

MAINE STATE LEGISLATURE

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L.D. 1138

DATE: June 1, 1997

(Filing No. S-433)

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 833, L.D. 1138, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999"

Amend the amendment by inserting before the emergency clause the following:

PART R

Sec. R-1. 5 MRSA §12004-C, sub-§8 is enacted to read:

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

Sec. R-2. 20-A MRSA c. 312-A is enacted to read:

CHAPTER 312-A

MAINE CENTER FOR ARTS EDUCATION

§8251. Center established

The Maine Center for Arts Education, established pursuant to this chapter, is a school for the purpose of providing artistically motivated students who have exhausted the available programs in their sending schools with a challenging educational experience and student and professional development institutes in the arts. The center is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the center of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

2
3 §8252. Mission: funding

4 1. School. The school is established as a public school
5 located initially in the greater Portland area, and the following
6 provisions apply.

7 A. The school is a pilot project utilizing existing
8 resources in the greater Portland area. Other models
9 appropriate to existing resources in other parts of the
10 State may be developed.

11 B. The school must provide intensive education in the arts
12 and functions as an extension of the sending schools located
13 within the region's boundaries.

14 C. The school's curriculum must be designed to exceed state
15 educational standards and meet individual student needs.
16 The school must provide programs in the visual, performing
17 and literary arts.

18 D. Eligible students from this State may attend the school
19 free of tuition charges.

20 E. Students from other states and countries may attend the
21 school on a space-available basis by paying the cost of
22 tuition, fees and room and board as established by the board
23 of trustees.

24 F. The school may establish operating rules that,
25 notwithstanding any other provisions of this Title, may
26 modify or augment existing rules of the department.

27 2. Student institute. The student institute is established
28 as a statewide resource for students who are highly motivated in
29 the arts and who have exhausted available programs in their
30 sending schools and need an intensive, short-term experience in
31 arts education. Programs may vary from a few days to one week in
32 duration depending on the time of year and nature of the
33 program. Students will be recruited from all over the State.

34 3. Professional Development Institute. The Professional
35 Development Institute is established as a statewide resource for
36 classroom teachers including both general educators and arts
37 specialists, and the following provisions apply.

38 A. Professional development training sessions must be made
39 available to artists and teachers in all areas of the State
40 when the program is fully established.

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2 B. Professional development program content must be
3 developed to meet the needs of rural and urban areas and for
4 schools that have limited access to the arts due to
5 limitations on local curricula or lack of outside resources,
6 artist residencies or funding.

7 C. The institute shall coordinate with existing
8 professional development programs for teachers of this State.

9 D. The institute is administered by the Maine Arts
10 Commission.

11 **§8253. Definitions**

12
13 As used in this chapter, unless the context otherwise
14 indicates, the following terms have the following meanings.

15 1. Board of trustees. "Board of trustees" means the Board
16 of Trustees of the Maine Center for Arts Education.

17 2. Center. "Center" means the Maine Center for Arts
18 Education.

19 3. Institute. "Institute" means the Professional
20 Development Institute.

21 4. School. "School" means a public school that,
22 notwithstanding the provisions of this Title, may establish rules
23 that modify or augment existing rules of the department.

24 5. Sending school. "Sending school" means any school
25 administrative unit that has a student in attendance at the
26 center.

27 6. Trustee. "Trustee" means a member of the Board of
28 Trustees of the Maine Center for Arts Education.

29 **§8254. Board of trustees**

30 The board of trustees as established in Title 5, section
31 12004-C, subsection 8 is the policy-making authority and the
32 governing body of the school.

33 1. Membership. The board of trustees consists of 19 voting
34 members and 2 nonvoting members as follows:

35 A. The commissioner or the commissioner's designee;

36 B. The Chancellor of the University of Maine System or the
37 chancellor's designee;

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2 C. The chair of the Maine Arts Commission or the chair's
 designee;

4 D. The chair of the statewide community cultural alliance
6 or the chair's designee;

8 E. Three members who are teachers, one of whom is an arts
10 teacher who resides in the greater Portland area and teaches
12 at the school and is a nonvoting member and 2 of whom are
 arts teachers representing different geographic regions of
 the State, appointed by the Governor;

14 F. Eight members of the public, at least 3 of whom must be
16 artists, appointed by the Governor and subject to review by
18 the joint standing committee of the Legislature having
20 jurisdiction over education and cultural affairs and subject
22 to confirmation by the Legislature. In appointing public
 members who are artists, every effort must be made to
 appoint artists with experience with teacher training
 programs or residencies or other arts in education programs;

24 G. The executive director of the statewide alliance for
26 arts education, or its successor organization, or the
 executive director's designee;

28 H. One student member who has been elected by the students
 at the school for a term of one year;

30 I. One parent of a student enrolled in the school or a
32 parent of a graduate of the school, appointed by the
 Governor;

34 J. Two members of the board of directors of the
36 organization designed to support the Maine Center for Arts
38 Education, or its successor organization, appointed by the
 chair of the organization; and

40 K. The chief executive officer of the center, who serves as
 the clerk of the board of trustees and is a nonvoting member.

42 In appointing members to the board of trustees, the Governor
44 shall give proper consideration to achieving geographical
 representation and gender equity.

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

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

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

6 5. Compensation. Members are compensated pursuant to Title
7 5, section 12004-C, subsection 8.

10 6. Terms. The terms of the members of the board of
11 trustees who are appointed by the Governor are for 3 years unless
12 otherwise designated.

14 **§8255. Powers of board of trustees**

16 The board of trustees has the following powers and duties:

18 1. Policies and bylaws. To develop and adopt policies and
19 rules, including bylaws, necessary or useful for the operation of
20 the center;

22 2. Administration. To oversee the administration of the
23 center, including the hiring of a chief executive officer,
24 consultants, teachers, who need not be certified, and
25 administrative support staff;

26 3. Financial management. To appoint a treasurer, who need
27 not be a member of the board of trustees, and to accept
28 donations, bequests or other forms of financial assistance for
29 any educational purpose from a public or private person or agency
30 and in compliance with rules governing grants from the Federal
31 Government or from any other person or agency;

34 4. Budget development. To prepare and adopt, in
35 consultation with the department, an annual budget for the
36 operation of the center and to exercise budgetary responsibility
37 and allocate for expenditure by the center and programs under its
38 jurisdiction all the resources available for the operation of the
39 center and its programs;

40 5. Indemnification. To indemnify the trustees, officers,
41 teaching staff and employees affiliated with the center and to
42 purchase and maintain insurance to indemnify those persons to the
43 extent provided in Title 13-B, section 714;

46 6. Bonds. To require security for the faithful performance
47 of duties by the officers, trustees, employees and other agents
48 of the center who are entrusted with the custody of the center's
49 securities or authorized to disburse the funds of the center.
50 The security must consist of a bond, either a blanket bond or an

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2 individual bond with a surety bond, or bonds having a minimum
3 limitation of \$100,000 cover for each insured person. The
4 expense of a bond is assumed by the center;

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

9 8. Continuing education. To offer workshops, seminars and
10 other continuing education programs through the institute;

11 9. Certificates and diplomas. To offer courses of study
12 and grant certificates on completion of courses of study. High
13 school diplomas must be issued by the sending school;

14 10. Contracts and agreements. To enter into any contracts
15 and agreements, to the extent that funds are available, in the
16 execution of its powers under this chapter;

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

19 12. Criteria for enrollment. To establish criteria to be
20 used in determining eligibility of applicants for enrollment at
21 the center. The criteria must include methods of ensuring gender
22 equity for students selected;

23 13. Student conduct. To prepare and adopt procedures and
24 rules to ensure the smooth operation of student conduct standards;

25 14. Geographical basis. To develop professional
26 development programs, in conjunction with the Maine Arts
27 Commission, that will reach teachers in all areas of the State;

28 15. Fees and charges. To establish and collect necessary
29 fees and to set policies relating to other appropriate charges
30 for teachers and others participating in professional development
31 programs and for students at the school;

32 16. Benchmarks and assessments. To establish benchmarks
33 and methods of assessing progress in the levels of achievement in
34 the visual, performing, literary or other arts for students who
35 participate in school programs and to establish benchmarks and
36 methods of assessing progress in the professional development of
37 teachers who participate in professional development programs;

38 17. Report. To report annually by January 1st to the
39 Governor and the joint standing committee of the Legislature
40 having jurisdiction over education and cultural affairs on the
41 state of Maine;

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2 results of the assessment in subsection 16 by the board of
3 trustees on the general status of the center and to provide
4 annually to the Governor and the Legislature a financial audit of
5 the center conducted by an independent auditor;

6 18. Sue or be sued. To sue or be sued in the name of the
7 center; and

8
9 19. Other. To do any other act necessary or useful for
10 carrying out its powers, duties or purposes.

12 §8256. Programs and operations

14 1. Calendar year. The institute operates on a year-round
15 basis and the school operates on an academic year that meets or
16 exceeds the minimum number of statewide student instructional
17 days.

18
19 2. Courses of study; programs; plan. The board of trustees
20 shall submit by February 15, 1998 a plan to the joint standing
21 committee of the Legislature having jurisdiction over education
22 and cultural affairs that outlines the educational programs
23 provided by the center consistent with available funding for
24 those programs.

25 The institute, to be operational in January 1998, may include but
26 is not limited to professional development activities for
27 teachers, workshops, seminars, outreach activities to all school
28 administrative units, summer courses, master classes, teacher
29 exchange programs, artist residencies and various other programs
30 for teachers, students and artists. The institute may offer
31 other innovative programs that meet the purpose of the center and
32 assist in the professional development of all teachers.

33
34 The school, to be operational in September 1998, shall offer
35 courses of instruction designed to extend and, where applicable,
36 supplement the sending school's existing art programs and shall
37 utilize:

38
39 A. Existing secondary and post-secondary educational
40 institutions in the greater Portland area;

41
42 B. Private resources available for the purpose of providing
43 coordinated programs for highly motivated students to
44 advance their technical and professional skills;

45
46 C. Arts institutions; and

47
48 D. Organizations and associations in both the nonprofit and
49 profit-making sectors.

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2 The school in the Portland area is designed as one model among
4 other models that may be developed with appropriate resources in
other areas of the State.

6 3. School admission. The school may admit high school
8 students and may offer early admittance to students whose
exceptional abilities or special circumstances warrant their
early entry.

10 4. Telecommunications. The center may make appropriate
12 activities and materials available for the benefit of students
14 and teachers statewide via the State's telecommunications
infrastructure.

16 **§8257. Financing authority**

18 The board of trustees may borrow funds, issue bonds and
20 negotiate notes and other evidences of indebtedness or
obligations of the center for renovation and construction
22 purposes to pay for costs as defined in Title 22, section 2053,
subsection 3 and may issue temporary notes and renewal notes to
24 pay for those costs. Bonds, notes or other evidences of
indebtedness or obligations of the center are legal obligations
26 of the center payable solely from its revenues and other sources
of funds, including funds obtained pursuant to Title 22, section
28 2053, subsection 4-B, paragraph C, and do not constitute a debt
of liability, and those bonds and notes are not includable in any
30 debt limitation of the State or any municipality or political
subdivision of the State. The board of trustees has the
32 discretion to fix the date, maturity, denomination, interest
rate, place of payment, form and other details of the bonds or
34 notes of the center. Unless otherwise provided in the vote
authorizing their issuance, bonds or notes of the center are
36 signed by the treasurer and countersigned by the chair of the
board of trustees. The board of trustees may pledge or assign
38 its revenues, including any funds that have been or may be
appropriated to the center by any municipality in the sending
40 area, and the proceeds of those revenues as security toward its
bonds, notes, other evidences of indebtedness or other
42 obligations of the center. The proceeds of bonds, notes or other
evidences of indebtedness may be invested in accordance with
44 Title 30-A, sections 5706 and 5712. Bonds, notes and other
evidences of indebtedness issued under this section are not debts
46 of the State or a pledge of the credit of the State, but are
payable solely from the funds of the center.

48 **Sec. R-3. 22 MRSA §2053, sub-§4-B, as repealed and replaced by**
50 **PL 1993, c. 706, Pt. A, §5, is amended to read:**

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2 4-B. Institution for higher education. "Institution for
higher education" means:

4 A. Any private, nonprofit or charitable institution or
6 organization engaged in the operation of, or formed for the
purpose of operating, an educational institution within this
8 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

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

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

28 **Sec. R-4. Initial terms; board of trustees.** Notwithstanding the
Maine Revised Statutes, Title 20-A, section 8254, subsection 6,
30 the terms for the initial members of the Board of Trustees of the
Maine Center for Arts Education who are teachers and members of
32 the general public and are appointed by the Governor are governed
by this section. Of the 3 arts teachers initially appointed
34 pursuant to Title 20-A, section 8254, subsection 1, paragraph E,
one member serves a term of 2 years and one member serves a term
36 of 3 years as designated by the Governor. Of the 8 members of
the general public initially appointed pursuant to Title 20-A,
38 section 8254, subsection 1, paragraph F, 2 members serve 2-year
terms and 3 members serve 3-year terms as designated by the
40 Governor.'

42 Further amend the amendment by relettering or renumbering
any nonconsecutive Part letter or section number to read
44 consecutively.

46
48 **FISCAL NOTE**

The amendment establishes the Maine Center for Arts

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2 Education to include a public chartered school, a student
institute and the Professional Development Institute. While no
4 funding is provided in the amendment, similar charter school
initiatives have received or requested General Fund
6 appropriations ranging from \$285,000 to \$320,000 to be used for
planning, development and recruitment costs.

8 The additional amount of General Fund appropriations that
will be required for general operations of the school and other
10 center programs can not be determined at this time. Even though
the amendment states that Maine students may attend the school
12 tuition-free, the amendment is not specific to responsibility for
tuition payments, the method to calculate tuition, the effect of
14 facility debt service payments on that tuition rate and the
responsibility for room and board and other associated costs.

18
20 **SUMMARY**

This amendment establishes the Maine Center for Arts
22 Education.

24
26 SPONSORED BY: Jane Amers
(Senator AMERO)

28 COUNTY: Cumberland
30