

POLICY BRIEF

KEY FINDINGS

- > Public support for **school choice** transcends the often-impervious boundaries of political party identification.
- > There is a **stark disconnect** between where parents would like to send their children to school and where they are actually able to send them, signaling a need for action.
- > Public **demand** for virtual charter schools in Maine **outstrips available supply**, which was arbitrarily restricted when the Legislature capped statewide enrollment at 1,000 students.
- > **Eliminating the statewide cap** on the number of charter schools allowed to operate in Maine **would not reduce the standards** to which charters are held, but it would save authorizers from having to arbitrarily pick one equally-qualified charter school over another.
- > A combined **13.1%** of charter school students nationwide attend schools authorized by higher-education institutions or non-profit organizations. Maine should let these groups authorize charter schools.
- > Charters authorized by higher education institutions and non-profits are **highly successful**, outperforming their public counterparts and receiving **national commendations for their quality**.

THE CASE FOR CHARTER SCHOOL REFORM

INTRODUCTION

As has been the case for many students since the onset of the COVID-19 pandemic, the challenges of remote learning threatened to derail the education¹ of a 13-year-old boy living in New Vineyard, Maine, who began struggling, in the absence of strong instructor support, to grasp what he was being taught in the virtual classroom. After repeatedly receiving inadequate responses from his teachers concerning her son's situation, the boy's mother decided to transfer her son out of the school district, stating, "I just wasn't going to set my son up to fail." In the end, she was able to successfully obtain permission to enroll her son in a nearby school system. "He's at the top of his class now," his mother said, "He went from failing to being an A student in all his classes, just about."

She said what has made the difference is that the teachers in their new school district "care" and "want to see [her son] succeed." Although clearly in her son's best interest, she unfortunately encountered pushback from her home school district while working to obtain the necessary agreement. Thankfully, as a result of her perseverance, she prevailed in her efforts to get her son into a learning environment where he was able to receive the appropriate educational support, but it goes to show that under current law in Maine, parents do not have the level of flexibility and freedom needed to ensure their children can receive the best possible education available. After having experienced the tremendous benefits of choice firsthand, this mother detailed the

need for a more open public school landscape in Maine: "This could help a lot of people I know."

THE PROBLEM

GROWING DISSATISFACTION WITH THE PUBLIC SCHOOL SYSTEM

Since the onset of the pandemic, already high levels of support² for school choice have only grown stronger. Over the course of nearly two years, support has increased by eight percentage points, starting at 64% in April 2020 and reaching 72% in February 2022 when the survey was retaken. With approval rising at approximately the same rate for Democrats, Republicans, and Independents, it appears this issue has managed to transcend the often-impervious boundaries of political party identification. The clear need for school choice can also be seen in the stark disconnect between the parents' expressed preferences for their children's education and the reality of the situation. According to a 2021 survey,³ when parents were asked what type of school they would ideally like to see their children attend, 40% responded that they would prefer private school, 34% public school, 13% public charter school, and 13% indicated they would like to homeschool their children. In actuality, 83% of these same parents were sending their children to public schools, with only 8% enrolling their kids in private schools, 6% in charter schools, and just 3% of parents reported homeschooling.

POLICY BRIEF

THE STATE OF SCHOOL CHOICE IN MAINE

Currently, Maine offers some degree of school choice, but there is a lot of room for improvement when it comes to providing Maine families with the options that they seek. There are three main types of school choice available in the state, namely Town Tuitioning, Superintendents' Agreements, and the option to enroll a child in one of the state's limited number of charter schools. Approximately 2% of Maine students are eligible to participate in Town Tuitioning,⁴ a program that makes it possible for children residing in districts without a public school to enroll in another district's public school or a private school of the family's choosing. Obtaining a Superintendents' Agreement allows students to attend a public school outside of the district in which they reside, so long as the superintendents of both the sending and receiving districts agree to the transfer.

Charter schools, which serve as an incredibly important facet of the school choice landscape in Maine, are also significantly limited under current state law. Following the passage of LD 307 in 2019,⁵ the total number of charter schools that are allowed to operate in the state was capped at 10 indefinitely, a ceiling that has already been reached. The two charter schools that operate on an entirely virtual basis, Maine's Virtual Academy and Maine Connections Academy, are further restricted under state law such that they can have a combined enrollment of no more than 1,000 students,⁶ a limit that has become more noticeable in recent years as the number of students on a waitlist for these schools doubled.⁷

LACK OF OPTIONS FOR MAINE FAMILIES

The dearth of educational options in Maine has left families with a lack of flexibility when it comes to providing their children with the best possible school experience. Parents interested in the possibility of sending their children to a charter school are likely to encounter serious difficulties. With hundreds of students already queued up on waiting lists and a strict limit of 10 charter schools in place, there is little hope for parents who would like to pursue this option. If Maine does not take action to allow more

charter schools to open their doors, many students are going to be effectively barred from receiving the kind of education that would allow them to reach their full potential, putting them at a great, and unfair, disadvantage to students in other states.

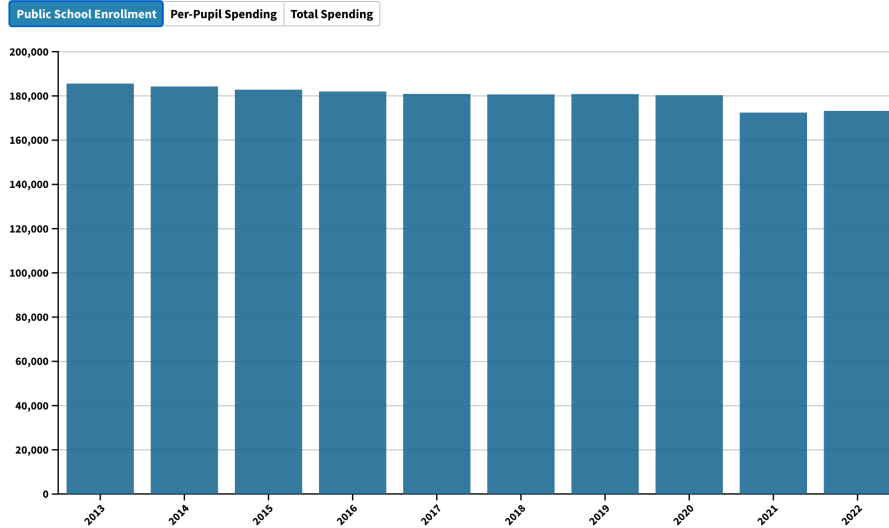
SPENDING DOESN'T EQUATE TO SATISFACTION

After adjusting for inflation, per pupil spending in Maine schools is nearly 70% higher than it was two decades ago.⁸ In spite of this increased investment in the state's education system, the decades-long trend of falling public school enrollment has persisted to the point that 16.7% fewer students are attending public schools today as compared to 2001. Following the onset of the COVID-19 pandemic, the number of Maine students being homeschooled increased by 78% compared to 2019,⁹ reaching a total of 12,082 in 2020. This number decreased in 2021 to 8,044 students, but this still represents a 16% increase over 2019 numbers. Despite the fact the 2020-21 school year saw the largest single-year drop in enrollment numbers on record, per-pupil spending in the state nonetheless increased by 5%. Enrollment rebounded slightly during the 2021-22 academic year,¹⁰ but hardly made up for the loss it had just sustained. Although directing more money into Maine's current public school system has not been successful in improving parental satisfaction, the state appears to be doubling down on this approach.

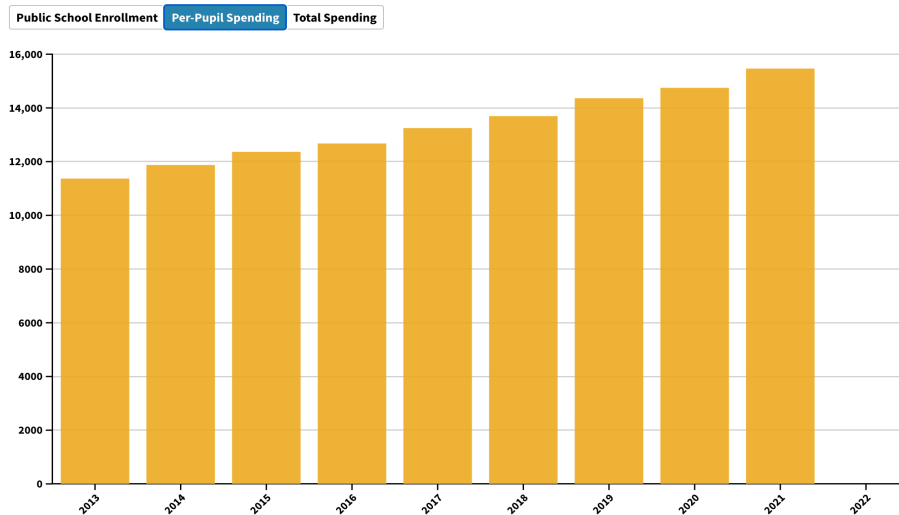
With more than \$638 million in the Elementary and Secondary School Emergency Relief (ESSER) Fund¹¹ and a state allocation for education in 2019 that was \$300 million greater than that of the previous biennium, one would expect to see measurable improvement. However, this has not been the case. In addition to the dissatisfaction expressed through enrollment numbers, the performance of students who have continued attending public schools has also failed to live up to expectations. Among high school students, test scores and graduation rates have plateaued over the past several years, and college enrollment rates among graduating seniors dropped by nearly 10% between 2015 and 2020.¹² Taken together, this is highly demonstrative that continually-increased funding has far from succeeded in improving the experience of students in Maine's public education system.

POLICY BRIEF

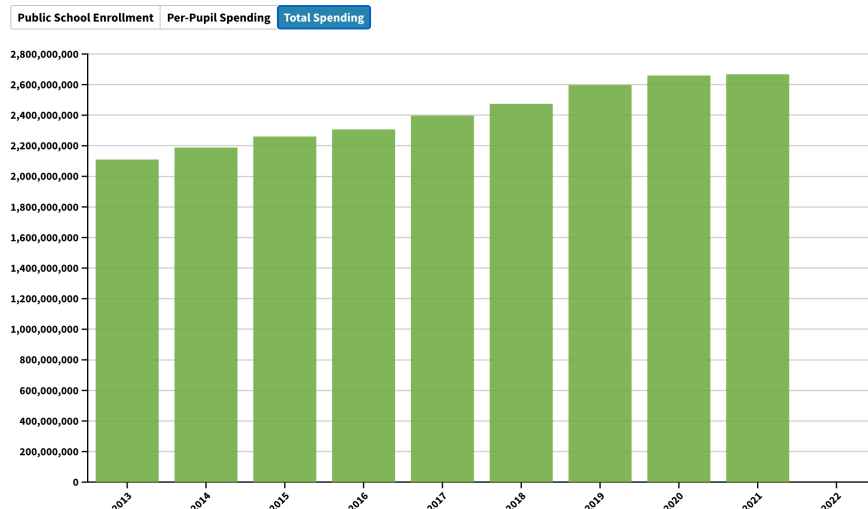
Historical Spending and Enrollment Data in Maine's Public Schools



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THE SOLUTION

A ROADMAP FOR IMPROVEMENT

There is a demonstrated need in Maine for a change in the public schooling system. With the cap of 10 charter schools in effect, students who are unable to afford private school have few avenues of recourse if they are struggling to succeed in a traditional public school classroom. Every student in the state of Maine should have the opportunity to attend the school that is best suited to their needs and abilities. To ensure this can happen, there are two main steps that need to be taken, namely removing the statewide cap on charter schools and allowing education-focused nonprofits and Maine-based universities to authorize charter schools.

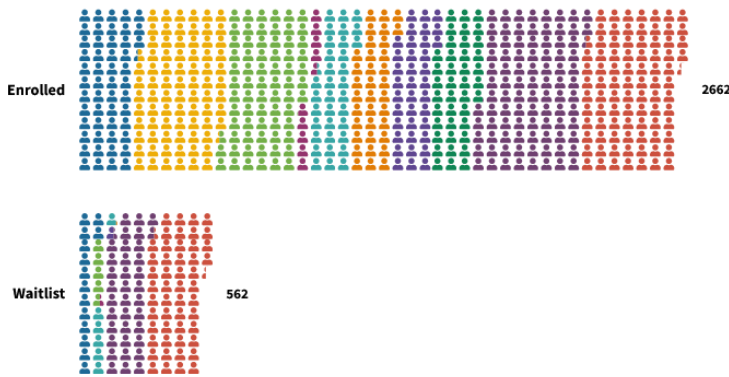
REMOVE STATEWIDE CAPS ON CHARTER SCHOOLS

One of the biggest roadblocks facing the expansion of school choice in Maine today is the cap that the state legislature has placed on the total number of charter schools allowed to operate, as well as on the total number of students that are able to be enrolled at a virtual charter school. When Maine first approved charter schools in 2011, the legislature declared a 10-year transition period, during which time only 10 charter schools could "be approved by authorizers other than local school boards."¹³ In the decade since, total enrollment in Maine charter schools had grown upwards of 2,500 students in 2019.¹⁴ By October 1, 2020, 562 students were sitting on a waitlist.¹⁵

POLICY BRIEF

DEMAND FAR OUTSTRIPS SUPPLY

By artificially limiting the total number of charter schools in the state, it is impossible for the number of open spots to keep up with the demand. Without the possibility of new charter schools opening their doors, the only way for seats to become available is for current students to either graduate or transfer. At the time the Maine Legislature implemented this indefinite cap, “demand for an education at a public charter school [was] greater than the supply.”¹⁶ Similarly, the enrollment cap for virtual charter schools of 1,000 students also establishes an unnecessary barrier to entry. Lifting the cap on both total charter schools and enrollment in virtual charter schools would offer more Maine students the opportunity to learn in an environment best suited to their needs without being encumbered by a prohibitive waitlist.



Data from the Maine Department of Education, Last Updated October 1, 2020

QUALITY CONTROL?

When the Maine Legislature was considering the proposal to indefinitely extend the cap on charter schools, one of the prominent arguments in support of the move was that it promoted a “high bar” for charter school performance by giving the Maine Charter School Commission (MCSC) “the impetus to decide which schools are meeting the mission of the law.”¹⁷ Although this is certainly a noble aim, maintaining a cap on charter schools is not the best way to go about achieving excellence in the public charter school system.

Removing the cap on charter schools would in no way reduce the standards to which charter schools would be held, but rather it would save authorizers from having to arbitrarily pick one equally-qualified charter school over another. Holding charter schools to a high standard is one thing, but suggesting that there is an absolute limit on the total number capable of meeting such a standard is another. In 2019, the President and CEO of the National Association of Charter School Authorizers (NACSA) testified to the Maine Legislature’s Committee on Education and Cultural Affairs that the MCSC had recently “voluntarily underwent a rigorous evaluation” by the NACSA which found that Maine takes a “thoughtful approach...focused on school performance,” demonstrating that it is clearly well-equipped to effectively evaluate charter schools on the basis of “school quality and performance.”¹⁸

PROVIDING ACCESS IN RURAL AREAS

The 10 charter schools currently operating in Maine are largely concentrated in southern and central Maine, leaving wide swaths of the state without access to an alternative public education. With the overall cap on charter schools in place, it is unsurprising and understandable that those looking to establish a charter school would seek to do so in locations that would allow them to serve the greatest number of potential students. Consequently, however, students in more rural areas of Maine are unable to realistically attend a charter school due to transportation, effectively barring students struggling to succeed within “traditional school settings” from accessing the alternative educational models made possible by the charter system, such as “project-based” and “place-based” learning. By removing the cap on charter schools, there would be a greater incentive to establish charter schools in areas where they may only serve a handful of students, allowing more children in rural areas the opportunity to access the same quality and diversity of education as those living in the highest-populated areas.

Although some argue that an expansion of rural charter schools would do harm to existing public schools in the area, charter schools present a unique opportunity for rural communities to offer students a higher quality of education than may be otherwise accessible. Furthermore, there are a number of localities in Maine

POLICY BRIEF

that do not operate their own public school, meaning that the charter system may be an avenue by which these areas could become home to a locally-run public schooling option that may be more convenient or appropriate for students living in such districts than participating in the Town Tuitioning program.

AUTHORIZATION REFORM

Currently in Maine, there are three types of entities capable of authorizing a charter school, namely a local school board, the MCSC, and a collaborative of local school boards formed for the purpose of establishing a charter school.¹⁹ Although all these eligible authorizers undoubtedly serve an important role in the charter school system, there is room to expand the list such that a greater number of quality charter schools will be afforded the opportunity of opening their doors to Maine students. Given that charter schools could potentially be viewed by members of local school boards as a form of competition, it is not hard to imagine circumstances under which there would be a great deal of pushback for those seeking to establish a charter school within this environment. To remedy this, other qualified groups, namely education-focused nonprofits and Maine-based universities, should be granted the ability to become charter school authorizers in Maine. Doing so would not only help to avoid potential conflicts of interest, but it would also bring different perspectives into the fold, helping to inject more innovation into Maine's charter school system.

THIS IS NOTHING NEW

Allowing these alternative bodies to become authorizers is not a new concept. States across the country have granted a variety of different entities the ability to authorize charter schools. Sixteen states currently allow higher education institutions (HEIs) to serve as authorizers, and three states have extended this privilege to non-profit organizations (NPOs).

As of the 2018-19 school year, 10.4% of students attending charter schools in the country are enrolled in HEI-authorized institutions and 2.7% in schools authorized by NPO's.²⁰ With more than 90,000 students, the State University of New York's (SUNY) Charter Schools Institute has proved

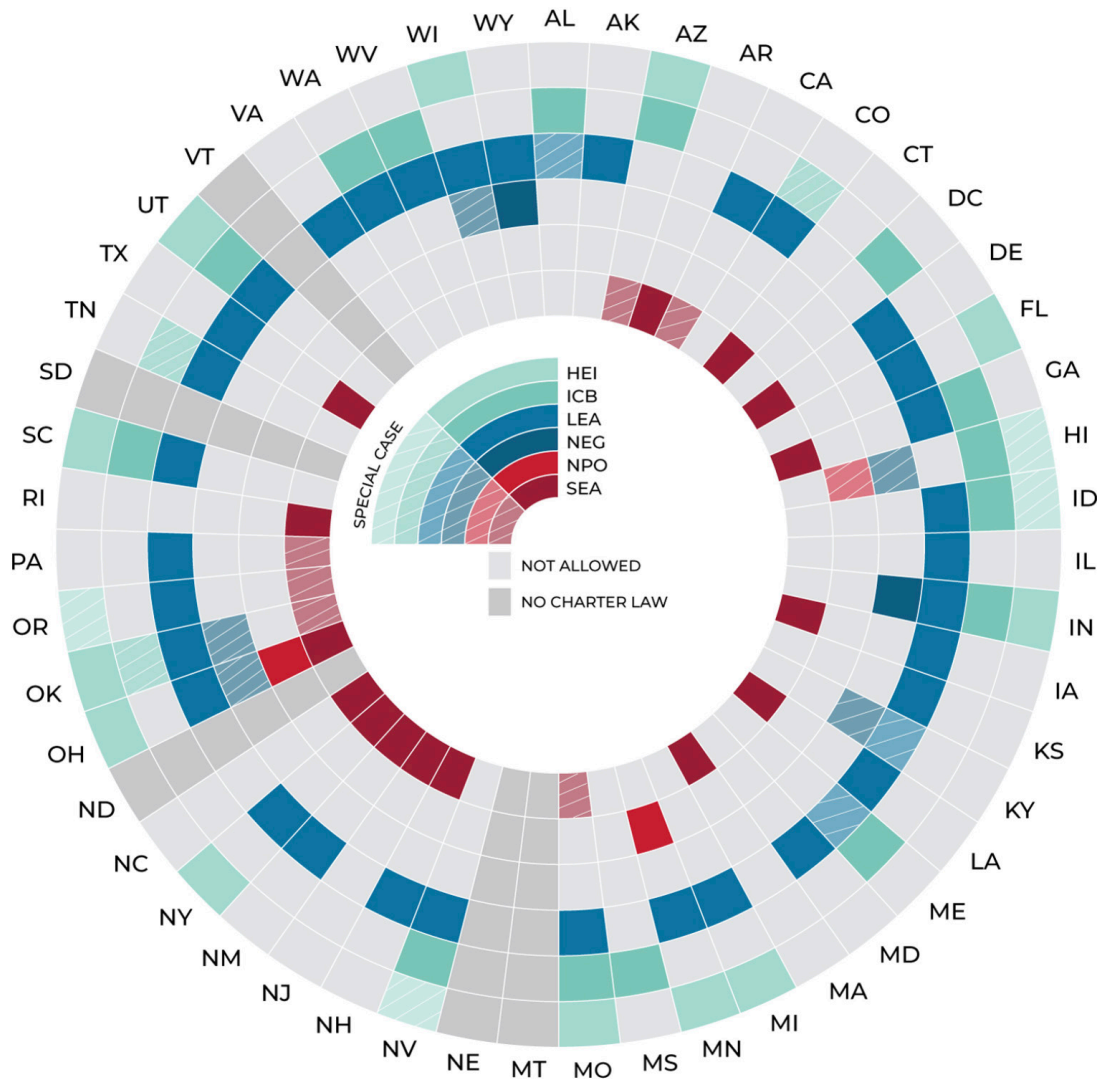
highly successful, substantially outperforming neighboring traditional public schools according to data collected prior to the pandemic.²¹ In Minnesota, the nonprofit organization Friends of Education has authorized 12 high-performing charter schools which, combined, serve more than 10,000 students. Four schools operating under the direction of the Friends of Education have been named National Blue-Ribbon Schools by the U.S. Department of Education since 2015, and the majority of their schools are performing well-above the state average on a wide range of indicators, including reading proficiency, college readiness, and college enrollment.²² If done properly, the incorporation of HEI and NPO authorizers can play an important role in the curation and establishment of high-quality, high-performing, and highly-innovative charter schools.

ADDRESSING 'AUTHORIZER HOPPING'

The phenomenon known as "authorizer hopping," whereby underperforming charter schools slated for closure seek out a new authorizer in order to avoid facing accountability, is a serious potential problem that must be addressed when setting up legislation to expand charter school authorization.²³ In addition to the MDOE actively encouraging a high degree of transparency, as well as frequent collaboration between authorizers, the legislation itself should codify practices that prevent "authorizer hopping," such as limiting authorizer transfers, requiring that "chronically low-performing" schools be automatically slated for closure, holding the authorizers themselves to a high standard of practice, and minimizing to the greatest degree possible any potential incentives for authorizers to "approve or renew" unqualified charter schools.

POLICY BRIEF

AUTHORIZER TYPES ACROSS THE COUNTRY



Source: National Association of Charter School Authorizers (HEI: Higher Education Institution; ICB: Independent Chartering Board; LEA: Local Education Institution; NEG: Non-Educational Government Entity; NPO: Nonprofit Organization; SEA: State Education Agency).

CONCLUSION

For many, enrolling in the public school located in their home district may very well be the best option for both students and parents, but for the percentage of families for whom this is not the case, every option should be at their fingertips. Whether it be a charter school employing unique education methods or another district's traditional public school, every child should have the opportunity to obtain the education that is best suited to their needs regardless of where they live. Therefore, Maine

should take action to remove the cap on charter schools and allow education-focused nonprofits and Maine-based universities to authorize charter schools. It's high time that Maine takes action to transform the state's educational landscape and provide families with the range of options they so clearly desire.

POLICY BRIEF

ENDNOTES

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