

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1756

S.P. 687

In Senate, February 6, 1996

An Act to Establish a High School for the Visual and Performing Arts.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator AMERO of Cumberland.

Cosponsored by Senators: ABROMSON of Cumberland, BUTLAND of Cumberland, ESTY of Cumberland, KIEFFER of Aroostook, LAWRENCE of York, McCORMICK of Kennebec, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland, PINGREE of Knox, RAND of Cumberland, SMALL of Sagadahoc, STEVENS of Androscoggin, Representatives: AULT of Wayne, CARLETON of Wells, DONNELLY of Presque Isle, DUNN of Gray, GIERINGER of Portland, JACQUES of Waterville, JOHNSON of South Portland, LEMKE of Westbrook, LIBBY of Buxton, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MITCHELL of Vassalboro, MITCHELL of Portland, O'GARA of Westbrook, O'NEAL of Limestone, PENDLETON of Scarborough, RICHARDSON of Portland, ROWE of Portland, SAXL of Portland, STEVENS of Orono, STONE of Bangor, TAYLOR of Cumberland, TRUE of Fryeburg.

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

2 **Sec. 1. 5 MRSA §12004-C, sub-§7** is enacted to read:

4 7. Board of Expenses 20-A MRSA
6 Trustees, Maine Only §8254
8 Center for Arts
 Education

10 **Sec. 2. 20-A MRSA §5205, sub-§9** is enacted to read:

12 9. Students attending Maine Center for Arts Education. For
14 purposes of subsidy calculation only, students attending the
Maine Center for Arts Education are not considered residents of
16 the sending school administrative unit.

18 **Sec. 3. 20-A MRSA c. 312-A** is enacted to read:

20 CHAPTER 312-A

22 MAINE CENTER FOR ARTS EDUCATION

24 §8251. School established

26 The Maine Center for Arts Education is established as a
public, chartered school pursuant to this chapter for the purpose
of providing certain high-achieving high school students with a
28 challenging educational experience. The school is a body politic
and corporate and is an instrumentality and agency of the State.
30 The exercise by the school of the powers conferred by this
chapter is the performance of an essential public function by and
32 on behalf of the State.

34 §8252. Intent; funding

36 The school is established as a public, residential school
located in the greater Portland area and the following provisions
38 apply.

40 1. Curriculum. The school's curriculum is designed to
exceed existing state educational standards.

42 2. Tuition. Students from this State may attend the school
44 free of tuition charges.

46 3. Out-of-state tuition. Students from other states and
countries may attend the school on a space-available basis by

2 paying the cost of tuition, fees and room and board as
3 established by the board of trustees.

4 **§8253. Definitions**

6 As used in this chapter, unless the context otherwise
7 indicates, the following terms have the following meanings.

8
9 **1. Board of trustees.** "Board of trustees" means the Board
10 of Trustees of the Maine Center for Arts Education.

12 **2. Chartered school.** "Chartered school" means that the
13 school may establish rules that delete, modify or add to current
14 rules of the department.

16 **3. School.** "School" means the Maine Center for Arts
17 Education.

18 **4. Sending school.** "Sending school" means any school
19 administrative unit that has a student in attendance at the Maine
20 Center for Arts Education.

22 **5. Trustee.** "Trustee" means a member of the Board of
23 Trustees of the Maine Center for Arts Education.

26 **§8254. Board of trustees**

28 The board of trustees as established in Title 5, section
29 12004-C, subsection 7 is the policy-making authority and the
30 governing body of the school.

32 **1. Membership.** In appointing members to the board of
33 trustees, the Governor shall give proper consideration to
34 achieving statewide geographical representation and gender
35 equity. The board of trustees consists of 19 voting members and
36 2 nonvoting members as follows:

38 A. The Commissioner of Education or the commissioner's
39 designee;

40 B. The Chancellor of the University of Maine System or the
41 chancellor's designee;

44 C. The Chair of the Maine Arts Commission or the chair's
45 designee;

46 D. The President of the Maine College of Art or the
47 president's designee;

2 E. One member who is a citizen of Portland area with an
4 active interest in education, appointed by the Governor;

6 F. Three members who are teachers, one of whom is a teacher
8 at the school who is a nonvoting member and is annually
10 elected by members of the school's faculty and 2 of whom are
12 arts teachers in the State representing different geographic
14 regions of the State, appointed by the Governor;

16 G. Seven members of the general public, at least 5 of whom
18 must be artists representing each of the major arts
20 disciplines, which are visual, performing, creative writing
22 and media, appointed by the Governor and subject to review
24 by the joint standing committee of the Legislature having
26 jurisdiction over education matters and subject to
28 confirmation by the Legislature;

30 H. The Executive Director of the Maine Alliance for Arts
32 Education, or its successor organization, or the executive
34 director's designee;

36 I. One student member who has been elected as the presiding
38 officer of the student body;

40 J. One parent of a student enrolled in the school or parent
42 of a graduate appointed by the Governor;

44 K. Two members of the Board of Directors of the Friends of
46 the Maine Center for Arts Education, or its successor
48 organization, appointed by the chair of the organization; and

L. The superintendent of the school, who serves as the
clerk of the board of trustees and is a nonvoting member.

2. Chair. The board of trustees shall choose annually one
of its members to serve as chair.

3. Meetings. The board of trustees shall meet at least 4
times a year at regular intervals.

4. Quorum. A quorum for the transaction of business is
constituted by the members in attendance and all official actions
of the board of trustees require a majority vote of those members
present and voting.

5. Compensation. Members are compensated pursuant to Title
5, section 12004-C, subsection 7.

2 6. Terms. The terms of the members of the board of
trustees who are appointed by the Governor are for 3-year terms
4 unless otherwise designated. The terms of all initial
appointments by the Governor are staggered.

6 **§8255. Powers of the board of trustees**

8 The powers of the board of trustees include the following:

10 1. Policies and bylaws. To develop and adopt policies and
12 rules, including bylaws, necessary or useful for the operation of
the school;

14 2. Administration. To oversee the administration of the
16 school, including the hiring of teachers and administrative
support staff;

18 3. Financial management. To appoint a treasurer, who need
20 not be a member of the board of trustees, and to accept
22 donations, bequests or other forms of financial assistance for
any educational purpose from a public or private person or agency
24 and to comply with rules and regulations governing grants from
the Federal Government or from any other person or agency;

26 4. Budget development. To prepare and adopt an annual
28 budget for the operation of the school and to exercise budgetary
responsibility and allocate for expenditure by the school and
30 programs under its jurisdiction all the resources available for
the operation of the school and its programs;

32 5. Indemnification. To indemnify the trustees, officers,
34 teaching staff and employees affiliated with the school and to
purchase and maintain insurance to indemnify any such person to
the extent provided in Title 13-B, section 714;

36 6. Bonds. To require security for the faithful performance
38 of duties by the officers, trustees, employees and other agents
of the school who are entrusted with the custody of the school
40 securities or authorized to disburse the funds of the school.
The security must consist of a bond, either a blanket bond or
42 individual bond with a surety bond, or bonds having a minimum
limitation of \$100,000 coverage for each insured person. The
44 expense of a bond is assumed by the school;

46 7. Property management. To acquire by purchase any
48 property, lands, buildings, structures, facilities or equipment
and make improvements to facilities necessary to fulfill the
purposes of this chapter;

2 8. Certificates and diplomas. To offer courses of study
and grant diplomas and certificates on completion of courses of
4 study. This may be done in cooperation with the sending school;

6 9. Contracts and agreements. To enter into any contracts
and agreements, to the extent that funds are available, in the
8 execution of its powers under this chapter;

10 10. Delegation. To delegate duties and responsibilities as
necessary for the efficient operation of this chapter;

12 11. Criteria for enrollment. To establish criteria to be
14 used in determining eligibility of applicants for enrollment.
The criteria must include methods of ensuring gender equity for
16 students selected;

18 12. Student conduct. To prepare and adopt procedures and
rules to ensure the smooth operation of student conduct standards;

20 13. Geographical basis. To develop and adopt an admissions
22 policy to ensure that students from all over the State have an
equal opportunity to attend the school;

24 14. Fees and charges. To establish and collect necessary
26 fees and to set policies relating to other appropriate charges
for students;

28 15. Benchmarks and assessments. To establish benchmarks
30 and methods of assessing progress in the levels of academic
achievement in the visual and performing arts for students who
32 participate in school programs and to establish benchmarks and
methods of assessing progress in the professional development of
34 teachers who participate in school programs;

36 16. Report. To report biennially to the Governor and the
joint standing committee of the Legislature having jurisdiction
38 over education matters on the results of the assessment in
subsection 15 by the board of trustees and the general status of
40 the school and to provide annually to the Governor and the
Legislature a financial audit of the school conducted by an
42 independent auditor;

44 17. Sue or be sued. To sue or be sued in the name of the
school; and

46 18. Other. To do any other act necessary or useful for
48 carrying out its powers, duties or purposes.

50 §8256. Programs and operations

52 The programs and operations of the school include:

2 1. School year. Operating on a calendar year that meets or
4 exceeds the minimum number of statewide student instructional
 days;

6 2. Courses of study; programs; plan. By February 15, 1997,
8 submitting a plan to the joint standing committee of the
10 Legislature having jurisdiction over education matters that
12 outlines the statewide education programs provided by the school
 and guarantees opportunities and access to students and educators
 not residing full time at the school, consistent with available
 funding for any such programs.

14 The plan, to be implemented in September 1997, may include, but
16 is not limited to, offering workshops, seminars, distance
18 learning, summer courses, master classes, teacher exchange
20 programs and various other programs for teachers and students.
 The plan may include other innovative programs that meet the
 purpose of the school and assist in the professional development
 of teachers of the visual and performing arts;

22 3. School admission. Admittance of high school juniors and
24 seniors; early admittance of students whose abilities or special
26 circumstances are so exceptional as to warrant early entry; and
28 consideration by the board of trustees for admittance of
30 sophomore students after the junior and senior year programs are
 fully implemented. Students who apply and are accepted by the
 school are allowed to attend as provided in section 5205,
 subsection 6;

32 4. Extracurricular activities. Participation in all
 extracurricular activities; and

34 5. Telecommunications. Integration of the University of
36 Maine System interactive television and telecommunication systems
38 to allow transmission of certain activities or specialty courses
 conducted at the school for the benefit of high-achieving
 students attending school units throughout the State.

40 §8257. Financing authority

42 The board of trustees may borrow funds, issue bonds and
44 negotiate notes and other evidences of indebtedness or
46 obligations of the school for renovation and construction
48 purposes to pay for costs as defined in Title 22, section 2053,
50 subsection 3 and may issue temporary notes and renewal notes to
 pay for those costs. Bonds, notes or other evidences of
 indebtedness or obligations of the school are legal obligations
 of the school payable solely from its revenues and other sources
 of funds, including funds obtained pursuant to Title 22, section

2053, subsection 4-B, paragraph B, and do not constitute a debt
or liability and those bonds and notes are not includable in any
debt limitation of the State or any municipality or political
subdivision of the State. The board of trustees has the
discretion to fix the date, maturities, denomination, interest
rate, place of payment, form and other details of the bonds or
notes of the school. Unless otherwise provided in the vote
authorizing their issuance, bonds or notes of the school are
signed by the treasurer and countersigned by the chair of the
board of trustees. The board of trustees may pledge or assign
its revenues, including any funds that have been or may be
appropriated to the school by any municipality in the Greater
Portland area, and the proceeds of those revenues as security
toward its bonds, notes, other evidences of indebtedness or other
obligations of the school. The proceeds of bonds, notes or other
evidences of indebtedness may be invested in accordance with
Title 30-A, sections 5706 and 5712. Bonds, notes and other
evidences of indebtedness issued under this section are not debts
of the State, nor a pledge of the credit of the State, but are
payable solely from the funds of the school.

Sec. 4. 22 MRSA §2053, sub-§4-B, as repealed and replaced by
PL 1993, c. 706, Pt. A, §5, is amended to read:

4-B. Institution for higher education. "Institution for
higher education" means:

A. Any private, nonprofit or charitable institution or
organization engaged in the operation of, or formed for the
purpose of operating, an educational institution within this
State that, by virtue of law or charter, is an educational
institution empowered to provide a program of education
beyond the high school level; and

B. The Maine School of Science and Mathematics, as
established in Title 20-A, chapter 312. To repay any
necessary outstanding construction bonds, the adjusted
tuition and insured value factor amount defined in Title
20-A, section 5805, subsection 3, may be increased as
specified in that definition. The adjustment may be used
solely to repay bonds from the authority and expires when
the bond is retired; and

C. The Maine Center for Arts Education, as established in
Title 20-A, chapter 312-A. To repay any necessary
outstanding construction bonds, the adjusted tuition and
insured value factor amount defined in Title 20-A, section
5806 may be increased as specified in that definition. The
adjustment may be used solely to repay bonds from the
authority and expires when the bond is retired.

2 **Sec. 5. Initial terms; board of trustees.** Notwithstanding the Maine
Revised Statutes, Title 20-A, section 8254, subsection 6, the
4 terms for the members of the Board of Trustees of the Maine
Center for Arts Education who are teachers and members of the
6 general public and are appointed by the Governor are governed by
this section. Of the 2 arts teachers initially appointed
8 pursuant to Title 20-A, section 2854, subsection 1, paragraph F,
one member serves a term of 2 years and one member serves a term
10 of 3 years as designated by the Governor. Of the 7 members of
the general public initially appointed pursuant to Title 20-A,
12 section 2854, subsection 1, paragraph G, 2 members serve one-year
terms, 2 members serve 2-year terms and 3 members serve 3-year
14 terms as designated by the Governor.

16

STATEMENT OF FACT

18

This bill statutorily establishes the Maine Center for Arts
20 Education. This bill represents the recommendations of the Task
Force on the Maine School of Visual and Performing Arts
22 established in Public Law 1993, chapter 706, Part B.