



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The State Board of Education held a regular monthly meeting on April 14, 2021 virtually via Zoom. The following members were present: Chair Wilson Hess; Vice Chair Peter Geiger; Wendy Ault; John Bird; Fern Desjardins; James Ford; Victoria Kornfield; Cynthia Murray-Beliveau; Casey Maddock; and Greyson Orne.

Vacant: One Member

Others Present: Mary Becker, State Board Secretary Specialist.

CALLED TO ORDER:

Chair, Wilson Hess called the meeting to order at 1:03 PM.

The meeting was conducted in accordance with Sec. G-1. 1 MRSA §403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. Whereas the meeting is open to the public, all votes will be taken by roll call. Ten Board members attended virtually.

Roll call was taken by Mary Becker, Secretary Specialist. The chair declared a quorum present.

VISION STATEMENT:

Read by student member, Casey Maddock: The Vision of the State Board is to ensure Maine public school students graduate with the skills, knowledge, and principles to be responsible American citizens; self-directed and dedicated to making contributions to society by pursuing further education and employment.

APPROVAL OF MINUTES:

MOVED by Fern Desjardins, seconded by John Bird, and unanimously voted by those present to accept the March 10, 2021 minutes as presented.

PUBLIC COMMENT:

No Public Comment

INTRODUCTION – WELCOME OF NEW MEMBERS:

Wilson Hess welcomed two new members to the State Board of Education, Cynthia Murray-Beliveau and Victoria Kornfield. Both have long and distinguished careers of public service and experience of teaching. The Board is very fortunate to have Cynthia and Victoria as State Board Members.

Victoria Kornfield taught for 37 years as an English teacher. She served on the Maine State Legislature for eight years. All of the eight years served were on the Education and Cultural Affairs Committee and for six years she was a co-chair of the committee. It was a tradition for Victoria to bring a poem to the committee's work each session. Today, Victoria shared a poem with Board members.

Cynthia Murray-Beliveau is a Maine native and grew up in Bangor. She attended catholic schools, K through college. She has taught in public schools as a music teacher, a guidance counselor, and a tutor of special education children. Cynthia has served as a member on various Boards.

OFFICER'S REPORTS:

Chair, Wilson Hess

- Wilson reviewed the business agenda for the April 14 meeting.
 - *Unfinished Business*
 - Rule Chapter 115 has been carried forward from previous meetings. The Chair of the Certification and Higher Education Committee will have a motion today to move Chapter 115 forward to a future meeting.
 - *New Business*
 - No new business today but based on the workshop session from the morning meeting, an ad-hoc committee will be established to advise the Commissioner on the American Rescue Plan Funds to the best advantage of education in Maine.
 - The Board has three student transfer appeals to review. There is a process that members of the public will be familiarized with. The Board will go into executive session to review the transfer appeals.
- Wilson has provided testimony at public hearings on eight pieces of Legislation. He has participated in several work sessions as well. There

are a number of bills that the Legislative Action Committee has been tracking.

- He has prepared three fiscal notes at the request of the financial analyst for the Education and Cultural Affairs Committee.
- Board members have been provided the Board's budget (expenditures) which remains on track.
- Wilson testified at the confirmation hearing for Cordelia Pitman who was nominated to the Board by Governor Mills. Ms. Pitman is a resident of Portland.
- He participated in a joint presentation to the Education and Cultural Affairs Committee with Deputy Commissioner Chuhta related to Chapter 115. The presentation was at the request of the Committee and Wilson was pleased to be able to provide them the context.
- He has been active on the Maine Education Policy Research Institute Steering Committee (MEPRI) regarding its work plan for 2022 providing research related to education in the State of Maine.
- He has been engaged in discussions with the National Association of State Boards of Education (NASBE) President, Robert Hull, to provide services for the Board's two-day retreat in August. The services of NASBE are included in the Board's membership, except for travel costs. Mr. Hull will be leaving his post as the president of NASBE but is eager to remain active. He is very skilled as a facilitator and has a style that is conducive, and he has an understanding of State Boards across the country. There will be further discussion on the retreat and Mr. Hull's services.

Vice Chair, Peter Geiger

- During the past month Peter chaired four Legislative Action Committee meetings, attended one Certification and Higher Education Committee Meeting, and participated in an initial organization call regarding the Bates College review that will take place the week of April 26. Because it is a virtual review, there was discussion on how it will work.
- As Board members, we receive many articles from Maine media involving education each week. On behalf of the SBE, Peter congratulated the two recently name principals of the year. Jaime Stone is Principal of Camden Rockport Middle School and Kristie Clark is Principal of Hall-Dale Elementary School in Hallowell. The process is similar to the Maine Teacher of the Year (MTOY) Program, and both Jaime and Kristie have excelled during particularly challenging times.
- The SBE retreat will be held at the Green Ladle in Lewiston on August 10 & 11. Details to come.
- Peter is personally excited to welcome new members to the State Board. With time, comes knowledge of all the acronyms and before long they will be tossing them around like a pro.

COMMITTEE REPORTS:

School Construction Committee (Peter Geiger):

The School Construction Committee did not meet on March 26, 2021 as scheduled.

The next regular School Construction Committee monthly meeting is scheduled for Friday, April 30, 2021. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

Certification and Higher Education (Wendy Ault):

The Certification and Higher Education Committee met on March 24, 2021 as scheduled. The Committee held special meetings on April 1 and April 12, 2021.

- At the morning workshop session, Deputy Commissioner Chuhta presented an update on the revisions of Chapter 115.
- Special Committee meetings are scheduled for Thursday, April 15 and Friday, April 16.

The next regular Certification and Higher Education Committee monthly meeting is scheduled for Wednesday, April 28, 2021. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

Career and Technical Education (John Bird):

The Career and Technical Education (CTE) Committee did not meet on March 25, 2021 as scheduled.

The next regular CTE Committee monthly meeting is scheduled for Thursday, April 22, 2021. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

Legislative Action (Peter Geiger):

The Legislative Action Committee last met on Friday, April 9, 2021.

- The Legislative Action Committee met 4 times since the March Board meeting. The Committee is comprised of the Chair, Vice Chair and each Committee Chair who monitor legislation that is of greatest interest to the Board. Most bills have involved Career and Technical Education (CTE), Charter Schools and investments in strengthening broadband throughout Maine. Chair Hess testified on our behalf on several pieces of legislation during the past couple weeks including:
- In support of LD 313 (An Act to Advance Career and Technical Education Opportunities in Maine)

- Neither for nor against (NFNA) LD 604 (An Act to Promote Accountability in Maine's Charter Schools).
- In support of LD 705 (Improving Air Quality and Ventilation in schools).
- In support of LD 975 (An Act to Create an Additional Pathway to Certify Industrial Arts Teachers to Foster CTE Subjects in Maine).
- In support of LD 1072 (An Act Regarding Career and Technical Education and Memoranda of Understanding with Community College).
- LD1149 (An Act to Provide Exemptions from certain teacher certification requirements).
- LD1169 (Act to Improve Certification During Staffing Shortages).
- In support of LD1189 – (An Act to Amend the Teacher Certification Statutes).
- Oral informational testimony on LD 1149 and LD 1169
- While the legislature is on hiatus, committee work continues so we are monitoring and participating via testimony on bills that directly impact the Board's work.

Nomination and Election Committee (Wendy Ault):

Wendy Ault is the Chair of the Nomination and Election Committee. Wilson Hess and John Bird serve on the committee. The Committee will meet prior to the May 12, 2021 Board Meeting.

The Committee will announce a slate of officers for nomination of chair and vice chair for the 2021-2022 year at the May Board meeting. The Board will vote at the June 9, 2021 meeting.

Student Voices (Casey Maddock, Greyson Orne and Wendy Ault):

Wendy Ault continues to commend the Commissioner for creating a Student Cabinet. She enjoys participating in the meetings. Students do not hold back and are very honest which is what the Commissioner wants.

Wendy turned the report over to student member, Greyson Orne.

Greyson reported that at the most recent meeting there was discussion on equity in schools throughout Maine.

The Student Cabinet focuses on a topic each month. There was discussion on diversity, equity and inclusion at the April meeting. Mental Health will be the focus at the May meeting.

Student Membership (Fern Desjardins):

Wendy Ault, Casey Maddock and Fern completed their task on March 30, which was to send three finalists names to Governor Mills. Fern Desjardins informed Board members at the March 10 meeting that the Committee had received 26 applications and Fern shared a breakdown on the applicants.

- 17 females and 9 males
- 17 high schools/academies were represented; 9 of the schools had 2 students applying from their schools
- Students applied from:
Deering HS, Erskine Academy, Falmouth HS, Freeport HS, Gorham HS, Gray-New Gloucester HS, Lincoln Academy, Medomak Valley HS, Morse HS, Mount Ararat HS, Richmond HS, Sanford HS, Thornton Academy, Vinalhaven HS, Westbrook HS, Winslow HS, and Yarmouth HS.
- The Committee had four meetings to discuss the applicants and to decide on those they would interview on March 29. Competition was extremely high as there were many outstanding applicants. The committee found the decision-making process to be a bit challenging.
- Aside from the first year back in 2008 when 52 applications were received from District 1 and District II students to select 1 junior and 1 senior for membership on the State Board, this is the highest number of applications received from a single district to replace the outgoing senior student member. The range from Districts I and II to replace the outgoing senior has been 7 applications (in 2009 and in 2010) to 18 (in 2016).
- After conducting the interviews, the Ad-Hoc committee recommended three finalists to Governor Mills. It is now in the hands of the governor to select the student member who will replace Casey Maddock.

Fern is pleased to inform the Board that the ad-hoc committee's work is completed.

Charter Commission Representatives (John Bird and Fern Desjardins):

The Charter School Commission met on April 13, 2021 as scheduled.

- The 2019-2020 Annual Monitoring Report and the Mid-Year Check-in Meeting Report were approved for Community Regional Charter School. These reports are part of the routine monitoring of Maine's charter schools.
- The Commission approved the MDOE Certified 4-Year Graduation Rates for inclusion in charter high school reports.
- The Waitlist Upon Lottery Completion for School Year 2021-2022 indicates the following:
 - ACADIA Academy – 104 students
 - Community Regional Charter School – 19 students
 - Fiddlehead School of Arts & Sciences – 50 students
- Chair Nichi Farnham provided a brief 90-Day Reflection of the Executive Director's work as ambassador, educator, and leader for MCSC.
- Jeremy Jones, Executive Director, provided legislative updates on LD 380, LD 430, LD 604, and LD 705. Many board members, heads-of-schools, parents, grandparents, educators, and students testified in opposition to LD 604 at the hearing of the Education and Cultural Affairs Committee on April 7.

Professional Standards Board (Peter Geiger):

The Professional Standards Board (PSB) met on March 1, 2021.

- The PBS does not meet on a weekly or monthly basis. By statute, the Board must meet at least 5 times a year. The next meeting will take place virtually via Zoom on May 3, 2021 at 3:00 PM.

UNFINISHED (OLD) BUSINESS:

CONSIDERATION OF RULE CHAPTER 115

At the March 10, 2021 State Board of Education meeting, the Board voted unanimously to table consideration of Rule Chapter 115 approval until the April 14, 2021 meeting.

MOTION by Wendy Ault, seconded by Fern Desjardins, and unanimously voted by those present to table consideration of Rule Chapter 115 approval to a future State Board of Education meeting.

NEW BUSINESS:

APPOINTMENT OF AN AD HOC COMMITTEE

MOTION by Peter Geiger, seconded by Fern Desjardins, and unanimously voted by those present to appoint an ad hoc committee to advise the Commissioner of Education on creative ways to utilize American Rescue Plan Funds to the best advantage of education in Maine.

STUDENT TRANSFER APPEALS:

PROCEDURE FOR HANDLING REQUESTS FOR REVIEW OF COMMISSIONER DECISIONS ON STUDENT TRANSFER REQUESTS

Wilson Hess, Chair of the Board, read a procedure for the Board when going into executive session to review requests for review of the Commissioner's decisions on student transfer requests.

The Board will be considering requests for Board review of the Commissioner's decision regarding requested transfers of students to another school district, pursuant to Title 20-A, section 5205(6)(F). The Board will be going into executive session to consider the request because each one involves reviewing and discussing information contained in student records made confidential by the federal law known as FERPA, the Family Educational Rights and Privacy Act. The parents and any attorney representing a parent are welcome to attend the executive session for the discussion of their particular student's transfer, as are

the Superintendents of the school districts involved in that requested transfer. The Board will review each of the transfer requests in separate executive sessions. Today, the Board has three transfer requests.

After the Board comes out of executive session, the Board will entertain a motion and take a vote on the disposition of the requests in public session.

The Board's role in these proceedings is to review the Commissioner's decision based on the record that was before her at the time she made the decision. Although the statute directs the Board to "communicate with" the parties involved, which the Board has done, the Board cannot accept any new evidence pertaining to a transfer request that was not considered or not available in the record at the time of the Commissioner's decision.

The Board provides for public comment which was explained earlier in the meeting. In the executive session the same rules apply for public comment and there will be a three-minute time limit for comment. This is not a time for debate or a time to introduce new evidence. It is a time for families to highlight the things they want the Board to consider in the record.

EXECUTIVE SESSION:

MOTION by Peter Geiger, seconded by Cynthia Murray-Beliveau, and unanimously voted by those present for the Board to go into Executive Session, pursuant to Title 1 of the Maine Revised Statutes, section 405, subsection 6, paragraph F, to discuss information contained in records that are confidential under the Family Educational Rights and Privacy Act, Title 20 of the United States Code, section 1232g relating to a request from BP and PP to review the Commissioner's decision to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 2:10 PM.

The Board returned to the regular business meeting at 3:01 PM.

MOTION by Peter Geiger, seconded by John Bird, and voted four in favor with four members opposed (Wilson Hess, Wendy Ault, James Ford and Cynthia Murray-Beliveau) to uphold the Deputy Commissioner's decision in the denial of a transfer for PP.

By Board Policy VIII.C, when acting in its appellate capacity, a tie vote is defined to be a "no opinion" ruling. The original decision under appeal stands. The transfer is denied.

MOTION by Peter Geiger, seconded by John Bird, and voted four in favor with four members opposed (Wilson Hess, Wendy Ault, James Ford and Cynthia

Murray-Beliveau) to uphold the Deputy Commissioner's decision in the denial of a transfer for BP.

By Board Policy VIII.C, when acting in its appellate capacity, a tie vote is defined to be a "no opinion" ruling. The original decision under appeal stands. The transfer is denied.

MOTION by John Bird, seconded by Peter Geiger, and unanimously voted by those present for the Board to go into Executive Session, pursuant to Title 1 of the Maine Revised Statutes, section 405, subsection 6, paragraph F, to discuss information contained in records that are confidential under the Family Educational Rights and Privacy Act, Title 20 of the United States Code, section 1232g relating to a request from DT to review the Commissioner's decision to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 3:12 PM.

The Board returned to the regular business meeting at 4:22 PM.

MOTION by Cynthia Murray-Beliveau, seconded by Peter Geiger, and voted six in favor with two members opposed (John Bird and Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for DT. Motion Carries and the transfer is granted.

ANNOUNCEMENTS:

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- Chair Hess announced that expenditures for the Board were distributed by Mary Becker and the Board is on track with the budget.
- The next Board meeting is currently scheduled to be held virtually via Zoom on Wednesday, May 12, 2021, at 1:00 PM.

ADJOURNMENT:

The April 14, 2021 State Board of Education meeting adjourned at 4:27 PM.

Respectfully Submitted by
Mary Johnson Becker
Secretary Specialist
State Board of Education