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Legislative Document

No. 1448

S.P. 548

In Senate, June 18, 2015

An Act To Amend Education Laws

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator EDGECOMB of Aroostook. (GOVERNOR'S BILL)

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

2 **Sec. 1. 20-A MRSA §254, sub-§18** is enacted to read:

3 **18. Designation of school to enroll certain students.** The commissioner may
4 designate a school administrative unit as the receiving school administrative unit for a
5 student who resides in a school administrative unit that neither maintains a school nor
6 contracts for school privileges pursuant to chapter 115 and is unable to find a school
7 administrative unit willing to enroll the student in one of its schools, upon a written
8 request from the superintendent of the school administrative unit setting forth the
9 student's circumstances giving rise to the request.

10 A. If the commissioner makes a designation under this subsection, the school
11 administrative unit where the student resides shall pay tuition for that student to the
12 receiving school administrative unit as calculated in accordance with this subsection
13 and chapter 219.

14 B. If a student subject to a designation under this subsection is receiving special
15 education services, the receiving school administrative unit designated by the
16 commissioner under this subsection is responsible for providing a free, appropriate
17 public education to the student, subject to the provisions of this subsection. The
18 receiving school administrative unit shall invite the school administrative unit where
19 the student resides to participate in individualized education program team meetings
20 for the student, but the authorized representative of the receiving school
21 administrative unit shall make the decision on any issue on which consensus is not
22 reached. The school administrative unit where the student resides shall, in addition to
23 tuition payable pursuant to chapter 219, pay to the receiving school administrative
24 unit:

- 25 (1) Special education tuition;
- 26 (2) Any costs not included in the computation of special education tuition
27 directly related to the student's special education program; and
- 28 (3) Any costs associated with due process proceedings in connection with the
29 student's special education program.

30 **Sec. 2. 20-A MRSA §1001, sub-§8,** as amended by PL 2013, c. 581, §2, is
31 further amended to read:

32 **8. Operate public preschool programs, kindergarten and grades one to 12.** They
33 shall either operate programs in kindergarten and grades one to 12 or otherwise provide
34 for students to participate in those grades as authorized elsewhere in this Title. To the
35 extent the State provides adequate start-up funding, they may operate public preschool
36 programs or provide for students to participate in such programs in accordance with the
37 requirements of this Title. They shall determine which students attend each school,
38 classify them and transfer them from school to school where more than one school is
39 maintained at the same time. If the school administrative unit neither maintains a school
40 nor contracts for school privileges pursuant to chapter 115 and a student who resides in
41 the school administrative unit is unable to enroll in another school administrative unit, the

1 school board shall direct the superintendent of the school administrative unit to make a
2 written request to the commissioner to designate a place of enrollment for the student,
3 pursuant to section 254, subsection 18.

4 **Sec. 3. 20-A MRSA §2404, sub-§2, ¶¶C and D**, as enacted by PL 2011, c. 414,
5 §5, are amended to read:

6 C. Except as provided in paragraphs H ~~and~~ I ~~and~~ K, if capacity is insufficient to
7 enroll all students who wish to attend the school, the public charter school shall select
8 students through a random selection process. A list maintained to fill potential
9 vacancies may be carried over to the succeeding year.

10 D. For a school administrative unit with an enrollment of 500 or fewer students, a
11 public charter school, unless authorized by a school administrative unit, may not
12 enroll more than 5% of a school administrative unit's noncharter public school
13 students per grade level in each of the first 3 years of the public charter school's
14 operation, except that if 5% of a school administrative unit's noncharter public school
15 students per grade level is less than one, a public charter school may enroll one
16 student of the school administrative unit per grade level in each of the first 3 years.

17 **Sec. 4. 20-A MRSA §2404, sub-§2, ¶K** is enacted to read:

18 K. A public charter school authorized by a local school board or by a collaborative
19 among local school boards may give enrollment preference to children who reside
20 within the school administrative unit or units governed by the local school board or
21 collaborative among local school boards.

22 **Sec. 5. 20-A MRSA §2405, sub-§4**, as amended by PL 2015, c. 54, §1, is further
23 amended to read:

24 **4. Reporting and evaluation.** An authorizer shall submit to the commissioner and
25 the Legislature an annual report within ~~60~~ 90 days of the end of each school fiscal year
26 summarizing:

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

29 B. The performance of all operating public charter schools overseen by the
30 authorizer, according to the performance measures and expectations specified in the
31 charter contracts;

32 C. The status of the authorizer's public charter school portfolio of approved charter
33 applications, identifying all public charter schools within that portfolio as:

34 (1) Approved, but not yet open;

35 (2) Operating;

36 (3) Renewed;

37 (4) Transferred;

38 (5) Terminated;

- 1 (6) Closed; or
- 2 (7) Never opened;

3 D. The oversight and services provided by the authorizer to the public charter
4 schools under the authorizer's purview; and

5 E. The total amount of funds collected from each public charter school the authorizer
6 authorized pursuant to subsection 5, paragraph B and the costs incurred by the
7 authorizer to oversee each public charter school.

8 **Sec. 6. 20-A MRSA §2406, sub-§2, ¶F**, as amended by PL 2011, c. 570, §9, is
9 further amended to read:

10 F. A request for proposals must require applications to provide or describe
11 thoroughly, at a minimum, all of the following essential elements of the proposed
12 public charter school plan:

13 (1) The proposed public charter school's vision, including:

14 (a) An executive summary;

15 (b) The mission and vision of the proposed public charter school, including
16 identification of the targeted student population and the community the
17 school hopes to serve; and

18 (c) Evidence of need and community support for the proposed public charter
19 school, including information on discussions with the school administrative
20 unit where the public charter school will be located concerning recruitment
21 and operations of the public charter school and possible collaboration with
22 nearby school administrative units;

23 (2) The proposed public charter school's governance plan, including:

24 (a) Background information on proposed board members and any assurances
25 or certifications required by the authorizer;

26 (b) Proposed governing bylaws;

27 (c) An organization chart that clearly presents the school's organizational
28 structure, including lines of authority and reporting between the governing
29 board, staff and any related bodies such as advisory bodies or parent and
30 teacher councils, and any external organizations that will play a role in
31 managing the school;

32 (d) A clear description of the roles and responsibilities for the governing
33 board, the school's leadership and management team and any other entities
34 shown on the organization chart;

35 (e) Identification of the proposed founding governing board members and, if
36 identified, the proposed school leader or leaders; and

37 (f) Background information on the school's leadership and management
38 team, if identified;

39 (3) The proposed public charter school's plan of organization, including:

- 1 (a) The location or geographic area of the school and the proposed
2 catchment area of the school, which may not be designed to exclude areas
3 with high rates of poverty, English language learners, at-risk students or
4 students with disabilities;
- 5 (b) The grades to be served each year for the full term of the charter;
- 6 (c) Minimum, planned and maximum enrollment per grade per year for the
7 term of the charter;
- 8 (d) The school's proposed calendar and sample daily schedule;
- 9 (e) Plans and timelines for student recruitment and enrollment, including
10 lottery procedures;
- 11 (f) Explanations of any partnerships or contractual relationships central to
12 the school's operations or mission;
- 13 (g) The school's proposals for providing transportation, food service and
14 other significant operational or ancillary services;
- 15 (h) A facilities plan, including backup or contingency plans if appropriate;
- 16 (i) A detailed school start-up plan, identifying tasks, timelines and
17 responsible individuals; and
- 18 (j) A closure protocol, outlining orderly plans and timelines for transitioning
19 students and student records to new schools as described in section 2411,
20 subsection 8, paragraph C and for appropriately disposing of school funds,
21 property and assets in the event of school closure;
- 22 (4) The proposed public charter school's finances, including:
- 23 (a) A description of the school's financial plan and policies, including
24 financial controls and audit requirements;
- 25 (b) Start-up and 3-year budgets with clearly stated assumptions;
- 26 (c) Start-up and first-year cash-flow projections with clearly stated
27 assumptions;
- 28 (d) Evidence of anticipated fund-raising contributions, if claimed in the
29 application; and
- 30 (e) A description of the insurance coverage the school proposes to obtain;
- 31 (5) The proposed public charter school's student policy, including:
- 32 (a) The school's plans for identifying and successfully serving students with
33 the wide range of learning needs and styles typically found in noncharter
34 public schools of the sending area;
- 35 (b) The school's plans for compliance with applicable laws, rules and
36 regulations; and
- 37 (c) The school's student discipline plans and policies, including those for
38 special education students;

- 1 (6) The proposed public charter school's academic program, including:
- 2 (a) A description of the academic program aligned with the statewide system
- 3 of learning results under section 6209;
- 4 (b) A description of the school's instructional design, including the type of
- 5 learning environment, such as classroom-based or independent study, class
- 6 size and structure, curriculum overview, teaching methods and research
- 7 basis;
- 8 (c) The school's plan for using internal and external assessments to measure
- 9 and report student progress on the measures and metrics of the performance
- 10 framework developed by the authorizer in accordance with section 2409; and
- 11 (d) A description of cocurricular or extracurricular programs and how they
- 12 will be funded and delivered; and
- 13 (7) The proposed public charter school's staff policy, including:
- 14 (a) A staffing chart for the school's first year and a staffing plan for the term
- 15 of the charter;
- 16 (b) Plans for recruiting and developing school leadership and staff;
- 17 (c) The school's leadership and teacher employment policies, including
- 18 performance evaluation plans; and
- 19 (d) Opportunities and expectations for parent involvement.

20 **Sec. 7. 20-A MRSA §2411, sub-§8**, as enacted by PL 2011, c. 414, §5, is

21 amended to read:

- 22 **8. School closure and dissolution.** If a public charter school closes for any reason:
- 23 A. The authorizer shall oversee and work with the closing public charter school to
- 24 ensure timely notification to parents, orderly transition of students and student
- 25 records ~~to new schools~~ and proper disposition of school funds, property and assets in
- 26 accordance with the requirements of this chapter; ~~and~~
- 27 B. The assets of the public charter school must be distributed first to satisfy
- 28 outstanding payroll obligations for employees of the public charter school and then to
- 29 creditors of the public charter school. Any remaining funds must be paid to the
- 30 Treasurer of State to the credit of the General Fund. If the assets of the public charter
- 31 school are insufficient to pay all parties to whom the public charter school owes
- 32 compensation, the prioritization of the distribution of assets may be determined by
- 33 decree of a court of law; and
- 34 C. Education records for students transitioning to new schools must be transferred as
- 35 required in section 6001-B. Education records for a person who for any reason,
- 36 including graduation, will not be attending a public school in the State after closure of
- 37 the public charter school must be transferred to the last school administrative unit of
- 38 residence on record at the public charter school for that student and must be
- 39 maintained by that school administrative unit in the same manner as education
- 40 records of other resident students.

1 school administrative unit or units whose school board or school boards authorized the
2 charter school.

3 2. The bill extends the submission deadline for a charter school authorizer's annual
4 report to the Commissioner of Education from 60 to 90 days after the end of the school
5 fiscal year and adds language to address the disposition of graduation records and records
6 of other students not transitioning to another Maine public school if a charter school
7 closes.

8 3. The bill adds language to reflect that charter schools are subject to educator
9 effectiveness requirements.

10 4. The bill provides that the compulsory attendance laws apply to virtual charter
11 schools.

12 5. The bill allows the Commissioner of Education to designate the school
13 administrative unit that is responsible for oversight of the individualized education
14 program of a child with a disability who is a state ward and is placed in an out-of-state
15 residential treatment center by the Department of Health and Human Services.

16 6. For a charter school in a school administrative unit with an enrollment of 500 or
17 fewer students, current law caps the number of students from the school administrative
18 unit that the charter school may enroll during its first 3 years of operation at 5% of the
19 school administrative unit's noncharter public school students per grade level. The bill
20 provides that if 5% of the school administrative unit's noncharter public school students
21 per grade level is less than one, the charter school may enroll one student from the school
22 administrative unit per grade level in each of the charter school's first 3 years of
23 operation.