

# MAINE

(Law passed in 2011; 13th weakest of the nation's 43 charter laws)



Many consider The Pine Tree State's charter law to be a model, but when it comes to implementation, Maine's relatively new law (enacted in 2011) falls short and only six schools have opened. Advocates are continuing to fight to improve this below-average law, which has a constrictive cap, no independent authorizers and limited charter autonomy. Leaders have taken a vocal stance against the commission members' actions of continually rejecting charter school applications, particularly online/blended options that are a huge boost to reach many of the state's rural students.

## INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	A school board or group of school boards can authorize and can begin the process by issuing a request for proposals (RFP). The State Charter Schools Commission, which consists of members that are all appointed by the state board with legislative input, and is not independent from state board oversight, is also an authorizer. Only the commission can approve virtual school applications.
APPEAL	None.

## OPERATIONAL AUTONOMY

STATE	Yes. Charters do receive a blanket waiver from most rules and regulations governing traditional public schools. The Department of Education oversees the commission and manages charter processes, which may create conflicts of interest. Virtual schools are allowed. ESPs are only allowed to manage virtual schools, and their role in other charters' operations is highly prescribed and limited.
LOCAL	Yes. Charters are free from many local, traditional rules and regulations. Charter schools are considered independent of a school district by law and should have freedom over finance, personnel and instruction. Charters approved by the state commission are considered LEAs.
TEACHER FREEDOM	Yes. Charter teachers in new starts have the right to work independently, or to bargain collectively, though not as part of the district bargaining agreement. Teachers in conversions can choose to stay with their collective bargaining agreement or choose other representation. Charter schools are not required to participate in state's retirement system and may establish their own plan.

## NUMBER OF SCHOOLS ALLOWED

CAP	Yes there is a cap on the number of schools and on enrollment. The commission may approve ten schools in ten years, although this will end in 2022; districts have no cap. Charters cannot enroll more than five to ten percent of the total of district students per grade level for the first three years of operation.
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## EQUITY

<p>STUDENT FUNDING</p>	<p>Funds pass from state and district to school. Law states that the per-pupil operating funding (minus administrative fees) should pass to the charter schools, but the law is not specific enough to ensure equity. All authorizers are allowed to take a three percent authorizer fee in addition to a one percent fee that is retained by the district.</p> <p>“State and local operating funds follow each student to the public charter school attended by the student, except that the school administrative unit of the student’s residence may retain up to 1% of the per pupil allocation described in this subsection to cover associated administrative costs...(2) For students attending public charter schools, the school administrative unit of residence shall forward the per-pupil allocations described in subparagraph (i) directly to the public charter school attended. These per-pupil allocations must be forwarded to each public charter school on a quarterly basis, as follows” Me. Rev. Stat. tit. 20-A, § 2413.</p>
<p>FACILITIES FUNDS</p>	<p>No Additional Funds.</p>

## IMPLEMENTATION POINTS

<p>- 2</p>	<p>Two points are deducted because the commission is arbitrarily rejecting charter applications resulting in extremely slow growth.</p>
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LINK TO THE  
MAINE CHARTER  
SCHOOL LAW