Massachusetts Charter School Law Overview

Massachusetts’s initial charter law was enacted in 1993 and today allows up to 120 charter schools in two categories: Commonwealth charter schools (72 allowed), and Horace Mann charter schools (48 allowed). Both categories must seek approval from the Massachusetts Board of Education (i.e., State Board), which serves as the only authorizer in the state. The main difference between the two types is that Horace Mann schools are former district schools converted to charter status after having obtained approval from their local school committee, teachers’ union president, and the State Board, whereas the Commonwealth schools—all start-ups—need approval only from the State Board. Commonwealth schools all operate as legally and financially autonomous entities, while Horace Mann schools vary depending upon agreements reached by the various parties.

As of Fall 2002, there were 52 schools approved by the State Board, of which 46 were operating.

State Policy Environment

Support for Charter Schools: The state received a B– for this category. This is driven largely by the perception of faltering political support for charters, lack of acceptance by local districts, and persistent lack of understanding by parents and the general public.

Several policy concerns currently face the charter school movement in Massachusetts. Although the total number of schools is well below the statewide cap, some areas of the state are hitting a “sub cap” that says no more than 9% of a given district’s net school spending may go to Commonwealth charter schools for school tuition payments. This sub cap will have the effect of blocking future charter school growth in several urban areas, including Boston.

Another issue involves the additional state funding that districts had been receiving to offset the loss of charter students (seen by some as a “bribe” to school districts) at a cost of at least $20 million per year. This provision has now been phased down over several years, meaning that the “cost” to districts has risen when students leave for charter schools. In a time of budgetary stringency, this has led many districts to renew their protests against charter schools.

There are many positive policy aspects, however. Serving as the state’s sole authorizer, the Massachusetts Board of Education (via its charter school office) has long been viewed as supportive of quality charter schools, and its approval and renewal decisions appear to be based upon data, not politics.
There has also been good technical assistance available from the Massachusetts Charter School Resource Center at the Pioneer Institute (a non-profit policy center). One of its key programs—The Building Excellent Schools Fellowship—is closely aligned with the state’s charter authorizing cycle, and attempts to identify and train a set of “fellows” who in turn will become successful charter school founders. Each fellow receives a year of technical assistance and support as he/she develops a charter school proposal. This includes a two-month summer training institute, an 18-week residency at an operating charter school, and other assistance as needed. Since 2001, two cycles of fellows have been completed, and the majority of recent charter schools approved have been awarded to such fellows.

**Support and External Accountability for Authorizers:** An overall grade of B was received for this category. Adequate funding has been provided to operate a small charter school office within the Massachusetts Department of Education, which provides staffing support to the State Board in its function as charter authorizer. A number of external accountability measures are also in place, including periodic reports to the legislature and periodic review by an oversight body.

**Authorizer Practices**

**Application Processes:** All key components related to quality application processes appear to be in place, leading to a grade of A– for this category.

**Approval Processes:** Earning an A– here, as well, Massachusetts has in place comprehensive application review and oversight processes. For new schools, it now involves an approval cycle that lasts nearly two years from initial application to school opening. Extensive reviews and applicant interviews are conducted. Approvals are granted within a few months but most new operators are asked to build in a one-year planning period, so their schools will not open for another 1.5 years. The idea behind this delay is that quality planning is linked strongly to quality schooling.

**Performance Contracts:** Receiving another grade of A–, Massachusetts’ charter performance contracts are deemed to be sufficiently detailed enough to hold schools accountable. The lowest criterion suggests a need for more clarity on consequences for not meeting prescribed outcomes.

**Oversight:** Receiving a B in this area, the state is deemed to have good oversight procedures. Operating schools submit a comprehensive report at least once per year, and the authorizer makes annual on-site visits. Unannounced visits, however, are not made. Overall, survey respondents generally felt that a good oversight process is in place that avoids micromanagement and excessive paperwork.

**Renewal and Revocation Processes:** The state, again, received an A– here. Schools come up for formal renewal every five years, with all renewal criteria and processes posted clearly on the web. Schools are notified well in advance of any concerns, with time for improvements allowed.

As of Fall 2002, three schools had voluntarily closed, with two of those charters turned in “voluntarily” after action was taken by the State Board to revoke or non-renew. The charter for another school was formally non-renewed, based primarily upon its lack of academic performance. This was a high-profile event, involving formal hearings and many attorneys (on both sides). In the end, however, the data-driven approach (rather than a political one) worked and the non-renewal decision was upheld.

**Transparency and Internal Accountability:** Receiving an overall A– for this subcategory, the charter school office within the State Department of Education is clearly focused on quality and very transparent about decisions made. This is evidenced by having all key documents posted on its website (e.g., all approved applications, school site visit summaries and evaluation data).

**Overall Grade**

Based on scores for 56 criteria, Massachusetts earned a B for its policy environment and an A– for authorizer practices, resulting in an overall grade of B+ (the highest of all 24 states studied). However, when observer and school operator survey respondents were asked to provide a single “holistic” grade, the average grade given was a C+. This means that
participants believed things are not going quite as well as their ratings on individual criteria reflect.

Open-ended responses illuminate this issue a bit. Massachusetts has long been known in the charter community for its careful, rigorous, even fussy approach to authorizing, all within an environment of strong pro-charter sentiments among state officials. These circumstances may, however, now be changing. Some respondents note a shift toward more paperwork and bureaucratic approaches. Some believe that many potential applicants are screened out too early in the process, thus slowing the growth of charter schools in the state. One observer likened obtaining a new charter in the Bay State to “passing through the eye of a needle.” This is certainly something for state policymakers to consider. Up to now, however, Massachusetts is to be commended for its decade-long efforts to enact quality authorizing practices. Details on state scores can be found on the table in Appendix A, and on the web at http://www.edexcellence.net/tbfinstitute/authorizers.html.

Note: The grades for Massachusetts are based upon survey data received from three authorizer respondents (representing the only authorizer in the state); five observer respondents; and 22 charter operator respondents (of 46 total operating charter schools, or 48%).