

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS**

July 2011

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STATE OF MAINE  
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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B. An equivalent instruction program that is approved as an alternative to public school as set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3; and

C. The business sector who employs workers with training in science, technology, engineering or mathematics;

5. It staggers the initial appointment of council members; and

6. It allows the council to form subcommittees of no fewer than three members.

**Enacted Law Summary**

Public Law 2011, chapter 346 establishes the Science, Technology, Engineering and Mathematics Council to develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education.

Public Law 2011, chapter 346 was enacted as an emergency measure effective June 14, 2011.

**LD 1553**

**An Act To Create a Public Charter School Program in Maine**

**PUBLIC 414**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM A OTP-AM B ONTP C	H-637 BELIVEAU S-301

This bill establishes a process to authorize the establishment of public charter schools in the State.

**Committee Amendment "A" (S-301)**

This amendment, which is the majority report of the committee, replaces the bill to amend and clarify the process to authorize the establishment of public charter schools in the State.

1. It directs the Department of Education to establish standards for authorizers of public charter schools and authorizes the department to investigate and sanction an authorizer of public charter schools that is found to be deficient or in noncompliance with the standards.
2. It requires that the Department of Education adopt major substantive rules to implement the public charter school program.
3. It provides enrollment limitations to protect smaller noncharter public schools during the first three years of a public charter school's operation.
4. It removes the provision that proposed to require school administrative units to provide notice to parents and the public regarding the opportunity to enroll students in a public charter school.
5. It removes certain colleges as authorizers of charter schools.
6. It removes unnecessary provisions from service contract provisions.
7. It adds qualifications to the requirements for appointing certain members to the State Charter School Commission

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and provides that the joint standing committee of the Legislature having jurisdiction over education matters has an opportunity to meet and interview candidates nominated for the commission prior to their appointment.

8. It authorizes the State Charter School Commission to adopt rules to develop, implement and refine its procedures for authorizing public charter schools.

9. It establishes a 10-year transition period during which only 10 public charter schools may be authorized by the State Charter School Commission and provides that public charter schools authorized by school boards may not be counted against the limit established for public charter schools authorized by the State Charter School Commission.

10. It clarifies provisions established for virtual public charter schools related to teacher contact with students and parents to ensure student participation and learning.

11. It requires that a public charter school must submit an annual audit to its authorizer and the Department of Education.

12. It provides that the rules adopted by the Department of Education must address attendance and funding requirements for students enrolled in public charter schools.

13. It clarifies that the funding following the student enrolled in a public charter school is the Essential Programs and Services per-pupil rate established pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B and not the actual amount of per-pupil funding raised by local school administrative units.

14. It provides that the rules adopted by the Department of Education may establish an alternative method of transferring funds to public charter schools.

15. It provides that a public charter school may not begin operations prior to July 1, 2012, and it provides that a public charter school application submitted to an authorizer before July 1, 2012 is subject to statutory amendments enacted or rule amendments adopted before July 1, 2012.

16. It directs the Department of Education to present a report to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2011 on the status of rules proposed to implement this legislation and on the status of suggested legislation to be submitted to the Second Regular Session of the 125th Legislature to further improve the implementation of this legislation.

17. It adds an appropriations and allocations section.

### **House Amendment "E" To Committee Amendment "A" (H-637)**

This amendment makes the following changes to the committee amendment.

1. It amends the definition of "education service provider" to limit the scope of educational services and resources that an education management organization, charter management organization, school design provider or any other partner entity may provide to a public charter school through a contract.

2. It amends the request for proposals provision related to an applicant that intends to contract with an education service provider to clarify that services may not be comprehensive and are limited in scope. It also includes language to clarify the roles and relationship of the governing board, the school's leadership and management team and the education service provider. These changes align this provision of the amendment with the changes made to the definition of "education service provider" included in this amendment.

3. It strikes the request for proposals provision related to an applicant that currently operates one or more schools in any other state or nation.

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4. It provides an exception for virtual public charter schools with respect to the limitations placed on the scope and role of education service providers in providing educational services and resources for a public charter school.
5. It provides that a public charter school has the power to contract with an education service provider as long as the governing board and the school's leadership and management team retain authority over the oversight and management of the public charter school.

### **Enacted Law Summary**

Public Law 2011, chapter 414 codifies a process for the establishment of public charter schools in the State. The law permits the formation of public charter schools in accordance with the following provisions.

1. It establishes a 7-member State Charter School Commission as a state-level “general government” board empowered to authorize public charter schools; and it provides that the commission shall adopt rules to develop, implement and refine its procedures for authorizing public charter schools.
2. It provides that the authorizers of public charter schools are school boards and the State Charter School Commission. School boards may authorize public charter schools within the boundary of the member municipality or municipalities that are part of the school administrative unit. The State Charter School Commission may authorize public charter schools within the State and the commission is the sole authorizer for virtual public charter schools that offer educational services predominantly through an online learning program. Collaboration among school boards, or between one or more school boards and the State Charter School Commission, may authorize a regional public charter school.
3. It provides that a request for proposal developed by an authorizer must include elements of the performance-based charter contract, including academic and operational performance measures and expectations, which must be realized by the governing board and operators of the public charter school.
4. It provides that, except for a virtual public charter school, a public charter school has the power to contract with an education service provider as long as the governing board and the school's leadership and management team retain authority over the oversight and management of the public charter school.
5. It directs the Department of Education to establish standards for authorizers of public charter schools and empowers the department to investigate and sanction an authorizer of public charter schools that is found to be deficient or in noncompliance with the standards.
6. It requires that a public charter school must submit an annual audit to its authorizer and the Department of Education.
7. It requires that the Department of Education adopt major substantive rules to implement the public charter school program, including rules that address attendance and funding requirements for students enrolled in public charter schools.
8. It provides that state and local operating funds must follow each student to the public charter school attended by the student. For each public charter school student, the school administrative unit in which the student resides must forward the per-pupil allocation determined pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B directly to the public charter school attended by the student. The school administrative unit of residence may retain up to 1% of the per-pupil allocation to cover associated administrative costs.
9. It provides that the rules adopted by the Department of Education may establish an alternative method of transferring funds to public charter schools.

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10. It establishes a 10-year transition period during which only 10 public charter schools may be authorized by the State Charter School Commission and provides that public charter schools authorized by school boards may not be counted against the limit established for public charter schools authorized by the State Charter School Commission.

11. It provides enrollment limitations to protect smaller noncharter public schools. The enrollment limitations apply to each of the first 3 years of operation of a public charter school that is authorized by the State Charter School Commission as follows:

A. For a school administrative unit with an enrollment of 500 or fewer students, a public charter school may not enroll more than 5% of the school administrative unit's students per grade level; and

B. For a school administrative unit with an enrollment of more than 500 students, a public charter school may not enroll more than 10% of the school administrative unit's students per grade level.

12. It provides that a public charter school may not begin operations prior to July 1, 2012, and it provides that a public charter school application submitted to an authorizer before July 1, 2012 is subject to statutory amendments enacted or rule amendments adopted before July 1, 2012.

13. It directs the Department of Education to present a report to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2011 on the status of rules proposed to implement this law and on the status of suggested legislation to be submitted to the Second Regular Session of the 125th Legislature to further improve the implementation of this law.

**LD 1559      Resolve, To Transfer the Guilford Butler School to Regional School Unit  
13**

**RESOLVE 88**

Sponsor(s)

RECTOR

Committee Report

OTP-AM

Amendments Adopted

S-164

This resolve authorizes the State to transfer ownership of the Guilford Butler School in South Thomaston to Regional School Unit 13.

**Committee Amendment "A" (S-164)**

This amendment corrects the spelling of the name of the school that is the subject of this resolve.

**Enacted Law Summary**

Resolve 2011, chapter 88 authorizes the State to transfer ownership of the Guilford Butler School in South Thomaston to Regional School Unit 13.