

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Require Local Voter Approval for Charter Schools

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

Sec. 1. 20-A MRSA §2401, sub-§2, as enacted by PL 2011, c. 414, §5, is amended to read:

2. Authorizer. "Authorizer" means an entity empowered under this chapter to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee and monitor public charter schools and decide whether to renew, not renew or revoke charter contracts. "Authorizer" includes the commission, except that any approval of an application of a public charter school by the commission is subject to voter approval in accordance with section 2405, subsection 8, paragraph E.

Sec. 2. 20-A MRSA §2405, sub-§1, ¶B, as enacted by PL 2011, c. 414, §5, is amended to read:

B. The commission under subsection 8, subject to voter approval in accordance with subsection 8, paragraph E; and

Sec. 3. 20-A MRSA §2405, sub-§2, ¶B, as enacted by PL 2011, c. 414, §5, is amended to read:

B. Approve applications that meet identified educational needs, except that in the case of the commission, approval is subject to voter approval in accordance with subsection 8, paragraph E;

Sec. 4. 20-A MRSA §2405, sub-§8, ¶B, as amended by PL 2011, c. 570, §7, is further amended to read:

B. The commission shall adopt rules for the organization and operation of the commission and to develop, implement and refine its procedures for authorizing public charter schools in this State, including procedures for obtaining voter approval of a preliminary application approval by the commission pursuant to paragraph E. Rules adopted by the commission pursuant to this paragraph before June 30, 2014 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning June 30, 2014, rules adopted by the commission pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. 20-A MRSA §2405, sub-§8, ¶E is enacted to read:

E. Notwithstanding any other provision of law, an approval of a public charter school application by the commission under subsection 2, paragraph B is a preliminary authorization and does not take effect unless submitted to and approved by the voters in an areawide referendum that includes the entire community proposed to be served by the public charter school, including all municipalities in which the public charter school would be authorized to engage in student recruitment. The commission shall notify the municipal officers of each affected municipality of its preliminary authorization of the public charter school. At the next annual statewide election held in November

or June, the municipal officers shall place a warrant article substantially as follows on the ballot of a municipal referendum conducted in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the preliminary authorization of the Maine Charter School Commission to allow the public charter school known as (insert name of proposed public charter school) to be established and to draw students from (insert name of municipality)?

Yes No"

The municipal officers of each affected municipality shall report the results of the referendum to the commission following the referendum election. If the preliminary authorization by the commission is approved by a majority of votes cast in each municipality, the preliminary authorization is approved and the commission's approval of the application takes effect. If the preliminary authorization by the commission is not approved by a majority of votes cast in each municipality, the preliminary authorization is not approved and the application is rejected.

Sec. 6. Application. The provisions of this Act apply to the approval of a public charter school application by the Maine Charter School Commission after the effective date of this Act. Approvals of public charter schools by the Maine Charter School Commission on or before the effective date of this Act are not affected by the provisions of this Act.

SUMMARY

This bill requires that any approval of an application to establish a public charter school by the Maine Charter School Commission after the effective date of this legislation does not take effect unless submitted to and approved by the voters in an areawide referendum that includes the entire community proposed to be served by the public charter school, including all municipalities in which the public charter school would be authorized to engage in student recruitment.