

***An Act Relative to Charter Schools***  
**House Bill 491**  
**Senate Bills 212 and 258**

***H. 491 Sponsored by: Rep. Frank Smizik (D-Brookline) and co-sponsored by Senators Creem and Jehlen and Reps. O'Day, Turner, Swan, Ferrante, Malia, Sciortino, Provost, Vega, Balsler, Brady, Khan, Lawn and Decker.***

***S. 212 Sponsored by: Senator Katherine Clark (D-Melrose) and co-sponsored by Reps. Khan, Stanley, Andrews, Swan, Provost and Rogers***

***S. 258 Sponsored by: Senator Marc Pacheco (D-Taunton) and co-sponsored by Senators Jehlen and Kennedy and Reps. Gregoire, Brady and Lawn.***

H. 291, as well as S. 212 and S. 258, amend state law to provide that a Commonwealth Charter school application must be approved (1) by the district or regional school committee, OR (2) by the voters of the local or regional school district at a general election or town meeting. If local approval is received, the new charter school will be funded pursuant to current statute (i.e., Chapter 70 state funding for the local district is reduced by the amount of the charter school tuition). However, if neither method of local approval is received, funding must be provided by the Board of Elementary and Secondary Education without usage of Chapter 70 or any local school funds.

**The Problem:**

Commonwealth Charter schools, which make up the vast majority of charters approved and operating in our state, are authorized exclusively by the Board of Elementary and Secondary Education without requiring approval from either the local community in which the charter is proposed or the local school committee that oversees its own district's schools.

With the approval of a commonwealth charter school by the state, local funding is diverted from the local school district to the charter school. Limited state funding is allocated for cities and towns to effectively operate their school systems, and individual communities should, but currently do not have, any authority in determining whether or not a new charter school is the right choice for its students and families, or the right way to spend its limited school budget. Further, the Board of Trustees of Commonwealth Charter schools, which oversees the management of the charter, is self-appointed without any accountability to or input from the local district where it is located or from which it draws its students.

We have seen examples of charter school approval despite vehement local opposition. In some cases, such as with the Gloucester Community Arts Charter School, the approval of a charter can be based largely on political reasons rather than educational merit.

In the case of the GCAC application, public hearings were held and public opinion was largely negative. State and local officials, with bi-partisan consensus, voiced opposition to the plan. Even the Department of Education's own Charter School Office found the

proposed charter to be inadequate and unable to meet the necessary criteria in its application. But the Commissioner moved forward with the approval of the charter. It was later revealed that the Secretary of Education suggested the approval was necessary in order to fulfill the Governor's political agenda, despite the many concerns raised.

This process damaged the public trust and put the best interests of our school children in jeopardy. In the end, after several years of allowing the GCAC to move forward to meet the conditions of state law and its own charter, the Board of Elementary and Secondary Education had to finally close the school. Opposition by the public and by state and local officials had been warranted. In its wake, the school left disaster: a waste of millions of dollars in state and local funding (state and local tax dollars) that should have gone to support the Gloucester public school district, and worse, former charter school students were left behind, having lost months—perhaps years-- from their education.

Whether or not the mishandling of the Gloucester charter application was an isolated incident, it raises concerns about the integrity of the charter approval process and points to a blatant disregard for the input offered by residents, public officials and others within a proposed charter community.

**Why this change to the law is important:**

The education of our children is of paramount importance. Every community has a stake in ensuring and providing the best educational choices for its young people. Within each community across the Commonwealth lie unique populations of children and families with distinct educational needs. Every city and town (except Boston, where the Mayor appoints) elects members to their school committees who they believe will best represent their needs. These local school committees are responsible for the administration of our school systems and the policies that guide the public education of our young people. Charter schools are run independently from the public school system and are not accountable to the voters of the school district in which they reside, despite the local funding they receive. At the very least, these voters, either directly, or through the school committee that represents them, should have a voice in the allocation of their public education dollars from their local school budgets to a privately run charter school.

As a Commonwealth that deeply values municipal autonomy, we need to be sure that the decisions affecting the education of our school children stem from an open and democratic process of the residents and chosen administrators of each city and town. That's why we need to change the law to allow the local school district or local community to make its own school funding decisions.

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