MAINE STATE LEGISLATURE

The following document is provided by the LAW AND LEGISLATIVE DIGITAL LIBRARY at the Maine State Law and Legislative Reference Library http://legislature.maine.gov/lawlib



Reproduced from electronic originals (may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1481

H.P. 1062

House of Representatives, April 30, 2013

An Act To Ensure the Success of Maine Students

(EMERGENCY)

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

Millient M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative BERRY of Bowdoinham.

Cosponsored by Representatives: DAUGHTRY of Brunswick, Speaker EVES of North Berwick, KUSIAK of Fairfield, MacDONALD of Boothbay, RANKIN of Hiram, SOCTOMAH of the Passamaquoddy Tribe, Senator: JOHNSON of Lincoln.

1 Emergency preamble. Whereas, acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and 3 Whereas, research conducted by Stanford University found that charter schools 4 underperform their public school counterparts across the United States; and 5 Whereas, since the Essential Programs and Services Funding Act was enacted in 2003, the State has failed to provide the required 55% state share of the total cost of 6 7 funding public education from kindergarten to grade 12; and 8 Whereas, based on the requirements enacted in 2003, the State has underfunded the required 55% state share of the total cost of funding public education from kindergarten 9 to grade 12 by \$105,274,104 in fiscal year 2009-10, by \$138,421,478 in fiscal year 2010-10 11, by \$291,292,056 in fiscal year 2011-12 and by a projected \$298,823,793 in fiscal year 11 2012-13; and 12 Whereas, the State Board of Education has found that more than 61 existing 13 14 kindergarten to grade 12 school facilities in Maine have serious health, safety or other 15 deficiencies that require renovation, repair or remediation that would cost \$1,656,714,364 in order for the public schools to be deemed to be safe and conducive to learning; and 16 17 Whereas, this legislation needs to take effect immediately in order to begin 18 addressing these deficiencies; and 19 Whereas, in the judgment of the Legislature, these facts create an emergency within 20 the meaning of the Constitution of Maine and require the following legislation as 21 immediately necessary for the preservation of the public peace, health and safety; now, 22 therefore, 23 Be it enacted by the People of the State of Maine as follows: 24 **Sec. 1. 20-A MRSA §2405, sub-§10** is enacted to read: 25 10. Moratorium on authorization of public charter schools. Notwithstanding any 26 other provision of this chapter, the commission, a local school board or a collaborative 27 among local school boards may not authorize a public charter school under the provisions 28 of this chapter until this subsection is repealed. This subsection may not be repealed until all of the following conditions are met: 29 30 A. The State provides the required 55% state share of the total cost of funding public 31 education from kindergarten to grade 12 as set forth in section 15671, subsection 1; 32 and 33 B. The state board finds that: 34 (1) The research on public charter schools in the United States clearly and incontrovertibly demonstrates that public charter schools reliably improve 35 education for students in a sustainable manner without increasing the cost to the 36 37 statewide public education system and with no adverse effect on those students 38 who are unable to attend a public charter school;

1 (2) The existing public charter schools in this State have improved education for 2 students in a sustainable manner without increasing the cost to the statewide public education system and with no adverse effect on those students who are 3 4 unable to attend a public charter school; 5 (3) There is a clear and demonstrable need for additional public charter schools in the State; and 6 7 (4) The existing kindergarten to grade 12 public school facilities in the State are entirely safe and conducive to learning. 8 9 The state board shall annually review the conditions that must be met in order to repeal the moratorium on the authorization of public charter schools set forth in this subsection. 10 Beginning in 2014, the state board shall submit an annual report on the findings of its 11 12 review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The report must be submitted no later than December 1st 13 for each year in which the conditions established for repealing the moratorium on public 14 charter schools have not been met. Upon receipt of a report from the state board that 15 finds that the conditions established in this subsection for repealing the moratorium on 16 public charter schools have been met, the joint standing committee of the Legislature 17 18 having jurisdiction over education and cultural affairs may report out a bill to the next regular session of the Legislature related to the repeal of this subsection. 19 20 **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved. 21 22 **SUMMARY** 23 This bill establishes a moratorium on the authorization of new public charter schools 24 until all of the following conditions are met: 1. The State provides at least 55% of the total cost of funding public education from 25 26 kindergarten to grade 12 as defined by the Essential Programs and Services Funding Act; 27 and 28 2. The State Board of Education finds that: 29 The research on public charter schools in the United States clearly and 30 incontrovertibly demonstrates that public charter schools reliably improve education for students in a sustainable manner without increasing the cost to the statewide 31 32 public education system and with no adverse effect on those students who are unable 33 to attend a public charter school; 34 The existing public charter schools in Maine have improved education for 35 students in a sustainable manner without increasing the cost to the statewide public 36 education system and with no adverse effect on those students who are unable to

C. There is a clear and demonstrable need for additional public charter schools in

attend a public charter school;

Maine: and

3738

39

D. The existing kindergarten to grade 12 public school facilities in Maine are entirely safe and conducive to learning.