

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1056

H.P. 749

House of Representatives, March 19, 2013

An Act To Require Local Voter Approval for Charter Schools

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CHENETTE of Saco.
Cosponsored by Representatives: DAUGHTRY of Brunswick, EVANGELOS of Friendship,
KORNFIELD of Bangor, MacDONALD of Old Orchard Beach, SOCTOMAH of the
Passamaquoddy Tribe, Senator: VALENTINO of York.

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

2 **Sec. 1. 20-A MRSA §2401, sub-§2**, as enacted by PL 2011, c. 414, §5, is
3 amended to read:

4 **2. Authorizer.** "Authorizer" means an entity empowered under this chapter to
5 review applications, decide whether to approve or reject applications, enter into charter
6 contracts with applicants, oversee and monitor public charter schools and decide whether
7 to renew, not renew or revoke charter contracts. "Authorizer" includes the commission,
8 except that any approval of an application of a public charter school by the commission is
9 subject to voter approval in accordance with section 2405, subsection 8, paragraph E.

10 **Sec. 2. 20-A MRSA §2405, sub-§1, ¶B**, as enacted by PL 2011, c. 414, §5, is
11 amended to read:

12 B. The commission under subsection 8, subject to voter approval in accordance with
13 subsection 8, paragraph E; and

14 **Sec. 3. 20-A MRSA §2405, sub-§2, ¶B**, as enacted by PL 2011, c. 414, §5, is
15 amended to read:

16 B. Approve applications that meet identified educational needs, except that in the
17 case of the commission, approval is subject to voter approval in accordance with
18 subsection 8, paragraph E;

19 **Sec. 4. 20-A MRSA §2405, sub-§8, ¶B**, as amended by PL 2011, c. 570, §7, is
20 further amended to read:

21 B. The commission shall adopt rules for the organization and operation of the
22 commission and to develop, implement and refine its procedures for authorizing
23 public charter schools in this State, including procedures for obtaining voter approval
24 of a preliminary application approval by the commission pursuant to paragraph E.
25 Rules adopted by the commission pursuant to this paragraph before June 30, 2014 are
26 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning
27 June 30, 2014, rules adopted by the commission pursuant to this paragraph are major
28 substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

29 **Sec. 5. 20-A MRSA §2405, sub-§8, ¶E** is enacted to read:

30 E. Notwithstanding any other provision of law, an approval of a public charter
31 school application by the commission under subsection 2, paragraph B is a
32 preliminary authorization and does not take effect unless submitted to and approved
33 by the voters in an areawide referendum that includes the entire community proposed
34 to be served by the public charter school, including all municipalities in which the
35 public charter school would be authorized to engage in student recruitment. The
36 commission shall notify the municipal officers of each affected municipality of its
37 preliminary authorization of the public charter school. At the next annual statewide
38 election held in November or June, the municipal officers shall place a warrant article
39 substantially as follows on the ballot of a municipal referendum conducted in

1 accordance with the referendum procedures applicable to the school administrative
2 unit of which the municipality is a member.

3 "Article: Do you favor approving the preliminary authorization of the Maine
4 Charter School Commission to allow the public charter school known as (insert
5 name of proposed public charter school) to be established and to draw students
6 from (insert name of municipality)?

7 Yes No"

8 The municipal officers of each affected municipality shall report the results of the
9 referendum to the commission following the referendum election. If the preliminary
10 authorization by the commission is approved by a majority of votes cast in each
11 municipality, the preliminary authorization is approved and the commission's
12 approval of the application takes effect. If the preliminary authorization by the
13 commission is not approved by a majority of votes cast in each municipality, the
14 preliminary authorization is not approved and the application is rejected.

15 **Sec. 6. Application.** The provisions of this Act apply to the approval of a public
16 charter school application by the Maine Charter School Commission after the effective
17 date of this Act. Approvals of public charter schools by the Maine Charter School
18 Commission on or before the effective date of this Act are not affected by the provisions
19 of this Act.

20 **SUMMARY**

21 This bill requires that any approval of an application to establish a public charter
22 school by the Maine Charter School Commission after the effective date of this
23 legislation does not take effect unless submitted to and approved by the voters in an
24 areawide referendum that includes the entire community proposed to be served by the
25 public charter school, including all municipalities in which the public charter school
26 would be authorized to engage in student recruitment.