

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 218

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H.P. 150

House of Representatives, February 3, 2015

### **An Act To Support Fair Financing in Charter Schools and School Administrative Units**

(EMERGENCY)

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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 "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PICCHIOTTI of Fairfield.  
Cosponsored by Representatives: EDGECOMB of Fort Fairfield, GUERIN of Glenburn,  
LOCKMAN of Amherst, NADEAU of Winslow, O'CONNOR of Berwick, STETKIS of  
Canaan, Senator: WHITTEMORE of Somerset.

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,** for each public charter school student, the school administrative unit in  
4 which the student resides must forward per-pupil allocations to the public charter school;  
5 and

6           **Whereas,** a public charter school is not required to reimburse the school  
7 administrative unit in which the student resides if a public charter school student returns  
8 to the school administrative unit during the school year; and

9           **Whereas,** it is necessary that this Act take effect before the start of the 2015-2016  
10 school year in order to properly allocate funds between school administrative units and  
11 public charter schools; and

12           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
13 the meaning of the Constitution of Maine and require the following legislation as  
14 immediately necessary for the preservation of the public peace, health and safety; now,  
15 therefore,

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

17           **Sec. 1. 20-A MRSA §2413, sub-§2, ¶A,** as amended by PL 2013, c. 272, §2, is  
18 further amended to read:

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

22                   (1) The per-pupil allocation amount is the EPS per-pupil rate for the school  
23 administrative unit in which the student resides, as calculated pursuant to section  
24 15676, based on the student's grade level and adjusted as appropriate for  
25 economic disadvantage and limited English proficiency pursuant to section  
26 15675, subsections 1 and 2. Debt service and capital outlays may not be included  
27 in the calculation of these per-pupil allocations. The department shall adopt rules  
28 governing how to calculate these per-pupil allocations, including those for  
29 targeted funds for assessment technology and kindergarten to grade 2 programs.

30                   (2) For students attending public charter schools, the school administrative unit  
31 of residence shall forward the per-pupil allocations described in subparagraph (1)  
32 directly to the public charter school attended. These per-pupil allocations must  
33 be forwarded to each public charter school on a quarterly basis, as follows. For  
34 each fiscal year, allocations must be made in quarterly payments on September  
35 1st, December 1st, March 1st and June 1st. The September and December  
36 payments must be based on the identity and number of students enrolled or  
37 anticipated to be enrolled in the public charter school at the opening of school for  
38 that school year. The number of students may not exceed the maximum  
39 enrollment approved in the charter contract for that year unless a waiver is  
40 obtained from the authorizer. The March and June payments must be based on

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

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

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

**Sec. 2. 20-A MRSA §2413, sub-§2, ¶¶A-1 and A-2** are enacted to read:

A-1. A school administrative unit is not required to send funds to a public charter school for a student enrolled in the public charter school's preschool or prekindergarten program if the school administrative unit of the student's residence does not offer that program to its own residents.

A-2. When a student attends a public charter school for a portion of a school year and attends the school administrative unit of the student's residence for another portion of that school year, the public charter school to which the per-pupil allocations are made pursuant to paragraph A, subparagraph (1) must reimburse to the school administrative unit a prorated amount based upon the allocations paid and the dates of the student's attendance. The department shall adopt rules to implement the provisions of this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

**SUMMARY**

This bill provides that per-pupil allocations paid by a school administrative unit to a public charter school must be returned to the school administrative unit of the student's residence, on a prorated basis, if the student discontinues enrollment at the public charter school and returns to the school administrative unit during the school year.

This bill also changes the allocation of a provision of law to clarify when a school administrative unit needs to transfer funds to a charter school for certain programs.