
Boston Students File Complaint Challenging Public Charter School Cap

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Boston students file suit to lift public charter cap and ensure their constitutional right to an adequate education

Five Boston school students today filed a class action complaint to lift the state's cap on public charter schools and ensure their right—and every student's right—to an adequate public education under the Massachusetts constitution.

"The relief sought by these children is modest," reads the complaint, filed today in Superior Court. "They do not ask the court to direct their admission to any school; nor do they ask the courts to assume oversight of the failing schools to which they have been assigned. All these children ask is that the court remove an arbitrary impediment to their ability to obtain a quality education," it reads, referring to the cap on public charters.

Massachusetts' public charter schools are part of the system of public education. They are open to all students, but because of the artificial legal cap that limits the number of public charter school seats and the number of public charter schools that can operate, in districts such as Boston the demand for seats far exceeds the supply. As a result, public charter schools are forced to conduct lotteries to determine which students to admit.

The five plaintiffs who filed today's complaint are among thousands of Boston school students who were unable to secure a seat in a public charter school for the 2015-2016 school year through the lotteries, conducted this past spring.

The five plaintiffs, identified as Jane Doe 1 and 2 and John Doe 1 to 3, are four students from Dorchester and one from South Boston, who range in age from six to 13. They all applied to high-quality, high-performing public charter schools. Deprived by the lotteries of seats in these schools, the children were subsequently assigned to five underperforming district schools in the Boston Public School system.

The schools to which the plaintiffs have been assigned do not prepare most of their students to read or do math at grade level. The Massachusetts Department of Elementary and Secondary Education has designated three of these district schools as "Level 3" schools, placing them in the

bottom 20 percent of all schools statewide, and has designated the remaining two schools "Level 4" schools, which the Department describes as "the state's most struggling schools."

"I was really hopeful that I would get my son into a charter school," said the mother of John Doe No. 3, herself a graduate of the Boston Public Schools. "I visited charter schools and I could see that they really wanted their kids to be challenged, that kids were engaged in class, that they had opportunities for things like taking dance studio and learning Mandarin—it was incredible. When my son was not accepted through any of the lotteries, I thought to myself, 'Here I am, back to square one.' I cried a lot. It was a long year."

The complaint, filed on the students' behalf by attorneys from three leading Boston law firms—WilmerHale, Goodwin Procter, and Foley Hoag—asks the court to declare that the cap on public charter schools violates the education clause and declaration of rights of the Massachusetts Constitution. The law firms are representing the plaintiffs on a pro bono basis. The complaint does not name the plaintiffs because they are minors and some of them will attend the district schools discussed in the complaint.

Boston's public charter schools consistently outperform the city's district schools. For example, in 2013, researchers from MIT [found](#) that attendance at public charter schools had substantial positive effects on student achievement, improving proficiency rates for admitted middle school students by 12 percentage points in math and 6 percentage points in English over those who applied but did not win a seat through the lotteries. For high school students, the improvement was approximately 10 percentage points in both subjects.

In a separate [2013 study](#), researchers from Stanford University's Center for Research on Educational Outcomes wrote that "[t]he average math and reading growth found in Boston's charter schools is the largest state or city level impact CREDO has identified thus far."

To read the full complaint and learn more about the students who filed the complaint, [click here](#).