

Attorney general rules that charter-district group is not subject to state open meeting laws

FOR IMMEDIATE RELEASE

Date: July 12, 2016

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The office of the Attorney General of the Commonwealth of Massachusetts has ruled that the Boston Compact, a joint venture of the Boston Public Schools, charter and Catholic schools is not a public entity and therefore is not subject to the open meeting laws of the state. The ruling is in response to an Open Meeting Law Complaint filed by the grassroots parent organization QUEST (Quality Education for Every Student).

The complaint, filed on November 12th, 2015, was initiated in an effort to bring transparency and accountability to the Boston Compact, a group that is developing public policy for the district public schools, including a plan to drastically change the student assignment system that was developed through open community conversations in 2012/13.

“Parents and community members should be part of the process regarding the direction of our public schools. Being shut out of critical conversations about policy leaves us in the dark,” said QUEST member and parent Mary Battenfeld. “This is especially disturbing when charter industry lobbyists like the Massachusetts Charter School Association and the Boston Alliance of Charter Schools are invited into the room to take part in private discussions.”

A key argument for the defendant, the Boston Compact, is that the Massachusetts Public Charter School Association (via the Boston Alliance of Charter Schools), designates 4 members to the steering committee of the Compact and is a “private, nonprofit corporation,” so the Compact is not subject to public oversight. The ruling also hinged on the fact that funding of the Compact by such groups as the Gates, Barr and Boston Foundations and the Boston Schools Fund make it “not within government,” despite the role of the Compact in developing policy.

“We’ve heard supporters of charter schools claim over and over that they are public schools. Yet when the rubber meets the road, their supporters argue that they are not subject to public laws, just as they have contended in other states around financial transparency, first amendment rights and labor laws. You can’t have it both ways,” said Boston Public School parent, QUEST member, and former member of the State Board of Education Harneen Chernow.

QUEST asks that the Boston School Committee reevaluate the Boston Compact on behalf of BPS students and families. Policies should not be developed behind closed doors without those with the greatest stake in the direction of our schools – students, parents and community members— having voice in the conversation. “It was bad enough that the Mayor’s office kept from the public and members of the School Committee, the McKinsey audit recommending the closure of 30 to 50 schools. But we simply can’t understand why they insist on having private conversations out of the public view that directly affect our kids,” said BPS parent and QUEST member Megan Wolf. The group noted that though the Compact promised to take and publish minutes on the Compact website, only very limited minutes have been publicly posted; none of these included minutes of the subcommittee working on the controversial new enrollment plan.

Link to documents:

Decision of the Attorney General re. Open Meeting Law Complaint 2016-83:

<https://www.scribd.com/document/318059488/AG-response-stating-that-the-Boston-Compact-is-Not-a-Public-Entity>

Response from Kevin Conroy, Esq., Foley Hoag LLP (lawyer for the Boston Compact):

<https://www.scribd.com/document/318059231/Response-to-Complaint-by-Boston-Compact-Attorney-Kevin-Conroy-LLP-Foley-Hoag>

Request for further review of Open Meeting Law complaint by QUEST, January 28th, 2016:

<https://www.scribd.com/book/317969034/QUEST-Request-to-the-City-of-Boston-requesting-Boston-Compact-s-Compliance-with-OML>

Open Meeting Law Complaint filed by QUEST, November 12th 2015:

<https://www.scribd.com/document/317968987/QUEST-Complaint-stating-that-the-Boston-Compact-should-be-subject-to-Open-Meeting-Law>