

Maine Education Association

Jesse Hargrove President | Beth French Vice President | Jaye Rich Treasurer
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Testimony

In Opposition To

LD 282: An Act to Raise the Limit on the Total Number of Public Charter Schools

Jan Kosinski, Government Relations Director, Maine Education Association

Before the Education and Cultural Affairs Committee

March 12th, 2025

Senator Rafferty, Representative Murphy, and other members of the Education and Cultural Affairs Committee,

My name is Jan Kosinski, and I am the Director of Government Relations for the Maine Education Association (MEA). The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program.

I offer this testimony today on behalf of the MEA in OPPOSITION to LD 282, *An Act to Raise the Limit on the Total Number of Public Charter Schools*.

Some may argue that the MEA is opposed to charter schools. This is not accurate. In fact, we were elated when teachers at the Baxter Academy for Technology and Science, a charter school, voted to join the MEA. We are committed to making sure those teachers have a voice in their workplace and the salaries and benefits they need to sustain a professional workforce for the students at that school. In addition, teachers at one of the virtual charters wanted to join the MEA, but the National Labor Relations Board (NLRB) found the employer violated labor law and required the school to re-run the election.

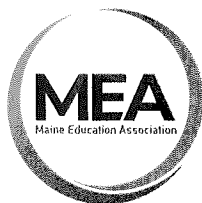
However, we are opposed to LD 282 because we want to support the excellent work that has been done over the past few years on the Charter School Commission. Specifically, the new and improved Charter Commission has been working diligently to properly evaluate and aid charter schools and we worry this bill will interfere with their efforts to appropriately supervise charter schools. Maine currently has nine charter schools and applicants for the last spot were recently submitted. Two applicants applied to be Maine's last charter school, thus demonstrating there is no outcry or immediate need for this bill.

It is important to remember the history of charter schools here in Maine.

The bill creating charter schools was passed in 2011 when the legislature passed and the Governor signed LD 1553, *An Act to Create a Public Charter School Program in Maine*. The bill was passed in a slapdash manner, with little actual input or discussion about the merits of the program. The bill was introduced on May 5, 2021, at the very end of the long session when most of the work of the Committee had been completed. The public hearing was held one week later, on May 12, 2011. The public hearing occurred during the same time as another bill was being debated in the House and the Senate, so Committee attendance was sparse. The bill was immediately scheduled for a work session on May 17, 2011, five days after the public hearing with a final work session three

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days later on Friday May 20, 2011. The bill was hurried to the floor of the House and Senate for floor votes in both chambers on June 15, 2011, and signed by the Governor on June 29, 2011.

The hurried nature of this bill contributed to the number of issues that later had to be addressed by this Committee and the Legislature. The funding of charters had to be completely re-evaluated because the funding scheme passed in this bill may have been unconstitutional. There were concerns the bill was a mandate but was not flagged as such and that could have jeopardized all charter schools going forward. In addition, the enabling legislation created a "charter school commission" which was charged with overseeing the program, but truth be told, the original appointments to the commission were nothing more than charter school cheerleaders, who repeatedly ignored the real concerns about charter schools. They approved charter schools with reckless abandon and allowed even poor performing charter schools to expand into different grades and to more students, despite demonstrated evidence that should have given the Commission pause.

Title 20-A, Section 2402 specifies that charter schools "may be established as public schools pursuant to this chapter to **improve pupil learning** by creating more **high-quality schools** with **high standards** for pupil performance; to close achievement gaps between high-performing and low-performing groups of public school students; to increase **high-quality educational opportunities** within the public education system . . . (emphasis added). Despite the law being clear, for too long the Charter Commission was more determined to approve, expand and applaud charter schools than they were to properly evaluate and help charter schools meet the needs of students.

For example, Harpswell Charter School was opened in 2013 and there were a number of concerning and alarming reports about the school. It was not until the 2022-2023 school year, ten years later, that the school was forced to close when the new and improved Charter School Commission made the unenviable decision to close this charter school for good. This school was not meeting the tenets outlined in law for high quality standards and educational opportunities. Closing a charter school is never an easy task and causes tremendous disruption to the families and the students who are enrolled, but after ten years of reported concerns and failures, the Commission felt compelled to do just that.

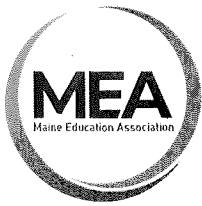
We applaud the new and improved Charter Commission for their diligent work and their efforts to fully understand and interrogate the performance of charter schools in Maine. The work they do is tireless and daunting, yet we feel the Charter Commission is doing what they can to rigorously evaluate the current charter schools we have in Maine, but there are still many issues remaining for some of the current charters operating in our state.

For example, I recently reviewed the Performance Framework Outcomes for one charter school in the state for the 23-24 school year. The Commission identified forty-five student achievement targets for this particular school. Of the forty-five targets, the school was "meeting expectations" in only five of them. In eleven targets, the school was awarded an "approaching expectations" grade while the school was "not meeting expectations" in twenty-nine targets. The school was not "exceeding expectations" in any of the forty-five targets. All of the reports are on the Charter Commission website, and we applaud the Commission for transparency and honesty they provide.

Because of the concerns regarding charter school quality, the Legislature passed a bill in 2019 to cap the charter schools at ten. This cap was part of the enabling legislation for charters but the language capping the total number was allowed to sunset in that law. After reviewing the performance of charter schools, the Legislature passed a new law making the cap permanent.

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We support the current cap on charters and believe it is in the best interest to maintain the cap, as is. We still have concerns about some charter schools and worry allowing more charters, without more staff and commission support, could take the Commission away from their goal of holding all charters accountable to the tenets of the law specified in Title 20-A, Section 2402 as cited above.

Furthermore, Maine is now spending over \$35 million per year on charter schools. This has more than doubled over the past ten years. In the 2015-2016 school year for example, the state was spending \$14.7 million. Charter schools receive state funding and state funding to compensate for local funding as well. Charter schools sit on top of public schools in that they receive their full allotment of state aid before any funding flows through the Essential Programs and Services (EPS) school funding formula. Every increase in charter school funding thus squeezes more money away from local public schools.

Before adding more costs to the charter school program, the MEA suggests the Committee continue to allow the Commission to conduct its work and continue their efforts to evaluate the charter schools in our state. We hope this Committee will vote "ought not to pass" on LD 282.

Thank you for your attention and your service to the people of Maine and I will do my best to answer any questions you may have.