

**§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).]

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**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).]

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**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).

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