

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1273

S.P. 388

In Senate, February 27, 1997

An Act to Establish the Maine Center for Arts Education.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.
Cosponsored by Senator SMALL of Sagadahoc and
Senators: ABROMSON of Cumberland, PENDLETON of Cumberland, RAND of
Cumberland, Representatives: BARTH of Bethel, BRENNAN of Portland, DONNELLY of
Presque Isle, MARVIN of Cape Elizabeth, SAXL of Portland.

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

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

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

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

10 **CHAPTER 312-A**

12 **MAINE CENTER FOR ARTS EDUCATION**

14 **§8251. Center established**

16 The Maine Center for Arts Education, established pursuant to
18 this chapter, is composed of a charter school for the purpose of
20 providing artistically motivated students who have exhausted the
22 available programs in their sending schools with a challenging
24 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.

26 **§8252. Mission; funding**

28 **1. Charter school.** The charter school is established as a
30 public school located initially in the greater Portland area, and
32 the following provisions apply.

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

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

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

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

50

2 E. Students from other states and countries may attend the
3 school on a space-available basis by paying the cost of
4 tuition, fees and room and board as established by the board
5 of trustees.

6 F. The school may establish operating rules that,
7 notwithstanding any other provisions of this Title, may
8 contradict, modify or augment existing rules of the
9 department.

10
11 2. Student institute. The student institute is established
12 as a statewide resource for students who are highly motivated in
13 the arts and who have exhausted available programs in their
14 sending schools and need an intensive, short-term experience in
15 arts education. Programs may vary from a few days to one week in
16 duration depending on the time of year and nature of the
17 program. Students will be recruited from all over the State.

18
19 3. Professional Development Institute. The Professional
20 Development Institute is established as a statewide resource for
21 classroom teachers including both general educators and arts
22 specialists, and the following provisions apply.

23
24 A. Professional development training sessions must be made
25 available to artists and teachers in all areas of the State
26 when the program is fully established.

27
28 B. Professional development program content must be
29 developed to meet the needs of rural and urban areas and for
30 schools that have limited access to the arts due to
31 limitations on local curricula or lack of outside resources,
32 artist residencies or funding.

33
34 C. The institute shall coordinate with existing
35 professional development programs for teachers of this State.

36
37 D. The institute shall coordinate with existing arts in
38 education programs of the Maine Arts Commission. Statewide
39 arts education organizations shall advise the institute.

40
41 **§8253. Definitions**

42
43 As used in this chapter, unless the context otherwise
44 indicates, the following terms have the following meanings.

45
46 1. Board of trustees. "Board of trustees" means the Board
47 of Trustees of the Maine Center for Arts Education.

48
49 2. Center. "Center" means the Maine Center for Arts
50 Education.

2 3. Charter school. "Charter school" means a public school
4 that, notwithstanding the provisions of this Title, may establish
5 rules that contradict, modify or augment existing rules of the
6 department.

7 4. Institute. "Institute" means the Professional
8 Development Institute.

10 5. School. "School" means the charter school for
11 performing, visual, literary and other arts.

12 6. Sending school. "Sending school" means any school
14 administrative unit that has a student in attendance at the
15 center.

16 7. Trustee. "Trustee" means a member of the Board of
18 Trustees of the Maine Center for Arts Education.

20 **§8254. Board of trustees**

22 The board of trustees as established in Title 5, section
24 12004-C, subsection 8 is the policy-making authority and the
25 governing body of the school.

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

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

30 B. The Chancellor of the University of Maine System or the
32 chancellor's designee;

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

36 D. The chair of the statewide community cultural alliance
38 or the chair's designee;

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

46 F. Eight members of the public, at least 3 of whom must be
47 artists, appointed by the Governor and subject to review by
48 the joint standing committee of the Legislature having
49 jurisdiction over education and cultural affairs and subject
50 to confirmation by the Legislature. In appointing public

2 members who are artists, every effort must be made to
3 appoint artists with experience with teacher training
4 programs or residencies or other arts in education programs;

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

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

12 I. One parent of a student enrolled in the school or a
13 parent of a graduate of the school, appointed by the
14 Governor;

16 J. Two members of the board of directors of the
17 organization designed to support the Maine Center for Arts
18 Education, or its successor organization, appointed by the
19 chair of the organization; and

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

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

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

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

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

38 5. Compensation. Members are compensated pursuant to Title
39 5, section 12004-C, subsection 8.

42 6. Terms. The terms of the members of the board of
43 trustees who are appointed by the Governor are for 3 years unless
44 otherwise designated.

46 **§8255. Powers of board of trustees**

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

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

4
6 2. Administration. To oversee the administration of the
center, including the hiring of a chief executive officer,
consultants, teachers and administrative support staff;

8
10 3. Financial management. To appoint a treasurer, who need
not be a member of the board of trustees, and to accept
donations, bequests or other forms of financial assistance for
12 any educational purpose from a public or private person or agency
and in compliance with rules governing grants from the Federal
14 Government or from any other person or agency;

16 4. Budget development. To prepare and adopt an annual
budget for the operation of the center and to exercise budgetary
18 responsibility and allocate for expenditure by the center and
programs under its jurisdiction all the resources available for
20 the operation of the center and its programs;

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

26 6. Bonds. To require security for the faithful performance
of duties by the officers, trustees, employees and other agents
28 of the center who are entrusted with the custody of the center's
securities or authorized to disburse the funds of the center.
30 The security must consist of a bond, either a blanket bond or an
individual bond with a surety bond, or bonds having a minimum
32 limitation of \$100,000 cover for each insured person. The
expense of a bond is assumed by the center;

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

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

42 9. Certificates and diplomas. To offer courses of study
44 and grant diplomas and certificates on completion of courses of
study. This may be done in cooperation with any sending school;

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

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

4 12. Criteria for enrollment. To establish criteria to be
5 used in determining eligibility of applicants for enrollment at
6 the center. The criteria must include methods of ensuring gender
7 equity for students selected;

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

10 14. Geographical basis. To develop professional
11 development programs that will reach teachers in all areas of the
12 State and to develop and adopt an admissions policy to ensure
13 that students from all over the State have an equal opportunity
14 to attend the school;

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

19 16. Benchmarks and assessments. To establish benchmarks
20 and methods of assessing progress in the levels of achievement in
21 the visual, performing, literary or other arts for students who
22 participate in school programs and to establish benchmarks and
23 methods of assessing progress in the professional development of
24 teachers who participate in professional development programs;

25 17. Report. To report biennially to the Governor and the
26 joint standing committee of the Legislature having jurisdiction
27 over education and cultural affairs on the results of the
28 assessment in subsection 16 by the board of trustees on the
29 general status of the center and to provide annually to the
30 Governor and the Legislature a financial audit of the center
31 conducted by an independent auditor;

32 18. Sue or be sued. To sue or be sued in the name of the
33 center; and

34 19. Other. To do any other act necessary or useful for
35 carrying out its powers, duties or purposes.

36 §8256. Programs and operations

37 1. Calendar year. The institute operates on a year-round
38 basis and the school operates on an academic year that meets or
39 exceeds the minimum number of statewide student instructional
40 days.

2 2. Courses of study; programs; plan. The board of trustees
3 shall submit by February 15, 1998 a plan to the joint standing
4 committee of the Legislature having jurisdiction over education
5 and cultural affairs that outlines the educational programs
6 provided by the center consistent with available funding for
7 those programs.

8
9 The institute, to be operational in January 1998, may include but
10 is not limited to professional development activities for
11 teachers, workshops, seminars, outreach activities to all school
12 administrative units, summer courses, master classes, teacher
13 exchange programs, artist residencies and various other programs
14 for teachers, students and artists. The institute may offer
15 other innovative programs that meet the purpose of the center and
16 assist in the professional development of all teachers.

17 The school, to be operational in September 1998, shall offer
18 courses of instruction designed to extend and, where applicable,
19 supplement the sending school's existing art programs and shall
20 utilize:

21 A. Existing secondary and post-secondary educational
22 institutions in the greater Portland area;

23 B. Private resources available for the purpose of providing
24 coordinated programs for highly motivated students to
25 advance their technical and professional skills;

26 C. Arts institutions; and

27 D. Organizations and associations in both the nonprofit and
28 profit-making sectors.

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

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

36 4. Telecommunications. The center may make appropriate
37 activities and materials available for the benefit of students
38 and teachers statewide via the State's telecommunications
39 infrastructure.

40 §8257. Financing authority

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

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

34 **4-B. Institution for higher education.** "Institution for
higher education" means:

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

44 B. The Maine School of Science and Mathematics, as
46 established in Title 20-A, chapter 312. To repay any
necessary outstanding construction bonds, the adjusted
48 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

2 solely to repay bonds from the authority and expires when
the bond is retired; and

4 C. The Maine Center for Arts Education, as established in
6 Title 20-A, chapter 312-A. To repay any necessary
8 outstanding construction bonds, the adjusted tuition and
10 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.

12 **Sec. 4. Initial terms; board of trustees.** Notwithstanding the
14 Maine Revised Statutes, Title 20-A, section 8254, subsection 6,
the terms for the initial members of the Board of Trustees of the
16 Maine Center for Arts Education who are teachers and members of
the general public and are appointed by the Governor are governed
by this section. Of the 3 arts teachers initially appointed
18 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
20 of 3 years as designated by the Governor. Of the 8 members of
the general public initially appointed pursuant to Title 20-A,
22 section 8254, subsection 1, paragraph F, 2 members serve 2-year
terms and 3 members serve 3-year terms as designated by the
24 Governor.

26 SUMMARY

28 This bill establishes the Maine Center for Arts Education.
30 The center is composed of a charter school in the Portland area
and a student and a professional development institute, which is
32 established to utilize the arts in education to provide teacher
training and other programs for all teachers on a statewide
34 basis. The charter school would establish a series of regional
arts education programs for artistically motivated students who
36 have exhausted the available programs in their sending schools.
The charter school is designed to be replicated in other areas of
38 the State. This bill represents the recommendations of the Task
Force on the Maine School of Visual and Performing Arts,
40 established in Public Law 1993, chapter 706, Part B.