

**§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; [PL 2011, c. 414, §5 (NEW).]

B. The commission under subsection 8; and [PL 2011, c. 414, §5 (NEW).]

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. [PL 2011, c. 570, §4 (AMD).]

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**2. Powers and duties.** An authorizer may:

A. Solicit, invite and evaluate applications from organizers of proposed public charter schools; [PL 2011, c. 414, §5 (NEW).]

B. Approve applications that meet identified educational needs; [PL 2011, c. 414, §5 (NEW).]

C. Deny applications that do not meet identified educational needs; [PL 2011, c. 414, §5 (NEW).]

D. Create a framework to guide the development of charter contracts; [PL 2011, c. 414, §5 (NEW).]

E. Negotiate and execute sound charter contracts with each approved public charter school; [PL 2011, c. 414, §5 (NEW).]

F. Monitor the performance and compliance of public charter schools; and [PL 2011, c. 414, §5 (NEW).]

G. Determine whether each charter contract merits renewal or revocation. [PL 2011, c. 414, §5 (NEW).]

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**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; [PL 2011, c. 414, §5 (NEW).]

B. Soliciting and evaluating applications; [PL 2011, c. 414, §5 (NEW).]

C. Performance contracting; [PL 2011, c. 414, §5 (NEW).]

D. Ongoing public charter school oversight and evaluation; and [PL 2011, c. 414, §5 (NEW).]

E. Charter renewal decision making. [PL 2011, c. 414, §5 (NEW).]

[PL 2011, c. 414, §5 (NEW).]

**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; [PL 2011, c. 414, §5 (NEW).]

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; [PL 2011, c. 414, §5 (NEW).]

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; [PL 2011, c. 570, §5 (AMD).]

D. The oversight and services provided by the authorizer to the public charter schools under the authorizer's purview; and [PL 2011, c. 570, §5 (AMD).]

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. [PL 2011, c. 570, §6 (NEW).]  
[PL 2019, c. 398, §12 (AMD).]

**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 [PL 2011, c. 414, §5 (NEW).]

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. [PL 2011, c. 414, §5 (NEW).]  
[PL 2011, c. 414, §5 (NEW).]

**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.  
[PL 2011, c. 414, §5 (NEW).]

**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. [PL 2011, c. 414, §5 (NEW).]  
[PL 2011, c. 414, §5 (NEW).]

**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. [PL 2019, c. 406, §1 (AMD).]

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. [PL 2011, c. 570, §7 (AMD).]

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. [PL 2011, c. 414, §5 (NEW).]

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. [PL 2011, c. 414, §5 (NEW).]

[PL 2019, c. 406, §1 (AMD).]

#### **9. Transition period.**

[PL 2019, c. 307, §1 (RP).]

**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.

[PL 2019, c. 307, §2 (NEW).]

#### SECTION HISTORY

PL 2011, c. 414, §5 (NEW). PL 2011, c. 570, §§4-8 (AMD). PL 2013, c. 368, Pt. JJJJ, §2 (AMD). PL 2015, c. 54, §1 (AMD). PL 2015, c. 448, §5 (AMD). PL 2017, c. 284, Pt. XXXXX, §1 (AMD). PL 2019, c. 307, §§1, 2 (AMD). PL 2019, c. 398, §12 (AMD). PL 2019, c. 406, §1 (AMD).

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