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WHAT WE CAN LEARN FROM THE MASSACHUSETTS BALLOT QUESTION CAMPAIGN ON CHARTER SCHOOL EXPANSION

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March 2017

Introduction

In the November 2016 election, voters in Massachusetts decisively (62% to 38%) defeated a referendum that would have significantly increased the number of charter schools in the state. Early polls had “Yes” with a sizable lead, and the Yes side was bankrolled to the tune of \$24 million (compared to \$14 million on the No side)—the most expensive ballot question in state history. So what happened? While the charter advocates argued that charters were necessary for equity, the No side countered that charter schools drained resources from the regular public system and that only by improving the public school system can we ensure that no students are written off. While charter advocates outspent their opponents, the No side had many more local people involved, as part of its impressive ground operation. The No side also successfully connected charter-school expansion to “dark money” and to a market-based ideological agenda. Further, the strong and visible Black support for the No campaign upended the Obama-era consensus of broad, bipartisan support for charter schools. Acknowledging the localized elements of this campaign, it holds lessons about the fault lines of the charter school debate and about how the public may be willing to respond to the Trump administration’s likely expansion efforts.

What We Can Learn from the Massachusetts Ballot Question Campaign on Charter School Expansion

In the November 2016 election, voters in Massachusetts decisively defeated Ballot Question 2, a referendum that would have significantly increased the presence of charter schools in the state.¹ Question 2 would have permitted twelve new charter schools every year, above the current number and cap, indefinitely into the future. The final vote was 62.1% “No” to 37.9% “Yes,” with 3+ million votes cast altogether. Yet early polls had “Yes” with a sizable lead.² This report details the forces and players involved on both sides of the campaign, examining the arguments that influenced voters. The campaign holds significant importance. It may signal a turning point in the ability of charter advocates to dominate the national narrative about the value of these types of schools to improve the educational plight of low-income Black and Latino students. In addition, it suggests the potential of substantial pushback against the general corporate agenda from coordinated grassroots organizing by teachers and their unions, by parents, and by students.

Massachusetts might seem unpromising terrain for a campaign to change business as usual in education. It has the highest test scores in the nation on the National Assessment of Education Progress. Its urban schools outperform other cities with similar populations. But at the same time, as the “Yes” campaign often emphasized, its charter schools are among the highest performing in the nation on standard measures, and those charters have avoided some of the scandals that have plagued charters elsewhere.³ Moreover, the continuing gap between Blacks/Latinos and Asians/Whites in the state reflects national trends. Thus, a victory in Massachusetts, a strongly “blue” state in most ways, with strong schools as well as strong teachers unions, would strike a significant blow for the charter and anti-union cause.

The Actors

The Yes Side

The campaign was the most expensive state initiative battle in the state’s history, with the “Yes” side spending \$24 million and the “No” side, \$14 million. The Yes side’s campaign consisted of several campaign ballot committees, of which “Great Schools Massachusetts (GSM),” was the best funded and served as something of an umbrella for the whole campaign. Taking up most of the space under this umbrella was Families for Excellent Schools (FES), a powerful pro-charter force in New York City education politics. FES set up shop in Massachusetts in 2014, preparing a campaign to increase the charter presence there. Ultimately, FES provided \$15.6 million for the campaign, the largest single organizational or individual contribution by far. FES bills itself as a grassroots, parent-powered movement, but a report in 2015 describes how “a small group of charter school chains, politically connected Wall Street financiers and powerful education officials have controlled FES since its founding.”⁴

Notable among the large individual contributors for the Yes campaign were wealthy out-of-state donors such as Michael Bloomberg and two members of the Walton family, closely tied to families or philanthropies invested in a market or corporate agenda for schools. But

local groups—corporate and philanthropic—with a similar agenda and a history of charter advocacy also played a large role, such as the Boston Foundation and the Massachusetts Charter Public School Association. Democrats for Education Reform (DFER), an influential pro-charter group that operates to influence Democratic party opinion (partly through supporting candidates who agree with the charter agenda), was also a key presence in the campaign. All these groups are connected through various personnel, funding, and consultancy relationships.⁵

On-the-ground troops for the Yes campaign (such as canvassers, poll watchers, and demonstrators) were, to a great extent, paid operatives from inside and outside of Massachusetts, and a small number of Boston charter school parents, who spoke at rallies and public forums. Available evidence suggests that the Yes side had many fewer grassroots people knocking on doors, making calls, and working on social media than did the “No’s.”⁶

Some important public figures supported the Yes side’s cause, the most noteworthy being Charlie Baker, the popular Republican governor, who was featured in mailings and an oft-aired TV spot. The co-head of a media and lobbying firm that works for and closely with the Governor was the official sponsor of the ballot initiative and spokesperson for Great Schools Massachusetts. James Peyser, the State Secretary of Education, was on the board of Families for Excellent Schools Advocacy, Inc. in 2014, and was a managing partner of New-Schools Venture Fund, described on its website as “among the first and largest investors in public charter schools and the first to identify and support multi-site charter management organizations, which launch and operate integrated networks of public charter schools.”⁷ Peyser was for a time Executive Director of the Pioneer Institute, a market-oriented Massachusetts-focused think tank concerned with education. He helped to craft strategy for the charter expansion forces in the state.⁸

The *Boston Globe*, the premier local paper, was firmly in the Yes camp for most of the campaign, and it came out officially in favor of the Question. However, starting in the summer and especially into the fall, the news division of the paper began covering some issues that buttressed the arguments of the No side. The two other major papers, the *Boston Herald* and the *Bay State Banner*, a paper oriented toward the Black community, also took editorial positions in favor of the ballot question, though the *Banner’s* overall coverage was more balanced.

The No Side

The No side brought together grassroots parents and student groups, teachers unions and their members, and community and educational justice groups. Essential logistical and organizational support was provided by Save Our Public Schools (SOPS), an umbrella organization formed for the campaign. SOPS consisted of the two state teachers unions—the Massachusetts Teachers Association (MTA, an NEA affiliate) and the AFT in Massachusetts (especially the Boston Teachers Union (BTU, its Boston affiliate), plus the New England Area Conference of the NAACP and the Boston NAACP branch; Citizens for Public Schools, a Massachusetts public education advocacy group; the Massachusetts AFL-CIO; and several community and educational justice groups. The teachers’ unions members’ dues provided the funding (including \$5 million from the NEA) supplemented by individual donations.⁹

The involvement of teachers’ unions in the issue dated back seven years. In an earlier (2009-2010) campaign around a legislative attempt to raise the charter cap, the union leadership had helped to negotiate a compromise that involved raising the cap, in order to avoid a

popular referendum. In 2014, a new union president, Barbara Madeloni, was elected just as the legislature was on the verge of a further lifting of the charter cap, coupled with a tightening of charter school accountability. Madeloni urged her rank and file to get involved and oppose the caplift, an effort that proved successful. This orientation toward mobilization then carried over to the 2016 ballot initiative, as the ballot question came up because the legislature could not agree on a caplift.¹⁰ The MTA made a deliberate decision to mobilize its members for the effort, and teachers came out in force to talk with their neighbors. One such teacher reported that the teachers' neighbors looked to them as authorities on the issues involved in the ballot question, and greeted them warmly when approached to discuss the ballot question.¹¹

The Massachusetts campaign suggests that the neoliberal, pro-charter narrative that has dominated both major political parties for almost two decades may be weakening in the public mind

While the unions were among the key players, their role was also exaggerated. The Yes side and, for most of the campaign, the mainstream press, largely characterized the No campaign as controlled, organized, and funded solely by teachers' unions. (This portrayal also represented unions as purely organizational structures, rather than as the organized voice of their teacher members.) In truth, teachers were only one component of a broad-based and diverse coalition on the "No side." Parents and students did a staggering amount of work for the campaign. Boston parents and community members in particular, many working with Quality Education for Every Student (QUEST), ran a highly organized door-to-door and phone

bank campaign that ran through the entire summer and fall up to the vote.¹² Some parents created imaginative videos that were widely viewed on social media. Organized Black and Latino parents, sometimes working through already existing groups (such as the NAACP, the Black Educators' Alliance of Massachusetts, and the Union of Minority Neighborhoods) targeted their particular communities. In addition, a diverse group of Boston school parents sent out a "No on 2" mailing to 100,000 suburban/exurban voters. SOPS estimates that the campaign made contact with 1.5 million individual voters (the No side's final vote was 2 million).

Boston students in traditional public schools were also important players in the organizing activity. Earlier in the spring, many of these students had staged a walkout as part of a larger protest around a shortfall in the proposed budget for the Boston Public Schools (BPS). They brought their skills, experience, and understandings to the campaign.¹³ They did door-to-door canvassing, sometimes with other students and sometimes with their parents.

The role of the NAACP and Black public officials was also crucial. In July, the delegates at the NAACP's yearly convention called for a national moratorium on charter schools, later ratified by its board of directors.¹⁴ The New England Area Conference of the NAACP was part of the SOPS coalition, and its head, Juan Cofield, was SOPS's chair. Cofield presented the "No side" in the official "information for voters" booklet on the ballot questions sent to every voter in the state. Black students are a large percentage of the population in charter schools in the Boston area (and elsewhere),¹⁵ and influential Black pro-charter organizations, such as the Black Alliance for Educational Options, lobbied against the NAACP stand. Nevertheless, its position was continuous with and extended NAACP's history of reservations about and criticisms of charter schools.¹⁶

Further highlighting the presence of Black opposition to Question 2 was a city councilor,

Tito Jackson, representing a predominantly Black district in Boston. Jackson, along with Cofield and Michael Curry, the president of the Boston branch of the NAACP, were particularly publicly visible figures on the No side throughout the campaign, frequently appearing in public forums of a “pro/con” character, speaking at rallies for the No side, and go-to persons for Boston newspaper articles on the campaign. Jackson, as Chair of the Boston City Council’s Education committee, was also a prime mover in the Council’s passing a resolution favoring a “no” vote on the ballot question.

Another vital force on the No side were Massachusetts municipalities’ school boards/committees (that have local oversight over the public schools in their districts), of which 215 (including Boston) passed resolutions opposing Question 2.¹⁷ The resolutions cited loss of funds to their districts from their students leaving for charter schools (either currently, or as could be projected in the future, if the ballot question were to pass). These resolutions also generally objected to the lack of local accountability and the failure of charter schools to serve as many high-needs students as their sending districts do. (These arguments will be discussed further below.) The resolutions began in the spring and continued regularly through the fall until very close to the election, giving a strong sense of momentum that could be parlayed by the No side, as well as providing a basis to influence voters in those particular municipalities (though the resolutions were themselves partly a response to constituent pressure). Although most Massachusetts charter schools (80%, with 75% of the students) are in urban areas, there are some located in suburban areas, and lifting the cap would likely have invited more of them. The MTA provided an interactive map that showed how much individual districts were projected to lose to charter schools in the current fiscal year.

The Arguments and Narratives on the No and Yes sides

The Yes Side

The traditional public system characterized as “failing schools”

The Yes side’s TV ads dominated the airwaves campaign, a result of its vast resource advantage. An oft-aired spot featured Governor Baker saying “Imagine if your kid was [sic] trapped in a failing school. Public charter schools give parents a choice and are a pathway for these kids.” Other ads and publicity for the Yes campaign claimed that 37,000 students were on waiting lists for charter schools, and could not get into these schools because of the existing charter cap.¹⁸

This pitch contains several themes or arguments from the pro-charter playbook. It implies, without quite saying so, that the traditional public system is largely a disaster (“trapped in a failing school”). The *Boston Globe’s* “Vote ‘Yes’ on 2” editorial similarly spoke of “languishing on waiting lists.”¹⁹ While Baker and other Yes advocates acknowledged some good schools in the traditional system, these were generally portrayed as or implied to be exceptions in a generally “failing” system.

The wait list

The “wait list” was an important element in the Yes argument. The number of students claimed to be on charter school waiting lists changed somewhat over the course of the campaign, partly in response to a statement by the State Auditor that the Department of Elementary and Secondary Education (DESE) had overstated the waiting list by an indeterminable amount by rolling over entries from prior years who may no longer be interested.²⁰ Others pointed out that wait list numbers may not reflect the number of students definitely desiring places in a charter school (as the publicity implied) because students could be on wait lists for more than one school; and families could be keeping their options open but if offered a spot, might prefer the traditional public school they were currently in or were assigned to.²¹ In addition, many charter schools do not “backfill”—take students off their wait lists during the year as places open up. So those students stay on the wait lists when they could have been offered a place in the school in question.²²

Also, many regular BPS schools had waiting lists too, as did Horace Mann charters. These wait lists cannot be as expansive as charter wait lists, since they are only held until January; there is no rolling over. Also the students can never be on more than three lists selected by parents as part of school assignment, and students cannot be on a list of a school lower on their preference ranking than the one to which they are admitted. In sum, it is difficult if not impossible to assess the claims of the Yes campaign regarding the actual demand for Commonwealth charter school places in comparison to that in BPS, but there is reason to think those claims overstated.²³

Choice

Finally, the idea of “choice” played an important though generally insufficiently examined role in the Yes arsenal. If choice is operationalized, as it must be if it is to constitute actual policy, it most plausibly means that parents are permitted to express a preference ranking among an option set of schools actually available to them. Choice in this sense cannot by itself ensure a quality school within that option set. Yet in the context of political discourse within a campaign, “choice” as in the Baker ad can be taken to imply that the provision of choice by itself supplies quality options to every choosing parent. Moreover, if choice is understood as the set of activities a parent must go through to express a well-informed preference—researching different schools, filling out the proper forms, visiting schools, gathering relevant information from different sources—it is not clear that parents would prefer “choice” in this sense to having only one, but a high-quality, school option for their child.²⁴

The use of the word “choice” often functions in the world of market-based charter advocates as a kind of mantra, invoking a deeply American value without actually guaranteeing the school quality that all parents want for their children. At the same time, it can serve a signaling function, invoking a wider range of educational practices—such as vouchers for private schools—not necessarily (though often) favored by charter school advocates.

Increasing funding for public schools

The Yes TV spots and other publicity also argued that lifting the cap would actually *increase* funding for “public schools.” That argument partly drew on the claim that charter schools are public schools (more on this below). On that reasoning, any funds diverted from districts

to charters do not reduce public school funding, even though it reduces funding to the traditional public school system; these funds are the additional dollars to “public schools.” In addition, Massachusetts provides transition funds to districts that lose revenue to charters, so in theory the total amount per pupil going to a sending district would be increased, even if only temporarily.²⁵ However, in the last three years, the Legislature has significantly underfunded this reimbursement.

The No Side

Fiscal impact

Unquestionably the most influential argument on the No side was the claim of a deleterious fiscal impact of the referendum’s passage on existing districts and their public schools—an impact the Yes side disputed, as just mentioned. SOPS, drawing on Department of Elementary and Secondary Education (DESE) estimates, projected that the loss to school districts would be \$450 million in fiscal 2017. As mentioned above, the MTA provided information about how much individual sending districts would lose to charters in the past and present, and the school committee resolutions claimed a negative fiscal impact. Voters seemed to agree that the existing non-charter public schools would be harmed by these losses. Media reports and “No side” publicity cited programs reduced or jettisoned because of prior diversion of funds to charter schools, and from a generally less-than-adequate funding system that lifting the cap would exacerbate.²⁶

Part of the divergence between the two sides on the funding issue concerns the “follow the student” method by which Massachusetts allocates funds to charter schools. Unless a school closes, or is able to combine enough classes to let personnel go, fixed personnel, maintenance, and transportation costs mean that the loss of revenues attending the migration of students from that school to the charter school will result in program reduction of one sort or another.²⁷

The No side argument was bolstered by a report from the credit rating agency Moody’s, released just after the election (but a portion of which was leaked in the final days of the campaign), stating that the No vote was “credit positive” (with the implication that Yes would have been credit negative) for cities like Boston and Springfield.²⁸

What is a “public school?”

The argument about funding also turns on differing conceptions of what “public schools” are. The Yes side insisted on the “publicness” of charters, on the grounds that they are publicly funded and free to students. The No side did not affirmatively state that charter schools are not public, but they pointed to features of charter schools that are private or are generally regarded as private. Charter schools are privately operated and governed, and they are subject to much weaker oversight by bodies representing public entities than are traditional public schools; the state-level charter authorizer and monitor, DESE, provides much less oversight than do local school boards. Charter schools are also more like private schools in that as a sector they have various ways of influencing which students attend their schools, that are not available to the traditional public system, which as a system is required to edu-

cate every student desiring to enroll.²⁹

In addition, charter schools (not specifically those in Massachusetts) often argue, including in court, that they should not be bound by various regulations and guarantees governing public entities and public schools—such as rules of financial disclosure, teacher unionization, student and teacher free speech rights, and protections regarding student disciplinary policies.³⁰ “Great Schools Massachusetts” (GSM), the Yes campaign organization, says, “Charter schools are free public schools like any other.” They may be free, but they are not “like any other.”

In emphasizing the loss of funds felt by the traditional public system when a student migrates to the charter sector, the No side seldom explicitly recognized in their literature and public debate that the public system has a responsibility to educate students who attend charter schools. They did not deny this, but in the more simplified discourse of a political campaign, “public” was generally identified with the traditional public school system, and it seems probable that the majority of voters accepted this equation, thus at least implicitly rejecting the GSM view. They saw charter schools as taking resources from the system they identified with as their public school system.³¹

Race and equity

The charter school phenomenon and debate in the U.S. deeply concerns race. Charter advocates tend to portray charter schools as virtually the only hope for poor and urban students of color, most specifically Blacks and Latinos. The language of “civil rights” (as in “education is the civil rights issue of our time”³²) and (less often) “social justice,” has been employed by charter advocates to imply that increasing the presence of charter schools strikes a blow for racial equity. The Obama administration’s embrace of charter schools lent tremendous credibility to this way of thinking and contributed to confusion among White liberal voters who might otherwise have been inclined to be skeptical of school privatization policies.³³

The No side’s successful challenge to this racial narrative was one of the most significant aspects of the Massachusetts campaign. Several developments made it clear that the embrace of charter schools by some segments of the Black and Latino populations did not extend to those communities as a whole:

- The NAACP’s resolution referred to an overall school landscape of both charter and traditional public schools as a “two-tiered,” “separate and unequal” system, analogous to the one struck down in the *Brown v. Board of Education* decision;
- Many Black and Latino students and parents in the traditional system were loyal to their schools, saw the charter system as a fiscal threat to them, and visibly and publicly shared their views;
- These communities also began to criticize successful charter schools for harsh and even racist disciplinary policies³⁴ (criticisms that have been leveled at charter schools in other cities, especially New York);³⁵ and
- Revelations surfaced that for minority students, many charter schools had higher rates of expulsion, and other subtler methods of edging students out, compared to local public schools, and the local media began to run stories on these practices.³⁶

The NAACP’s “two-tiered system” framing of the problem with charter schools surfaced an important division between two ways of thinking about equity in relation to race. Charter supporters saw equity as the providing of superior educational options for a segment of the minority population, although the language of “choice” made it seem as if those options were actually available to all families. The NAACP and its allies on the No side rejected this neoliberal framing of equity. Keeping faith with the core framing of equity used in the Civil Rights Movement, they focused on the entire community and the schools serving that community. High-quality schooling should be available to all children, whether or not their parents could effectively navigate a choice system. They viewed a (charter) system that might improve the prospects of a few but failed to address, and may even exacerbate, unequal access to quality education for the many as violating equity rather than exemplifying it.

This challenge to the familiar charter racial equity narrative apparently affected many White suburban voters. Once it became evident that there was no consensus, especially within the Black and Latino populations, that charter schools really do advance educational equity for Black and Latino children, the Yes side’s race-based appeal lost much of its force to those White suburban voters desiring not to seem (or be) unconcerned about urban Black and Latino children.³⁷ The No campaign included many phone calls and emails, and a letter from a diverse group of Boston public school parents to suburban/exurban (mostly) White voters. White parents in the No campaign who sent their own children to BPS schools were credible sources in challenging the “urban schools are a disaster” narrative on which the Yes side relied (implicitly or explicitly).³⁸

No local accountability

Commonwealth charter schools are not part of school districts governed by local school boards. The boards do not authorize them and do not have power to prevent them from being placed in their catchment area (although they have an opportunity to comment on proposals to do so). Local boards also have no responsibility for charter schools once they are placed. Governance by local school boards has historically been part of how traditional public schools are seen as democratic. The specific lack of local accountability, as well as the more general sense that there is something undemocratic about the charter arrangement, likely affected some voters; this issue of local governance and accountability was one of the three main arguments highlighted in the No side’s literature. In addition, as mentioned, the local accountability issue played a large role in the overwhelming opposition of local school boards.³⁹

“Not a referendum on charter schools”

One argument pressed by some opponents of the ballot question, most notably Mayor Marty Walsh of Boston (stated in an op-ed in the *Boston Globe*), is that a “no” vote on the question did not mean one was opposed to charter schools in general, but only to a lifting of the cap that would wreak havoc on funding for public schools.⁴⁰ Walsh himself is quite pro-charter and sits on the board of a charter school. This argument may have influenced some voters who were favorable to charters, or at least were not opposed to them.

“Dark money” and market agendas

An argument that started to surface later in the campaign concerned the complex financial status of the organizations running or funding the Yes campaign. Some of them, such as Families for Excellent Schools, Democrats for Education Reform, Leadership for Educational Equity, and the NewSchools Venture Fund, had been working for several years to promote a campaign to increase the charter presence in Massachusetts. More generally, some of these organizations were wedded to a larger privatizing, marketizing, and/or free enterprise agenda in education that involved less regulation and oversight, more market processes (e.g., further pluralizing charter providers and authorizers), and the weakening of unions.⁴¹ Some of these, and other organizations involved, were 501(c)4s that do not have to divulge their funding sources, or a type of 501(c)3 that also does not have to divulge.

As mentioned, the amount of funding for the Yes campaign was vast (\$24 million, the highest in the history of ballot questions in the state), and was provided almost entirely by corporations, wealthy individuals, and what are plausibly called front organizations for such “dark money.”⁴² This funding question began to crop up in public forums.⁴³ Jane Mayer’s 2016 book on the Koch brothers provided the language of “dark money” to refer to difficult-to-uncover sources of funding for libertarian and market-based conservative causes.⁴⁴

Comparing the performance of charter schools and traditional public schools

The comparative performance of charter and traditional public schools, generally on standardized tests, tends to dominate academic discussion of charter schools; but it seemed to play only a minor role for voters. In part, this is because methodological debates about what counts as a valid comparison are too arcane for mass public consumption. The Yes side tended to focus much more on parent demand than on specific claims about comparative quality. The one place a comparison was implied on the “No side” was the “two tiered” and “separate and unequal” language of the NAACP. This language was meant to suggest that the charter system was serving an easier-to-educate segment of the disadvantaged minority population than does the traditional public schools—fewer special needs students, homeless students, and English language learners, and students with less severe disabilities (when disabled students were served).⁴⁵

Conclusion

The final vote reflected the campaign dynamics. The No vote percentage in Boston and other urban and inner-ring suburbs, where charters planned to expand under the caplift, was similar to the overall state vote (62% to 38%). This suggests that the cities, with their larger Black and Latino populations, were not nearly as in favor of lifting the cap as the Yes campaign suggested; it also suggests that the White exurban/suburban areas came around to a view of the question quite similar to that in these racially diverse urban areas. The few towns and Boston precincts that voted Yes by significant margins were wealthy areas.

Keeping in mind the localism of any ballot question, there are some lessons in the Massachusetts campaign for efforts to halt the further expansion of charter schools and to thwart the more general market-based educational agenda that has the strong support of the incoming Trump administration.

One lesson suggests the voters' faith in and attachment to their public schools, including schools in the urban centers that score poorly on standardized tests. It is plausible to think that these communities see more value in those schools than test scores reveal. It is also plausible that this support is combined with a desire that these schools—the existing system—be the focus of reform efforts.

A second lesson involves the voters' apparent embrace of universal equity principles, viewing the public system as a key institution that serves all students. Only by improving this public system can we ensure that no students are written off, either explicitly or implicitly. The voting public seemed to reject the charter advocates' alternative claim that only by instituting a competing system of charter schools could equity be served.

The third lesson is the power of committed and engaged grassroots education organizing, especially when it involves coordination and cooperation among parents, teachers, and students. The No side clearly out-organized the Yes side and had many more local people involved, as part of its ground operation. Their victory affirms the potential power of popular mobilization, including the mobilization of unionized teachers.

Finally, the Massachusetts campaign suggests that the neoliberal, pro-charter narrative that has dominated both major political parties for almost two decades may be weakening in the public mind, for the many reasons mentioned here. Voters may have connected charter-school expansion to “dark money” and a market-based ideological agenda, notwithstanding the attachment of particular parents and students to their particular charter schools. Emphasizing this connection may be a productive strategy for similar campaigns going forward.

Of course the wealthy patrons behind the charter expansion movement are not giving up and will themselves be looking for new paths, learning from their defeat in Massachusetts (and elsewhere⁴⁶). But the ideological and political terrain is likely to be less friendly than before.

Notes and References

- 1 There are two types of charter schools in Massachusetts—“Commonwealth” charters that have no connection with districts in which they were located, and “Horace Mann” in-district charters. The 2016 ballot initiative concerned only Commonwealth charters.
- 2 Early internal polls of Citizens for Public Schools, an advocacy group that was part of the No campaign had Yes with a 57% to 32% lead. Lisa Guisbond, Executive Director, Citizens for Public Schools, personal communication, December 2, 2016.
- 3 On Massachusetts charter performance, see Sarah Cohodes and Susan Dynarski. (2016, September 15). *Massachusetts Charter Cap Holds Back Disadvantaged Students*. Washington, DC: Brookings Institution. Retrieved December 17, 2016, from <https://www.brookings.edu/research/massachusetts-charter-cap-holds-back-disadvantaged-students/>

Massachusetts has a slower-growing charter sector than some less regulated states that have been scandal-prone (e.g., Arizona, Michigan, and Ohio), a likely product of the Commonwealth’s strict standards for approving charter schools and a cap on the percentage of its budget that a district can send to charter schools (a cap that would not apply to the 12 schools per year that would have been authorized by the ballot question).
- 4 Massachusetts Jobs With Justice. (2015). *Wall Street Money and Massachusetts Schools: The Truth Behind Families for Excellent Schools*. Retrieved December 14, 2016, from <http://hedgeclippers.org/wp-content/uploads/2015/12/WallSt-Money-Mass-Schools-FES-Report-Digital.pdf>, p 2.
- 5 The complex and often arcane (and hard-to-trace) funding sources for the “Yes” campaign are detailed by Cunningham, Maurice. (2016, August 2) The Hidden Money Behind Great Schools: Strategic Grant Partners; and Great Schools or Great Scheme? July 15, 2016, *MassPoliticsProfs*, retrieved December 15, 2016, from <http://blogs.wgbh.org/masspoliticsprofs/author/mcunningham/>. *The Boston Globe*, at a time early in the campaign when it was firmly and unambivalently in the Yes camp, stated in an article, “Mostly White business leaders and hedge fund executives are bankrolling the pro-charter campaign.” Scharfenberg, David (2016). Racial aspects tinge Mass. charter debate. *Boston Globe*, March 28, 2016.
- 6 In a memo prepared for this report, based on required disclosure to the Massachusetts Office of Campaign and Political Finance, Peggy Wiesenbergs documents the Yes campaign’s extensive expenditures on paid operatives, mostly from outside of Massachusetts. Peggy Wiesenbergs, Memo to Lawrence Blum, *NEPC article -- GSM Expenditures for Gathering Signatures, Canvassing, Field Staff, & Grassroots Events*. December 27, 2016. It was a widely held perception in the No campaign that it had a much stronger grassroots operation than the Yes campaign. (Lisa Guisbond, executive director, Citizens for Public Schools, personal communication, December 27, 2016.) This perception is supported by the minutes from a KIPP Board of Trustees meeting of December 7, 2016, which states as a bullet point under “Why We Lost Question 2,” “Lack of Parent and Community Organizing,” p. 4. (KIPP is a well-known national charter chain with a relatively small presence in Massachusetts.)
- 7 NewSchools Venture Fund. Retrieved from: <http://www.newschools.org/about-us/our-history/>
- 8 Berkshire, Jennifer. (2016, November 9). *What Went Down in Massachusetts*. EduShyster, Retrieved December 15, 2016, from <http://edushyster.com/what-went-down-in-massachusetts/>

Peysers’ proposed (and actualized) strategy involved three initiatives—a lawsuit challenging the constitutionality of the current charter cap (the ruling in the case, *Doe v. Peysers*, rejected this challenge); the attempt at legislative caplift; and the ballot question.

- 9 The union funds included small contributions from some other Massachusetts unions (not only, though primarily, local teachers unions).
- 10 Public school parents and students were also mobilized by the 2014 campaign, and, with the unions, brought their experience and knowledge to the 2016 ballot campaign.
- 11 Winslow, Samantha. (2016, November 11). Massachusetts Teachers Knock Out Corporate Charter School Scheme. *Labor Notes*. Retrieved December 15, 2016, from <http://www.labornotes.org/2016/11/massachusetts-teachers-knock-out-corporate-charter-school-scheme>
- 12 QUEST was a mostly White (though becoming more diverse as the campaign progressed) group of parents and community members who had been active in educational politics for several years. They worked with the Black and Latino groups mentioned, including in larger coalitions such as Massachusetts Education Justice Alliance (MEJA).
- 13 The students organized in two groups, Youth on Board and Youth Organizers for the Now Generation. They have continued to organize post-election, to protect students (such as undocumented students, Muslims, other students of color) made vulnerable by Trump's campaign, election, and proposed administration.
- 14 The moratorium was to last until "1. Charter schools are subject to the same transparency and accountability standards as public schools. 2. Public funds are not diverted to charter schools at the expense of the public schools system. 3. Charter schools cease expelling students that public schools have a duty to educate. 4. They cease to perpetuate de facto segregation of the highest-performing children from those whose aspirations may be high but whose talents are not yet as obvious." Strauss, Valerie. (2016, October). NAACP ratifies controversial resolution for a moratorium on charter schools. *Washington Post*, retrieved December 15, 2016, from https://www.washingtonpost.com/news/answer-sheet/wp/2016/10/15/naacp-ratifies-controversial-resolution-for-a-moratorium-on-charter-schools/?utm_term=.df563412423f
- 15 In 2015, 58% of Massachusetts charter school students were Black and Latino. Statewide, these two groups make up 27% of public school students overall.
- 16 In 2014 the NAACP opposed privatization of public schools and public subsidizing or funding of for-profit charter schools, and in 1998 affirmed points (1) and (2) in the 2016 resolution [see note 13]. News release from NAACP, October 15, 2016. Since the vote, the NAACP has continued on its path of critiquing aspects of charter school policy and practice.
- 17 The 215 are out of 294 potential charter-sending districts. (There are 322 operating districts, but 28 are regional-technical (26) or county agricultural (2) that are considered "schools of choice" and cannot be charter school sending districts.) (David Danning, Research Director, Center for Education Policy and Practice, Massachusetts Teachers Association, personal communication.)
- 18 Great Schools Massachusetts mailing: "Massachusetts Parents Want to Lift the Cap on Charter Schools."
- 19 Editorial (2016, October 30). Vote 'Yes' on Question 2. *The Boston Globe*. Retrieved December 17, 2016, from <https://www.bostonglobe.com/opinion/editorials/2016/10/29/vote-yes-question/4GhhmBk6IpCDWGg8NehwFJ/story.html>
- 20 Auditor Bump Statement on New Charter School Campaign", press release from State Auditor's office, February 12, 2016. DESE recommended but did not require schools to stop rolling over their wait lists, and many charter schools did not do so.
- 21 "Offer take-up rates are lower in charter schools than in the BPS mechanism. Three-fourths of BPS students accept offers to attend their first-choice schools, compared to 60 percent in charter middle schools and 30 percent in charter high schools. These differences are partly explained by the higher frequency of waitlist

offers in charter schools, since charter applicants are less likely to accept waitlist offers than initial offers. However, the waitlist offer take-up rate is also higher in the BPS mechanism than in charter lotteries.”

Cohodes, S., Setren, E., Walters, C., Angrist, J., & Pathak, P. (2013) Charter School Demand and Effectiveness. *The Boston Foundation*, p. 8.

- 22 One “No” activist suggested to me that perhaps the reason charter schools often fail to backfill is that they would prefer to take students from their own pipeline—students who have been at the school for several grades—than newer students whose academic preparation might not be at the level or of the form that they want. Supporting this supposition is that most charters have more students in earlier than later grades.
- 23 Thompson, I. (2016, October). *Charter Wait Lists May Not Be What They Seem*. WGBH News. Retrieved December 17, 2016, from <http://news.wgbh.org/2016/10/31/local-news/charter-school-wait-lists-may-not-be-what-they-seem>
Citizens for Public Schools criticized the wait list numbers provided by the Yes campaign (and the DESE numbers, and methodology, on which they relied) as seriously inflated, for example in “Update: State Overestimates Charter Wait List Numbers, Again,” August 3, 2016, retrieved December 17, 2016, from <http://www.citizensforpublicschools.org/update-state-overestimates-charter-school-waitlist-numbers-again/>
- 24 There is some evidence that at least some low-income Black parents feel disempowered rather than empowered by being required to engage in “choice” in this sense. See Pattillo, M. (2015). Everyday Politics of School Choice in the Black Community. *Du Bois Review*, 12(1), 41-71.
- 25 The transitional funds were 100% of any increase in district payments to charter schools for the first year, and 25% of that increase for six subsequent years.
- 26 In October, 2015, The Foundation Budget Review Commission, a bi-partisan group set up by the Massachusetts legislature to examine the state’s then-current funding formula, found that the formula “understates the cost of educating students to the tune of at least \$1 billion per year.” Foundation Budget Review Commission, Final Report, October 30, 2015.
- 27 A further argument that was not made explicitly in the literature or publicity but that bolsters No’s fiscal impact argument arises from the general finding that charter schools educate a lower percentage of higher needs students (particularly students with more severe disabilities, English language learners, and high-poverty students). That difference is partly addressed by greater funds allocated to higher needs students, although the formula cannot take full account of differences of degree, e.g. of poverty or disability. Moreover, The Foundation Budget Review Commission (mentioned in the previous note) found a too-low weighting of funds for low-income students in high-poverty districts, and for English Language learners.
A further point, beyond this one, is that the greater concentration of higher needs students in the traditional system, caused by the migration of a less-needy population into the charter system, has a negative peer effect in the traditional system, making the group of students in a given class harder and costlier to educate than they would if each of those students were taught in a class of fewer high-needs students. See Blum, L. (2015). Race and Class Categories in Educational Thought and Research. *Theory and Research in Education*, March 2015, 87-104, especially 93-95.
- 28 Schoenberg, S. (2016, November 15) *Moody’s: Vote against charter school expansion ‘credit positive’ for Massachusetts cities like Springfield*. Retrieved December 14, 2016, from http://www.masslive.com/politics/index.ssf/2016/11/moodys_no_vote_on_charter_scho.html
- 29 Welner, K.G. (April 2013). The Dirty Dozen: How Charter Schools Influence Student Enrollment. *Teachers College Record*. [online], Retrieved December 14, 2016, from <http://www.tcrecord.org>. ID Number: 17104

- 30 See Baker, B. (2016, November 30). *Exploring the consequences of charter school expansion in U.S. cities*. Washington, DC: Economic Policy Institute.
- “Transparency laws adopted by state legislatures requiring open meetings, public access to records, and financial disclosure commonly apply to public officials and state-operated institutions. However, courts across states have offered mixed opinions as to whether and to what extent those laws apply to charter schools, their authorizers, operators, and governing boards.”
- 31 Sometimes the No side argued that since only 4% of public school children attended (Commonwealth) charter schools, education reform should be targeted at the other 96%. This argument is reasonably sound for the given moment, but if the Yes forces got what they sought, that 4% would increase every year, so the argument would progressively weaken over time.
- 32 Then-Secretary of Education Arne Duncan stated this at a 50th anniversary observance of the Civil Rights Act of 1964: “Statement by U.S. Secretary of Education Arne Duncan on the 50th Anniversary of the Civil Rights Act of 1964,” and it has been echoed by others. Retrieved December 5, 2016, from <http://www.ed.gov/news/press-releases/statement-us-secretary-education-arne-duncan-50th-anniversary-civil-rights-act-1964>
- 33 Democrats for Education Reform (DFER) utilized the Obama connection late in the campaign by starting a campaign they called “Advancing Obama’s Legacy on Charter Schools,” consisting of radio advertisements and mailings, especially in Spanish-speaking and Black communities. The use of Obama’s picture in these mailings led the White House to clarify that President Obama was not taking a stand on the Massachusetts ballot question, whether or not this implication was intended by the DFER campaign.
- 34 Johnson, A. (2016). Charter schools’ discipline a poor fit for some students. *The Boston Globe*, October 29, 2016, pp. 1, 10.
- 35 Gonzalez, Juan. (2013, August 28). Success Academy comes under fire as parents fight disciplinary policy. *New York Daily News*. Retrieved December 18, 2016, from <http://www.nydailynews.com/new-york/education/success-academy-fire-parents-fight-disciplinary-policy-article-1.1438753>
- 36 “The debate has raised uncomfortable questions about charter school discipline of Black children.” Scharfenberg, David (2016, March 28). Racial aspects tinge Mass. charter debate. *The Boston Globe*.
- 37 Tonya Tedesco, personal communication. (Tedesco, a White Boston public school parent, represented the No side in several suburban gatherings set up in a “pro/con” format that allowed her to see the arguments used by the Yes side.)
- 38 Tonya Tedesco, personal communication. (See previous note.)
- 39 During the campaign, the Annenberg Institute put out a report on the composition of boards of trustees of charter schools, finding that 31% are from the corporate sector and 14% are parents. Annenberg Institute for School Reform (2016, October). *Whose Schools? An Examination of Charter School Governance in Massachusetts*. p. 4.
- 40 Martin J. Walsh. (2016, October 28). Vote ‘No’ on Question 2. *The Boston Globe*. “This funding system is unsustainable at current levels and would be catastrophic at the scale proposed by the ballot question.”
- 41 Maurice Cunningham, The Hidden Money Behind Great Schools: Strategic Grant Partners, Aug 2, 2016; and Great Schools or Great Scheme? July 15, 2016, *MassPoliticsProfs*. The most extreme elements of the market agenda did not have a toehold in Massachusetts and were not evident in the campaign. For example, Massachusetts does not permit for-profit charter operators (although it does permit outsourcing services by EMO’s to for-profit entities) and does not have a completely de-regulated landscape for charter schools in the mold of Michigan. See Zernike, K. (2016, December 12). How Trump’s Education Nominee Bent Detroit to her

Will on Charter Schools. *New York Times*. Retrieved December 12, 2016, from <http://www.nytimes.com/2016/12/12/us/politics/betsy-devos-how-trumps-education-nominee-bent-detroit-to-her-will-on-charter-schools.html>

- 42 On the funding sources for the “Yes” campaign, see the reports by Maurice Cunningham in note 5, and his post-mortem post “Yankees Suck! Yankees Suck!” Retrieved December 18, 2016, from <http://blogs.wgbh.org/masspoliticsprofs/2016/12/5/yankees-suck-yankees-suck/> in which Cunningham calculated \$21,922,231.16 of “dark money” on the “Yes side,” and suspects that he will find more as he continues his research.
- 43 Mayer, J. *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right* (Doubleday, 2016). Both Lisa Guisbond, the executive director of Citizen’s for Public Schools, an important organization in the SOPS coalition, and Megan Wolf, a BPS parent activist, reported questions from audience members about dark money in the campaign (personal communication).
- 44 Across the country, it is likely that many people do not associate charter schools with a market or privatizing agenda. This is partly because charters gained a policy foothold with Democrats as a way to stave off private-school voucher (i.e., clearly privatizing) proposals. In addition, the failure to connect charter policies with a larger privatization agenda—including to the millions of dollars funneled into pro-charter think tanks, philanthropic organizations, and a vast public relations apparatus—is enabled by the non-disclosure laws just mentioned and is encouraged by the desire of wealthy and often ideologically driven funders to keep their identities hidden.
- 45 Evidence of serving different populations along a dimension of harder- (and costlier)-to-educate was presented in the *Doe v. Peyser* case: “7% of English learners at Boston charters needed the most intensive supports, compared to 25% in the Boston Public Schools.” Lawyers’ Committee for Civil Rights and Economic Justice, “Students, Civil rights Groups React to Dismissal of Charter Cap Case in Massachusetts.” (n.d.). The Somerville school committee’s resolution against the ballot question claimed “Charter schools educate fewer students with disabilities than local school districts, AND The student population with disabilities that charter schools do educate is significantly different from the student population with disabilities educated by district schools, with district schools educating students in all disability categories and all students with the severest special needs.” Somerville School Committee, “Resolution Opposing the Lifting of the State Charter Cap,” May 2, 2016. Somerville is an urban area near Boston.
- 46 Four education-related contests on Election Day saw defeats for charter advocates. In Georgia, voters beat back an attempt by the Republic governor to install a state agency to take over lowest performing schools and “hand them over to private management groups that operate charter schools.” In Washington a Supreme Court justice who had ruled in 2015 that charter schools were not public schools (“common schools,” in the case’s language) won re-election. In Montana the Democratic governor, a strong public schools defender, beat a Republican supported by charter groups. Bryant, Jeff. (2016). “Education Victories Democrats Can Rally Around,” Education Opportunity Network, retrieved December 3, 2016, from <http://educationopportunitynetwork.org/education-victories-democrats-can-rally-around/>
- 47 I would like to thank several people who helped me substantially with information and sources for this report, and/or reading drafts of it—Harneen Chernow, David Danning, Lisa Guisbond, Tonya Tedesco, Odette Williamson, Megan Wolf, and especially Peggy Wiesenberg.