

State of Maine
DEPARTMENT OF EDUCATION

Testimony of Deborah Friedman, Director, Policy and Programs

Speaking in Support of L.D. 1783

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Representative Richardson

Date: January 30, 2012

Senator Langley, Representative Richardson, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Deborah Friedman, and I am here today representing the Department speaking in support of L.D. 1783, Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY).

This Resolve allows the Department of Education to proceed to final adoption of a rule fleshing out some of the details related to implementation of the charter school law enacted last year. That law was quite detailed, so there weren't a lot of issues that needed to be addressed in rule.

We were specifically directed in the law to (1) determine standards for authorizers, (2) set forth enrollment reporting requirements and (3) flesh out some funding provisions. We have included the required information in the rule, as well as providing direction on (4) enrollment, (5) public notice, (6) fee limits, (7) records transfer requirements, (8) limits on the relationship between an education service provider and the governing board of a charter school and (9) a dispute resolution process.

Our guiding principle in preparing the rule was to provide clear and reasonable direction to authorizers, founders, students, parents, noncharter public schools and the public so that everyone is on the same page in implementing the law.

A public hearing on the rule was conducted on November 22nd and written public comment was accepted until December 2nd. As you can see from the Comment and Response document in your rules packet, comments were submitted on many of the provisions of the rules. The primary changes that the Department made in response to the comments relate to the enrollment process and the dispute resolution process.

I'll comment on those provisions in my testimony today, and would be happy to walk through other parts of the rule and answer questions at the work session.

The enrollment provisions are found in SECTION 3, subsection 2 of the rule. The rule is a complement to the law, which includes several provisions to ensure that all students have an equal opportunity to enroll in a charter school. The law requires a charter school to hold a lottery or other random selection process if there are more students seeking enrollment than there are spaces in the grade or program at the charter school.

The rule attempts to lay out a process for conducting that lottery, including a time frame within which the lottery must take place. The rationale for inserting a time frame was both to ensure fairness to students and to provide noncharter public schools information in a timely fashion to assist them in preparing budgets for the upcoming school year. As you recall, noncharter public schools will transfer funds to the charter school for each of their students who enroll in the charter school. Since school districts are establishing budgets through the spring months, it made sense to try to provide information before they settled on final budgets. The original proposal was for a February lottery; the amended proposal moved the deadline to April, and allowed the authorizer to set a different date based on compelling reasons. This is our proposal to balance the needs of noncharter schools and their students with the desire to provide flexibility in the creation of charter schools.

The dispute resolution process in the rule was greatly expanded in an attempt to forestall long, drawn-out disputes between noncharter public schools and charter schools over who owes whom what amount of money. We propose that charter schools provide 30-days' notice to noncharter schools of the amount that they believe will be payable to the charter, based on students who are enrolling in the charter school. If the noncharter school disagrees with the amounts, it must file the dispute with the Department within 15 days, or pay the full amount requested to the charter school and seek repayment if the Department determines that the charter school was overpaid.

I'm happy to answer questions about these provisions here or at the work session on this Resolve. You also have a bill that would amend some provisions of the law, which would be helpful to work at the same time as this Resolve. I look forward to working with you.