

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 671 - L.D. 1718

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Engage professional and administrative staff, separate from the department;
- (2) Convene stakeholder groups and engage experts; and
- (3) Seek and receive state, federal and private funds.

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

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