

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 604

H.P. 440

House of Representatives, March 1, 2021

An Act To Promote Accountability in Maine's Charter Schools

Received by the Clerk of the House on February 25, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.

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

2 **Sec. 1. 20-A MRSA §2405, sub-§11** is enacted to read:

3 **11. Limit on expansion of public charter schools.** A public charter school may not
4 expand its facilities or locations without the approval of the commissioner.

5 **Sec. 2. 20-A MRSA §2412, sub-§3, ¶H,** as enacted by PL 2011, c. 414, §5, is
6 amended to read:

7 H. Acquire real property for use as its facility or facilities from public or private
8 sources in accordance with section 2414, subsection 1; and

9 **Sec. 3. 20-A MRSA §2414, sub-§1,** as enacted by PL 2011, c. 414, §5, is amended
10 to read:

11 **1. Facilities; property.** A public charter school may acquire facilities and property
12 only with the approval of the commissioner in accordance with section 2405, subsection
13 11. If granted approval, a public charter school may acquire facilities and property in
14 accordance with this subsection.

15 A. A public charter school has a right of first refusal to purchase or lease at or below
16 fair market value a closed noncharter public school facility or property or unused
17 portions of a noncharter public school facility or property located in a school
18 administrative unit from which it draws its students if the school administrative unit
19 decides to sell or lease the noncharter public school facility or property. The school
20 administrative unit may not require purchase or lease payments that exceed the fair
21 market value of the property.

22 B. A public charter school may negotiate and contract with a school administrative
23 unit, the governing body of a state college or university or public community college
24 or any other public or for-profit or nonprofit private entity for the use of a school
25 building.

26 C. Library, community service, museum, performing arts, theater, cinema, church,
27 community college, college and university facilities may provide space to public
28 charter schools within their facilities under their preexisting zoning and land use
29 designations.

30 D. A public charter school may purchase or lease at or below fair market value part or
31 all of any surplus or unused state-owned facility or property located in the State. The
32 state agency in control of the facility may not require purchase or lease payments that
33 exceed the fair market value of the property.

34 E. The same zoning rules that apply to other noncharter public schools apply to public
35 charter schools.

36 **Sec. 4. 20-A MRSA §15689-C, sub-§2, ¶A,** as amended by PL 2015, c. 54, §8, is
37 further amended to read:

38 A. The requested funding levels level for the operating allocation under ~~sections~~
39 section 15683 and 15683-B;

40 **Sec. 5. 20-A MRSA §15689-C, sub-§2-A** is enacted to read:

