

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1640

S.P. 606

In Senate, May 3, 2005

### An Act To Permit Charter Schools in Maine

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WESTON of Waldo.  
Cosponsored by Representative KAELIN of Winterport and  
Senators: ROSEN of Hancock, TURNER of Cumberland, Representatives: DUGAY of  
Cherryfield, McKENNEY of Cumberland, PIOTTI of Unity.

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,  
6 §44 and amended by PL 2003, c. 545, §5, is further amended to  
8 read:

10 **26. School administrative unit.** "School administrative  
12 unit" means the state-approved unit of school administration and  
14 includes a municipal school unit, school administrative district,  
16 community school district, charter school or any other municipal  
18 or quasi-municipal corporation responsible for operating or  
20 constructing public schools, except that it does not include a  
22 career and technical education region.

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

28 **16. Other entities.** Other entities authorized by the  
30 Legislature; and

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

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

38 **18. Charter schools.** Charter schools.

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

42 **CHAPTER 112**

44 **CHARTER SCHOOLS**

46 **§2411. Charter schools authorized; pilot program established**

48 Charter schools may be established as public schools  
pursuant to this chapter to provide varied learning environments  
and expand existing efforts to support student learning by  
providing different, often small, learning settings. The charter  
school pilot program established pursuant to section 2413,  
subsection 5 is authorized to provide incentives to teachers and  
community members to establish new kinds of public schools and to  
seek to improve student achievement through the use of different  
and innovative learning methods. Local school administrative  
units are encouraged to use the charter school pilot program to  
offer more options to students and parents, to develop  
complementary programs tailored to meet student needs and to  
collaborate with other school administrative units to offer  
regional programs.

2           Charter schools must meet the goals of the system of  
4           learning results established in section 6209 and applicable  
6           provisions of the federal No Child Left Behind Act of 2001, 20  
8           United States Code, Chapter 70. Although independent in  
10           governance, charter schools are public schools and may work in  
12           cooperation with public schools to improve student achievement  
14           and to help students meet the goals of the system of learning  
16           results through flexible program design, involvement of parents  
18           and teachers based on their choice to participate in new learning  
20           communities, and varied approaches to instruction and  
22           organization. Charter school programs may be focused on certain  
24           grade levels, themes, student learning styles or instructional  
          approaches to assist students who have a variety of learning  
          needs. A charter school program may include, among other  
          approaches, career preparation, alternative approaches for  
          nontraditional learners, intensive programs for disadvantaged  
          children, early childhood development, arts-based, multicultural  
          and multilingual approaches, personalized learning approaches,  
          mentoring, service-learning and teacher training opportunities.  
          Charter schools may provide alternative public school options for  
          children in so-called priority schools in accordance with  
          provisions of the federal No Child Left Behind Act of 2001, 20  
          United States Code, Chapter 70.

26           **§2412. Organizers; eligibility for application**

28           The following entities, referred to in this chapter as  
30           "organizers," may apply for charter school status.

32           1. Existing schools. An existing public school may apply  
34           to become a charter school if 60% or more of the full-time  
36           teachers and administrators of that public school and 60% or more  
38           of the parents of children in that public school vote to apply  
40           for charter school status. If a local school board acting as a  
          chartering authority approves the request of parents and teachers  
          to convert an existing public school to a charter school, and the  
          school to be converted is the only public school option for  
          students in that school administrative unit, the conversion must  
          be approved by voters in that school administrative unit.

42           2. New schools. An application for a new charter school  
44           may be proposed by a school board, by a nonprofit, nonsectarian  
46           organization or by a group of 10 or more citizens. An existing  
          nonprofit, nonsectarian school may apply to eligible chartering  
          authorities under section 2413 to become a charter school.

48           **§2413. Chartering authorities**

1           1. Eligible chartering authorities. The organizers may  
2 apply to and the school may be granted a charter by:

4           A. A school board; or

6           B. An officially recognized unit of the University of Maine  
8 System or one of its universities, the Maine Community  
College System or one of its colleges or the Maine Maritime  
Academy.

10           For purposes of this chapter, unless the context otherwise  
12 indicates, "chartering authority" means one of the entities in  
paragraphs A and B.

14           2. Approval by chartering authority. A school may not  
16 operate as a charter school unless approved by a chartering  
18 authority. A charter must be approved for a renewable 5-year  
20 term, with a major review for compliance with the terms of the  
22 charter prior to each renewal. A charter may be approved for a  
24 school beginning with one or more grades from preschool to high  
26 school, including alternative secondary programs for students  
requiring basic literacy training up to 20 years of age. A  
school board may approve the conversion of an existing public  
school to a charter school only in its own jurisdiction. Only  
one school board may be the chartering authority for a charter  
school that is a regional collaboration between 2 or more school  
administrative units.

28           3. Approval criteria. A school board or an officially  
30 recognized unit of a public postsecondary education institution  
32 that wishes to be a chartering authority shall establish criteria  
34 for approval and a time frame for applications to start a charter  
36 school. Criteria established by a chartering authority must  
38 include, but are not limited to, statement of purpose, size,  
40 scope, funding, goals and outcomes, governance and operational  
42 structure, accountability, the manner in which the charter school  
will complement the school administrative unit's existing  
educational program and the extent to which sufficient public  
interest has been demonstrated to warrant the establishment of  
the charter school. If a proposal for a charter school meets the  
criteria established by a chartering authority, the charter  
school is presumed to be eligible for authorization.

44           4. Oversight. A chartering authority is responsible for:

46           A. Establishing a process for receiving and reviewing  
48 applications for charter schools on an annual or semiannual  
50 basis, taking into account the deadlines required by the  
United States Department of Education for applications for  
the federal charter school grant program. A decision on a

2 charter school application must be made within 90 days of  
3 receipt of the application and conveyed in writing to the  
4 applicant. A decision may grant approval or conditional  
5 approval, request resubmission or reject the application and  
6 must include written reasons for the decisions;

7 B. Monitoring the operations of each charter school to  
8 which the chartering authority has granted a charter,  
9 including an annual site visit and requiring an annual  
10 report, periodic financial reports and periodic enrollment  
11 reports, and including a major review prior to renewal of  
12 each 5-year contract;

13 C. Ensuring that each charter school to which the  
14 chartering authority has granted a charter complies with  
15 applicable laws and the charter, including provisions of the  
16 system of learning results established in section 6209 and  
17 the federal No Child Left Behind Act of 2001, 20 United  
18 States Code, Chapter 70, and that the charter school follows  
19 generally accepted accounting principles as required by  
20 state law or as necessary for the school to be eligible to  
21 receive federal assistance;

22 D. Monitoring the progress of each charter school to which  
23 the chartering authority has granted a charter in meeting  
24 student academic expectations specified in the charter; and

25 E. Placing a charter school on probation if there is  
26 evidence that the school is not performing according to its  
27 charter. A school must be given 30 days' notice before  
28 being placed on probation, and the chartering authority  
29 shall hold a public hearing within 30 days of placing a  
30 school on probation.

31 The chartering authority may require a charter school to which  
32 the chartering authority has granted a charter to produce any  
33 book, record, paper or document the chartering authority  
34 determines necessary for carrying out its functions under this  
35 chapter.

36 5. Pilot program; repeal. The charter school program  
37 begins with a 10-year pilot phase.

38 A. During the pilot phase the following limits apply:

39 (1) No more than 20 charter schools statewide may be  
40 approved during the pilot phase; and

41 (2) A charter school may not enroll more than 20% of a  
42 school administrative unit's public school students per

2 grade level unless a school board acting as the  
3 chartering authority approves a different percentage  
4 for students residing in the school administrative  
5 unit. This provision does not apply to conversions of  
6 existing public schools and public school programs.

7 B. To enforce the limits set out in paragraph A, the  
8 commissioner shall:

9  
10 (1) Register the charters granted by all chartering  
11 authorities in chronological order by date of  
12 approval. Each chartering authority shall forward to  
13 the commissioner a copy of its official approval letter  
14 for each charter school it authorizes within 10 days of  
15 such approval; and

16  
17 (2) Once the cap of 20 charters is reached, the  
18 commissioner may not accept further registrations and  
19 no further charter schools may be chartered until June  
20 30, 2016.

21 This subsection is repealed June 30, 2016.

22  
23 **§2414. Charter school students; eligibility; application**

24  
25 **1. Eligibility.** Any student residing in this State is  
26 eligible to apply to a charter school. A charter school may not  
27 discriminate on the basis of color, race, national origin,  
28 religion, sex, income level, proficiency in the English language  
29 or physical ability. The school shall enroll an applicant who  
30 submits an application prior to deadline, unless the number of  
31 applications exceeds the capacity of a program, class, grade  
32 level or building. In that case, applicants must be chosen  
33 through a lottery that ensures random selection.

34  
35 **2. Application.** Each charter school shall adopt an  
36 application process in accordance with this subsection.

37  
38 **A.** The application process may not include requirements  
39 regarding previous academic achievement, intellectual  
40 aptitude, sexual orientation or curricular or  
41 extracurricular ability. Existing public schools that  
42 convert to charter schools may give preference to previously  
43 enrolled students.

44  
45 **B.** Applicant selection may give preference to siblings of  
46 students already enrolled in the charter school and to  
47 children of the organizers, staff and teachers of the newly  
48 formed charter school, except that the number of students

2 enrolled under preferences allowed by this paragraph may not  
3 exceed 20% of the total number of students.

4 C. Applicants may not be denied admission on the basis of  
5 any physical or mental disability, handicap or condition.

6 D. A school board acting as a chartering authority may  
7 require a charter school that it approves to give admission  
8 preference to children of residents in that school  
9 administrative unit.

12 **§2415. Requirements for charter schools**

13 1. Organization. A charter school shall operate as a  
14 public instrumentality under a charter granted by an eligible  
15 chartering authority. The charter school must be governed by its  
16 own board of trustees and shall operate as an independent agency  
17 consistent with the provisions of this chapter. The governing  
18 board of trustees is responsible for the operation of the charter  
19 school, including, but not limited to, its finances; the hiring  
20 of the principal, teachers and staff; and the academic and  
21 extracurricular programs. A charter school may secure services  
22 from another public body, nonprofit organization, private  
23 organization or individual, but a charter school may not contract  
24 with a for-profit education management organization for  
25 whole-school management services.

26 2. Education program. A charter school shall establish an  
27 education program that includes one or more of the following:

28 A. Prekindergarten;

29 B. Any grade or grades from kindergarten to grade 12;

30 C. Residential education; and

31 D. Adult, community, continuing and career and technical  
32 education programs for residents up to 20 years of age in  
33 need of basic literacy or specialized education services.

34 3. Nonsectarian. A charter school may not be affiliated  
35 with a private sectarian school or religious institution. The  
36 school must be nonsectarian in its programs, admission policies,  
37 employment practices and all other operations.

38 4. Home school; Internet. Charter schools may not be used  
39 as a method of providing education or generating revenue for  
40 students who are being home schooled. Charter schools may not  
41 offer programs that require or permit students to take more than  
42 25% of their studies on-line.



2           5. Admission. A charter school shall admit students as  
provided in section 2414.

4  
6           6. Accountability. A charter school is accountable to its  
chartering authority for its performance as provided in the  
8           charter agreement pursuant to section 2416. Charter schools must  
work to achieve the goals of the system of learning results  
10           established in section 6209 and administer state assessments or  
equivalent assessments required of public schools as part of  
12           state academic standards. These assessments must be commensurate  
with the charter school's mission and objectives.

14           7. Tuition. A charter school may not charge tuition or  
fees beyond those allowed in a regular public kindergarten to  
16           grade 12 program, except that a charter school offering a  
residential component may charge a fee for room and board and, if  
18           a fee is charged, shall offer assistance to families needing  
scholarships for room and board fees.

20           8. State and local requirements. A charter school shall  
22           meet all applicable state and local health, safety and civil  
rights requirements.

24           9. No discrimination. A charter school may not  
26           discriminate on the basis of color, race, national origin,  
religion, sex, income level, proficiency in the English language  
28           or physical ability.

30           10. Finances. A charter school's board of trustees, not  
the director or chief financial officer of the charter school,  
32           shall contract for an annual financial audit by a certified  
public accountant in accordance with generally accepted  
34           accounting principles. The audit must examine the validity and  
integrity of data reported to the State for revenue purposes,  
36           including the enrollment and internal controls of the charter  
school.

38           11. Conflicts of interest. Charter school boards of  
40           trustees are governed by this subsection.

42           A. A member of a charter school board of trustees may not  
serve as a member of the board of directors or as an  
44           employee or agent of or a contractor with a for-profit  
entity with whom the charter school contracts, directly or  
46           indirectly, for professional services, goods or facilities.

48           B. A member of a charter school board of trustees that  
serves as a member of a board of trustees or an employee or  
50           agent of or a contractor with a nonprofit entity with whom

2           the charter school contracts, directly or indirectly, for  
3           professional services, goods or facilities shall disclose  
4           all potential conflicts to the chartering authority.

6           12. Indemnification. The board of trustees shall indemnify  
7           the trustees, officers, teaching staff and employees affiliated  
8           with the charter school and shall purchase and maintain insurance  
9           to indemnify any such person to the extent provided in Title  
10           13-B, section 714.

12           13. Open meetings. Records and meetings of a charter  
13           school's board of trustees are subject to the public records and  
14           proceedings provisions of Title 1, chapter 13.

16           **§2416. Charter agreement**

18           Major issues involving the operation of a charter school  
19           must be considered and addressed in advance of the opening of the  
20           charter school and written into the charter agreement, which must  
21           be signed by the charter school's board of trustees and the  
22           chartering authority.

24           1. Special education. Before a charter is granted by the  
25           eligible chartering authority pursuant to section 2413, a charter  
26           school must have in place a policy to comply with the policies  
27           adopted by the state board and with federal regulations relating  
28           to the education of children with special needs. The manner in  
29           which the charter school delivers those services may be  
30           innovative, and its services may be integrated into the services  
31           provided for all students.

32           2. Written agreement on issues. The board of trustees of  
33           the charter school and the chartering authority shall establish a  
34           written agreement on the following issues and incorporate the  
35           agreement into the charter:

36           A. The education program, including the charter school's  
37           mission, the students to be served, the student ages and  
38           grade span to be included and the focus of the curriculum;

39           B. The outcomes to be achieved and the method of  
40           measurement that will be used, including how the charter  
41           school will meet any state-required outcomes such as the  
42           system of learning results established in section 6209;

43           C. Procedures for the admission and dismissal of students;

44           D. The ways by which the charter school will try to achieve  
45           a racial and ethnic balance reflective of the community it  
46           serves;

2           E. The manner in which the charter school will comply with  
4           state and federal requirements for the education of children  
6           with special needs, including the delivery of appropriate  
              special education services and any innovative delivery  
              systems;

8           F. The manner in which financial audits will be conducted;

10          G. The qualifications required of the teachers in addition  
12          to those required under section 2418; and

14          H. The management and administration of the charter school.

16          3. Addendum to charter. The charter school shall include  
18          as an addendum to the charter document a plan covering the  
20          following items before the school begins operating:

22           A. The governance structure of the charter school;

24           B. In the case of an existing public school converting to a  
26           charter school, alternative arrangements for current  
28           students who choose not to attend the charter school and for  
30           current teachers who choose not to teach in the charter  
32           school after conversion;

34           C. The learning methods to be used;

36           D. Any distinctive learning techniques to be employed;

38           E. A draft of a 2-year financial plan showing anticipated  
40           enrollment and anticipated revenues and expenses and a  
42           description of the system of internal financial controls;

44           F. How the charter school will be insured;

46           G. The facilities to be used and their location; and

48           H. The arrangements for covering teachers and other staff  
              for health, retirement and other employee benefits.

42          §2417. Review, renewal or termination of the charter agreement

44           1. Major review; renewal. Prior to renewal of each 5-year  
46           term, the chartering authority shall conduct a major review of  
48           the operations and achievements of each of its charter schools.  
              At least 6 months prior to the end of each 5-year term of a  
              charter school, the chartering authority shall begin a review  
              process with the charter school to determine if the contract will

2 be renewed. The renewal process must include at least one public  
3 hearing.

4 2. Termination. During the term of the charter agreement  
5 or during the 5-year renewal review pursuant to subsection 1, the  
6 chartering authority may act to terminate the agreement on any of  
7 the following grounds:

8  
9  
10 A. Failure to meet the requirements for student performance  
11 stated in the agreement;

12 B. Failure to meet generally accepted standards of fiscal  
13 management;

14 C. Violation of laws; or

15 D. Other good cause shown.

16  
17  
18 A termination is effective only at the end of a school year,  
19 unless continued operation of the charter school presents a clear  
20 and immediate threat to health and safety of students or  
21 personnel.

22  
23  
24 3. Notice of termination. At least 60 days before  
25 terminating a charter, the chartering authority shall notify the  
26 board of trustees of the charter school of the proposed action in  
27 writing. The notice must state the grounds for the proposed  
28 action in reasonable detail and that the charter school board of  
29 trustees may request in writing an informal hearing before the  
30 chartering authority within 14 days of receiving the notice.

31  
32 4. Appeal. The charter school may appeal the chartering  
33 authority's decision to terminate the charter to the commissioner  
34 for review of procedural issues.

35  
36 5. Dissolution of charter school. When a charter is  
37 terminated, the charter school must dispose of its assets  
38 according to a plan agreed upon with its chartering authority.

39  
40 6. Disposition of students upon dissolution. If an  
41 agreement is terminated, the charter school staff shall assist  
42 its students to find other appropriate education placements.

43 **§2418. Teachers**

44  
45 1. Selection. The charter school shall select its teachers.

46  
47 2. Certification. At least 50% of the teaching staff of a  
48 charter school must hold an appropriate teaching certificate and  
49 must meet the highly qualified standards for teachers in  
50

2 accordance with the provisions of the federal No Child Left  
3 Behind Act of 2001, 20 United States Code, Chapter 70.

4 3. Right to organize. Teachers at a charter school may  
5 choose to bargain collectively or form a professional group in  
6 accordance with this subsection.

8 A. Teachers who are employees of the charter school have  
9 the same rights as other teachers in public education to  
10 organize and bargain collectively. Bargaining units at the  
11 charter school must be separate from other bargaining units,  
12 such as a district bargaining unit. Staff at noncharter  
13 public schools converting to charter schools have a right to  
14 employment benefits as stated in applicable collective  
15 bargaining agreements or they may vote to be represented in  
16 alternative ways.

18 B. A teacher may choose to be part of a professional group  
19 that operates the instructional program under an agreement  
20 with the charter school, forming a partnership or producer  
21 cooperative that the teachers collectively own.

22 4. Leave: seniority. Teachers in a public school may take  
23 leave to teach in a charter school. A school district must grant  
24 service credit to those teachers for teaching experience at a  
25 charter school, as long as their service at a charter school is  
26 reasonably comparable to service in their public school. Any  
27 such teacher may apply for a leave of absence in renewable  
28 one-year terms, up to a maximum of 2 years.

30 5. Retirement. A charter school may establish a retirement  
31 plan or plans for employees. Teachers enrolled in the Maine  
32 State Retirement System who take leave to teach in a charter  
33 school may continue their participation in the Maine State  
34 Retirement System while on such leave. If a charter school  
35 chooses to set up a plan with the Maine State Retirement System,  
36 the charter school may establish a participating local district  
37 plan with the Maine State Retirement System.

40 **§2419. Revenue provisions**

42 1. Operating funds. All state and local operating funds  
43 follow each student to the charter school attended by the  
44 student. For each charter school student, the school  
45 administrative unit in which the student resides must forward the  
46 per-pupil allocation to the charter school attended by the  
47 student as follows.

48 A. The per-pupil allocation amounts must be based on the  
49 same per-pupil rates as described in section 15676,  
50

2 subsection 1 that are provided for subsidizable pupils who  
3 reside in the school administrative unit and who are  
4 educated at public expense for the current fiscal year.

5 B. For each fiscal year, which runs from July 1st to June  
6 30th, allocations must be made in 4 quarterly payments on  
7 September 1st, December 1st, March 1st and June 1st.

8 C. The September payment under paragraph B must be based on  
9 the number of students enrolled or anticipated to be  
10 enrolled in the charter school at the opening of school for  
11 that school year, which cannot exceed the maximum enrollment  
12 approved in the charter agreement for that year unless a  
13 waiver is obtained from the chartering authority.

14 D. If the number of students calculated under paragraph C  
15 is higher or lower than the number of students in the  
16 following February of the school year, adjustments are to be  
17 made in the March payment under paragraph B, with 50% of the  
18 annual per pupil allocation to be added for additional  
19 students or subtracted if the total number of students is  
20 lower.

21 2. Other subsidizable costs. Public charter schools are  
22 entitled to receive state funds for other subsidizable costs as  
23 described in section 15681-A on a per-pupil basis, on the same  
24 schedule as listed in subsection 1, for transportation,  
25 vocational education and special education costs. Public charter  
26 schools may contract or cooperate with public schools for such  
27 services.

28 3. Special education costs. Public charter schools are  
29 entitled to receive state funding for the special education costs  
30 as described in section 15681-A, subsection 2 and as described in  
31 section 15689-A, subsections 1 and 2 on the same basis as schools  
32 in a school administrative unit.

33 4. Other sources of funding. A charter school may receive  
34 other state and federal aid, grants and revenue through its  
35 chartering authority, or through the State in the case of Title I  
36 of the federal Elementary and Secondary Education Act of 1965, 20  
37 United States Code, Section 6301 et seq. and similar programs. A  
38 charter school may be considered a local education agency for  
39 purposes of applying for competitive federal grants. The charter  
40 school may receive gifts and grants from private sources in  
41 whatever manner is available to school administrative units.

42 5. No taxing or bonding authority. A charter school may  
43 not levy taxes or issue bonds secured by tax revenues.

2        6. Facilities. Charter schools may be provided access to  
3 surplus public space as it becomes available from the State or  
4 any political subdivision of the State. A school administrative  
5 unit may make unused buildings available to charter schools at  
6 reasonable rents.

7        **§2420. Exemption from education laws and rules**

8        1. Exemption from state and local education laws and  
9 rules. Except as provided in this chapter and its charter, a  
10 charter school is exempt from all statutes and rules applicable  
11 to a school, a school board or a school district, although it may  
12 elect to comply with one or more provisions of statutes or  
13 rules. School administrative units may not interpret this  
14 subsection to reduce their obligation to provide education for  
15 their residents.

16        2. Categorical education funding. A charter school is  
17 exempt from the restrictions normally associated with any  
18 state-funded categorical education funding program.

19        **§2421. Leased space**

20        A school administrative unit may lease space or sell  
21 services to a charter school. A charter school may lease space  
22 from another public body, nonprofit organization, private  
23 organization or individual.

24        **§2422. Transportation**

25        A charter school is entitled to receive a per-pupil  
26 allocation for transportation costs as part of its funds for  
27 other subsidizable costs as described in section 15681-A,  
28 subsection 3. A charter school shall offer transportation,  
29 whether through agreements with local school districts or other  
30 arrangements.

31        **§2423. Initial costs**

32        A chartering authority may authorize a charter school before  
33 the applicant has secured space, equipment or personnel if the  
34 applicant indicates authorization is necessary for it to raise  
35 working capital.

36        **§2424. Information and technical assistance**

37        The department shall support the charter school pilot  
38 program established in section 2411 and disseminate information  
39 to the public directly and through chartering authorities on how  
40 to form and operate a charter school and on how to enroll in  
41 the program.

2 charter schools once they are created. The department may  
3 provide assistance and guidance to school boards and other  
4 potential organizers to develop effective authorization and  
5 oversight procedures. The department shall apply for assistance  
6 from the federal charter school grant program on behalf of  
7 potential and actual charter schools in the State. If the  
8 department does not apply for assistance from the federal charter  
9 school grant program in the year following the effective date of  
10 this section, a charter school may apply on its own behalf.

11 **Sec. 5. Maine State Retirement System.** The Maine State  
12 Retirement System shall review the laws governing participating  
13 local districts' retirement plans and shall submit emergency  
14 legislation no later than November 28, 2005 to the Second Regular  
15 Session of the 122nd Legislature to propose changes necessary to  
16 fully implement this Act.

17 **Sec. 6. Review.** The Commissioner of Education, with  
18 assistance from the State Board of Education, shall conduct a  
19 review of charter schools created under the Maine Revised  
20 Statutes, Title 20-A, chapter 112 4 years after the effective  
21 date of this Act. The commissioner shall submit a report and any  
22 recommendations to the joint standing committee of the  
23 Legislature having jurisdiction over education and cultural  
24 affairs by December 15th of the following year.

## 25 SUMMARY

26 This bill allows certain educational bodies to approve the  
27 establishment of charter schools, a new type of public school, to  
28 be a part of the State's program of public education. The  
29 charter school pilot program established under this bill permits  
30 up to 20 charter schools to be authorized during a 10-year pilot  
31 phase. A charter school must be approved for a renewable 5-year  
32 term, with a major review of the operations and achievements of  
33 the charter school prior to renewal.

34 Charter schools may be conversions of existing public  
35 schools or school administrative units, new schools or existing  
36 nonprofit, nonsectarian schools that convert to charter status.  
37 A chartering authority may be a local school board or an  
38 officially recognized unit of the University of Maine System or  
39 one of its universities, the Maine Community College System or  
40 one of its colleges or the Maine Maritime Academy.

41 Charter schools are created to offer students and parents  
42 more education options to meet the diversity of learning needs of  
43 Maine's children. Charter schools are open to all students  
44 equally, though they may specialize in serving a particular age  
45 group.



2 group, a specific geographic area or a student population with  
3 specific needs. A charter school may not be affiliated with a  
4 religious institution and must be nonsectarian in its programs,  
5 practices and policies.

6 At least 50% of the charter school's teaching staff must  
7 hold appropriate teaching certificates. Teachers in charter  
8 schools are employees of the charter school and have the right to  
9 organize and bargain collectively in a separate unit or may  
10 choose to operate the charter school themselves as partners or  
11 members of a cooperative.

12 Charter schools will be funded by per-pupil allocations from  
13 state and local sources based on the essential programs and  
14 services model of school funding. The state and local per-pupil  
15 payments will be sent to each charter school or other public  
16 school chosen for each child. Funds for operating costs,  
17 transportation costs, vocational costs and special education  
18 costs will follow each child to the public charter school chosen.  
19  
20