



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1346

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H.P. 964

House of Representatives, April 9, 2013

### An Act To Ensure That Charter Schools Are Funded by the State

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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 CAMPBELL of Newfield.  
Cosponsored by Senator LACHOWICZ of Kennebec and  
Representatives: BEAVERS of South Berwick, CAREY of Lewiston, GILBERT of Jay,  
HAMANN of South Portland, MacDONALD of Boothbay, MASTRACCIO of Sanford,  
RANKIN of Hiram, Senator: PATRICK of Oxford.

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

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

3 **10. Moratorium on authorization of public charter schools.** Notwithstanding any  
4 other provisions of this chapter, the commission, a local school board or a collaborative  
5 of local school boards may not authorize a public charter school under the provisions of  
6 this chapter and any public charter school that has not commenced operations on the  
7 effective date of this subsection may not commence operations until this subsection is  
8 repealed. This subsection may not be repealed until the State provides the required 55%  
9 state share of the total cost of funding public education from kindergarten to grade 12 as  
10 set forth in section 15671, subsection 1.

11 **Sec. 2. 20-A MRSA §2412, sub-§6, ¶C**, as amended by PL 2011, c. 570, §16, is  
12 further amended to read:

13 C. Teachers at a public charter school authorized by the commission may choose to  
14 bargain collectively in accordance with this paragraph.

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

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

27 **Sec. 3. 20-A MRSA §2412, sub-§6, ¶D** is enacted to read:

28 D. Teachers at a public charter school authorized by a local school board or a  
29 collaborative of local school boards may choose to bargain collectively in accordance  
30 with this paragraph.

31 (1) Teachers who are employees of a start-up public charter school have the  
32 same rights as other teachers in public education to organize and bargain  
33 collectively.

34 (2) Teachers who are employees of a noncharter public school converting to a  
35 public charter school remain public employees for all purposes, unless a majority  
36 of teachers vote to be represented in alternative ways.

37 (3) Teachers who are employees of a start-up public charter school or a  
38 noncharter public school converting to a public charter school may collectively  
39 bargain as a separate bargaining unit or as part of an existing school  
40 administrative unit collective bargaining unit as determined by a majority of the

1 teachers employed by the start-up public charter school or noncharter public  
2 school converting to a public charter school.

3 **SUMMARY**

4 This bill establishes a moratorium on the authorization of new public charter schools  
5 until the State provides at least 55% of the total cost of funding public education from  
6 kindergarten to grade 12 as set out in the Essential Programs and Services Funding Act.

7 The bill amends the current collective bargaining provisions in the public charter  
8 school laws to clarify that teachers employed by a public charter school authorized by the  
9 Maine Charter School Commission retain the choice of whether or not to establish a  
10 collective bargaining unit and whether or not to become a member of a collective  
11 bargaining unit established for the public charter school.

12 The bill also provides that teachers employed by a public charter school authorized  
13 by a local school board or a collaborative of local school boards may choose to bargain  
14 collectively as follows.

15 1. Teachers who are employees of a start-up public charter school have the same  
16 rights as other teachers in public education to organize and bargain collectively.

17 2. Teachers who are employees of a noncharter public school converting to a public  
18 charter school remain public employees for all purposes, unless a majority of teachers  
19 employed by the conversion public charter school vote to be represented in alternative  
20 ways.

21 3. Teachers who are employees of a start-up public charter school or a noncharter  
22 public school converting to a public charter school may collectively bargain as a separate  
23 bargaining unit or as part of an existing school administrative unit collective bargaining  
24 unit as determined by a majority of the teachers employed by the start-up public charter  
25 school or noncharter public school converting to a public charter school.