

***An Act Establishing a Moratorium for
Commonwealth Charter Schools
Senate Bill 257 and House Bill 372***

S. 257 Sponsored by: Senator Marc Pacheco (D-Taunton) and co-sponsored by Reps. Gregoire, Brady and Lawn.

H. 372 Sponsored by: Rep. James Dwyer (D-Woburn) and co-sponsored by Reps. Gregoire, Smizik, Turner, Garry, Malia, Andrews, Story, Sciortino, Provost, Henriquez, Brady and Lawn.

Both of these bills would establish a moratorium on the granting of Commonwealth Charters, from the effective date of the act until September 1, 2017 (S. 257) or until September 1, 2015 (H. 3672).

The Need for a Moratorium:

1. **Loss of funding to local school districts** due to tuition paid to Commonwealth Charter schools continues to be a serious problem for public school districts.

Charter schools are funded by the local school district where a charter school student resides. The tuition formula is calculated by the state based upon the type of student and the spending of the sending school district. This tuition amount is then deducted dollar for dollar from the state aid (Chapter 70) that would otherwise go to the local school district. In addition to the tuition amount from each district, the charter is granted a per pupil sum annually for capital costs. The total is intended to approximate the same amount that the local public school district spends per pupil, but usually amounts to more than the local school district would have spent on the student and would rarely be less. While there is a state reimbursement for new charter school students (100% the first year; then 25% for the next four years; then no reimbursement), this reimbursement is subject to appropriation, is not fully funded for FY13, and is expected to be further reduced for FY14 (see below). Once the reimbursement period is up, the student in the charter school is funded 100% by the local school district.

The loss of funding to district schools as a result of Commonwealth Charter schools, already burdensome before the 2010 law increased the number of charter schools, is now becoming intolerable. While that law also changed the reimbursement formula for school districts that lose students to charters, the Legislature has often underfunded this reimbursement and, for FY14, the House budget proposes to underfund this item by over \$30 million. **This translates to a \$30 million budget cut to all public school districts affected by charter schools**, as the reimbursement is reduced pro rata when the line item is not fully funded.

The number of Commonwealth Charter Schools allowed to open in the state is now unlimited, since the changes to the law in 2010. While the law still states that the number is limited to 120, any charters that are granted in the lowest performing districts are not subject to the cap. The only effective “cap” left on Commonwealth Charters is the limit on the percentage of the district school budget that can go to charter tuition. While the nominal cap is 9%, in the lowest performing districts, the cap is now an outrageously high amount: 18%. It is this “cap” that charter school proponents want to eliminate altogether, essentially allowing an “all charter district,” with the entire school budget being allowed to go to charter school tuition.

2. **Success Record is Spotty:** There is little evidence that charter schools are more effective than regular public schools in increasing student achievement. (See, Federal Department of Education, 2010 report, 2009 CREDO charter school study, others). There is no dispute that charters enroll fewer special needs students, fewer English language learners and fewer very low-income students than the regular public schools. Where charter schools have claimed success, such as in several charter schools in Boston that boast that most of their graduates go on to college, studies have shown that, in fact, students who are unable to meet the charters' "higher standards" are counseled or pushed out of the charter, thus skewing the schools' success rates.
3. **Major Argument in Support of More Charters--Parent and Student Demand--Found to be Flawed:** For years, one of the most compelling arguments that proponents made was that parents and students demanded more charters, as evidenced by the long waiting lists for charter schools. Recently, however, this argument has been proven bogus: the waiting list numbers used by charter proponents are inflated and duplicative, as there is no systemic attempt to keep an accurate record of waiting lists; so-called "waiting lists" are almost entirely anecdotal, and, further, many charters have no waiting list at all.

It's time to put a hold on any more Commonwealth Charter Schools until:

1. **The charter funding formula is fixed;**
2. **Charters are more successful with the same students; and,**
3. **Charters have stopped forcing out students who are not successful.**

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