

Date: (Filing No. S- )

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 607, L.D. 1762, Bill, "An Act To Amend and Clarify the Public Charter School Law"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

Sec. 1. 5 MRSA §12004-G, sub-§10-D, as enacted by PL 2011, c. 414, §1, is amended to read:

10-D.

Education State-Maine Charter Travel Expenses 20-A MRSA §2405, School Commission Only sub-§8

Sec. 2. 20-A MRSA §2401, sub-§2-A is enacted to read:

2-A. Catchment area. "Catchment area" means the geographic area from which a public charter school expects to draw the majority of its students, which may not be smaller than the combined enrollment areas of the 2 closest noncharter public schools serving students of the same grade levels as the applicant is proposing to serve, or the geographic area within a radius of 20 miles extending from the public charter school, whichever is smaller.

Sec. 3. 20-A MRSA §2403, sub-§5, as enacted by PL 2011, c. 414, §5, is amended to read:

5. Investigation and sanction of authorizers. Consistent with the policies and practices established in subsection 4, the department may investigate and, as appropriate, institute sanctions in response to deficiencies in authorizer performance or legal compliance. In addition to any other sanction instituted, the commissioner may suspend a deficient authorizer's authority to issue new charters or renew existing charters until the commissioner is satisfied that the deficiencies have been corrected.

Sec. 4. 20-A MRSA §2405, sub-§1, ¶C, as enacted by PL 2011, c. 414, §5, is amended to read:

COMMITTEE AMENDMENT

1 C. A collaborative among ~~authorizing entities~~ local school boards that forms to set  
2 up a regional public charter school to be located within the area managed and  
3 controlled by those local school boards.

4 **Sec. 5. 20-A MRSA §2405, sub-§4, ¶¶C and D**, as enacted by PL 2011, c. 414,  
5 §5, are amended to read:

6 C. The status of the authorizer's public charter school portfolio of approved charter  
7 applications, identifying all public charter schools within that portfolio as:

- 8 (1) Approved, but not yet open;
- 9 (2) Operating;
- 10 (3) Renewed;
- 11 (4) Transferred;
- 12 (5) Terminated;
- 13 (6) Closed; or
- 14 (7) Never opened; ~~and~~

15 D. The oversight and services provided by the authorizer to the public charter  
16 schools under the authorizer's purview; and

17 **Sec. 6. 20-A MRSA §2405, sub-§4, ¶E** is enacted to read:

18 E. The total amount of funds collected from each public charter school the authorizer  
19 authorized pursuant to subsection 5, paragraph B and the costs incurred by the  
20 authorizer to oversee each public charter school.

21 **Sec. 7. 20-A MRSA §2405, sub-§8**, as enacted by PL 2011, c. 414, §5, is  
22 amended to read:

23 **8. Maine Charter School Commission.** The ~~State~~ Maine Charter School  
24 Commission, established under Title 5, section 12004-G, subsection 10-D, is referred to  
25 in this chapter as "the commission."

26 A. The commission consists of 7 members appointed by the state board for 3-year  
27 terms. The commission shall elect a chair and such other officers as may be  
28 necessary to conduct its business. Four members constitute a quorum.

29 (1) Three members must be members of the state board, and those 3 members  
30 shall nominate the other 4 members who must be approved by a majority vote of  
31 the state board.

32 (2) Members appointed to the commission must have diverse professional  
33 experience in education, social services, youth training, business startup and  
34 administration, accounting and finance, strategic planning and nonprofit  
35 governance. The following provisions apply to the appointment of the 4 other  
36 members nominated and appointed by state board members pursuant to  
37 subparagraph (1):

- 1 (a) In appointing members to the commission, the state board shall give  
2 proper consideration to candidates with experience in a noncharter public  
3 school in the State in one of the following positions: school board member,  
4 superintendent, teacher and special education director;
- 5 (b) The state board shall ensure that the joint standing committee of the  
6 Legislature having jurisdiction over education matters has an opportunity to  
7 meet and interview the candidate or candidates nominated for the  
8 commission;
- 9 (c) Within 10 days of meeting with the candidate or candidates, the joint  
10 standing committee of the Legislature having jurisdiction over education  
11 matters shall deliver to the state board its written appraisal of the strengths  
12 and weaknesses of the candidate or candidates; and
- 13 (d) The state board shall consider the appraisal of the joint standing  
14 committee of the Legislature having jurisdiction over education matters prior  
15 to appointing a candidate or candidates to the commission.
- 16 (3) A commission member may not serve more than 3 consecutive terms, but  
17 may serve again after not serving on the commission for at least one term.
- 18 (4) A commission member may not receive compensation, but may be  
19 reimbursed for ~~travel~~ expenses.
- 20 (5) A commission member who is a member of the state board serves on the  
21 commission only during that person's membership on the state board. Upon  
22 expiration of that person's state board membership, the position on the  
23 commission becomes vacant and must be filled in the manner provided for filling  
24 vacancies. The term of a member who is approved by the state board and  
25 reviewed by the joint standing committee of the Legislature having jurisdiction  
26 over education matters ends on June 30th of the final year of the member's term.
- 27 (6) A vacancy on the commission must be filled in the same manner as the  
28 position in which the vacancy occurs is regularly filled, including, if applicable, a  
29 review by the joint standing committee of the Legislature having jurisdiction over  
30 education matters. A vacancy is filled for the remainder of the unexpired term.  
31 If the person serves more than 1 1/2 years of an unexpired term, that service  
32 counts as one term for purposes of the limitation set forth in subparagraph (3).
- 33 (7) A member of the commission may be removed for failure to perform the  
34 duties of office, as specified in commission rules, by a majority vote of the state  
35 board.
- 36 B. The commission shall adopt rules for the organization and operation of the  
37 commission and to develop, implement and refine its procedures for authorizing  
38 public charter schools in this State. Rules adopted by the commission pursuant to this  
39 paragraph before June 30, 2014 are routine technical rules pursuant to Title 5, chapter  
40 375, subchapter 2-A. Beginning June 30, 2014, rules adopted by the commission  
41 pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter  
42 375, subchapter 2-A.

- 1 C. The commission shall, in keeping with its authorizing responsibilities:  
2 (1) Engage professional and administrative staff, separate from the department;  
3 (2) Convene stakeholder groups and engage experts; and  
4 (3) Seek and receive state, federal and private funds.

5 D. The commission is the sole authorizer in this State for virtual public charter  
6 schools, except that a local school board may authorize a public charter school within  
7 its jurisdiction that integrates online and on-site instruction.

8 **Sec. 8. 20-A MRSA §2405, sub-§9**, as enacted by PL 2011, c. 414, §5, is  
9 amended to read:

10 **9. Transition period.** The public charter school program set out in this chapter must  
11 begin with a 10-year transition period, beginning on the effective date of this chapter.  
12 During the transition period, the commissioner shall register the charters approved by all  
13 authorizers in chronological order by date of approval under this chapter. During the  
14 transition period, only 10 public charter schools may be approved by ~~authorizers other~~  
15 ~~than local school boards~~ the commission. Once the cap is reached, the commissioner may  
16 not accept further registrations from ~~authorizers other than local school boards~~ the  
17 commission and only local school boards and collaboratives of local school boards may  
18 approve charters until the end of the transition period.

19 This subsection is repealed July 1, 2022.

20 **Sec. 9. 20-A MRSA §2406, sub-§2, ¶F**, as enacted by PL 2011, c. 414, §5, is  
21 amended to read:

22 F. A request for proposals must require applications to provide or describe  
23 thoroughly, at a minimum, all of the following essential elements of the proposed  
24 public charter school plan:

- 25 (1) The proposed public charter school's vision, including:  
26 (a) An executive summary;  
27 (b) The mission and vision of the proposed public charter school, including  
28 identification of the targeted student population and the community the  
29 school hopes to serve; and  
30 (c) Evidence of need and community support for the proposed public charter  
31 school, including information on discussions with the school administrative  
32 unit where the public charter school will be located concerning recruitment  
33 and operations of the public charter school and possible collaboration with  
34 nearby school administrative units;  
35 (2) The proposed public charter school's governance plan, including:  
36 (a) Background information on proposed board members and any assurances  
37 or certifications required by the authorizer;  
38 (b) Proposed governing bylaws;

- 1 (c) An organization chart that clearly presents the school's organizational  
2 structure, including lines of authority and reporting between the governing  
3 board, staff and any related bodies such as advisory bodies or parent and  
4 teacher councils, and any external organizations that will play a role in  
5 managing the school;
- 6 (d) A clear description of the roles and responsibilities for the governing  
7 board, the school's leadership and management team and any other entities  
8 shown on the organization chart;
- 9 (e) Identification of the proposed founding governing board members and, if  
10 identified, the proposed school leader or leaders; and
- 11 (f) Background information on the school's leadership and management team,  
12 if identified;
- 13 (3) The proposed public charter school's plan of organization, including:
- 14 (a) The location or geographic area of the school and the proposed  
15 catchment area of the school, which may not be designed to exclude areas  
16 with high rates of poverty, English language learners, at-risk students or  
17 students with disabilities;
- 18 (b) The grades to be served each year for the full term of the charter;
- 19 (c) Minimum, planned and maximum enrollment per grade per year for the  
20 term of the charter;
- 21 (d) The school's proposed calendar and sample daily schedule;
- 22 (e) Plans and timelines for student recruitment and enrollment, including  
23 lottery procedures;
- 24 (f) Explanations of any partnerships or contractual relationships central to  
25 the school's operations or mission;
- 26 (g) The school's proposals for providing transportation, food service and  
27 other significant operational or ancillary services;
- 28 (h) A facilities plan, including backup or contingency plans if appropriate;
- 29 (i) A detailed school start-up plan, identifying tasks, timelines and  
30 responsible individuals; and
- 31 (j) A closure protocol, outlining orderly plans and timelines for transitioning  
32 students and student records to new schools and for appropriately disposing  
33 of school funds, property and assets in the event of school closure;
- 34 (4) The proposed public charter school's finances, including:
- 35 (a) A description of the school's financial plan and policies, including  
36 financial controls and audit requirements;
- 37 (b) Start-up and 3-year budgets with clearly stated assumptions;

- 1 (c) Start-up and first-year cash-flow projections with clearly stated  
2 assumptions;
- 3 (d) Evidence of anticipated fund-raising contributions, if claimed in the  
4 application; and
- 5 (e) A description of the insurance coverage the school proposes to obtain;
- 6 (5) The proposed public charter school's student policy, including:
  - 7 (a) The school's plans for identifying and successfully serving students with  
8 the wide range of learning needs and styles typically found in noncharter  
9 public schools of the sending area;
  - 10 (b) The school's plans for compliance with applicable laws, rules and  
11 regulations; and
  - 12 (c) The school's student discipline plans and policies, including those for  
13 special education students;
- 14 (6) The proposed public charter school's academic program, including:
  - 15 (a) A description of the academic program aligned with the statewide system  
16 of learning results under section 6209;
  - 17 (b) A description of the school's instructional design, including the type of  
18 learning environment, such as classroom-based or independent study, class  
19 size and structure, curriculum overview, teaching methods and research  
20 basis;
  - 21 (c) The school's plan for using internal and external assessments to measure  
22 and report student progress on the measures and metrics of the performance  
23 framework developed by the authorizer in accordance with section 2409; and
  - 24 (d) A description of cocurricular or extracurricular programs and how they  
25 will be funded and delivered; and
- 26 (7) The proposed public charter school's staff policy, including:
  - 27 (a) A staffing chart for the school's first year and a staffing plan for the term  
28 of the charter;
  - 29 (b) Plans for recruiting and developing school leadership and staff;
  - 30 (c) The school's leadership and teacher employment policies, including  
31 performance evaluation plans; and
  - 32 (d) Opportunities and expectations for parent involvement.

33 **Sec. 10. 20-A MRSA §2408, sub-§1, ¶A**, as enacted by PL 2011, c. 414, §5, is  
34 amended to read:

1 A. After approval of an application and no later than 60 days prior to the opening  
2 date of the public charter school, the authorizer and the governing board shall execute  
3 a charter contract that sets forth:

4 (1) Performance provisions describing the academic and operational  
5 performance expectations and measures by which the public charter school will  
6 be judged; ~~and~~

7 (2) Administrative provisions articulating the administrative relationship  
8 between the authorizer and the public charter school, including each party's rights  
9 and duties; and

10 (3) A description of the standards and processes under which the authorizer may  
11 pursue revocation of the charter contract.

12 **Sec. 11. 20-A MRSA §2410, sub-§2,** as enacted by PL 2011, c. 414, §5, is  
13 amended to read:

14 **2. Notification of unsatisfactory performance or compliance.** In the event that a  
15 public charter school's performance or legal compliance appears unsatisfactory, the  
16 authorizer shall promptly ~~notify~~ provide written notice to the public charter school of  
17 perceived problems and provide reasonable opportunity for the school to remedy the  
18 problems.

19 **Sec. 12. 20-A MRSA §2411, sub-§6, ¶C** is enacted to read:

20 C. The authorizer shall include in the charter contract a description of the standards  
21 and processes under which the authorizer may pursue revocation of the charter  
22 contract. The processes must comply with section 2410, subsection 2 and provide an  
23 opportunity for the public charter school to be heard prior to a decision on revocation.

24 **Sec. 13. 20-A MRSA §2412, sub-§4, ¶D,** as enacted by PL 2011, c. 414, §5, is  
25 amended to read:

26 D. A public charter school must have a plan that describes how the school will ~~meet~~  
27 provide transportation for its students who reside in the school's catchment area and  
28 what assistance, if any, it will provide to meet the transportation needs of its students  
29 who reside outside the catchment area of the school.

30 **Sec. 14. 20-A MRSA §2412, sub-§5, ¶C,** as enacted by PL 2011, c. 414, §5, is  
31 amended to read:

32 C. Governing boards are subject to and must comply with sections 1002 and 1004 in  
33 the same manner as school boards and Title 1, chapter 13.

34 **Sec. 15. 20-A MRSA §2412, sub-§5, ¶¶G and H** are enacted to read:

35 G. Public charter schools are subject to the same federal and state laws, regulations  
36 and rules regarding special education as noncharter public schools. Notwithstanding  
37 any law or rule to the contrary, a public charter school takes over responsibility for  
38 special education for a student transferring to the public charter school on the first  
39 day of school at the public charter school unless the public charter school and the  
40 transferring school agree to an earlier date.

1            H. A public charter school student's eligibility for and the funding of the student's  
2            career and technical education programming are the same as if the student were  
3            attending school within that student's resident school administrative unit. If the  
4            public charter school is located outside the student's resident school administrative  
5            unit, the public charter school is responsible for ensuring that the student is  
6            transported to the career and technical education center or to a location from which  
7            the student will be transported to the career and technical education center by the  
8            resident school administrative unit, the career and technical education region or the  
9            career and technical education center.

10           **Sec. 16. 20-A MRSA §2412, sub-§6, ¶C**, as enacted by PL 2011, c. 414, §5, is  
11 amended to read:

12           C. Teachers at a public charter school may choose to bargain collectively ~~or form a~~  
13 ~~professional group~~ in accordance with this paragraph.

14           (1) Teachers who are employees of the public charter school have the same  
15 rights as other teachers in public education to organize and bargain collectively.  
16 Bargaining units at the public charter school must be separate from other  
17 bargaining units, such as a district bargaining unit. Staff at noncharter public  
18 schools converting to public charter schools have a right to employment benefits  
19 as stated in applicable collective bargaining agreements or they may vote to be  
20 represented in alternative ways.

21           ~~(2) A teacher who is an employee of the public charter school may choose to be~~  
22 ~~part of a professional group that operates the instructional program under an~~  
23 ~~agreement with the public charter school, forming a partnership or producer~~  
24 ~~cooperative that the teachers collectively own.~~

25           (3) Teachers who are employees of the public charter school may not be required  
26 to be members of any existing collective bargaining agreement between a school  
27 administrative unit and its employees. A public charter school may not interfere  
28 with civil service laws or other applicable rules protecting the rights of  
29 employees to organize and be free from discrimination.

30           **Sec. 17. 20-A MRSA §2412, sub-§7**, as enacted by PL 2011, c. 414, §5, is  
31 repealed.

32           **Sec. 18. 20-A MRSA §2412-A** is enacted to read:

33           **§2412-A. Audits**

34           **1. External audit.** A public charter school shall adhere to generally accepted  
35 accounting principles and shall annually engage an external auditor to do an independent  
36 audit of the public charter school's finances. The public charter school shall submit the  
37 audit to its authorizer and to the department. The audit must include the following:

38           A. An accounting of all revenues and expenditures;

39           B. A determination of whether proper budgetary controls are in place;

40           C. A determination of whether the annual financial data submitted to the authorizer  
41 and to the department is correct;

1 D. An audit of any federal programs in accordance with applicable federal law; and

2 E. Any other information that the commissioner requires.

3 **2. Fiscal year.** The fiscal year of an audit is from July 1st to June 30th, except that  
4 audits of federal programs must conform to federal requirements.

5 **3. Auditors.** Audits must be conducted by qualified certified public accountants or  
6 public accountants licensed by the Board of Accountancy.

7 **4. Initial report to commissioner.** On or before November 1st, a public charter  
8 school shall provide the commissioner with:

9 A. A written determination of whether proper budgetary controls are in place;

10 B. A written determination of whether the annual financial data submitted to the  
11 department is correct, including submission of an audited reconciliation of the annual  
12 financial data prepared and certified by the external auditor; and

13 C. A written determination as to whether the public charter school has complied with  
14 applicable provisions of the Essential Programs and Services Funding Act.

15 **5. Records.** A public charter school shall keep financial records and accounts for 7  
16 years after the end of the fiscal year and shall make them available to the external auditor  
17 and any other person upon request.

18 **6. Report to commissioner.** Within 6 months after the end of an audit under  
19 subsection 1, a public charter school shall provide the commissioner with:

20 A. An audit report;

21 B. An accounting of all revenues and expenditures;

22 C. Written assurance that the audit has been conducted in accordance with applicable  
23 state and federal laws relating to financial and compliance audits; and

24 D. Any other information that the commissioner requires.

25 **7. Corrective action plan.** The commissioner shall review the annual audit under  
26 subsection 1 of a public charter school and determine if the public charter school should  
27 develop a corrective action plan for any audit issues specified in the annual audit. A  
28 corrective action plan must address those audit findings and management comments and  
29 recommendations that have been identified by the commissioner, and the plan must be  
30 filed within the timeline established by the commissioner. The public charter school shall  
31 provide assurances to the commissioner that the public charter school has implemented its  
32 corrective action plan within the timeline established by the commissioner. If the public  
33 charter school has not met the conditions for filing a corrective action plan or providing  
34 assurances that the public charter school has implemented the plan, the commissioner  
35 may withhold monthly subsidy payments from the public charter school in accordance  
36 with section 6801-A.

37 **Sec. 19. 20-A MRS §2413, sub-§2,** as enacted by PL 2011, c. 414, §5, is  
38 amended to read:

39 **2. Revenue provisions.** ~~All state~~ State and local operating funds follow each student  
40 to the public charter school attended by the student, except that the school administrative

1 unit of the student's residence may retain up to 1% of the per-pupil allocation described in  
2 this subsection to cover associated administrative costs.

3 A. For each public charter school student, the school administrative unit in which the  
4 student resides must forward the per-pupil allocation to the public charter school  
5 attended by the student as follows.

6 (1) The per-pupil allocation amount is the EPS per-pupil rate for the school  
7 administrative unit in which the student resides, as calculated pursuant to section  
8 15676, based on the student's grade level and adjusted as appropriate for  
9 economic disadvantage and limited English proficiency pursuant to section  
10 15675, subsections 1 and 2. ~~For transportation expenses, the average per-pupil  
11 expense in each school administrative unit of residence must be calculated and a  
12 per-pupil allocation of that amount must be forwarded to the public charter  
13 school attended on the same basis as the per-pupil allocations for operating funds.~~  
14 Debt service and capital outlays may not be included in the calculation of these  
15 per-pupil allocations. The department shall adopt rules governing how to  
16 calculate these per-pupil allocations, including those for ~~gifted and talented~~  
17 ~~programs~~, vocational, technical and career education programs, ~~and~~ targeted  
18 funds for assessment technology and kindergarten to grade 2 programs.

19 (2) For students attending public charter schools, the school administrative unit  
20 of residence shall forward the per-pupil allocations described in subparagraph (1)  
21 directly to the public charter school attended. These per-pupil allocations must  
22 be forwarded to each public charter school on a quarterly basis, as follows. For  
23 each fiscal year, allocations must be made in quarterly payments on September  
24 1st, December 1st, March 1st and June 1st. The September payment must be  
25 based on the number of students enrolled or anticipated to be enrolled in the  
26 public charter school at the opening of school for that school year, which may not  
27 exceed the maximum enrollment approved in the charter contract for that year  
28 unless a waiver is obtained from the authorizer. In February of the school year, if  
29 the number of students is higher or lower than the number of students at the  
30 beginning of the school year, adjustments must be made in the June payment,  
31 with 50% of the annual per-pupil allocation added for additional students or  
32 subtracted if the total number of students is lower.

33 (3) For transportation expenses, the average per-pupil expense in each school  
34 administrative unit of residence must be calculated and an amount equal to a  
35 proportion, up to but not more than 100%, of that per-pupil allocation amount  
36 must be forwarded to the public charter school attended on the same basis as the  
37 per-pupil allocations for operating funds. The percentage of that per-pupil  
38 expense must be determined by the authorizer of the public charter school and  
39 must be based on the cost of transportation services provided by the public  
40 charter school to the student.

41 (4) The department shall pay to the public charter school any additional  
42 allocation assigned to the public charter school for gifted and talented students  
43 pursuant to section 15681-A, subsection 5 in the year in which the allocation is  
44 assigned.

1 A school administrative unit is not required to send funds to a public charter school  
2 for a student enrolled in the public charter school's preschool or prekindergarten  
3 program if the school administrative unit of the student's residence does not offer that  
4 program to its own residents.

5 B. The following provisions govern special education funding.

6 (1) For each enrolled special education pupil, a public charter school must  
7 receive the average additional allocation calculated by the department under  
8 section 15681-A, subsection 2 for each school administrative unit for its special  
9 education students. These allocations must be paid on the same basis as the per-  
10 pupil allocations for operating funds.

11 (2) The school administrative unit of residence shall pay directly to the public  
12 charter school any federal or state aid attributable to a student with a disability  
13 attending the public charter school in proportion to the level of services for the  
14 student with a disability that the public charter school provides directly or  
15 indirectly.

16 (3) The department shall pay to the public charter school any additional  
17 allocation assigned to the public charter school because of a high-cost in-district  
18 placement in accordance with section 15681-A, subsection 2, paragraph B in the  
19 year in which the allocation is assigned.

20 (4) The school administrative unit of residence shall pay to the public charter  
21 school any additional allocation assigned to the unit because of a high-cost out-  
22 of-district placement in accordance with section 15681-A, subsection 2,  
23 paragraph C in the year in which the allocation is assigned to the school  
24 administrative unit.

25 (5) If the public charter school in which the student is enrolled was authorized by  
26 a local school board or a collaborative of local school boards, the funds under this  
27 paragraph must be paid to the local school board that authorized the public  
28 charter school or to the designated school board of the collaborative, rather than  
29 directly to the public charter school. The local school board or boards that  
30 authorized the charter school are responsible for ensuring that special education  
31 services are provided to students in that school, pursuant to section 2412,  
32 subsection 2, paragraph A.

33 C. Except as otherwise provided in this chapter, the State shall send applicable  
34 federal funds directly to public charter schools attended by eligible students. Public  
35 charter schools with students eligible for funds under Title I of the federal Elementary  
36 and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.  
37 must receive and use these funds in accordance with federal and state law. During  
38 the first year of operation, a public charter school must receive Title I funds on the  
39 basis of an estimated enrollment of eligible students, as agreed with its authorizer.

40 D. A public charter school may receive gifts and grants from private sources in any  
41 manner that is available to a school administrative unit.

42 E. A public charter school may not levy taxes or issue bonds secured by tax  
43 revenues.

1 F. In the event of the failure of the school administrative unit to make payments  
2 required by this section, the Treasurer of State shall deduct from any state funds that  
3 become due to the school administrative unit an amount equal to the unpaid  
4 obligation. The Treasurer of State shall pay over the amount to the public charter  
5 school upon certification by the department. The department shall adopt rules to  
6 implement the provisions of this paragraph.

7 G. Any money received by a public charter school from any source and remaining in  
8 the school's accounts at the end of any budget year remains in the school's accounts  
9 for use by the school during subsequent budget years and may not revert to the  
10 authorizer or to the State.

11 H. Nothing in this chapter may be construed to prohibit any person or organization  
12 from providing funding or other assistance for the establishment or operation of a  
13 public charter school. The governing board of a public charter school may accept  
14 gifts, donations or grants of any kind made to the school and expend or use such gifts,  
15 donations or grants in accordance with the conditions prescribed by the donor except  
16 that a gift, donation or grant may not be accepted if subject to a condition that is  
17 contrary to any provision of law or term of the charter contract.

18 ~~I. Public charter schools have the same access as other noncharter public schools to~~  
19 ~~any risk pool for high cost special education services and to any fund for fiscal~~  
20 ~~emergencies.~~

21 J. The department may establish a method of transferring funds to public charter  
22 schools that is an alternative to the method provided in this subsection.'

23 **SUMMARY**

24 The amendment does the following:

25 1. It changes the name of the charter school commission from "State Charter School  
26 Commission" to "Maine Charter School Commission" and allows reimbursement to  
27 commission members for all expenses;

28 2. It defines "catchment area" as the geographic area from which a public charter  
29 school expects to draw a majority of its students;

30 3. It adds a provision regarding catchment areas to the criteria a proposed public  
31 charter school's plan of organization must meet and clarifies that a catchment area may  
32 not be designed to exclude areas with high rates of poverty, English language learners, at-  
33 risk students or students with disabilities;

34 4. It clarifies that the term of a member of the commission who is not a member of  
35 the State Board of Education ends on June 30th of the final year of the member's term and  
36 that grounds for removing a member of the commission must be specified in the  
37 commission rules;

38 5. It provides that beginning June 30, 2014 commission rules are major substantive  
39 rules;

- 1           6. It removes authority for teachers at a public charter school to form a professional  
2 group that operates an instructional program under an agreement with the public charter  
3 school;
- 4           7. It adds detailed requirements for the auditing of public charter schools;
- 5           8. It specifies the reimbursement procedures for high-cost in-district special  
6 education placement, high-cost out-of-district special education placement and gifted and  
7 talented students served by a public charter school; and
- 8           9. It removes a provision regarding access to risk pools for high-cost special  
9 education services and fiscal emergencies.