

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1718

S.P. 671

In Senate, April 17, 2025

An Act to Establish the Maine Charter School Commission as a Public Instrumentality of the State

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RAFFERTY of York.
Cosponsored by Representative SARGENT of York and
Representatives: DODGE of Belfast, MITCHELL of Cumberland.

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

2 **Sec. 1. 20-A MRSA §2405, sub-§8**, as amended by PL 2023, c. 183, §1, is further
3 amended to read:

4 **8. Maine Charter School Commission.** The Maine Charter School Commission,
5 established under Title 5, section 12004-G, subsection 10-D, ~~is and~~ referred to in this
6 chapter as "the commission," is established as a public body corporate and politic and an
7 incorporated public instrumentality of the State. The exercise of powers conferred by this
8 subsection is held to be the performance of essential government functions.

9 A. The commission consists of 7 members. The commission shall elect a chair and
10 such other officers as may be necessary to conduct its business. Four members
11 constitute a quorum.

12 (1) Three members must be members of the state board, appointed by the state
13 board for 3-year terms, and the other 4 members are appointed by the Governor,
14 subject to review by the joint standing committee of the Legislature having
15 jurisdiction over education matters and to confirmation by the Senate, for 4-year
16 terms.

17 (2) Members appointed to the commission must have diverse professional
18 experience in education, social services, youth training, business startup and
19 administration, accounting and finance, strategic planning and nonprofit
20 governance. In appointing members to the commission, the Governor shall give
21 proper consideration to candidates with experience in a noncharter public school
22 in the State in one of the following positions: school board member,
23 superintendent, teacher and special education director.

24 (3) A commission member may not serve more than 3 consecutive terms, but may
25 serve again after not serving on the commission for at least one term.

26 (4) A commission member may receive an amount equal to the legislative per
27 diem and be reimbursed for expenses.

28 (5) A commission member who is a member of the state board serves on the
29 commission only during that person's membership on the state board. Upon
30 expiration of that person's state board membership, the position on the commission
31 becomes vacant and must be filled in the manner provided for filling vacancies.

32 (6) A vacancy on the commission must be filled in the same manner as the position
33 in which the vacancy occurs is regularly filled. A vacancy is filled for the
34 remainder of the unexpired term. If the person serves more than 1 1/2 years of an
35 unexpired term, that service counts as one term for purposes of the limitation set
36 forth in subparagraph (3).

37 (7) A member of the commission may be removed for failure to perform the duties
38 of office, as specified in commission rules, by a majority vote of the state board.

39 B. The commission shall adopt rules for the organization and operation of the
40 commission and to develop, implement and refine its procedures for authorizing public
41 charter schools in this State. Rules adopted by the commission pursuant to this
42 paragraph before June 30, 2014 are routine technical rules pursuant to Title 5, chapter
43 375, subchapter 2-A. Beginning June 30, 2014, rules adopted by the commission

1 pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter 375,
2 subchapter 2-A.

3 C. The commission shall, in keeping with its authorizing responsibilities:

4 (1) Engage professional and administrative staff, separate from the department;

5 (2) Convene stakeholder groups and engage experts; and

6 (3) Seek and receive state, federal and private funds.

7 D. The commission is the sole authorizer in this State for virtual public charter schools,
8 except that a local school board may authorize a public charter school within its
9 jurisdiction that integrates online and on-site instruction.

10 E. The commission, or a representative of the commission, shall appear annually in
11 January before the joint standing committee of the Legislature having jurisdiction over
12 education matters to present the annual report required in subsection 4. The
13 commission's appearance before the joint standing committee of the Legislature having
14 jurisdiction over education matters must be in person unless otherwise authorized by
15 the committee.

16 SUMMARY

17 This bill establishes the Maine Charter School Commission as a public body corporate
18 and politic and an incorporated public instrumentality of the State.