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H.P. 331

House of Representatives, February 14, 2013

An Act To Amend the Laws Governing Virtual Public 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 MacDONALD of Boothbay.
Cosponsored by Representatives: COOPER of Yarmouth, DEVIN of Newcastle, DICKERSON of Rockland, GRANT of Gardiner, KRUGER of Thomaston, MASTRACCIO of Sanford, MORIARTY of Cumberland.

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

2 **Sec. 1. 20-A MRSA §2408, sub-§2**, as enacted by PL 2011, c. 414, §5, is
3 amended to read:

4 **2. Virtual public charter schools.** The charter contract of a virtual public charter
5 school must require the governing board to:

6 A. Provide each student enrolled in the virtual public charter school with online
7 courses that meet or exceed state standards and all instructional materials required for
8 the student's participation in the school. Prior to the beginning of each school year,
9 the authorizer shall review and, if appropriate, approve the courses and curricula for
10 the virtual public charter school;

11 B. Ensure that the persons who operate the virtual public charter school on a day-to-
12 day basis comply with and carry out all applicable requirements, statutes, regulations,
13 rules and policies of the school. Education personnel who operate the virtual public
14 charter school must hold valid teacher certification in this State;

15 C. Ensure that a parent of each student verifies the number of hours of educational
16 activities completed by the student each school year; and

17 D. Adopt a plan by which the governing board provides:

18 (1) Frequent, ongoing monitoring to ensure and verify that each student is
19 participating in the virtual public charter school, including synchronous contact
20 between teachers and students and between teachers and parents to ensure and
21 verify student participation and learning. The contact between teachers and
22 students must include at least 2 personal visits by a teacher to a student during
23 each school year;

24 (2) Regular instructional opportunities in real time that are directly related to the
25 virtual public charter school's curricular objectives, including, but not limited to,
26 meetings with teachers and educational field trips and outings;

27 (3) Verification of ongoing student attendance in the virtual public charter
28 school;

29 (4) Verification of ongoing student progress and performance in each course as
30 documented by ongoing assessments and examples of student course work; and

31 (5) Administration to all students in a proctored setting of all applicable
32 assessments as required by the State.

33 Nothing in this subsection prohibits a virtual public charter school from reimbursing
34 families of enrolled students for costs associated with their Internet connection for use in
35 the program.

36 Only students enrolled in a virtual public charter school as full-time students may be
37 reported in the virtual public charter school's average pupil count to the department for
38 the purposes of receiving local, state and federal funds.

1 **Sec. 2. 20-A MRSA §2413, sub-§2**, as amended by PL 2011, c. 679, §2, is
2 further amended to read:

3 **2. Revenue provisions.** State and local operating funds follow each student to the
4 public charter school attended by the student, except that the school administrative unit of
5 the student's residence may retain up to 1% of the per-pupil allocation described in this
6 subsection to cover associated administrative costs. For virtual public charter schools,
7 only 20% of the per-pupil allocation described in this subsection follows a student to that
8 virtual public charter school.

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

12 (1) The per-pupil allocation amount is the EPS per-pupil rate for the school
13 administrative unit in which the student resides, as calculated pursuant to section
14 15676, based on the student's grade level and adjusted as appropriate for
15 economic disadvantage and limited English proficiency pursuant to section
16 15675, subsections 1 and 2. Debt service and capital outlays may not be included
17 in the calculation of these per-pupil allocations. The department shall adopt rules
18 governing how to calculate these per-pupil allocations, including those for career
19 and technical education programs, targeted funds for assessment technology and
20 kindergarten to grade 2 programs.

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

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

43 (4) The department shall pay to the public charter school any additional
44 allocation assigned to the public charter school for gifted and talented students

1 pursuant to section 15681-A, subsection 5 in the year in which the allocation is
2 assigned.

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

7 B. The following provisions govern special education funding.

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

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

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

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

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

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

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

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

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

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

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

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

22 **SUMMARY**

23 This bill amends the laws governing virtual public charter schools to:

24 1. Require the authorizer of a virtual public charter school to review and approve the
25 courses and curricula for the virtual public charter school prior to the beginning of each
26 school year;

27 2. Require that education personnel operating a virtual public charter school hold
28 valid teacher certification in the State;

29 3. Require that each virtual public charter school student receive at least 2 personal
30 visits from a teacher during each school year; and

31 4. Provide that only 20% of the per-pupil allocation of state and local operating
32 funds follows the student to a virtual public charter school.