



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1481

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H.P. 1062

House of Representatives, April 30, 2013

### An Act To Ensure the Success of Maine Students

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BERRY of Bowdoinham.  
Cosponsored by Representatives: DAUGHTRY of Brunswick, Speaker EVES of North Berwick, KUSIAK of Fairfield, MacDONALD of Boothbay, RANKIN of Hiram, SOCTOMAH of the Passamaquoddy Tribe, Senator: JOHNSON of Lincoln.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** research conducted by Stanford University found that charter schools  
4 underperform their public school counterparts across the United States; and

5           **Whereas,** since the Essential Programs and Services Funding Act was enacted in  
6 2003, the State has failed to provide the required 55% state share of the total cost of  
7 funding public education from kindergarten to grade 12; and

8           **Whereas,** based on the requirements enacted in 2003, the State has underfunded the  
9 required 55% state share of the total cost of funding public education from kindergarten  
10 to grade 12 by \$105,274,104 in fiscal year 2009-10, by \$138,421,478 in fiscal year 2010-  
11 11, by \$291,292,056 in fiscal year 2011-12 and by a projected \$298,823,793 in fiscal year  
12 2012-13; and

13           **Whereas,** the State Board of Education has found that more than 61 existing  
14 kindergarten to grade 12 school facilities in Maine have serious health, safety or other  
15 deficiencies that require renovation, repair or remediation that would cost \$1,656,714,364  
16 in order for the public schools to be deemed to be safe and conducive to learning; and

17           **Whereas,** this legislation needs to take effect immediately in order to begin  
18 addressing these deficiencies; and

19           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
20 the meaning of the Constitution of Maine and require the following legislation as  
21 immediately necessary for the preservation of the public peace, health and safety; now,  
22 therefore,

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

24           **Sec. 1. 20-A MRSA §2405, sub-§10** is enacted to read:

25           **10. Moratorium on authorization of public charter schools.** Notwithstanding any  
26 other provision of this chapter, the commission, a local school board or a collaborative  
27 among local school boards may not authorize a public charter school under the provisions  
28 of this chapter until this subsection is repealed. This subsection may not be repealed  
29 until all of the following conditions are met:

30           A. The State provides the required 55% state share of the total cost of funding public  
31 education from kindergarten to grade 12 as set forth in section 15671, subsection 1;  
32 and

33           B. The state board finds that:

34           (1) The research on public charter schools in the United States clearly and  
35 incontrovertibly demonstrates that public charter schools reliably improve  
36 education for students in a sustainable manner without increasing the cost to the  
37 statewide public education system and with no adverse effect on those students  
38 who are unable to attend a public charter school;



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D. The existing kindergarten to grade 12 public school facilities in Maine are entirely safe and conducive to learning.