

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 Expand School Choice for Maine Students

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

Sec. 1. 20-A MRSA §2405, sub-§1, as amended by PL 2011, c. 570, §4, is further amended to read:

1. Eligible authorizers. The following groups may become authorizers of public charter schools:

A. A local school board with regard to creating a public charter school within the boundaries of the school administrative unit governed by that local school board;

B. The commission under subsection 8; ~~and~~

C. A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards; and

D. A private or public institution of higher education in this State authorized to confer degrees under section 10704 or 10704-A, which may authorize a public charter school at any location within the State.

Sec. 2. 20-A MRSA §2405, sub-§9, as amended by PL 2011, c. 570, §8, is repealed.

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

B. In the case of a public charter school authorized by the commission or by an institution of higher education:

(1) The public charter school functions for all purposes as a local educational agency and is a school administrative unit independent of the school administrative unit in which the school is located. School administrative unit status does not preclude a public charter school from developing links to local school districts for services, resources and programs, by mutual agreement or by formal contract;

(2) To the extent permitted by federal, state or local laws, the public charter school is responsible for meeting the requirements of local educational agencies under applicable federal, state and local laws, including those relating to special education, receipt of funds and compliance with funding requirements; and

(3) To the extent permitted by federal, state or local laws, the public charter school has primary responsibility for special education at the school, including identification and provision of service, and is responsible for meeting the needs of enrolled students with disabilities.

Sec. 4. 20-A MRS §2951, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 5. 20-A MRS §15689-A, sub-§20, as enacted by PL 2011, c. 380, Pt. C, §6, is amended to read:

20. Choice and opportunity funds. ~~The commissioner may expend and disburse funds for the Center of Excellence for At-risk Students in accordance with the provisions of chapter 227 within the limits of the allocation made under this section to expand educational options for students who are economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007). Funds may be used for, but need not be limited to, the following purposes:~~

A. To reimburse the parent of an economically disadvantaged student for some portion of the costs of transporting that student when the student has transferred from one school administrative unit to another pursuant to section 5205, subsection 6;

B. To fund the cost of tuition and transportation for an economically disadvantaged student whose parent has chosen to enroll the student in a private school approved for the receipt of public funds. A student who receives funds pursuant to this paragraph is considered to be a parentally placed private school student for purposes of implementing the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended; and

C. To fund the cost of residential services for an economically disadvantaged student related to attending a public charter school that is beyond a reasonable commuting distance from the student's place of residence.

SUMMARY

This bill expands the publicly funded educational choices available to Maine students in several ways. It allows colleges and universities to authorize public charter schools and removes the 10-school limit on public charter schools authorized by the Maine Charter School Commission. The bill also allows private sectarian schools to receive public funds as long as they comply with standards applicable to other private schools.

The bill allows funding to be used to enable economically disadvantaged students to take advantage of school choice options available under current law. The funds may be used to pay for transportation and tuition for students who transfer to other public or private schools and to pay for room and board costs of a student attending a public charter school that is beyond a reasonable commuting distance from the student's home. Currently, this funding may be used only for students enrolled in the Maine Academy of Natural Sciences, which is designated as the State's Center of Excellence for At-risk Students.