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Legislative Document

No. 604

H.P. 440

House of Representatives, March 1, 2021

An Act To Promote Accountability in Maine's Charter Schools

Received by the Clerk of the House on February 25, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative BRENNAN of Portland.

Be it enacted by the People of the State of Maine as follows: **Sec. 1. 20-A MRSA §2405, sub-§11** is enacted to read: 11. Limit on expansion of public charter schools. A public charter school may not expand its facilities or locations without the approval of the commissioner. Sec. 2. 20-A MRSA §2412, sub-§3, ¶H, as enacted by PL 2011, c. 414, §5, is amended to read: H. Acquire real property for use as its facility or facilities from public or private sources in accordance with section 2414, subsection 1; and

- **Sec. 3. 20-A MRSA §2414, sub-§1,** as enacted by PL 2011, c. 414, §5, is amended to read:
- 1. Facilities; property. A public charter school may acquire facilities and property only with the approval of the commissioner in accordance with section 2405, subsection 11. If granted approval, a public charter school may acquire facilities and property in accordance with this subsection.
 - A. A public charter school has a right of first refusal to purchase or lease at or below fair market value a closed noncharter public school facility or property or unused portions of a noncharter public school facility or property located in a school administrative unit from which it draws its students if the school administrative unit decides to sell or lease the noncharter public school facility or property. The school administrative unit may not require purchase or lease payments that exceed the fair market value of the property.
 - B. A public charter school may negotiate and contract with a school administrative unit, the governing body of a state college or university or public community college or any other public or for-profit or nonprofit private entity for the use of a school building.
 - C. Library, community service, museum, performing arts, theater, cinema, church, community college, college and university facilities may provide space to public charter schools within their facilities under their preexisting zoning and land use designations.
 - D. A public charter school may purchase or lease at or below fair market value part or all of any surplus or unused state-owned facility or property located in the State. The state agency in control of the facility may not require purchase or lease payments that exceed the fair market value of the property.
 - E. The same zoning rules that apply to other noncharter public schools apply to public charter schools.
- **Sec. 4. 20-A MRSA §15689-C, sub-§2, ¶A,** as amended by PL 2015, c. 54, §8, is further amended to read:
- A. The requested funding levels level for the operating allocation under sections section 15683 and 15683-B;
 - **Sec. 5. 20-A MRSA §15689-C, sub-§2-A** is enacted to read:

2-A. Public charter school funding level computation. The commissioner shall include a recommendation for the requested funding levels for the operating allocation and other subsidizable costs allocation under section 15683-B. This requested funding level must be a separate recommendation from the funding level computations in subsection 2.

Sec. 6. 20-A MRSA §15689-D, sub-§2, as amended by PL 2015, c. 54, §9, is further amended to read:

2. Funding level computations. The Governor's recommendations under subsection 1 must specify the amounts that are recommended for the total operating allocations allocation pursuant to section 15683 including, the total allocation pursuant to section 15683-B, the total of other subsidizable costs pursuant to section 15681-A, the total debt service allocation pursuant to section 15683-A, the total costs of enhancing student performance and opportunity pursuant to section 15688-A, the total adjustments pursuant to section 15689, the total miscellaneous costs pursuant to section 15689-A, the amount for any other components of the total cost of funding public education from kindergarten to grade 12 and the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations regarding the adjustments and miscellaneous costs components also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the Governor's recommendations, the Governor's recommendations must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the Governor's recommendations and the reasons for the changes. These computations must be posted on the department's publicly accessible website.

Sec. 7. 20-A MRSA §15689-E, 2nd \P , as enacted by PL 2005, c. 2, Pt. D, §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

Funds for appropriations under this section must be placed in a single account, except that funds for the total operating allocation and other subsidizable costs allocation described in section 15683-B must be placed in a separate account.

30 SUMMARY

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This bill provides that a public charter school may not expand its facilities or locations without the approval of the Commissioner of Education. This bill also removes public charter school funding from the single account appropriating funds for general purpose aid for local schools and requires the Commissioner of Education to include a recommendation for the requested funding levels for public charter schools separately from the operating allocations for noncharter public schools.