

**CHAPTER 5****STATE BOARD OF EDUCATION****§401. State Board of Education**

The State Board of Education is established by Title 5, section 12004-C, subsection 1. The State Board of Education shall be an autonomous body and shall maintain an office in Augusta. The appointments, terms and expenses of the State Board of Education members shall be as follows. [PL 1989, c. 503, Pt. B, §72 (AMD).]

**1. Appointment.** The state board consists of 9 members and, beginning in the 2007-2008 school year, 2 nonvoting student members, one junior and one senior in high school. All members are appointed by the Governor. Four members must reside in the State's First Congressional District at the time of appointment, 4 members must reside in the State's Second Congressional District at the time of appointment and one member may reside in either the First Congressional District or the Second Congressional District at the time of appointment. One of the student members must attend school in the State's First Congressional District at the time of appointment and the other student member must attend school in the State's Second Congressional District at the time of appointment. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate. [PL 2013, c. 15, §1 (AMD).]

**1-A. Nomination of student members.** Each student member of the state board serves for a term of 2 years, except that the senior appointed in the 2007-2008 school year serves for one year. A junior in high school must be added each year to the state board to serve a term of 2 years.

A. The state board shall notify every public high school principal by March 15th of the year in which applications are being accepted for the student member's position. [PL 2007, c. 200, §2 (NEW).]

B. Applications for the student member's position must be submitted to the state board no later than April 15th of the year in which applications are being accepted. [PL 2007, c. 200, §2 (NEW).]

C. A screening committee of the state board shall select 6 semifinalists for the student member's position. [PL 2007, c. 200, §2 (NEW).]

D. The state board shall, by May 1st of the year in which applications are being accepted, select 3 finalists for the Governor's consideration and shall rank the finalists according to its preference. [PL 2007, c. 200, §2 (NEW).]

[PL 2007, c. 200, §2 (NEW).]

**1-B. Term of student member.** Notwithstanding subsection 4, the term of office of the student member of the state board is 2 years.

[PL 2007, c. 200, §3 (NEW).]

**1-C. Qualifications for service as student member.** At the time a student member of the state board's term commences, the student must:

A. Be enrolled in good standing in a public high school in the State; [PL 2007, c. 200, §4 (NEW).]

B. Have completed 10th grade prior to the commencement of the term; [PL 2007, c. 200, §4 (NEW).]

C. Provide at least 3 references from teachers in the school that the student attends; and [PL 2007, c. 200, §4 (NEW).]

D. Meet other criteria established by the state board in consultation with students in the State. [PL 2007, c. 200, §4 (NEW).]  
[PL 2007, c. 200, §4 (NEW).]

**2. Composition.** The membership of the state board must be broadly representative of the geographic regions of the State and of municipalities of varying sizes. Members must have a strong interest in and knowledge of education.  
[PL 2019, c. 421, §1 (AMD).]

**3. Expenses.** Members of the state board shall be compensated according to the provisions of Title 5, chapter 379; a member shall receive compensation whenever that member fulfills any board duties in accordance with board bylaws.  
[PL 1987, c. 851, §3 (AMD).]

**4. Term.** The term of office of each member is 5 years and the term begins when the member is sworn into office. A person may not serve more than any 2 5-year terms. A vacancy must be filled for the remainder of the unexpired term. If a person appointed to fill a vacancy serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed in this subsection. The state board shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the procedure and criteria by which the state board may recommend to the Governor the removal of a member from office prior to completion of the term of appointment for failure to perform the duties of office.  
[PL 2007, c. 528, §1 (AMD).]

**5. Assistance.** The department shall provide staff assistance to the state board in carrying out its functions.  
[PL 1987, c. 851, §5 (NEW).]

**6. Release time for state board meeting attendance.** A teacher or administrator serving on the state board must be granted release time for attendance at state board meetings. The state board is responsible for the cost of any substitute teacher for a teacher granted release time under this subsection.  
[PL 2019, c. 421, §2 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 812, §§101,102 (AMD). PL 1987, c. 851, §§1-5 (AMD). PL 1989, c. 503, §B72 (AMD). PL 2005, c. 16, §1 (AMD). PL 2007, c. 179, §§1, 2 (AMD). PL 2007, c. 200, §§1-4 (AMD). PL 2007, c. 466, Pt. B, §14 (AMD). PL 2007, c. 466, Pt. B, §15 (AFF). PL 2007, c. 528, §1 (AMD). PL 2007, c. 695, Pt. A, §21 (AMD). PL 2013, c. 15, §1 (AMD). PL 2019, c. 421, §§1, 2 (AMD).

#### §401-A. Responsibilities of the State Board of Education

The State Board of Education is intended to act as a body with certain policy-making, administrative and advisory functions. In those capacities, the board has the primary responsibility for the following: [PL 1987, c. 395, Pt. A, §47 (NEW).]

**1. Formulating policy.** Formulating policy by which the commissioner shall administer certain regulatory tasks;  
[PL 1987, c. 395, Pt. A, §47 (NEW).]

**2. Advising commissioner.** Advising the commissioner in the administration of all the mandated responsibilities of that position; and  
[PL 1987, c. 395, Pt. A, §47 (NEW).]

**3. Enforcing regulatory requirements.** Enforcing regulatory requirements for school administrative units.

[PL 1987, c. 395, Pt. A, §47 (AMD).]

The state board may advise the commissioner and the Legislature on matters concerning state laws relating to public preschool to grade 12 and postsecondary education. [PL 2007, c. 572, Pt. A, §1 (NEW).]

#### SECTION HISTORY

PL 1987, c. 395, §A47 (NEW). PL 2007, c. 572, Pt. A, §1 (AMD).

#### §402. Organization; meetings

The state board shall organize and meet as follows. [PL 1981, c. 693, §§ 5, 8 (NEW).]

**1. Organization.** The state board shall organize annually by electing one of their members as chairman and one as vice-chairman. They may also elect other officers.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**2. Meetings.** Meetings of the state board shall be held at least quarterly on call of the chairman or the commissioner on 5 days' written notice to members. If both the chairman and commissioner are absent, or refuse to call a meeting, any 3 members of the state board may call a meeting by similar notices in writing.

[PL 1987, c. 395, Pt. A, §48 (AMD).]

**3. Quorum.** A majority of the state board members shall be a quorum.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**4. Rules.** The state board may adopt or amend rules for meeting procedures and administration of its duties.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1987, c. 395, §A48 (AMD).

#### §403. Seal

The state board shall adopt a seal. The seal may be used by the commissioner to authenticate documents or copies of documents. [PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

#### §404. Records

The state board shall be responsible for the following records. [PL 1987, c. 395, Pt. A, §49 (AMD).]

**1. Records.** The state board shall keep a complete record of the minutes of its meetings and other procedures.

[PL 1987, c. 851, §6 (AMD).]

**2. Report.**

[PL 1987, c. 395, Pt. A, §49 (RP).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1987, c. 395, §A49 (AMD). PL 1987, c. 851, §6 (AMD).

#### §405. Powers and duties

The state board shall have the following powers and duties. [PL 1981, c. 693, §§5, 8 (NEW).]

**1. General authority.** The state board shall have only the powers specifically stated in this Title. [PL 1981, c. 693, §§5, 8 (NEW).]

**2. Advisory role.** The state board shall advise the commissioner concerning matters contained in this Title.

[PL 1981, c. 693, §§5, 8 (NEW).]

**3. Specific duties.** The state board shall have the following specific powers and perform the following duties:

A. Make recommendations to the Legislature for the efficient conduct of the public schools; [PL 1981, c. 693, §§5, 8 (NEW).]

B. Approve the formation of school administrative districts; [PL 1981, c. 693, §§5, 8 (NEW).]

C. [PL 1985, c. 497, §3 (RP).]

D. Review, when necessary, decisions made by the commissioner on applications for additions to, dissolution of, transfers among, withdrawals from and closing of schools in school administrative districts and community school districts; [PL 1987, c. 395, Pt. A, §50 (AMD).]

E. Adopt or amend rules on requirements for approval and accreditation of elementary and secondary schools; [PL 1981, c. 693, §§5, 8 (NEW).]

F. Establish standards for the certification of teachers; [PL 1981, c. 693, §§5, 8 (NEW).]

G. Adjust the subsidy to a school administrative unit when the expenditures for education in the unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive; [PL 1981, c. 693, §§5, 8 (NEW).]

H. Act on articles of agreement for creation of an interstate school district; [PL 1981, c. 693, §§5, 8 (NEW).]

I. Develop and adopt a plan for the establishment of career and technical education centers and regions and act upon applications to alter the delivery of career and technical education within career and technical education regions and center areas; [RR 2003, c. 2, §32 (COR).]

J. Adopt or amend rules on standards for school construction; [PL 1981, c. 693, §§5, 8 (NEW).]

K. Approve projects for state construction aid; [PL 1981, c. 693, §§5, 8 (NEW).]

L. Approve the formation of community school districts; [PL 1981, c. 693, §§5, 8 (NEW).]

M. Approve isolated secondary schools; [PL 1981, c. 693, §§5, 8 (NEW).]

N. Obtain information regarding applications for granting degrees and make a recommendation to the Legislature; [PL 1981, c. 693, §§5, 8 (NEW).]

O. Recommend funds to the Bureau of the Budget for equalization of educational opportunity; [PL 1993, c. 290, §1 (AMD).]

P. [PL 1989, c. 698, §12 (RP); PL 1989, c. 698, §76 (AFF).]

Q. Serve as state agency for administering federal funds for construction of school facilities and for career and technical education; [RR 2003, c. 2, §33 (COR).]

R. [PL 1985, c. 797, §11 (RP).]

S. Develop long-range education goals and standards for school performance and student performance to improve learning results as established in section 6209 and recommend to the commissioner and to the Legislature a plan for achieving those goals and standards; [PL 2001, c. 454, §6 (AMD).]

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act; [PL 2013, c. 581, §1 (AMD).]

U. Review the organization of school administrative units statewide to identify current cooperative agreements between school administrative units. Cooperative agreements may include, but are not limited to: purchasing or contract agreements; administrative functions; shared staff and staff training; and technology initiatives. Based on the review, and in consultation with the department, the state board may recommend that school administrative units develop and carry out a plan for a cooperative agreement with one or more other school administrative units. "Cooperative agreement" may include agreements between school administrative units and career and technical education regions and career and technical education centers; [PL 2015, c. 72, §1 (AMD).]

V. Study school administrative unit configuration statewide; and [PL 2015, c. 72, §2 (AMD).]

W. Enter into an interstate reciprocity agreement regarding postsecondary distance education, administer the agreement and approve or disapprove an application to participate in the agreement from a postsecondary institution that has its principal campus in the State. [PL 2015, c. 72, §3 (NEW).]

[PL 2015, c. 72, §§1-3 (AMD).]

**4. Review of department decisions.**

[PL 1987, c. 395, Pt. A, §51 (RP).]

**5. Overseeing school administrative districts.**

[PL 1987, c. 395, Pt. A, §52 (RP).]

**6. Recommendations to Legislature.** The state board shall recommend to the Legislature any new legislation or amendments to existing legislation for the efficient conduct of the public schools and for achieving the education and performance goals and standards and the plan for the public schools developed in accordance with subsection 3, paragraph S.

[PL 1993, c. 290, §4 (AMD).]

**7. Federal career and technical education aid.** The state board shall administer any federal funds received for the benefit of career and technical education programs in the State. As the designated state agency authorized to administer federal funds, the board shall develop a state plan, approve the State's application for career and technical education funds and disburse federal money as authorized and required by applicable federal law.

[PL 1993, c. 349, §44 (AMD); PL 2003, c. 545, §4 (REV).]

**8. Maine Merchant Marine Day.**

[PL 2019, c. 398, §8 (RP).]

**9. Contract for services.** The state board may contract for any necessary consultative services or support staff.

[PL 1987, c. 851, §7 (NEW).]

**10. Comprehensive school budget approval procedure.** The state board shall develop a model comprehensive school budget approval procedure and, working in conjunction with the department, strongly encourage school administrative units to adopt and implement the model as local school board policy. The model procedure must be designed to provide early and continuous collaboration between school officials and municipal officials and to encourage frequent opportunity for public comment in the development of each unit's annual budget.

[PL 1999, c. 710, §1 (NEW).]

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §7 (AMD). PL 1985, c. 497, §3 (AMD). PL 1985, c. 785, §B79 (AMD). PL 1985, c. 797, §§10-12 (AMD). PL 1987, c. 140, §2 (AMD). PL 1987, c. 395, §§A50-A52 (AMD). PL 1987, c. 851, §7 (AMD). PL 1989, c. 698, §§11,12 (AMD). PL 1993, c. 290, §§1-4 (AMD). PL 1993, c. 349, §44 (AMD). PL 1995, c. 395, §§J2-4 (AMD). PL 1999, c. 710, §1 (AMD). PL 2001, c. 454, §6 (AMD). RR 2003, c. 2, §§32,33 (COR). PL 2003, c. 545, §§4,5 (REV). PL 2005, c. 611, §§1,2 (AMD). PL 2013, c. 581, §1 (AMD). PL 2015, c. 72, §§1-3 (AMD). PL 2019, c. 398, §8 (AMD).

**§406. Rules**

The state board may adopt rules to carry out its responsibilities under this Title. [PL 1981, c. 693, §§ 5, 8 (NEW).]

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW).

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