



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 1056

---

H.P. 749

House of Representatives, March 19, 2013

### An Act To Require Local Voter Approval for Charter Schools

---

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CHENETTE of Saco.  
Cosponsored by Representatives: DAUGHTRY of Brunswick, EVANGELOS of Friendship,  
KORNFIELD of Bangor, MacDONALD of Old Orchard Beach, SOCTOMAH of the  
Passamaquoddy Tribe, Senator: VALENTINO of York.

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

2 **Sec. 1. 20-A MRSA §2401, sub-§2**, as enacted by PL 2011, c. 414, §5, is  
3 amended to read:

4 **2. Authorizer.** "Authorizer" means an entity empowered under this chapter to  
5 review applications, decide whether to approve or reject applications, enter into charter  
6 contracts with applicants, oversee and monitor public charter schools and decide whether  
7 to renew, not renew or revoke charter contracts. "Authorizer" includes the commission,  
8 except that any approval of an application of a public charter school by the commission is  
9 subject to voter approval in accordance with section 2405, subsection 8, paragraph E.

10 **Sec. 2. 20-A MRSA §2405, sub-§1, ¶B**, as enacted by PL 2011, c. 414, §5, is  
11 amended to read:

12 B. The commission under subsection 8, subject to voter approval in accordance with  
13 subsection 8, paragraph E; and

14 **Sec. 3. 20-A MRSA §2405, sub-§2, ¶B**, as enacted by PL 2011, c. 414, §5, is  
15 amended to read:

16 B. Approve applications that meet identified educational needs, except that in the  
17 case of the commission, approval is subject to voter approval in accordance with  
18 subsection 8, paragraph E;

19 **Sec. 4. 20-A MRSA §2405, sub-§8, ¶B**, as amended by PL 2011, c. 570, §7, is  
20 further amended to read:

21 B. The commission shall adopt rules for the organization and operation of the  
22 commission and to develop, implement and refine its procedures for authorizing  
23 public charter schools in this State, including procedures for obtaining voter approval  
24 of a preliminary application approval by the commission pursuant to paragraph E.  
25 Rules adopted by the commission pursuant to this paragraph before June 30, 2014 are  
26 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning  
27 June 30, 2014, rules adopted by the commission pursuant to this paragraph are major  
28 substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

29 **Sec. 5. 20-A MRSA §2405, sub-§8, ¶E** is enacted to read:

30 E. Notwithstanding any other provision of law, an approval of a public charter  
31 school application by the commission under subsection 2, paragraph B is a  
32 preliminary authorization and does not take effect unless submitted to and approved  
33 by the voters in an areawide referendum that includes the entire community proposed  
34 to be served by the public charter school, including all municipalities in which the  
35 public charter school would be authorized to engage in student recruitment. The  
36 commission shall notify the municipal officers of each affected municipality of its  
37 preliminary authorization of the public charter school. At the next annual statewide  
38 election held in November or June, the municipal officers shall place a warrant article  
39 substantially as follows on the ballot of a municipal referendum conducted in

1 accordance with the referendum procedures applicable to the school administrative  
2 unit of which the municipality is a member.

3 "Article: Do you favor approving the preliminary authorization of the Maine  
4 Charter School Commission to allow the public charter school known as (insert  
5 name of proposed public charter school) to be established and to draw students  
6 from (insert name of municipality)?

7 Yes No"

8 The municipal officers of each affected municipality shall report the results of the  
9 referendum to the commission following the referendum election. If the preliminary  
10 authorization by the commission is approved by a majority of votes cast in each  
11 municipality, the preliminary authorization is approved and the commission's  
12 approval of the application takes effect. If the preliminary authorization by the  
13 commission is not approved by a majority of votes cast in each municipality, the  
14 preliminary authorization is not approved and the application is rejected.

15 **Sec. 6. Application.** The provisions of this Act apply to the approval of a public  
16 charter school application by the Maine Charter School Commission after the effective  
17 date of this Act. Approvals of public charter schools by the Maine Charter School  
18 Commission on or before the effective date of this Act are not affected by the provisions  
19 of this Act.

20 **SUMMARY**

21 This bill requires that any approval of an application to establish a public charter  
22 school by the Maine Charter School Commission after the effective date of this  
23 legislation does not take effect unless submitted to and approved by the voters in an  
24 areawide referendum that includes the entire community proposed to be served by the  
25 public charter school, including all municipalities in which the public charter school  
26 would be authorized to engage in student recruitment.