

# MASSACHUSETTS

(Law passed in 1993; 17th weakest of the nation's 43 charter laws)



Despite some of our nation's best charter school networks hailing from Massachusetts, the state has an average charter school law. The only authorizer, the State Board of Education, holds charters to performance and operational targets, although with more bureaucracy lately. Not having an independent authorizer is a hindrance to true expansion. Boston, and other traditionally low-performing districts, have reached the charter school cap, meaning that no new schools will be able to open in places that need choice the most until the law is amended.

## INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	The State Board of Education authorizes two types of charter schools: Commonwealth charters are approved directly by the state board and Horace Mann charters are normally conversion schools that must be approved by the local school committee, and sometimes the teachers union before state approval.
APPEAL	None

## OPERATIONAL AUTONOMY

STATE	Limited. While there is no blanket waiver, charter schools do have a fair amount of autonomy, although it has diminished over time. New regulatory requirements were put in place in 2014 related to charter investigations, enrollment, bylaws, expulsion policies and accountability plans. Many of these changes required formal amendments to the school's charter. Virtual charter schools are not allowed, however under the 2013 law that established statewide commonwealth virtual schools, two or more charter governing boards can come together to form an "education collaborative" and apply to operate a commonwealth virtual school. Management contracts with ESPs are not restricted, but providers must have been successful in the past and demonstrate their academic and operational performance in the application.
LOCAL	Yes. Commonwealth charters are free from district rules governing operations and funding. Horace Mann schools are more tied to the school district and receive oversight and their budgets from the district.
TEACHER FREEDOM	Yes for Commonwealth charters; teachers may negotiate as a separate bargaining unit, or work independently. No for Horace Mann charters; teachers remain covered by district collective bargaining agreement, but they may specify exemptions in the school's charter. Charter schools must participate in the state's retirement system.

## IMPLEMENTATION POINTS

+ 1	One point awarded for the state's responsible authorizing - opening strong charter schools while holding current charters accountable to their contracts and closing them as necessary. Massachusetts' state board has had a long history of authorizing high-quality schools and holding them to high standards.
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[LINK TO THE MASSACHUSETTS CHARTER SCHOOL LAW](#)

# MASSACHUSETTS

(Continued)



## NUMBER OF SCHOOLS ALLOWED

### CAP

Yes there are caps on the number of schools that can open and on charter enrollment. Seventy-two Commonwealth charters and 48 Horace Mann charters are allowed in the state. At least two of the charters approved by the state each year must be located in districts that are in the ten percent lowest performing statewide. At least four Horace Mann charters must be located in Boston. There is a nine percent cap on the total district spending for Commonwealth charters. In the lowest-scoring districts (lowest ten percent), this cap is increased incrementally by one percent each year until it reaches 18 percent by FY 2017. However new charters approved above the nine percent cap must be replication schools. The schools approved above the nine percent cap also do not count towards the 72 Commonwealth charter cap. In communities with less than a population of 30,000, only regional charter schools can be approved. Annually, the state board can only approve one regional charter application in a low-performing district. Up to three online schools can be open beginning in 2013 with a maximum of ten over time. Virtuals can enroll no more than two percent of students statewide, or 19,000 students.

## EQUITY

### STUDENT FUNDING

Funds pass from state to school, minus deductions from state aid to affected districts. The state calculates per-pupil funding as the sum of each sending district's separate tuition rates using the formula within the law based on the state foundation budget formula. It is supposed to represent the actual per-pupil amount but inequities exist. School districts receive reimbursement of charter school expenses from state appropriations, the most generous of its kind in the country.

“(w) The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget. The board of trustees of each Horace Mann charter school shall annually submit to the superintendent and school committee of the district in which the school is located a budget request for the following fiscal year. The school committee shall act on the budget request in conjunction with its actions on the district's overall budget. Each Horace Mann charter school shall receive in response to the budget request not less than it would have under the district's budgetary allocation rules.

(ff) Commonwealth charter schools shall be funded as follows: 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 using the formula set forth herein, 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. The tuition amount shall be calculated separately for each district sending students to a charter school, and for each charter school to which a district sends students. Each district's per pupil tuition amount for each charter school to which it sends students shall include a per pupil foundation budget component, adjusted to reflect the actual net school spending in the sending district.” [MA Gen Law 89(ff)]

### FACILITIES FUNDS

Yes. The law requires the state to provide for a portion of per-pupil capital needs in the charter funding formula, which is \$893 per pupil. [MA Gen Law 89(nn)]