

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Deborah Friedman, Director of Policy and Programs

In Opposition to: L.D. 1056

An Act to Require Local Voter Approval for Charter Schools

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Chenette

Co-Sponsored by: Representatives Daughtry, Evangelos, Kornfield, MacDonald and Soctomah, and Senator Valentino

Date: April 1, 2013

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

My name is Deborah Friedman, Director of Policy and Programs for the Department of Education, and I am here today representing the Department speaking in Opposition to L.D. 1056 An Act to Require Local Voter Approval for Charter Schools.

It's certainly hard to argue against the general principle of local input into decisions that affect local residents and their budgets. However, when we talk about specifics, it is a bit more complicated. We don't ask for a local vote on every educational opportunity provided to individual students. We don't, for example, ask voters whether they want to pay for special education services for the students who need those services in order to gain the benefits of an education. Those costs are included as part of the school budget because state law (and federal law) require that they be provided and paid for, and because it's the right thing to do for the children who need those services. State law provides an opportunity for students in Maine to attend charter schools if those schools will better serve their educational needs. It shouldn't be necessary for every school administrative unit (SAU) to vote on whether the students in their SAU have that right.

In addition, there are opportunities for local input in the Charter School Commission's review of a public charter school application. By law, the Commission and other authorizers must hold a public hearing as part of the application review process. If a traditional public school is being converted into a public charter school, and that school would be the only public school option for students in a SAU, a local referendum is required.

There are also some technical concerns with this bill. Any student who resides in the State is eligible to attend a public charter school, and there is no limit on how widely a charter school can recruit for students. It's not clear, then, where the referendum would be held. What if the charter

school says that it plans to “recruit” in 10 SAUs, but no students in 4 of those SAUs plan to attend the school? Do those SAUs still have to hold the referendum, and is the existence of the charter school dependent on a positive vote from all of those SAUs? The charter school law does require public charter schools to designate a “catchment area” where they expect to draw students from, but the purpose of that designation is to determine where the school must provide transportation services. The catchment area could be a very small area, so you would give the voters in a small number of communities the right to determine the ability of students throughout the state to attend a public charter school.

For these reasons, the Department of Education is testifying in Opposition to L.D. 1056, An Act to Require Local Voter Approval for Charter Schools. I’m happy to try to answer any questions the Committee may have, and I will be here for the work session.