

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 830

H.P. 620

House of Representatives, March 14, 1995

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### An Act to Establish Charter Schools.

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BARTH of Bethel.  
Cosponsored by Representatives: MITCHELL of Vassalboro, TRUE of Fryeburg, Senators:  
AMERO of Cumberland, STEVENS of Androscoggin.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRSA §1, sub-§26,** as corrected by RR 1993, c. 1,  
§44, is amended to read:

6 **26. School administrative unit.** "School administrative  
8 unit" means the state-approved unit of school administration and  
includes a municipal school unit, school administrative district,  
10 community school district, charter school or any other municipal  
or quasi-municipal corporation responsible for operating or  
12 constructing public schools, except that it does not include an  
applied technology region.

14 **Sec. 2. 20-A MRSA §202, sub-§§16 and 17,** as enacted by PL 1981,  
c. 693, §§5 and 8, are amended to read:

16 **16. Other entities.** Other entities authorized by the  
18 Legislature; and

20 **17. Other bureaus.** Any other bureau the commissioner  
establishes; and

22 **Sec. 3. 20-A MRSA c. 112** is enacted to read:

24 **CHAPTER 112**

26 **CHARTER SCHOOLS**

28 **§2401. Purpose**

30 Charter schools may be established pursuant to this chapter  
32 to provide a learning environment that will improve student  
34 achievement. Charter schools provide additional academic choices  
36 for parents and students. Charter schools may consist of  
existing or approved public schools or any portion of an existing  
or approved public school. Charter schools must comply with the  
38 provisions of this chapter to receive state funding as prescribed  
in section 2406.

40 **§2402. Eligibility for application**

42 An existing or approved public school may apply to become a  
44 charter school if, within one year after the teachers and  
administration of the public school vote to apply for charter  
46 school designation, the superintendent and school board of the  
school administrative unit vote to apply for charter school  
designation.

48 **§2403. Provisions for charter schools**

50

2 1. Application. An applicant seeking to establish a  
3 charter school must submit a written proposal to a proposed  
4 sponsor as prescribed in subsection 3. The proposal may include:

5 A. A mission statement for the proposed charter school;

6 B. A description of the proposed charter school's  
7 organizational structure and governing body;

8 C. A financial plan for the first 3 years of operation of  
9 the proposed charter school;

10 D. A description of the proposed charter school's hiring  
11 policy;

12 E. The names of the proposed charter school's applicant or  
13 applicants and requested sponsor;

14 F. A description of the proposed charter school's facility  
15 and the location of the school;

16 G. A description of the grades being served; and

17 H. An outline of criteria designed to measure the  
18 effectiveness of the school.

19 2. Ability to contract. The sponsor of a charter school  
20 may contract with a public body, private person or private  
21 organization for the purpose of establishing a charter school  
22 pursuant to this chapter.

23 3. Sponsor and applicant requirements. The sponsor of a  
24 charter school is a school board or district school committee.

25 An applicant for a charter school may submit its application to a  
26 school board or district school committee, which must either  
27 accept or reject sponsorship of the proposed charter school  
28 within 90 days. An applicant may submit a revised application  
29 for reconsideration by the school board or district school  
30 committee. If the school board or district school committee  
31 rejects the application, the school board or district school  
32 committee shall notify the applicant in writing of the reasons  
33 for the rejection. The applicant may request, and the school  
34 board or district school committee may provide, technical  
35 assistance to improve the application.

36 4. Charter guarantees. The charter of a charter school  
37 must guarantee the following:

38 A. That the charter school complies with federal, state and  
39 local rules, regulations and statutes relating to health,  
40 safety, civil rights and insurance. The department shall  
41 provide technical assistance to improve the application.

2 publish a list of relevant rules, regulations and statutes  
3 to notify charter schools of their responsibilities under  
4 this paragraph;

5  
6 B. That the charter school is nonsectarian in its programs,  
7 admission policies, employment practices and other  
8 operations;

9  
10 C. That the charter school provides a comprehensive program  
11 of instruction for at least a kindergarten program or any  
12 one grade from grade one to 12, except that a school may  
13 offer this curriculum with an emphasis on a specific  
14 learning philosophy or style or on certain subject areas  
15 such as mathematics, sciences, fine arts, performance arts  
16 or foreign languages;

17  
18 D. That the charter school designs a method to measure  
19 student performance in the curriculum areas described in  
20 section 6202 and participates in the assessment program or  
21 its successor and any nationally standardized  
22 norm-referenced achievement test as designated by the state  
23 board. The superintendent of the charter school shall  
24 report to the school board or district school committee;

25  
26 E. That the charter school maintains student records  
27 pursuant to sections 6003 and 6205;

28 F. That, except as provided in this chapter, the charter  
29 school is exempt from all statutes and rules relating to  
30 schools, governing boards and school districts;

31  
32 G. That the charter school is subject to the same financial  
33 requirements as a school administrative district, including  
34 any system of financial records as prescribed by the  
35 commissioner or pursuant to this Title. A school's charter  
36 may include exceptions to the requirements of this paragraph  
37 that are necessary as determined by the school board or  
38 district school committee. The department may conduct  
39 financial, program or compliance audits of the charter  
40 school pursuant to sections 6051 and 6052; and

41  
42 H. That the charter school complies with all federal and  
43 state laws relating to the education of children with  
44 disabilities in the same manner as a school district.

45 **5. Charter requirements.** The charter of a charter school  
46 must include a description of the charter school's personnel  
47 policies, personnel qualifications, methods of school governance  
48

2 and the specific role and duties of the sponsor of the charter  
3 school.

4 **6. Operational plan.** An approved plan to establish a  
5 charter school is effective for 5 years from the first day of  
6 operation. At the conclusion of the first 4 years of operation,  
7 the charter school may apply for renewal of charter school  
8 designation. The school board or district school committee may  
9 deny the request for renewal if, in the sponsor's judgment, the  
10 charter school has failed to complete the obligations of the  
11 contract or comply with this chapter. A school board or district  
12 school committee shall give written notice of the sponsor's  
13 intent not to renew the charter school's request for renewal to  
14 the charter school at least 12 months before the expiration of  
15 the approved plan.

16 **7. Charter amendments.** The charter of a charter school may  
17 be amended at the request of the governing body of the charter  
18 school and with the approval of the sponsor.

19 **8. Charter renewal.** After renewal of the charter at the end  
20 of the 5-year period described in subsection 6, the charter may  
21 be renewed for successive periods of 7 years if the charter  
22 school and its sponsor determine that the school is in compliance  
23 with its own charter and the provisions of this chapter.

#### 24 **§2404. Powers**

25 Charter schools may contract, sue and be sued.

#### 26 **§2405. Admission requirements**

27 A charter school shall enroll all eligible students who  
28 submit a timely application, unless the number of applications  
29 exceeds the capacity of a program, class, grade level or building.

30 **1. Admission preference.** A charter school that is  
31 sponsored by a school board or district school committee shall  
32 give enrollment preference to eligible students who reside within  
33 the boundaries of the school district where the charter school is  
34 physically located. If capacity is insufficient to enroll all  
35 students who submit a timely application and who reside within  
36 the boundaries of the school district where the charter school is  
37 physically located, the charter school shall select students from  
38 among the applicants who live within the district through an  
39 equitable selection process such as a lottery.

40 **2. Admission discrimination.** Except as provided in  
41 subsections 1 and 3, a charter school may not limit admission  
42 based on ethnicity, national origin, gender, income level,  
43 proficiency in the English language or athletic ability.

2           3. Admission limitations. A charter school may limit  
admission to students within a given age group, grade level or  
4           disabling condition.

6           **§2406. Financing**

8           Charter schools are financed from the school district's  
general purpose aid.

10           A charter school that is sponsored by a school board or  
district school committee is entitled to receive per-student  
12           expenditures equal to at least the total average cost per student  
for the district as a whole. The commissioner shall develop  
14           guidelines for determining the average cost per student for the  
district for the purposes of this section.

16           **§2407. Teachers; employment benefits**

18           The following provisions apply to teachers in a charter  
20           school.

22           1. Rights retained. A teacher who is employed by or  
teaching at a charter school and who was previously employed as a  
24           teacher at a school district does not lose any right of  
certification, retirement or salary status or any other benefit,  
26           provided by law, by the rules of the school board or district  
school committee or by the rules of the governing body of the  
28           charter school, due to teaching at a charter school upon the  
teacher's return to the school district.

30           2. Employment preference. A teacher who is employed by or  
teaching at a charter school and who submits an employment  
32           application to the school district where the teacher was employed  
immediately before employment by or at the charter school must be  
34           given employment preference by the school district if both the  
following conditions are met:  
36           

38           A. The teacher submits an employment application to the  
school district no later than 3 years after ceasing  
40           employment with the school district; and

42           B. A suitable position is available at the school district.

44           **Sec. 4. 20-A MRSA §5401, sub-§2,** as enacted by PL 1981, c.  
693, §§5 and 8, is amended to read:

46           **2. School administrative district and charter schools.** The  
48           superintendent of schools in a school administrative district or  
for a charter school shall, with the approval of the school  
50           board, provide transportation for:

2 A. Elementary school students a part of or the whole  
distance to and from the nearest suitable school; and

4 B. Secondary school students a part of or the whole  
6 distance to the district's secondary school or to and from  
the secondary school in the school administrative unit or  
8 units with which the district has contracted for secondary  
school privileges. The school board may provide  
10 transportation for secondary school students attending other  
secondary schools.

12

### STATEMENT OF FACT

14

16 This bill authorizes the establishment of charter schools  
within the State and sets forth eligibility, application and  
funding requirements for charter schools.