



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 536

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H.P. 360

House of Representatives, February 26, 2015

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### **An Act To Amend Provisions Regarding the Appointment of Members of the Maine Charter School Commission**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DAUGHTRY of Brunswick.  
Cosponsored by Representatives: BROOKS of Lewiston, HUBBELL of Bar Harbor,  
KORNFIELD of Bangor, MAKER of Calais, McCLELLAN of Raymond, PIERCE of  
Falmouth, POULIOT of Augusta, STEARNS of Guilford.

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

2 **Sec. 1. 20-A MRSA §2405, sub-§8, ¶A,** as amended by PL 2013, c. 368, Pt.  
3 JJJJ, §2, is further amended to read:

4 A. The commission consists of 7 members ~~appointed by the state board~~ who serve  
5 for 3-year terms. The commission shall elect a chair and such other officers as may  
6 be necessary to conduct its business. Four members constitute a quorum.

7 (1) Three members are appointed by the state board and must be members of the  
8 state board, and those 3 members shall nominate the other 4 members ~~who must~~  
9 ~~be approved by a majority vote of the state board for appointment to the~~  
10 ~~commission by the Governor. Each appointment by the Governor is subject to~~  
11 ~~review by the joint standing committee of the Legislature having jurisdiction over~~  
12 ~~education matters and to confirmation by the Senate.~~

13 (2) Members appointed to the commission must have diverse professional  
14 experience in education, social services, youth training, business startup and  
15 administration, accounting and finance, strategic planning and nonprofit  
16 governance. ~~The following provisions apply to the appointment of the 4 other~~  
17 ~~members nominated and appointed by state board members pursuant to~~  
18 ~~subparagraph (1):~~ When nominating the other 4 members of the commission  
19 pursuant to subparagraph (1), the members who are appointed by the state board  
20 shall give proper consideration to candidates with experience in a noncharter  
21 public school in the State in one of the following positions: school board  
22 member, superintendent, teacher and special education director.

23 ~~(a) In appointing members to the commission, the state board shall give~~  
24 ~~proper consideration to candidates with experience in a noncharter public~~  
25 ~~school in the State in one of the following positions: school board member,~~  
26 ~~superintendent, teacher and special education director;~~

27 ~~(b) The state board shall ensure that the joint standing committee of the~~  
28 ~~Legislature having jurisdiction over education matters has an opportunity to~~  
29 ~~meet and interview the candidate or candidates nominated for the~~  
30 ~~commission;~~

31 ~~(c) Within 10 days of meeting with the candidate or candidates, the joint~~  
32 ~~standing committee of the Legislature having jurisdiction over education~~  
33 ~~matters shall deliver to the state board its written appraisal of the strengths~~  
34 ~~and weaknesses of the candidate or candidates; and~~

35 ~~(d) The state board shall consider the appraisal of the joint standing~~  
36 ~~committee of the Legislature having jurisdiction over education matters prior~~  
37 ~~to appointing a candidate or candidates to the commission.~~

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

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

1 (5) A commission member who is a member of the state board serves on the  
2 commission only during that person's membership on the state board. Upon  
3 expiration of that person's state board membership, the position on the  
4 commission becomes vacant and must be filled in the manner provided for filling  
5 vacancies. The term of a member who is ~~approved by the state board and~~  
6 ~~reviewed by the joint standing committee of the Legislature having jurisdiction~~  
7 ~~over education matters~~ not a member of the state board ends on June 30th of the  
8 final year of the member's term.

9 (6) A vacancy on the commission must be filled in the same manner as the  
10 position in which the vacancy occurs is regularly filled, ~~including, if applicable, a~~  
11 ~~review by the joint standing committee of the Legislature having jurisdiction over~~  
12 ~~education matters~~. A vacancy is filled for the remainder of the unexpired term.  
13 If the person serves more than 1 1/2 years of an unexpired term, that service  
14 counts as one term for purposes of the limitation set forth in subparagraph (3).

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

18 **Sec. 2. Transition from appointment of 4 members by state board to**  
19 **appointment by the Governor.** Notwithstanding the Maine Revised Statutes, Title  
20 20-A, section 2405, subsection 8, beginning January 1, 2016, members of the Maine  
21 Charter School Commission serving on the effective date of this Act continue to serve  
22 until the completion of their terms. Their successors are appointed as provided in Title  
23 20-A, section 2405, subsection 8, paragraph A.

## 24 SUMMARY

25 This bill amends the provisions that apply to the appointment of the 4 members of the  
26 Maine Charter School Commission, who are currently nominated and appointed by the 3  
27 members of the State Board of Education subject only to review by the joint standing  
28 committee of the Legislature having jurisdiction over education matters and majority vote  
29 of the state board, to provide instead for nomination by the 3 members of the state board  
30 for appointment by the Governor, subject to review by the joint standing committee of the  
31 Legislature having jurisdiction over education matters and confirmation by the Senate.