

TO: Senator Rebecca Millett, Chair
Representative Bruce MacDonald, Chair, and Members of the Joint Standing
Committee on Education and Cultural Affairs

FROM: 
Stephen L. Bowen, Commissioner

DATE: April 12, 2013

SUBJECT: Written Testimony for April 12, 2013

Attached for your consideration are the Department of Education written testimonies for the April 12, 2013 Public Hearings on the following bills:

- L.D. 481 An Act To Amend the Laws Governing Virtual Public Charter Schools
- L.D. 671 An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations
- L.D. 729 An Act To Allow Charter Schools To Request Waivers from Certain Requirements
- L.D. 995 An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools (EMERGENCY)
- L.D. 1128 An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools
- L.D. 1130 An Act To Create a Virtual School Managed by the State

The Department will not be presenting these testimonies at the public hearings but looks forward to working with the Committee as it deliberates the bills in work sessions.

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Stephen Bowen, Commissioner of Education

In Opposition to: L.D. 481, L.D. 995, and L.D. 1130

L.D. 481, An Act To Amend the Laws Governing Virtual Public Charter Schools
L.D. 995, An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools (EMERGENCY)
L.D. 1130, An Act To Create a Virtual School Managed by the State

Before the Joint Standing Committee on Education and Cultural Affairs

L.D. 481 Sponsored by: Representative MacDonald
Co-sponsored by: Representatives Cooper, Devin, Dickerson, Grant, Kruger, Mastraccio, and Moriarty
L.D. 995 Sponsored by: President Alford
Co-sponsored by: Representatives Beck, Daughtry, Devin, Kornfield, and MacDonald, and Senators Boyle, Jackson, Millett, Saviello, and Valentino
L.D. 1130 Sponsored by: Senator Cain
Co-Sponsored by: President Alford, Senators Johnson and Millett, and Representatives MacDonald and Nelson

Date: April 12, 2013

Senator Millett, Representative MacDonald, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Stephen Bowen, Commissioner of the Department of Education, and I am here today representing the Department of Education in opposition to L.D. 481 An Act To Amend the Laws Governing Virtual Public Charter Schools, L.D. 995 An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools (EMERGENCY), and L.D. 1130, An Act To Create a Virtual School Managed by the State.

These bills are designed to stop the development of virtual charter schools, by eliminating 80% of their funding, by subjecting them to onerous regulations, and by prohibiting full-time online schooling and prohibiting elementary and middle school virtual education.

Online education can be done well and it can serve specific types of students in a way that other educational options can't. This is new – a full-time online educational program – but it doesn't need to be made impossible. As you know, the Charter School Commission has moved slowly and deliberately in its review of virtual charter schools. We don't need to add more statutory limitations.

Limiting virtual schools to part-time students actually eliminates the concept of a virtual charter school. A part-time student is presumably enrolled in another school and taking courses from the virtual "school." That's not what the charter school law envisioned.

Cutting the funding to 20% of per-pupil funding doesn't have any basis in reality, as far as I am aware. It's also counter to the rest of the bill, which adds requirements that will increase costs, while at the same time cutting funding. There's no justification for doing both.

If the Legislature has specific standards that virtual schools must meet, that are different from bricks and mortar schools or different from other charter schools, you ought to say what those other standards are and let the Commission implement them.

For these reasons, the Department is opposed to L.D. 369 An Act To Redesign Maine's School Funding Model as well as L.D. 56 An Act to Ensure Equity in School Costs Borne by Municipalities within Consolidated School Units and L.D. 130 An Act to Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation. I would be happy to answer any questions the Committee may have, and I will be available for work sessions on these bills.

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Stephen Bowen, Commissioner of Education

In Opposition to: L.D. 671

An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Daughtry

Co-Sponsored by: Representatives Berry, Hubbell, Jorgensen, Kruger, MacDonald, Mason, Moonen, and Russell, and Senator Millett

Date: April 12, 2013

Senator Millett, Representative MacDonald, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Stephen Bowen, Commissioner for the Department of Education, and I am here today representing the Department speaking in opposition to L.D. 671 An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations.

The Department opposes this bill because we do not believe that charter schools should be limited in their choices regarding which entities provide the best and most cost-effective services for their students. If a for-profit entity provides excellent results for a reasonable price, we don't believe that their services should be unavailable to charter schools.

If you are concerned about school boards turning over responsibility to a for-profit entity, please note that the use of an educational service provider does not relieve the charter school's school board of responsibility for the quality of the education provided to students – the board signs the contract with the authorizer, not the service provider. The Charter School Commission has been extremely watchful to ensure that service providers, of whatever status, are not the ones running the school. So in terms of accountability for results, there is no problem with for-profit educational service providers.

For these reasons, the Department of Education is testifying in opposition to L.D. 671 An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations. I'm happy to try to answer any questions the Committee may have, and I will be here for the work session.

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Stephen Bowen, Commissioner of Education

Neither For Nor Against: L.D. 729

An Act To Allow Charter Schools To Request Waivers from Certain Requirements

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Senator Mason

Date: April 12, 2013

Senator Millett, Representative MacDonald, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Stephen Bowen, Commissioner of the Department of Education, and I am here today representing the Department speaking neither for nor against L.D. 729 An Act To Allow Charter Schools To Request Waivers from Certain Requirements.

As we understand it, the intent of the bill is to provide public charter schools with the same opportunity to request waivers of certain laws and rules as noncharter public schools have under current law.

Under current law, noncharter public schools can request a waiver from the Commissioner of Education for any of the requirements included in section 4502 of Title 20-A or in Department Rule Chapter 125: *Basic Approval Standards: Public Schools and School Administrative Units*. This includes some requirements that apply to charter schools (e.g., health and safety laws) and some that don't (length of a school day, comprehensive education plans). The school requesting a waiver has to explain why the waiver is needed and how it will bring itself into compliance without a waiver.

If the intent of the bill's sponsors is to provide parallel waivers, then the Department is in support of this concept. The reason that the current waiver law is not applicable to charter schools is that it is contained in the Basic School Approval law, which does not apply to charter schools.

For these reasons, the Department of Education is testifying neither for nor against L.D. 729 An Act To Allow Charter Schools To Request Waivers from Certain Requirements. I'm happy to try to answer any questions the Committee may have, and I will be here for the work session.

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Stephen Bowen, Commissioner of Education

In Opposition to: L.D. 1128

An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: President Alfond

Co-Sponsored by: Representatives Daughtry, MacDonald, and McCabe, and Senators Evangelos, Kornfield, MacDonald and Soctomah, and Senator Boyle, Johnson, Lachowicz, and Millett

Date: April 12, 2013

Senator Millett, Representative MacDonald, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Stephen Bowen, Commissioner for the Department of Education, and I am here today representing the Department speaking in Opposition to L.D. 1128 An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools.

This bill does 2 things – it requires public hearings and unregulated “voting” on whether to allow a charter school proposal to move forward; and it asks the Department to figure out different ways to fund public charter schools.

As for the public hearing and voting provisions, they seem unlikely to enhance the fairness or the reasoned decision making about educational opportunities. The hearings are held in the catchment area, which as we have said before, may or may not be where students will come from. It allows any group of people who show up to vote on a question that may not affect them in any way – no registration, no public identification, nothing. It’s not even clear whether this is a secret ballot or who will oversee it. This is nothing much more than an opportunity for charter school opponents (or supporters, for that matter) to fill a room and determine whether a charter school application moves forward or not.

On the funding issue, it seems that the conversation that we are having this session on a number of bills before this Committee will provide sufficient opportunity to create a different funding mechanism. We’re happy to work with you during this session to come up with other ideas, as long as the ideas provide dependable and adequate funding for public charter schools.

For these reasons, the Department of Education is testifying in opposition to L.D. 1128 An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools. I’m happy to try to answer any questions the Committee may have, and I will be here for the work session.