

January 30, 2012

To: Joint Committee on Education and Cultural Affairs

Re: **Chapter 140: Public Charter Schools**

From: Judith D. Jones, Chair, Maine Association for Charter Schools

Senator Langley, Representative Richardson, and members of the Education Committee:

On behalf of the Maine Association for Charter Schools, I wish to offer the following comments concerning the Department's Revisions to Proposed Rules in Chapter 140 on Public Charter Schools.

1. **Enrollment & Lottery Deadline** - Page 4, #2 and page 5, C, (1)

The Department is now suggesting a once-a-year deadline date for lotteries for all charter schools.

We think the April 1st deadline for lotteries is unnecessary, especially since the authorizers can make exceptions. Further, it will drive the deadlines for enrollment periods, adding one more hurdle for charter schools that might want to open in January of a school year, have rolling admissions, etc.

2. **Application Form** - Page 6, E.

The Department has re-worded this form that collects information about students in order to develop their education plans.

We suggest that this form not be called an "**Application Form**", but simply a "**Student Information Form**", since it is to be filled out after a family commit to enroll.

3. **RPF Notification** - Page 8, sec. 4. 1

This rule requires SAUs to notify the Department "as soon as" their board begins to discuss the possibility of authorizing a charter school.

We believe this rule is vague and unnecessary. School board and committee meetings are open to the public and reported on by local media. We suggest that an SAU inform the Department when it makes a decision to develop an RFP, and that the Department could function as a "clearing house" for pending and active RFP's, maintaining lists on their website for the information of potential charter school founders and the general public.

4. **Issues Not Addressed in the Revised Rules** (and also related to LD 1762)

a) **Geographic Catchment Areas and Transportation**; these issues were mentioned in the Department's Report of December 12, but not addressed in either the Revised Rules or LD 1762.

We think the language in the Department's report was useful, to allow the authorizer to approve "preference areas" and assign responsibility for transportation within those areas.

For example, SAUs could give first preference to students within their district, second preference to students in nearby districts, and then open it to anyone if seats are still available. Collaborations of SAUs could do the same for regional charter schools.

For charter schools authorized by the State Commission, applicants would propose a "geographic catchment area" within which their school would have to arrange for transportation. The Commission could approve or modify the proposal, guided by provisions in the bill that require charter schools to provide open access, to recruit widely, not to discriminate in publicizing their enrollment periods, etc.

b) Special Education – Sec. 11 of LD 1762.

The Department rules make charter schools subject to all "state and local" rules.

We believe this contradicts the essential "flexibility" component of the charter school model that grants flexibility in operations through freedom from rules not related to health, safety, or civil rights.

Maine special education rules go well beyond the federal rules; they are complicated, and would leave little room for charter schools to innovate in providing special education services.

For State Commission authorized charter schools, at a minimum, we propose that only the federal rules apply automatically.

For SAU-authorized charters, the SAU is already responsible for "ensuring that special education services" are provided, so the SAU and charter school would have to negotiate services provided and related compensation.

c) Applicability of other Maine laws, rules and regulations.

The Department's Report of December 12 lists rules that it believes do or do not apply under the charter school law, plus many that the Department thinks could or should apply.

We at MACS are still working to clarify those we think could apply or should not apply. We believe, at this time:

List A, Part 1: None should apply.

List A, Part 2: None should apply (except transportation safety requirements).

List B, Part 1: Most could apply, except

- Collective bargaining (depending on details)

- Maine special education rules (as mentioned above).

List B, Part 2: The following should not apply:

- English as the only language of instruction

- Library and media requirements

- Guidance and counseling requirements

- Juvenile reintegration team

- Dropout prevention and coordinator

- Aspirations

- Requirements for school lunch and milk programs (but keep the option open)

Thank you for your consideration of our comments. We look forward to assisting you in any way we can as you and the Department discuss these issues further.