

MAINE STATE LEGISLATURE

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R. G. S.

MINORITY

L.D. 1438

Date: 6-1-09

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 522, L.D. 1438, Bill, "An Act To Permit Charter Schools in Maine"

Amend the bill in section 7 in §2401 by striking out all of subsection 16 (page 3, lines 16 and 17 in L.D.)

Amend the bill in section 7 in §2402 in the first paragraph in the 5th line (page 3, line 23 in L.D.) by inserting after the following: "system;" the following: 'to provide alternative learning environments for students who are not thriving in traditional school settings.'

Amend the bill in section 7 in §2403 by striking out all of subsection 2 (page 3, lines 33 to 37 in L.D.) and inserting the following:

'2. Limited number of public charter schools; phase-in. During the pilot phase, only 10 public charter schools may be approved by authorizers that are local school boards and only 10 public charter schools may be authorized by authorizers other than local school boards. During each 5-year period of the pilot phase, only 5 public charter schools may be approved by authorizers as conversion public charter schools and the remaining 5 public charter schools may be approved by authorizers as start-up public charter schools. Once a cap is reached, the commissioner may not accept further registrations from that class of authorizers until the end of the pilot phase.'

Amend the bill in section 7 in §2404 by striking out all of subsection 4 (page 4, lines 22 to 31 in L.D.) and inserting the following:

'4. Reports. The commissioner shall provide reports to the Governor and the Legislature on the activity in the State's charter school program, drawing from the annual reports submitted by every authorizer pursuant to section 2409, subsection 4, as well as any additional relevant data compiled by the commissioner, for the school years ending in the preceding calendar year. The report must include an assessment of the charter school program's successes, challenges and areas for improvement in meeting the purposes of this chapter and any suggested changes in state law or policy necessary to strengthen the program. The commissioner shall provide reports as follows:

COMMITTEE AMENDMENT

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- 1 A. By March 1st of the first year of the charter school program;
- 2 B. By March 1st of the 2nd year of the charter school program;
- 3 C. By March 1st of the 4th year of the charter school program; and
- 4 D. By March 1st of the 8th year of the charter school program.'

5 Amend the bill in section 7 in §2405 in subsection 2 in paragraph B in the first line
6 (page 5, line 3 in L.D.) by striking out the following: "10%" and inserting the following:
7 '5%'

8 Amend the bill in section 7 in §2410 by striking out all of subsection 1 (page 8, lines
9 24 to 29 in L.D.) and inserting the following:

10 '1. Issuance. To invite, solicit, encourage and guide the development of high-quality
11 public charter school applications, an authorizer shall issue and broadly publicize a
12 request for proposals on May 1st or October 1st of each year, but an authorizer may not
13 approve an application for a public charter school to open in less than 6 months from the
14 date of application. The content and dissemination of the request for proposals must be
15 consistent with the purposes and requirements of this chapter. In the first year of the pilot
16 program a charter school may not commence academic instruction before the beginning
17 of the 2010-2011 school year.'

18 Amend the bill in section 7 in §2410 in subsection 2 by striking out all of paragraph
19 A (page 8, lines 32 to 37 in L.D.) and inserting the following:

20 'A. A request for proposals must present the authorizer's strategic vision for and
21 interests in chartering, including a clear statement of any preferences or priority the
22 authorizer wishes to grant to particular types of applications to meet community
23 needs. Authorizers shall give priority to proposals that expand opportunities for
24 children who are not realizing their full potential, who may be disaffected or
25 disengaged in their current education situations and who may be at risk of failure
26 academically, socially, economically or personally. An authorizer's preferences or
27 priorities may include but are not limited to proposals to serve primarily at-risk pupils
28 or particular categories of at-risk pupils.'

29 Amend the bill in section 7 in §2410 in subsection 2 in paragraph E by striking out all
30 of subparagraph (5) (page 10, lines 23 to 29 in L.D.) and inserting the following:

- 31 (5) The proposed public charter school's student policy, including:
- 32 (a) The school's plans for identifying and successfully serving students with a
- 33 wide range of learning needs and styles, including at-risk students, students with
- 34 disabilities, English as a Second Language students and gifted students;
- 35 (b) The school's plans for compliance with applicable laws, rules and regulations;
- 36 and
- 37 (c) The proposed school's student discipline plans and policies, including those
- 38 for special education students.'

39 Amend the bill in section 7 in §2411 by inserting after subsection 3 the following:

1 '4. Governing board. An application for a conversion public charter school or a
2 start-up public charter school may include a provision that permits representation on the
3 governing board of the public charter school as a nonvoting member for a school
4 administrative unit that provides tuition payments for its resident students to attend a
5 public school in another school administrative unit or a private school approved for
6 tuition purposes subject to chapter 219 when a resident student of the sending school
7 administrative unit is enrolled in the public charter school.'

8 Amend the bill in section 7 in §2411 in subsection 5 in paragraph B by striking out all
9 of the last underlined sentence (page 13, lines 16 to 18 in L.D.)

10 Amend the bill in section 7 in §2411 by renumbering the subsections to read
11 consecutively.

12 Amend the bill in section 7 in §2412 by striking out all of subsection 3 (page 14, lines
13 18 to 40 and page 15, lines 1 to 6 in L.D.)

14 Amend the bill in section 7 in §2415 in subsection 7 by striking out all of the last
15 underlined sentence (page 17, line 39 and page 18, lines 1 and 2 in L.D.)

16 Amend the bill in section 7 in §2416 in subsection 2 in paragraph B in subparagraph
17 (2) in the first line (page 19, line 10 in L.D.) by striking out the following: "The" and
18 inserting the following: 'To the extent permitted by federal, state or local laws, the'

19 Amend the bill in section 7 in §2416 in subsection 2 in paragraph B in subparagraph
20 (3) in the first line (page 19, line 14 in L.D.) by striking out the following: "The" and
21 inserting the following: 'To the extent permitted by federal or state laws, the'

22 Amend the bill in section 7 in §2416 in subsection 6 in paragraph B in the first line
23 (page 20, line 35 in L.D.) by striking out the following: "50%" and inserting the
24 following: '75%'

25 Amend the bill in section 7 in §2417 in subsection 2 by striking out all of paragraph
26 B (page 22, lines 20 to 24 in L.D.) and inserting the following:

27 'B. School administrative units shall forward to public charter schools state funds for
28 other subsidizable costs as described in section 15681-A on a per-pupil basis, on the
29 same schedule as listed in paragraph A, for transportation, career and technical
30 education, special education costs and the specialized student populations as
31 described in section 15675. Public charter schools may contract or cooperate with
32 noncharter public schools for such services.'

33 Amend the bill by inserting at the end before the summary the following:

34 **'Sec. 9. Appropriations and allocations.** The following appropriations and
35 allocations are made.

36 **EDUCATION, DEPARTMENT OF**

37 **Charter School Program N083**

38 Initiative: Provides a base allocation in fiscal year 2010-11 for the charter school pilot
39 program.

1	FEDERAL EXPENDITURES FUND	2009-10	2010-11
2	All Other	\$0	\$500
3			
4	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$500
5			

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment accomplishes the following changes to the proposed process to authorize the establishment of charter schools in the State.

1. It amends the provisions pertaining to the number of public charter schools that may be authorized during the 10-year pilot phase by clarifying that only 10 public charter schools may be approved by authorizers that are local school boards and only 10 public charter schools may be authorized by authorizers other than local school boards. The amendment also provides that during each 5-year period of the 10-year pilot phase, only 5 public charter schools may be approved by authorizers as conversion public charter schools and the remaining 5 public charter schools may be approved by authorizers as start-up public charter schools.

2. It reduces from 10% to 5% the maximum number of students in an existing grade level that can be enrolled in a charter school.

3. It provides that a charter school authorizer's request for proposals must present a statement of preference and priorities for applicants' proposals that expand opportunities for children who are not realizing their full potential, who may be disaffected or disengaged in their current education situations and who may be at risk of failure academically, socially, economically or personally.

4. It provides that a school administrative unit that currently provides tuition payments for resident students to attend school in another school administrative unit or at private schools may be permitted to have a representative from the school administrative unit on the governing board of a public charter school.

5. It removes the virtual charter school provisions from the bill.

6. It removes the provisions that would have provided an applicant whose application was denied by a charter school authorizer to appeal the authorizer's decision to the Commissioner of Education.

7. It increases from 50% to 75% the minimum number of teachers employed by a public charter school who must hold a valid teaching certificate from the State.

8. It clarifies the responsibilities of a public charter school that functions as a local education agency with respect to the application of federal and state law relating to providing programs and services for special education students.

9. It clarifies that school administrative units shall forward to public charter schools state funds for the specialized student populations as described in the Maine Revised Statutes, Title 20-A, section 15675.

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1 10. It adds an appropriations and allocations section.

2 **FISCAL NOTE REQUIRED**

3 **(See attached)**



124th MAINE LEGISLATURE

LD 1438

LR 1349(02)

An Act To Permit Charter Schools in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Federal Expenditures Fund

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Federal Expenditures Fund	\$0	\$500	\$500	\$500

Fiscal Detail and Notes

This bill establishes a process which authorizes the establishment of charter schools in the State. The requirement that all except up to 2% of the per-pupil allocation associated with subsidizable, other subsidizable and special education costs follow each child to the charter school the child attends may result in a significant redistribution of state and local per-pupil allocation. The impact to individual school units can not be determined at this time. The additional cost to the Department of Education associated with implementing this legislation can be absorbed within existing budgeted resources.

This bill allows for teachers in a non-charter school who are members of the Maine Public Employees Retirement System and take a leave of absence to teach in a charter school to continue to participate in the retirement system while on leave. Although this legislation is not clear who will be responsible for the cost, the employee and employer contribution rate for those teachers must continue to be paid.

This bill includes a Federal Expenditures Fund allocation of \$500 in fiscal year 2010-11 to the Department of Education to establish a base allocation for any federal grants that may be received by the Department for the Charter School Program. The amount of grants that may be received by the State can not be determined at this time.

Additional costs to the Maine State Retirement System associated with conducting the required review of retirement plans for participating local districts can be absorbed within the System's operating budget.

Additional costs to the Maine Labor Relations Board and Maine Revenue Services associated with this legislation can be absorbed within existing budgeted resources.