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HIGHER STATE CHARTER CAPS A SMALL STEP IN THE RIGHT DIRECTION

New Study Finds Vague Language, Bureaucracy and Focus on Compliance Likely to Open the Door to More Political Interference, Limit Effectiveness

BOSTON – While the limited increase in the number of charter schools allowed in a bill enacted in January is a step in the right direction, vague language, provisions that pull charters into the very bureaucratic web they were designed to bypass, and a focus on promoting compliance over excellence limit the progress to baby steps, according to a new study published by Pioneer Institute.

In “[Charter School Caps and Strings Attached: The Achievement Gap Act of 2010 and Charter Policy](http://www.pioneerinstitute.org/pdf/101013_charter_caps.pdf),” (http://www.pioneerinstitute.org/pdf/101013_charter_caps.pdf) author Cara Stillings Candal analyzes the charter school language in a law that raises the cap on how much money can be transferred to charter schools in Massachusetts’ lowest performing school districts from 9 to 18 percent of overall district spending.

“Just two years ago, any increase in the charter school cap would have been hard to imagine,” said Jim Stergios, executive director of Pioneer Institute. “But this study serves as a reminder that we still have a long way to go if we are to provide real educational opportunity to 24,000 students on charter wait lists and the tens of thousands of others who currently don’t have it.”

Since their creation as part of Massachusetts’ 1993 Education Reform Act, charter schools were granted an unusual level of autonomy in return for strict accountability measures. The state Board of Elementary and Secondary Education enforced that accountability by shuttering schools that didn’t perform well.

The approach has worked. Although charters account for less than 3 percent of Massachusetts public school students, four of the 10 top-scoring schools on this year’s tenth grade MCAS math exam were charter schools, as were three of the top 10 performers in English language arts.

But Stillings Candal finds that the new legislation shifts the focus from results to compliance for charters approved under the increased cap. It seems to assign a higher priority to ensuring that charter schools mirror the demographics of the district schools from which their students come rather than on fostering excellence.

The schools must draft goals for recruitment and retention activities, and these goals are to be updated annually. When a charter school comes up for renewal after five years, it will be judged on its adherence to the plan and not the success of its recruitment and retention efforts.

One of the central purposes behind charter schools is to bypass school district bureaucracy, but the legislation imposes a number of bureaucratic requirements on the schools. Among them are a dizzying set of rules for filling student vacancies and additional paperwork to document school waiting lists.

Vague language opens the legislation to broad interpretation. Schools in excess of the current 9 percent cap can only be opened by “proven providers” who already operate “at least 1 school or similar program that demonstrates academic success and organizational viability and serves student populations similar to those the proposed school seeks to serve.”

Few would question that MATCH, a successful Boston charter school serving grades 6-12, is a proven provider. But MATCH wants to open a K-12 school that seeks to serve English language learners. It’s unclear whether they qualify as a proven provider for elementary school students or English language learners.

Language that is open to broad interpretation opens the door to political interference. Already in recent years, a state charter school approval process that had previously been a national model has been tainted when politics appeared to influence chartering decisions in Brockton and Gloucester.

Just last month, two schools that would have been managed by SABIS, the last remaining for-profit educational management organization operating in the Commonwealth, did not make the final round of the charter selection process even though both the Massachusetts charter schools they currently operate are top performers.

Stillings Candal also finds that the proven provider language would act as a cap on the innovation which charters were designed to provide. While new schools from existing providers are likely to perform well, they will probably look a lot like the providers’ existing schools rather than breaking new educational ground.

For videos on charter public school policy in Massachusetts see:

Race to The Top: national leadership on charter schools (<http://vimeo.com/8489696>)

Massachusetts' charter cap lifting legislation (<http://vimeo.com/8489955>)

Student backfilling: a barrier to charter school success (<http://vimeo.com/8491232>)

State charter leadership: Massachusetts and New York compared (<http://vimeo.com/8491257>)

Dr. Cara Stillings Candal is a research assistant professor and lecturer at the Boston University School of Education, where she also completed her doctoral work. A former teacher and test and curriculum development specialist, she is also the author of several articles on *No Child Left Behind*, the charter school movement, and international policies for ensuring equality of educational opportunity for disadvantaged youth.



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