

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 265

H.P. 183

House of Representatives, February 5, 2015

An Act To Require the State To Fund Public Charter Schools

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


ROBERT B. HUNT
Clerk

Presented by Representative HIGGINS of Dover-Foxcroft.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: HANINGTON of Lincoln, MAKER of Calais, McCLELLAN of Raymond,
O'CONNOR of Berwick, STEARNS of Guilford, STETKIS of Canaan, TIMMONS of
Cumberland, WADSWORTH of Hiram.

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

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

4 **2. Revenue provisions.** ~~State and local operating funds follow each student to the~~
5 ~~public charter school attended by the student, except that the school administrative unit of~~
6 ~~the student's residence may retain up to 1% of the per pupil allocation described in this~~
7 ~~subsection to cover associated administrative costs.~~ The State shall provide funding to a
8 public charter school for students enrolled in and attending the public charter school
9 according to this section. The funding is in addition to the state share of the total cost of
10 funding public education from kindergarten to grade 12 required pursuant to this Title.

11 A. For each public charter school student, ~~the school administrative unit in which the~~
12 ~~student resides the State~~ must forward the per-pupil allocation to the public charter
13 school attended by the student as follows.

14 (1) The per-pupil allocation amount is the EPS per-pupil rate for the school
15 administrative unit in which the student resides, as calculated pursuant to section
16 15676, based on the student's grade level and adjusted as appropriate for
17 economic disadvantage and limited English proficiency pursuant to section
18 15675, subsections 1 and 2. Debt service and capital outlays may not be included
19 in the calculation of these per-pupil allocations. The department shall adopt rules
20 governing how to calculate these per-pupil allocations, including those for
21 targeted funds for assessment technology and kindergarten to grade 2 programs.

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

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

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

5 A school administrative unit is not required to send any funds to a public charter
6 school for a student enrolled in the public charter school's preschool ~~or~~
7 prekindergarten or kindergarten to grade 12 program ~~if the school administrative unit~~
8 ~~of the student's residence does not offer that program to its own residents.~~

9 B. The following provisions govern special education funding.

10 (1) For each enrolled special education pupil, a public charter school must
11 receive from the State the average additional allocation calculated by the
12 department under section 15681-A, subsection 2 for each school administrative
13 unit for its special education students. These allocations must be paid on the
14 same basis as the per-pupil allocations for operating funds.

15 (2) ~~The school administrative unit of residence~~ department shall pay directly to
16 the public charter school any federal or state aid attributable to a student with a
17 disability attending the public charter school in proportion to the level of services
18 for the student with a disability that the public charter school provides directly or
19 indirectly.

20 (3) The department shall pay to the public charter school any additional
21 allocation assigned to the public charter school because of a high-cost in-district
22 placement in accordance with section 15681-A, subsection 2, paragraph B in the
23 year in which the allocation is assigned.

24 (4) ~~The school administrative unit of residence~~ department shall pay to the
25 public charter school any additional allocation ~~assigned to the unit because of~~
26 attributable to a high-cost out-of-district placement in accordance with section
27 15681-A, subsection 2, paragraph C in the year in which the allocation is
28 assigned ~~to the school administrative unit.~~

29 (5) If the public charter school in which the student is enrolled was authorized by
30 a local school board or a collaborative of local school boards, the funds under this
31 paragraph must be paid to the local school board that authorized the public
32 charter school or to the designated school board of the collaborative, rather than
33 directly to the public charter school. The local school board or boards that
34 authorized the charter school are responsible for ensuring that special education
35 services are provided to students in that school, pursuant to section 2412,
36 subsection 2, paragraph A.

37 C. Except as otherwise provided in this chapter, the State shall send applicable
38 federal funds directly to public charter schools attended by eligible students. Public
39 charter schools with students eligible for funds under Title I of the federal Elementary
40 and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.
41 must receive and use these funds in accordance with federal and state law. During
42 the first year of operation, a public charter school must receive Title I funds on the
43 basis of an estimated enrollment of eligible students, as agreed with its authorizer.

1 D. A public charter school may receive gifts and grants from private sources in any
2 manner that is available to a school administrative unit.

3 E. A public charter school may not levy taxes or issue bonds secured by tax
4 revenues.

5 ~~F. In the event of the failure of the school administrative unit to make payments~~
6 ~~required by this section, the Treasurer of State shall deduct from any state funds that~~
7 ~~become due to the school administrative unit an amount equal to the unpaid~~
8 ~~obligation. The Treasurer of State shall pay over the amount to the public charter~~
9 ~~school upon certification by the department. The department shall adopt rules to~~
10 ~~implement the provisions of this paragraph.~~

11 G. Any money received by a public charter school from any source and remaining in
12 the school's accounts at the end of any budget year remains in the school's accounts
13 for use by the school during subsequent budget years and may not revert to the
14 authorizer or to the State.

15 H. Nothing in this chapter may be construed to prohibit any person or organization
16 from providing funding or other assistance for the establishment or operation of a
17 public charter school. The governing board of a public charter school may accept
18 gifts, donations or grants of any kind made to the school and expend or use such gifts,
19 donations or grants in accordance with the conditions prescribed by the donor except
20 that a gift, donation or grant may not be accepted if subject to a condition that is
21 contrary to any provision of law or term of the charter contract.

22 J. The department may establish a method of transferring funds to public charter
23 schools that is an alternative to the method provided in this subsection.

24 **SUMMARY**

25 This bill requires the State to provide full funding of public charter schools.