

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 439

S.P. 171

In Senate, February 14, 2013

An Act To Improve Maine's Charter School Laws

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MASON of Androscoggin.
Cosponsored by Representative JOHNSON of Greenville and
Senator: LANGLEY of Hancock.

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

2 **Sec. 1. 20-A MRSA §2407, sub-§5**, as enacted by PL 2011, c. 414, §5, is
3 amended to read:

4 **5. Approval; denial.** No later than 90 days after the deadline set by the authorizer
5 for the filing of an application applications, an authorizer shall ~~decide to approve or deny~~
6 ~~the~~ render a decision on each application. The authorizer shall make and announce all
7 charter ~~approval or denial~~ decisions in a meeting open to the public.

8 A. An approval decision may include, if appropriate, reasonable conditions that the
9 applicant must meet before a charter contract may be executed.

10 B. If the authorizer denies an application, the authorizer shall clearly state, for public
11 record, its reasons for denial. An applicant may subsequently reapply to that
12 authorizer or apply to any other authorizer in the State.

13 C. Within 10 days of ~~taking action to approve or deny~~ rendering a decision on an
14 application, the authorizer shall report to the commissioner the action it has taken.
15 The authorizer shall provide a copy of the report to the applicant at the same time that
16 the report is submitted to the commissioner.

17 D. The commissioner shall register the charters approved by all chartering authorities
18 in chronological order by date of approval.

19 E. An approved application may not serve as a school's charter contract ~~nor may it be~~
20 ~~incorporated by reference into the charter contract.~~

21 F. A decision on an application must be conveyed in writing to the applicant. A
22 decision may grant approval or conditional approval, request resubmission or reject
23 the application and must include written reasons for the decisions. A request for
24 resubmission must include specific directions to the applicant regarding what the
25 authorizer expects from the applicant and what process will be followed by the
26 authorizer following resubmission of the application.

27 **Sec. 2. 20-A MRSA §2413, sub-§2, ¶A**, as amended by PL 2011, c. 679, §2, is
28 further amended to read:

29 A. For each public charter school student, the school administrative unit in which the
30 student resides must forward the per-pupil allocation to the public charter school
31 attended by the student as follows.

32 (1) The per-pupil allocation amount is the EPS per-pupil rate for the school
33 administrative unit in which the student resides, as calculated pursuant to section
34 15676, based on the student's grade level and adjusted as appropriate for
35 economic disadvantage and limited English proficiency pursuant to section
36 15675, subsections 1 and 2. Debt service and capital outlays may not be included
37 in the calculation of these per-pupil allocations. The department shall adopt rules
38 governing how to calculate these per-pupil allocations, including those for ~~career~~
39 ~~and technical education programs~~, targeted funds for assessment technology and
40 kindergarten to grade 2 programs.

1 (2) For students attending public charter schools, the school administrative unit
2 of residence shall forward the per-pupil allocations described in subparagraph (1)
3 directly to the public charter school attended. These per-pupil allocations must
4 be forwarded to each public charter school on a quarterly basis, as follows. For
5 each fiscal year, allocations must be made in quarterly payments on September
6 1st, December 1st, March 1st and June 1st. The September payment and
7 December payments must be based on the identity and number of students
8 enrolled or anticipated to be enrolled in the public charter school at the opening
9 of school for that school year, ~~which~~. The number of students may not exceed the
10 maximum enrollment approved in the charter contract for that year unless a
11 waiver is obtained from the authorizer. ~~In February of the school year, if the~~
12 ~~number of students is higher or lower than the number of students at the~~
13 ~~beginning of the school year, adjustments must be made in the June payment,~~
14 ~~with 50% of the annual per pupil allocation added for additional students or~~
15 ~~subtracted if the total number of students is lower.~~ The March and June
16 payments must be based on the identity and number of students enrolled in the
17 public charter school on February 1st.

18 (3) For transportation expenses, the average per-pupil expense in each school
19 administrative unit of residence must be calculated and an amount equal to a
20 proportion, up to but not more than 100%, of that per-pupil allocation amount
21 must be forwarded to the public charter school attended on the same basis as the
22 per-pupil allocations for operating funds. The percentage of that per-pupil
23 expense must be determined by the authorizer of the public charter school and
24 must be based on the cost of transportation services provided by the public
25 charter school to the student.

26 (4) The department shall pay to the public charter school any additional
27 allocation assigned to the public charter school for gifted and talented students
28 pursuant to section 15681-A, subsection 5 in the year in which the allocation is
29 assigned.

30 A school administrative unit is not required to send funds to a public charter school
31 for a student enrolled in the public charter school's preschool or prekindergarten
32 program if the school administrative unit of the student's residence does not offer that
33 program to its own residents.

34 SUMMARY

35 This bill makes changes to the public charter school approval and funding processes.
36 It provides that the 90-day deadline for an authorizer to make decisions on public charter
37 school applications runs from the deadline for submission of all applications, not from the
38 date that each application is submitted. It requires an authorizer to make its expectations
39 of the applicant clear when requesting resubmission of an application. It allows the
40 public charter school application to be incorporated by reference into the charter contract.

41 With regard to funding of public charter schools, the bill changes the manner of
42 adjusting payments from noncharter public schools to public charter schools when
43 students move into or out of public charter schools after the beginning of the school year.

1 Under current law, only the last payment from the noncharter public school in June is
2 adjusted. This bill requires adjustment of the March and June payments to avoid
3 potential overpayments to a public charter school when students leave the public charter
4 school in the first half of the school year.