

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1080

H.P. 792

House of Representatives, February 18, 1997

An Act to Establish Public Charter Schools.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BARTH of Bethel.
Cosponsored by Senator AMERO of Cumberland and
Representative MACK of Standish, Senator: CATHCART of Penobscot.

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

2 **Sec. 1. 20-A MRSA §1, sub-§26**, as corrected by RR 1993, c. 1,
4 §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
22 establishes; and

24 **Sec. 3. 20-A MRSA §202, sub-§18** is enacted to read:

26 **18. Charter schools.** Any charter schools.

28 **Sec. 4. 20-A MRSA c. 112** is enacted to read:

30 **CHAPTER 112**

32 **CHARTER SCHOOLS**

34 **§2401. Purpose**

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

48 **§2402. Eligibility for application**

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

2 school administrative unit vote to apply for charter school
3 designation.

4 **§2403. Provisions for charter schools**

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

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

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

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

16 D. A description of the proposed charter school's hiring
17 policy;

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

20 F. A description of the proposed charter school's facility
21 and the location of the school;

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

23 H. An outline of criteria designed to measure the
24 effectiveness of the school.

25 **2. Ability to contract.** The sponsor of a charter school
26 may contract with a public body, private person or private
27 organization for the purpose of establishing a charter school
28 pursuant to this chapter.

29 **3. Sponsor and applicant requirements.** The sponsor of a
30 charter school is a school board or district school committee.

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

2 4. Charter guarantees. The charter of a charter school
3 must guarantee the following:

4
5 A. That the charter school complies with federal, state and
6 local rules, regulations and statutes relating to health,
7 safety, civil rights and insurance. The department shall
8 publish a list of relevant rules, regulations and statutes
9 to notify charter schools of their responsibilities under
10 this paragraph;

11 B. That the charter school is nonsectarian in its programs,
12 admission policies, employment practices and other
13 operations;

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

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

28 E. That the charter school maintains student records
29 pursuant to sections 6003 and 6205;

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

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

42

2 H. That the charter school complies with all federal and
3 state laws relating to the education of children with
4 disabilities in the same manner as a school district.

5 5. Charter requirements. The charter of a charter school
6 must include a description of the charter school's personnel
7 policies, personnel qualifications, methods of school governance
8 and the specific role and duties of the sponsor of the charter
9 school.

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

22 7. Charter amendments. The charter of a charter school may
23 be amended at the request of the governing body of the charter
24 school and with the approval of the sponsor.

25 8. Charter renewal. After renewal of the charter at the end
26 of the 5-year period described in subsection 6, the charter may
27 be renewed for successive periods of 7 years if the charter
28 school and its sponsor determine that the school is in compliance
29 with its own charter and the provisions of this chapter.

30 **§2404. Powers**

31 Charter schools may contract, sue and be sued.

32 **§2405. Admission requirements**

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

36 1. Admission preference. A charter school that is
37 sponsored by a school board or district school committee shall
38 give enrollment preference to eligible students who reside within
39 the boundaries of the school district where the charter school is
40 physically located. If capacity is insufficient to enroll all
41 students who submit a timely application and who reside within
42 the boundaries of the school district where the charter school is
43 physically located.

2 physically located, the charter school shall select students from
3 among the applicants who live within the district through an
4 equitable selection process such as a lottery.

5 2. Admission discrimination. Except as provided in
6 subsections 1 and 3, a charter school may not limit admission
7 based on ethnicity, national origin, gender, income level,
8 proficiency in the English language or athletic ability.

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

12 **§2406. Financing**

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

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

21 **§2407. Teachers; employment benefits**

22 The following provisions apply to teachers in a charter
23 school.

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

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

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

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

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

6 **2. School administrative district and charter schools.** The
8 superintendent of schools in a school administrative district or
9 for a charter school shall, with the approval of the school
10 board, provide transportation for:

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

14 B. Secondary school students a part of or the whole
15 distance to the district's secondary school or to and from
16 the secondary school in the school administrative unit or
17 units with which the district has contracted for secondary
18 school privileges. The school board may provide
19 transportation for secondary school students attending other
20 secondary schools.

22 **SUMMARY**

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