

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 19, 2021

To: Committee on Education and Cultural Affairs

From: Samuel Senft, Legislative Analyst

LD 1259 “An Act To Restore a School District’s Ability To Authorize New Types of Schools and Programs” (Sampson)

SUMMARY

This bill provides that local school boards and collaboratives of local school boards may authorize public charter schools in their school administrative units after the cap on the number of public charter schools authorized by the Maine Charter School Commission is reached.

TESTIMONY

Proponents: Rep. Heidi Sampson (Sponsor); Roger Brainerd, Education Action Forum of Maine; Nick Murray, Maine Policy Institute

- 10 years ago legislation passed addressing collaboration between local schools to create “innovative public school zones,” allowing districts to work together to jointly authorize a charter school. However, none were ever created.
- This bill allows local school boards to become the “eligible authorizer” that collaborates to from regional public charter schools within the area managed by two or more local school boards.
- Bill also incorporates professional development support, and accountability for new initiatives.
- Will not change the other roles of local school boards or the way charter schools are governed.
- The charter school’s governing board would negotiate a contract with the local school boards.
- Suggest additional language to allow the local school boards to contract with Charter Commission to advise and consult. Gives more control to school boards while leveraging the experience of the commission.
- Would not require new funding.
- Bill also would allow teachers in districts to est. MOUs with districts to create new models of learning and curriculum delivery in current schools.
- Bill retroes ability of districts to authorize public charter school sin districts within being subject to charter school cap of ten schools.
- LD 307 (129th) added language at last minute to cap commission-authorized charters to include district authorized charters under the cap.
- Students want and deserve additional educational choices,
- No districts have used the charter authorizing since the initial law passed. However, there is interest. Could get grants through the Charter School Grant Program
- Of the approximately 174,000 students in Maine, fewer than 5% are able to exercise education options outside public school system.
- Maine charters serve over 2,600 kids and 600 are on waitlist
- This bill is a good compromise measure.

Opponents: Eileen King, MSBA, MSSA; John Kosinski, MEA; Wendy Lee MacDowell, Palermo

- Bill is unnecessary, as school boards and superintendents currently collaborate with neighboring districts and have the authority to establish special programs within the district.
- Examples of such programs include the Western Maine Regional Program for Children with

Exceptionalities; MSAD 17 and RSU 10 agreement allowing RSU 10 students to take vocational classes at MSAD 17; various substitute teacher agreements, professional development agreements and transportation agreements, among others.

- This bill is an attempt to undo the charter school cap established by LD 307.
- The Charter Commission’s own analysis regularly shows deficiencies at some charters.
- We need more information on the performance of charters before creating new ones.
- The charter school law was passed in 2011 and no schools tried to convert to a charter.
- Charter schools tend to draw students from surrounding areas. This depresses student counts and results in reduced aid.
- Section 6213 already allows 2 or more public schools in an SAU to work together to gain approval from board for instruction design and other initiatives and innovations.
- Also in 2017, a law passed allowing for education services centers, allowing districts to provide programing at these centers.

Neither For Nor Against: Courtney Belolan, MCLA

- There is potential for this bill to support innovative programs and practices within Maine schools.
- There is lack of clarity around how the logistics of how these programs would work.

INFORMATION REQUESTS:

- It was asked how the Charter School Commission would work with the school boards

District-created charter schools would not fall under the direct governance of the Commission, but rather of the authorizing school boards that establish the charter school. The boards may choose to seek- guidance from the Commission.

- A list of Maine schools by type and their authorities was requested.

See below.

ADDITIONAL INFORMATION:

- The bill may be found [here](#).
- The current statutory language at [20-A MRSA §2405](#) may be found at the end of this document.
- [LD 307 \(129th\)](#) established the cap of 10 charter schools. The amended bill included district authorized schools under the cap language.
- Innovative Public School Zones and Innovative Public School Districts
 - Innovative Public School Zones and Innovative Public School Districts are described at [20-A MRSA §6213](#) and were established by [LD 1488 \(125th\)](#)
 - Allows school boards to establish “innovative, autonomous public schools” approved by the board and to create “innovation plans.”

- Education Service Centers
 - Education Services Centers were established as School Management and Leadership Center in the [the 128th Legislature](#)'s budget and renamed Education Service Centers by [LD 1341](#) in the 129th.
 - [20-A M RSA chapter 123](#) describes Education Service Centers. These Centers may be established by SAUs to provide a variety of services, including but not limited to accounting, payroll and financial management services and procurement; transportation services; reporting functions; special education programs and administration; gifted and talented programs and administration; alternative education programs and administration; substitute teachers and staff augmentation technology services; food services; energy and facilities services; staff training and professional development; shared programming; summer schools; extended school year; advance placement; tutoring; shared extracurricular programs and superintendent services
 - Education Service Centers are described on this [DOE webpage](#). An interactive map of 12 Service Centers is included.

FISCAL IMPACT: The fiscal impact of this bill has not yet been determined.

20-A M RSA §2405

§2405. Authorizers

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.

2. Powers and duties. An authorizer may:

- A. Solicit, invite and evaluate applications from organizers of proposed public charter schools;
- B. Approve applications that meet identified educational needs;
- C. Deny applications that do not meet identified educational needs;
- D. Create a framework to guide the development of charter contracts;
- E. Negotiate and execute sound charter contracts with each approved public charter school;
- F. Monitor the performance and compliance of public charter schools; and
- G. Determine whether each charter contract merits renewal or revocation.

3. Principles and professional standards. An authorizer shall develop and maintain policies and practices consistent with nationally recognized principles and professional standards for authorizing public charter schools, including standards relating to:

- A. Organizational capacity and infrastructure;
- B. Soliciting and evaluating applications;
- C. Performance contracting;
- D. Ongoing public charter school oversight and evaluation; and
- E. Charter renewal decision making.

4. Reporting and evaluation. An authorizer shall submit to the commissioner and the Legislature an annual report within 150 days of the end of each school fiscal year summarizing:

- A. The authorizer's strategic vision for chartering and progress toward achieving that vision;

- B. The performance of all operating public charter schools overseen by the authorizer, according to the performance measures and expectations specified in the charter contracts;
- C. The status of the authorizer's public charter school portfolio of approved charter applications, identifying all public charter schools within that portfolio as:
 - (1) Approved, but not yet open;
 - (2) Operating;
 - (3) Renewed;
 - (4) Transferred;
 - (5) Terminated;
 - (6) Closed; or
 - (7) Never opened;
- D. The oversight and services provided by the authorizer to the public charter schools under the authorizer's purview; and
- E. The total amount of funds collected from each public charter school the authorizer authorized pursuant to [subsection 5, paragraph B](#) and the costs incurred by the authorizer to oversee each public charter school.

5. Funding of authorizers. To cover costs for overseeing public charter schools in accordance with this chapter, an authorizer may:

- A. Expend its own resources, seek grant funds and establish partnerships to support its public charter school office and activities; and
- B. Charge up to 3% of annual per-pupil allocations received by each public charter school it authorizes. These funds must be used to cover the costs for an authorizer to oversee its public charter schools.

6. Conflicts of interest. An employee, trustee, agent or representative of an authorizer may not simultaneously serve as an employee, trustee, agent, representative, vendor or contractor of a public charter school of that authorizer.

7. Services purchased from authorizer. A public charter school may not be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

- A. A public charter school may, at its discretion, choose to purchase services from its authorizer. In such event, the public charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning any services to be provided by the authorizer and any service fees to be charged to the public charter school.

8. Maine Charter School Commission. The Maine Charter School Commission, established under [Title 5, section 12004-G, subsection 10-D](#), is referred to in this chapter as "the commission."

- A. The commission consists of 7 members. The commission shall elect a chair and such other officers as may be necessary to conduct its business. Four members constitute a quorum.
 - (1) Three members must be members of the state board, appointed by the state board for 3-year terms, and the other 4 members are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate, for 4-year terms.
 - (2) Members appointed to the commission must have diverse professional experience in education, social services, youth training, business startup and administration, accounting and finance, strategic planning and nonprofit governance. In appointing members to the commission, the Governor shall give proper consideration to candidates with experience in a noncharter public school in the State in one of the following positions: school board member, superintendent, teacher and special education director.
 - (3) A commission member may not serve more than 3 consecutive terms, but may serve again after not serving on the commission for at least one term.

(4) A commission member may receive an amount equal to the legislative per diem and be reimbursed for expenses.

(5) A commission member who is a member of the state board serves on the commission only during that person's membership on the state board. Upon expiration of that person's state board membership, the position on the commission becomes vacant and must be filled in the manner provided for filling vacancies.

(6) A vacancy on the commission must be filled in the same manner as the position in which the vacancy occurs is regularly filled. A vacancy is filled for the remainder of the unexpired term. If the person serves more than 1 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation set forth in [subparagraph \(3\)](#).

(7) A member of the commission may be removed for failure to perform the duties of office, as specified in commission rules, by a majority vote of the state board.

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. 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](#).

C. The commission shall, in keeping with its authorizing responsibilities:

- (1) Engage professional and administrative staff, separate from the department;
- (2) Convene stakeholder groups and engage experts; and
- (3) Seek and receive state, federal and private funds.

D. The commission is the sole authorizer in this State for virtual public charter schools, except that a local school board may authorize a public charter school within its jurisdiction that integrates online and on-site instruction.

9. Transition period.

10. Limit on number of public charter schools. No more than 10 public charter schools may operate at any time. Any time the cap is reached, the commissioner may not accept further registrations from the commission or from local school boards and collaboratives of local school boards.

List of Schools by Type ¹

Public

- **Public SAUs**

- Action
- Airline CSD
- Alexander Public Schools
- Andover Public Schools
- Appleton Public Schools
- Athens Public Schools
- Auburn Public Schools
- Augusta Public Schools
- Baileyville Public Schools
- Bangor Public Schools
- Bar Harbor Public Schools
- Baring Plt Public Schools
- Beals Public Schools
- Beaver Cove Public Schools
- Beddington Public Schools
- Biddeford Public Schools
- Blue Hill Public Schools
- Boothbay-Boothbay Harbor CSD
- Bowerbank Public Schools
- Bremen Public Schools
- Brewer Public Schools
- Bridgewater Public Schools
- Brighton Plt School Department
- Bristol Public Schools
- Brooklin Public Schools
- Brooksville Public Schools
- Brunswick Public Schools
- Burlington Public Schools
- Byron Public Schools
- Calais Public Schools
- Cape Elizabeth Public Schools
- Caratunk Public Schools
- Carrabassett Valley Public Schools
- Carroll Plt Public Schools
- Cary Plt Public Schools
- Castine Public Schools
- Caswell Public Schools
- Charlotte Public Schools
- Chebeague Island Public Schools
- Cherryfield Public Schools
- Cooper Public Schools
- Coplin Plt Public Schools
- Cranberry Isles Public Schools
- Crawford Public Schools
- Cutler Public Schools
- Damariscotta Public Schools
- Dayton Public Schools
- Deblois Public Schools
- Dedham Public Schools
- Deer Isle-Stonington CSD
- Dennistown Plt Public Schools
- Dennysville Public Schools
- Drew Plt Public Schools
- Eagle Lake Public Schools
- East Machias Public Schools
- East Millinocket Public Schools
- East Range CSD
- Easton Public Schools
- Edgecomb Public Schools
- Education in Unorganized Territory
- Ellsworth Public Schools
- Eustis Public Schools
- Falmouth Public Schools
- Fayette Public Schools
- Five Town CSD
- Frenchboro Public Schools
- Georgetown Public Schools
- Gilead Public Schools
- Glenburn Public Schools
- Glenwood Plt Public Schools
- Gorham Public Schools
- Grand Isle Public Schools
- Grand Lake Stream Plt School Department
- Great Salt Bay CSD
- Greenbush Public Schools
- Greenville Public Schools
- Hancock Public Schools
- Harmony Public Schools
- Hermon Public Schools
- Highland Plt Public Schools
- Hope Public Schools

¹ Sources: Maine DOE School Dashboard. Available Online at <https://neo.maine.gov/DOE/neo/Supersearch/ContactSearch/SearchForMaineSchools> and Maine School Administrative Units, Available Online at <https://www1.maine.gov/doe/funding/maine-sau-list>
Office of Policy and Legal Analysis

- Isle Au Haut Public Schools
- Islesboro Public Schools
- Jefferson Public Schools
- Jonesboro Public Schools
- Jonesport Public Schools
- Kingsbury Plt Public Schools
- Kittery Public Schools
- Lake View Plt Public Schools
- Lakeville Public Schools
- Lamoine Public Schools
- Lewiston Public Schools
- Lincoln Plt Public Schools
- Lincolnville Public Schools
- Lisbon Public Schools
- Long Island Public Schools
- Lowell Public Schools
- Machias Public Schools
- Machiasport Public Schools
- Macwahoc Public School
Department
- Madawaska Public Schools
- Marshfield Public Schools
- Meddybemps Public Schools
- Medford Public Schools
- Medway Public Schools
- Milford Public Schools
- Millinocket Public Schools
- Monhegan Public School
Department
- Mossabec CSD
- Moro Plt Public Schools
- Mount Desert Public Schools
- MSAD 10
- MSAD 27
- MSAD 46
- MSAD 76
- Mt Desert CSD
- Nashville Plt Public Schools
- New Sweden Public Schools
- Newcastle Public Schools
- Nobleboro Public Schools
- Northfield Public Schools
- Northport Public Schools
- Orient Public Schools
- Orrington Public Schools
- Otis Public
- Pembroke Public Schools
- Penobscot Public Schools
- Perry Public Schools
- Pleasant Point
- Pleasant Ridge Plt School Dept.
- Portage Lake Public Schools
- Portland Public Schools
- Princeton Public Schools
- Reed Plt Public Schools
- Robbinston Public Schools
- Roque Bluffs Public Schools
- RSU 01 - LKRSU
- RSU 02
- RSU 03 / MSAD 03
- RSU 04
- RSU 05
- RSU 06 / MSAD 06
- RSU 07 / MSAD 07
- RSU 08 / MSAD 08
- RSU 09
- RSU 10
- RSU 11
- RSU 12
- RSU 13
- RSU 14
- RSU 15 / MSAD 15
- RSU 16
- RSU 17 / MSAD 17
- RSU 18
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- RSU 26
- RSU 28 / MSAD 28
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- RSU 40 / MSAD 40
- RSU 41 / MSAD 41
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- RSU 75 / MSAD 75
- RSU 78
- RSU 79 / MSAD 01
- RSU 80 / MSAD 04
- RSU 82 / MSAD 12
- RSU 83 / MSAD 13
- RSU 84 / MSAD 14
- RSU 85 / MSAD 19
- RSU 86 / MSAD 20
- RSU 87 / MSAD 23
- RSU 88 / MSAD 24
- RSU 89
- Saco
- Sanford Public Schools
- Scarborough Public Schools
- Sebago Public Schools
- Seboeis Plt Public Schools
- Sedgwick Public Schools
- Shirley Public Schools
- South Bristol Public Schools
- South Portland Public Schools
- Southport Public Schools
- Southwest Harbor Public Schools
- St George Public Schools
- Surry Public Schools
- Talmadge Public Schools
- The Forks Plt School Department
- Termont Public Schools
- Trenton Public Schools
- Upton Public Schools
- Vanceboro Public Schools
- Vassalboro Public Schools
- Veazie Public Schools
- Waite Public Schools
- Waterville Public Schools
- Wells-Ogunquit CSD
- Wesley Public Schools
- West Bath Public Schools
- West Forks Plt Public Schools
- Westbrook Public Schools
- Westmanland Public Schools
- Whiting Public Schools
- Whitneyville Public Schools
- Willimantic Public Schools
- Winslow Schools
- Winterville Plt Public Schools
- Winthrop Public Schools
- Wiscasset Public Schools
- Woodland
- Woodville Public Schools
- Yarmouth Schools
- York Public Schools

- **Commission Authorized Charter Schools (20-A MRSA, Chapter 112)**

- ACADIA Academy
- Baxter Academy for Technology & Science
- Community Regional Charter School
- Ecology Learning Center
- Fiddlehead School of Arts & Sciences
- Harpswell Coastal Academy
- Maine Academy of Natural Sciences
- Maine Arts Academy
- Maine Connections Academy
- Maine Virtual Academy

- **Indian Education Schools (federal Tribally Controlled Schools Act of 1988)**

- Indian Island School

- Indian Township School
- Sipayik Elementary
- **Magnet Schools**
 - Maine School of Science and Mathematics (20-A MRSA, Chapter 312)
 - Maine Ocean School (20-A MRSA, Chapter 312-A)
- **Public Special Education Schools**
 - MSAD #53 Alternative Education
- **State Operated Schools**
 - Arthur R. Gould School- Long Creek (34-A MRSA §3815)
 - MDOE
- **Technology Center** (20-A MRSA §8401 et. seq.)
 - Bath Regional Career and Technical
 - Biddeford Regional Center of Technology
 - Capital Area Technical Center
 - Caribou Regional Technology Center
 - Coastal Washington County Institute of Technology
 - Foster Regional Applied Technology Center
 - Hancock County Technical Center
 - Lake Regional Vocational Center
 - Lewiston Regional Technology Center
 - Mid-Maine Technical Center
 - Portland Arts and Technology High School
 - Presque Isle Regional Career and Technology Center
 - Sanford Regional Technical Center
 - Somerset Career and Technical Center
 - St. Croix Regional Technology Center
 - St. John Valley Technology Center
 - Tri-County Technical Center
 - Van Buren Regional Technology Center
 - Westbrook Regional Technology Center
- **Technology Region** (20-A MRSA §8451 et. seq.)
 - Maine Region Ten Technical High School
 - Mid-Coast School of Technology - Region 8
 - Penobscot Tech – Region 3
 - Oxford Hills Tech – Region 11
 - Region 9 School of Applied Technology
 - Region 2 School of Applied Technology
 - Unified Technologies Center – Region 4
 - Waldo County Technology Center – Region 7
- **Unorganized Territories** (20-A MRSA, Chapter 119)
 - Connor Consolidated School

- Edmunds Consolidated School
- Kingman Elementary School

Private

- **Nontraditional Limited Schools** (20-A MRSA §2907)

- Carleton Project
- Kieve-Wavus Education
- Summit Achievement

- **Private Non-Sectarian Schools** (Title 20-A MRSA, Chapter 117)

- | | |
|---|---|
| <ul style="list-style-type: none"> ○ Ashwood Waldorf School ○ Bay School ○ Berwick Academy ○ Bridgton Academy ○ Brixham Montessori Friends School ○ Carrabassett Valley Academy ○ Center For Teaching & Learning ○ Chewonki Elementary and Middle School ○ Damariscotta Montessori School ○ Dana Hall School ○ Gould Academy ○ Hebron Academy ○ Hyde School ○ Ironwood School ○ Juniper Hill School ○ Kents Hill School | <ul style="list-style-type: none"> ○ L'Ecole Francaise du Maine ○ Levey Day School ○ Maine Coast Semester at Chewonki ○ Maine Coast Waldorf School ○ North Yarmouth Academy ○ Riley School Inc ○ Sheepscot Valley Children's House ○ The Community School ○ The Eddy Middle School ○ The Little Dolphin School ○ The New School ○ Watershed School ○ Waterville Valley Academy ○ Wayfinder Schools at Camden ○ Waynflete School ○ Winfield Children's House |
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- **Private Sectarian Schools** (Title 20-A MRSA, Chapter 117)

- All Saints Catholic School
- Bangor Christian Schools
- Central Maine Christian Academy
- Cheverus High School
- Greater Portland Christian School
- Greater Houlton Christian Academy
- Holy Cross School – South Portland
- Mount Merici Academy
- St Brigid School
- St Dominic Academy – Auburn
- St Dominic Academy – Lewiston
- St James School
- St John's Catholic School – Brunswick
- St Michael School
- St Thomas School

- **Private - 60% Publicly Funded Schools** (20-A MRSA §§2951 - 2955)

- Blue Hill Harbor School
- Erskine Academy
- Foxcroft Academy
- Fryeburg Academy
- George Stevens Academy
- John Baptist Memorial High School
- Lee Academy
- Lincoln Academy
- Maine Central Institute
- Thornton Academy
- Washington Academy

- **Private Special Purpose Schools** (Title 20-A MRSA, Chapter 117)
 - Androscoggin Learning and Transition
 - Atlantic Academy
 - Aucocisco School
 - Central Maine Learning center
 - Children’s Center-Early Intervention and Family Support
 - Center for Autism and Developmental Disorders
 - Fraser-Ford Child Development Center
 - Glenn Straton Learning Center
 - Glickman Academy
 - Graham lake School
 - Ironwood Learning Center
 - KidsPeace – Millinocket
 - Kittery Academy
 - Kittery Kids Academy
 - MapleStone School
 - ME Sp. Ed./M.H. Collaborative
 - MMCFC - Charles
 - MMCFC - Falcon
 - MMCFC - Hotel
 - MMCFC - Main
 - MMCFC – Memorial Ave
 - MMCFC – Rodman
 - MMCFC – Saco
 - MMCFC – School St
 - Morrison Center – Scarborough
 - Morrison Center – Wells
 - NFI Buxton – Beacon House
 - NFI Dodge House Day School
 - NFI Sydney Riverbend School
 - NFI Stetson Ranch School
 - Non-Maine SPPS
 - Pathways Merrymeeting Center
 - Portland Kids Academy
 - Renaissance School
 - Spring Harbor Academy
 - Spurwink Cornbille Staff Intensive
 - Spurwink- Chelsea
 - Spurwink – Lewiston/Auburn
 - Stillwater Academy
 - The School at Sweetser – Belfast
 - The School at Sweetser – Saco
 - UCP of Maine School
 - WFS – Pineland
 - WFS – Waterville
 - WFS – Westbrook
 - WFS – Westbrook Extension