



**Allegation:** *Charter schools would somehow hurt Maine's rural schools.*

**Fact:** LD 1438, had it passed, represented a lifeline to rural schools, as it would have allowed such schools, many of which are facing declining enrollment and resources, to convert to charter status. By becoming public charter schools, conventional public schools would have access to a wider variety of potential reform approaches, including changes to the length of the school day and year, substantive modifications to curriculum and programming, and the ability to hire staff from outside the existing education establishment. Conversion to charter status would also allow schools to access outside funding and support, including hundreds of thousands of dollars in federal funding, as well as support from community groups, businesses, private foundations and non-profits. These are resources Maine's rural schools could desperately use.

The fact is that Maine's rural schools are not going to be saved by maintaining the status quo. In the absence of bold and dramatic change, they will simply continue their slow decline. If, however, they are allowed to embrace the flexibility of the charter school model, they would be able to restructure themselves into the kind of highly innovative and highly effective schools that attract young families to a community. Indeed, charter schools may well represent an engine for economic and community development in the very areas of the state where such development is most needed.

**Allegation:** *Enacting charter schools would create even more schools for taxpayers to support.*

**Fact:** Charter school legislation is indeed likely to lead to the creation of more schools, but at no additional cost to taxpayers. Charter schools are funded on a per-pupil basis, and, unlike conventional public schools, they receive no taxpayer funding for buildings or capital investment. Any buildings used by charter schools have to be privately funded.

In fact, charter schools will, in most cases, represent a considerable savings to taxpayers. Not only will charter school buildings be available for use by public school students at no cost to taxpayers, most school districts will pay less than they do now, on a per-pupil basis, to educate their students in charter schools. Under LD 1438, school districts would have paid charter schools the state-calculated Essential Programs and Services (EPS) per-pupil rate for each student. Since, as Maine's State Planning Office recently reported, 88 percent of Maine's school districts are spending above their EPS-calculated per-pupil rate,<sup>[8]</sup> sending students to a charter school at the EPS rate will constitute a savings to most taxpayers.

The Portland school system, for instance, is spending \$10 million more per year than the EPS formula says it should. If it sent ALL its students to charter schools and paid each school the per-pupil EPS amount, Portland taxpayers would *save* \$10

million, no matter how many new charter schools were opened.

**Assertion:** *If charter schools are enacted, existing school districts will have to pay to support schools over which they have no control.*

**Fact:** Every year, thousands of Maine students are educated at Maine's Town Academies, which are, simply put, private schools over which local school districts have no control. The Academies are governed by independent boards of trustees which hold them accountable. Since most of the Town Academies have operated continuously for generations – some for more than 200 years – this system of governance has clearly served the public well. Public charter schools, because they are, unlike the Academies, schools of choice which no student can be required to attend, would be under an even greater level of accountability than the Town Academies.

Besides which, does additional administrative control by local school districts necessarily result in improved student outcomes? Data from the Maine Development Foundation indicates that from 1979 to 2006, during a time when school enrollments dropped by 16 percent statewide, the number of public school administrators rose by 52 percent.<sup>[9]</sup> Despite this massive increase in school administration, 24 percent of the state's high school students drop out before receiving a high school diploma,<sup>[10]</sup> and far too many graduate without the skills and knowledge necessary for work and college. In fact, a 2008 legislative study found that 25 percent of first-time, first-year students in the University of Maine system take at least one remedial course.<sup>[11]</sup>

The public charter school model was specifically developed in order to provide parents and families with an alternative approach to public schooling. Charter school enrollment is at an all-time high nationwide because of the innovation and success that has resulted from the unique system of school governance which lies at the heart of the charter school concept. It works.

**Allegation:** *Because not all of their teachers need to have state teacher certification, charter schools will hire ineffective teachers to instruct students.*

**Fact:** Charter schools are public schools of choice, which means they exist only as long as parents continue to enroll their children. Under LD 1438, charter schools in Maine would be allowed to employ a certain percentage of non-certified teachers. If such teachers prove ineffective, the school will lose students and close. This is a degree of accountability under which not a single conventional public school in Maine or the nation operates.

Furthermore, evidence from a number of academic studies indicates the possession of a teaching credential is in no way correlated with teacher effectiveness. A recent study of New York City teachers found that "a teacher's certification status

matters little for student learning,” a finding which is supported repeatedly in academic research.<sup>[12]</sup> In the absence of evidence that certification correlates with teacher effectiveness, allowing charter schools to hire some non-certified teaching staff means giving them the latitude to hire the best person for the job. Again, if charter schools hire ineffective staff, students will leave, and the school will close. Charter schools benefit by hiring the very best people for the job.

**Allegation:** *Existing public schools will convert to charter schools in order to fire staff members and replace them with non-union personnel.*

**Fact:** Under LD 1438, existing public schools could not be converted to public charter schools unless doing so had the support of 60 percent of the teachers. Charter school teachers would have been allowed to unionize and bargain collectively under LD 1438, and, in the event a public school did convert to charter status, that school’s teachers would be protected by any existing employment contracts. Under the bill that was before the legislature for its consideration, a public school simply could not suddenly dismiss staff or pay them less because it converted to charter status.

**Allegation:** *The alternative schools currently allowed under state law are “close enough” to charter schools that charter school legislation is unnecessary.*

**Fact:** Charter schools are entirely different from alternative education programs. Under existing state statute, the “primary purpose” of alternative education programs is to meet the educational needs of at-risk students. Charter schools do not necessarily serve that population, although they can. According to state law, alternative programs “shall operate as part of the elementary or secondary school program,” which means they are run by existing school boards and school administrators. Charter public schools, by contrast, can be authorized by existing school districts, but are governed and operated independently of the existing public school bureaucracy. Additionally, while charter schools have open enrollment and may not decline admission to any student, enrollment in alternative education programs is strictly controlled by school administrators. Under state statute, a public school student may not attend an alternative educational program in another school district without the permission of school administrators in his or her own district. Public charter schools are not nearly as restrictive.

It is for these and other reasons that alternative education programs are not considered by the U.S. Department of Education to be the equivalent of public charter schools. In order to qualify for funding under the federal government’s Charter School Grant Program, states must have statutory language specifically authorizing public charter schools.<sup>[13]</sup>

**Allegation:** *Maine will still have an equal chance to receive*

*federal innovation grant funding despite being one of only ten states in the nation that bans charter schools.*

**Fact:** Maine’s failure to enact charter school legislation puts the state at a serious competitive disadvantage in seeking available federal innovation funding. Maine is already unable to access the millions of federal and private dollars available for charter schools, and U.S. Education Secretary Arne Duncan has made it abundantly clear on repeated occasions that a state’s level of support for charter schools will be a major determinant in whether it receives grant funding available under the American Recovery and Reinvestment Act.

In a May 28, 2009 Associated Press report, Secretary Duncan was quoted as saying that states which persist in opposing charter schools “would not be helping their chances” to win some portion of the \$5 billion in grant funding Duncan has at his disposal. “States will hurt their chance to compete for millions of federal stimulus dollars if they fail to embrace innovations like charter schools,” he said.<sup>[14]</sup> These comments are consistent with his testimony before the House Education and Labor Committee on May 20, 2009, in which he assured Congress that whether a state had caps on the number of charter schools it allowed would be a major factor in the Department’s consideration of grant applications. “I don’t want to invest in the status quo,” Duncan told Congress, “I want states and districts to take bold actions that will lead directly to the improvement in student learning.”<sup>[15]</sup>

Secretary Duncan targeted Maine specifically in a June 8, 2009 statement, in which he characterized the Maine Legislature’s reluctance to pass legislation enabling charter schools as “restricting reforms, limiting choices for parents and students, and denying children access to new high-quality instruction.” Maine and the other states without charter school legislation, he said, are putting themselves “at a competitive disadvantage for the largest pool of dollars states have ever had access to.”<sup>[16]</sup> In an act of willful disregard for the state’s reputation for educational leadership, the Maine Senate defeated the charter school bill later that same day.

In summary, despite claims made by Maine lawmakers to the contrary, the evidence is overwhelming that being one of only ten states in the nation to outlaw charter schools can only hurt Maine’s chances to demonstrate both to the federal government and to philanthropic organizations such as the Gates Foundation that it is serious about substantive reforms to its K-12 educational system such as charter schools.

**Allegation:** *Given projected cuts to state education spending, now is not the time to experiment with charter schools.*

**Fact:** Now is the perfect time. Maine’s schools are on an unsustainable trajectory. Our schools now spend an average of more than \$10,000 per-pupil each year, despite plunging school enrollment, and are getting mediocre results. Recent

efforts to consolidate existing school bureaucracies in order to generate needed savings have met with mixed success, to say the least. What is truly needed is bold reform – new approaches and new ways of thinking about how schools can maximize student outcomes. Evidence demonstrates that charter schools embrace educational innovation at much greater speed and with much greater success than conventional public schools.<sup>[17]</sup> For Maine, charter schools represent an opportunity, needed now more than ever, to change the thinking about the best ways to educate our kids, presenting us with new models for success which may be replicated statewide. Simply preserving the status quo is not going to be enough for our kids or our future.

### Conclusion

The Maine Legislature's refusal to allow the development of charter schools in Maine is a national embarrassment. For the first time in memory, the State of Maine was held up by the U.S. Secretary of Education as an example of what NOT to do in education. In just a few short years the state has gone from being an educational innovator – the first state to adopt one-to-one computing in middle schools statewide – to trailing the nation in adopting educational strategies, like charter schools, which are widely seen as enhancing academic achievement and fostering successful student outcomes.

Reversing the charter school-killing actions of the Maine Legislature will require a sustained effort by an active and well informed public, one that fully understands the tiresome and baseless arguments made against charter schools.

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