

SENATE No. 2691

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, November 17, 2025.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 378) of Patricia D. Jehlen and James B. Eldridge for legislation relative to the financial impact of charter schools; (accompanied by bill, Senate, No. 389) of Robyn K. Kennedy, Vanna Howard, Michael D. Brady, Jacob R. Oliveira and other members of the General Court for legislation relative to charter school reimbursed by the commonwealth; (accompanied by bill, Senate, No. 393) of Jason M. Lewis for legislation relative to the net school spending cap; (accompanied by bill, Senate, No. 402) of Jason M. Lewis, Robyn K. Kennedy and James B. Eldridge for legislation to change the percentage of a school district's net school spending that can be allocated to charter school tuition,; (accompanied by bill, Senate, No. 414) of Michael O. Moore for legislation relative to local approval for charter schools; (accompanied by bill, Senate, No. 452) of Bruce E. Tarr for legislation relative to ensure the integrity of charter schools; and (accompanied by bill, Senate, No. 2614) (subject to Joint Rule 12) of Joanne M. Comerford for legislation to reform charter school funding in Massachusetts, report the accompanying bill (Senate, No. 2691).

For the committee,
Jason M. Lewis

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An Act updating the charter net school spending cap.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (i) of section 89 of chapter 71 of the general laws, as appearing
2 in the 2022 official edition, is hereby amended by striking out the second, third and fourth
3 paragraphs and inserting in place the following paragraph:-

4 (2) In any fiscal year, no public school district's total charter school tuition payment to
5 commonwealth charter schools shall exceed 9 per cent of the district's net school spending;
6 provided, however, that a public school district whose total charter school tuition payment as of
7 June 30, 2026, exceeds said 9 per cent shall remain at the level necessary to support current and
8 previously authorized charter school enrollment, and provided further that no new charter school
9 seats shall be authorized by the board for said district so long as its total charter school tuition
10 payment exceeds said 9 per cent. The commonwealth shall incur charter school tuition payments
11 for siblings attending commonwealth charter schools to the extent that their attendance would
12 otherwise cause the school district's charter school tuition payments to exceed 9 per cent of the
13 school district's net school spending or the higher caps referenced herein.

SECTION 2. Subsection (j) of said section 89 of said chapter 71, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- The criteria shall include, but not be limited to: (i) the projected impact on enrollment to the sending district or districts; (ii) the projected financial impact on the sending district or districts; and (iii) the projected impact on the overall short- and long-term viability of the sending district or districts.

SECTION 3. Subsection (n) of said section 89 of said chapter 71, as so appearing, is hereby amended by inserting after the first paragraph, the following paragraph:-

A charter school may offer enrollment preferences for the following students: (i) students with an individualized education plan; (ii) English learners; (iii) students in foster care; (iv) students who are determined to be at risk of dropping out of school based on predictors determined by the department; (v) students who have dropped out of school; or (vi) students experiencing homelessness. Prior to offering an enrollment preference, a charter school shall (i) seek approval from the department; and (ii) notify the sending district or districts upon seeking approval from the department. Enrollment preferences shall apply both to students who are admitted through the lottery and students admitted from the waitlist pursuant to this section.

SECTION 4. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is hereby amended by adding the following paragraph:-

The decision by the board to renew a charter shall be based upon the presentation of affirmative evidence regarding the faithfulness of the school to the terms of its charter. Any material produced by the department in relation to a charter school renewal decision shall be made available to the public at least 60 days prior to a vote by the board to renew a school's charter. Furthermore, at least 60 days prior to a renewal vote, the board shall solicit public

comment on the renewal for a period of at least 30 days. The board shall review all material submitted in support of or in opposition to the charter renewal prior to a renewal vote. If the board delegates full or partial authority to the commissioner to make charter school renewal decisions, the same public notice and public comment timelines shall apply.

SECTION 5. Said section 89 of said chapter 71, as so appearing, is hereby further amended by inserting after subsection (dd) the following subsection:-

(dd1/2) In the case of a charter school seeking an expansion of seats from the board, there shall be a public hearing on the expansion if a member of the school committee in any potentially impacted district makes the request to the department within 30 days of public notification of the expansion request. The board shall hold the hearing in the school district, providing for the option to participate virtually, in which the proposed expansion would take place, in accordance with the public hearing requirements outlined in subsection (h).

The board shall establish criteria for the approval of a charter school expansion request, and recommendations to the board shall be based upon and reference those criteria. The criteria shall include, but not be limited to: (i) the projected impact on enrollment to the sending district or districts; (ii) the projected financial impact on the sending district or districts; (iii) the projected impact on the overall short- and long-term viability of the sending district or districts; and (iv) the degree to which the charter school seeking expansion serves and demonstrates an intent to serve student populations representative of the sending district or districts.