

TESTIMONY

In Opposition

LD 1259: An Act To Restore a School District's Ability To Authorize New Types of Schools and Programs

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Before the Joint Standing Committee on Education and Cultural Affairs

April 12th, 2021

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

My name is John Kosinski, and I am here on behalf of the Maine Education Association (MEA) to testify in opposition to LD 1259. The MEA represents 24,000 educators throughout the state of Maine, including teachers at the Baxter Academy charter school in Portland.

LD 1259 is an attempt to undo the cap on charter schools that was put in place last session. LD 307, from the 129th legislative session, capped the total number of charter schools at ten, statewide. At that time, Maine had 9 charter schools and this Committee heard deep concerns about the performance of some charter schools. While there are certainly students who are flourishing in charter schools, the Charter Commission's own annual analysis regularly showed deficiencies at some charters, according to the Commission's own metrics. One might even say some charters see chronic deficiencies. Part of the debate among legislators last session was about creating a cap of 10 to make sure the Charter Commission is fully executing its duties to hold charters accountable and ensuring the charter offerings to families are of the highest quality.

MEA does not believe now is the time to remove the cap. The charter school experiment is still new in Maine, and we are just starting to have significant data to fully assess charter performance and their impact on public schools. We should develop an understanding of the performance of charters before creating new ones.

In addition, the charter school law was passed in 2011 and during that time no public school attempted to convert to a charter. And for good reason. Converting a public school to a charter school poses significant questions to communities. Such as, what role will our community have to oversee the charter school?

But our larger concern is about the impact public school conversions to charters could have on nearby districts. Where charter schools operate matter because they tend to draw students from the surrounding communities, therefore depressing student counts in those communities, and therefore reducing state aid and support. A student who moves from a public school to a charter school does not result in a layoff of a bus driver – the bus still needs to

run, maybe just one less stop. There may be one more empty chair in the classroom, but you still need to have the teacher in the front of the room. A student attending a charter doesn't lower the temperature in a school building in December. In other words, school costs often remain, even if/when public schools lose state and federal and local subsidy due to their student enrollment declines. We fear this problem could be exacerbated if any public schools converted to a charter.

But here is the good news. We do not need LD 1259 because we have something even better already in law.

The same year the charter enabling legislation became law, the Legislature also passed a bill creating "Innovative public school zones and innovative public school districts." (Title 20-A, Sec. 6213).¹ This law allows "a public school or a group of 2 or more public schools in a school administrative unit" to work together to gain approval by the local school board for "instruction design, a school calendar, a staff selection process and a method for assessing professional development" among other items, and allows schools to work together on "innovations" in "curriculum and academic standards and assessments," "accountability measures," "provision of services," including special education, English language learner programs, at risk students, and much more. In addition, the current law allows the Commissioner to "waive any requirements of any statutes or rules specified in the approved innovation plan." While no school has applied to operate under this language, neither have any attempted to convert to a charter. However, we would argue if a public school wanted to experiment with new models, there is already a law to provide for that without converting to a charter and the problems such a change would create.

And it gets even better.

In 2017, the Legislature passed a law allowing for "education service centers."² This law allows school districts to work together to create education service centers and these centers have wide discretion in the types of programs they can work together and manage. The law states that the "functions, programs and services may include but are not limited to . . . special education programs and administration, gifted and talented programs and administration, alternative education programs and administration," even including "shared educational programs or staff."

School districts already have tremendous ability to innovate, collaborate and design new programs without lifting the charter cap. These two examples represent avenues available to public schools to experiment and look for new models, without creating the problems created by a charter school conversion.

Thank you for your time, your attention and your service for the people and students of Maine.

¹ The chaptered law creating the "Innovative public school zones and innovative public school districts" can be found here: [Be it enacted by the People of the State of Maine as follows: \(mainelegislature.org\)](https://www.mainelegislature.org/Be%20it%20enacted%20by%20the%20People%20of%20the%20State%20of%20Maine%20as%20follows%3A%20(mainelegislature.org))

² Please see Title 20-A, Chapter 123, Education Service Centers, found here: [Title 20-A, §3802: Education service center authorized \(maine.gov\)](https://www.mainelegislature.org/Title%2020-A,%20%243802%3A%20Education%20service%20center%20authorized%20(maine.gov))