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 1086) of Martha M. Walz and others relative to charter schools. Education.

The Commonwealth of Massachusetts

An Act relative to charter schools.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide greater transparency and accountability for charter schools, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection h of section 89 of chapter 71 of the General Laws, as appearing in section 7 of chapter 12 of the acts of 2010, is hereby amended by inserting, after the first sentence, the following sentence:-

All information submitted to the board by a commonwealth charter school applicant shall be submitted simultaneously to the school committees of affected districts and shall be immediately made available by the board to members of the public without a request pursuant to section 10 of chapter 66.

SECTION 2. Said subsection h of section 89, as so appearing, is hereby further amended by striking the last sentence of the first paragraph and inserting in place thereof the following sentences:-

A comprehensive written summary of all materials prepared by the department or its administrative subdivisions regarding a charter application shall be delivered to the members of the board, the applicant, and affected districts not later than 10 working days before any board vote on the charter application. Any report prepared by the department or its administrative subdivisions regarding a charter application shall be delivered to the members of the board, the applicant, and affected districts within 10 days of the completion of said report.

SECTION 3. The last sentence of said subsection h of section 89, as so appearing, is hereby further amended by inserting after the word “districts” the following:-

19 at least 10 working days

20 SECTION 4. Said subsection h of section 89, as so appearing, is hereby further amended
21 by inserting, after the last sentence, the following sentence:-

22 There shall be a 10 working day freeze on any new material to be made available to the
23 board prior to the day of the board vote on a commonwealth charter school application.

24 SECTION 5. Subsection j of said section 89, as so appearing, is hereby amended by
25 striking out the second sentence of the first paragraph and inserting in place thereof the following
26 sentences:-

27 The board shall create and use a rubric for the approval of a charter application. The
28 board shall publicly review each charter application against the rubric at each stage in the
29 application process. In reviewing applications, the board shall consider whether the school
30 committee in the community in which the charter school is to be located or the school committee
31 in any community from which the charter school is expected to enroll students has been asked to
32 implement the educational program being proposed by the applicant and has declined to do so.

33 SECTION 6. Subsection k of said section 89, as so appearing, is hereby amended by
34 inserting after the words "parochial schools" in clause 5, the following:-

35 or a for-profit entity operating a charter school

36 SECTION 7. Subsection m of said section 89, as so appearing, is hereby amended by
37 inserting after the first paragraph the following paragraph:-

38 A charter school may not administer tests to potential applicants or predicate enrollment
39 on results from any test of ability or achievement; provided, however, that a performing, visual,
40 or graphics arts school may hold auditions or require evaluations of visual or graphic arts
41 portfolios. Required attendance by a parent or guardian at an informational meeting or an
42 interview, a commitment to volunteer at the school by a parent or guardian or a contract or other
43 form of written agreement with the school signed by a parent or guardian shall not be designed,
44 intended, or used to discriminate against a student or to deny a student enrollment in a charter
45 school.

46 SECTION 8. Subsection dd of said section 89, as so appearing, is hereby amended by
47 inserting after the word "students" in the third sentence of the second paragraph the following:-

48 , teachers, and administrators

49 SECTION 9. Subsection ff of said section 89, as most recently amended by section 51 of
50 chapter 131 of the acts of 2010, is hereby amended by inserting at the end of the subsection the
51 following:-

52 In the event that the board revokes a charter, or if a charter school ceases to exist for any
53 reason, the charter school shall, within six months of the revocation of said charter or closure of
54 the school, submit to the board a detailed financial accounting of all the school's assets,
55 including all real property, vehicles, equipment and supplies.

56 SECTION 10. Subsection jj of section 89 of chapter 71, as appearing in section 7 of
57 chapter 12 of the acts of 2010, is hereby amended by inserting after the word "charter;" in clause
58 (i) of the first paragraph the following:-

59 (ii) discussion of progress made toward the benchmarks and retention efforts described in
60 the school's recruitment and retention plan, provided that, if a charter school has not enrolled and
61 retained a student population matching such benchmarks, the report must explain why this is the
62 case; (iii) an accounting of how many students were designated as requiring special education
63 services or English language services by language proficiency level as measured by the
64 Massachusetts English Proficiency Assessment examination or its successor upon enrollment and
65 how many of these students were subsequently no longer designated as such, along with a
66 description of methods used by the school to achieve these outcomes and the rationale behind the
67 methodologies used; (iv) the number of students, teachers, and administrators who have left the
68 charter school and their reasons for leaving; (v) the number of students enrolled in the charter
69 school eligible for free lunch as defined in section 2 of chapter 70; (vi) the number of students
70 enrolled in the charter school eligible for reduced price lunch as defined in section 2 of chapter
71 70; (vii) the number of homeless students enrolled in the charter school; (viii) the number of
72 students in the care of the Department of Youth Services enrolled in the charter school;

73 SECTION 11. Said subsection jj of section 89, as so appearing, is hereby further
74 amended by striking out the figure "(ii)" in the first paragraph and inserting in place thereof the
75 following figure:-

76 (ix)

77 SECTION 12. Said subsection jj of section 89, as so appearing, is hereby further
78 amended by inserting, at the end of the second paragraph, the following:-

79 The regulations shall authorize the commissioner to recommend withholding the release
80 of all or some part of the quarterly tuition payments for any school that has not timely filed the
81 required report. Such report shall be filed annually on or before January 1 with the department.