



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 August 11, 2020 at the Burton Cross State Office Building, 111 Sewall Street, Augusta, Maine and virtually via Zoom. The following members were present: Chair Wilson Hess; John Bird; Peter Geiger; and Jana Lapoint. Vice Chair Jane Sexton; Wendy Ault; Fern Desjardins; Martha Harris; and Casey Maddock attended virtually via Zoom.

Excused: Jaylee Rice

Vacant: One Member

Others Present: Deputy Commissioner Daniel Chuhta; Scott Brown, School Facilities Director; and Mary Becker, State Board Secretary Specialist.

CALLED TO ORDER:

Chair, Wilson Hess called the meeting to order at 9:06 AM.

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. Five Board members attended virtually.

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

VISION STATEMENT:

Read by Chair Wilson Hess: 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 John Bird, seconded by Peter Geiger, and unanimously voted by those present to accept the July 15, 2020 minutes as written.

PUBLIC COMMENT:

No Public Comment was offered.

OFFICER'S REPORTS:

Chair, Wilson Hess

- Wilson distributed and reviewed the Board member Committee List for the July 1 through June 30 year. Wilson thanked all Board members for their work on various committees.
- Wilson shared with Board members two articles from the NASBE Standard for late September, early October. Wilson was given permission to share the issue with the Board. In both articles, points were made that, a) we already have national testing results from the spring of 2020 that showed clearly there is a deviation in student performance and, b) a call on their part for continued testing for the 2020-21 school year. Not so much to gauge student performance but to try to understand how deep the hole is and what the base line will be that we are working on when we come out of this situation.

Vice Chair, Jane Sexton

- Jane thanked Board members and others who contributed at the retreat on August 10th. There was good discussion on many items. A take away for Jane from Bear Shea's presentation was on how looking into the policy of looping kids in this strange environment - that they have the same teacher and not needing new people in trying to develop new relationships, it is too late for this in the fall. Relationships are important but if kids are already connected with teachers, they shouldn't be unconnected in these situations.
- Due to COVID-19, the Board will not be visiting schools as they usually do in the fall of 2020. The monthly Board meetings will be held in Augusta this Fall.

COMMITTEE REPORTS:

School Construction Committee (Martha Harris):

The School Construction Committee met on August 7, 2020 as scheduled.

- The School Construction Committee talked about the Integrated, Consolidated 9-16 School Facilities Approved Projects List and recommends that an exhibit be placed on the August 11, 2020 State Board business agenda for the Board to approve the removal of project number 2, RSU 29/MSAD 29, RSU 70/MSAD 70, Region Two School of Applied Technology, be removed from the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle and that project number 3, MSAD 46/AOS 94, RSU 80, RSU 70/MSAD 4, RSU 41/MSAD 41, RSU 82/MSAD 12, Greenville Public Schools, Tri-County Technical Center be added to the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle.

The next School Construction Committee meeting is scheduled for Friday, August 28,

2020. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

Certification and Higher Education (Jane Sexton):

The Certification and Higher Education Committee met on July 22, 2020 as scheduled.

- The Committee reviewed the Strategic Plan and Action Agenda to prepare for conversation at the annual retreat on August 10, 2020.
- Received an update on team reports and upcoming reviews.
- The Committee reviewed a draft letter to communicate with Educator Preparation Program units that have upcoming reviews in the Fall of 2020.

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, August 26, 2020. 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 met on July 23, 2020 as scheduled.

- The MACTE Grant will be completed later in the Fall.
- Following the 2019 summit at Sugarloaf, the Committee has had four Directors from CTE Centers join their meetings each month. This has been very useful for the Committee to hear from directors in the field.
- Patricia Hart shared the Educate Maine/Hart Consulting CTE Evaluation Workplan and the Overarching Evaluation Questions to Guide the Review.
- The Perkins financial fourth quarter report YTD was reviewed by the Committee and is on the business agenda for approval.
- The Committee will review the Board's Strategic Plan and Action Agenda at the August 27, 2020 meeting.

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, August 27, 2020. 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 March 6, 2020. There has been no action since that meeting. The Appropriations Committee held a one day meeting. We are eagerly awaiting upcoming new legislature and laws.

Student Voices (Jaylee Rice, Casey Maddock and Wendy Ault):

- Wendy Ault thanked Jaylee and Casey for their participation on the Student Cabinet. Wendy expressed her appreciation for the amount of time and energy Jaylee has dedicated, specifically to the Student Cabinet. Casey continues to be actively involved on the Board and the Student Cabinet. Casey has been communicating with Wendy in having the student voices

“louder” in the future.

Student Membership (Fern Desjardins):

- Wendy Ault, Fern Desjardins and Jaylee Rice were previously appointed by Chair Hess to serve on the ad-hoc committee reviewing student applications, to select six semi-finalists for interviews and following the interviews sending the names of three finalists to the Governor for an appointment to the Board.
- Six semi-finalists were interviewed on Monday, June 15th. A letter has been sent to Governor Mills with the three finalists names and the Governor will make a nomination of a new student representative to serve on the State Board for a two- year term. The Committee’s work is complete. There has been no word from the Governor in regard to a nomination of a new student appointment to the Board.

Charter Commission Representatives (Jana Lapoint):

The Charter School Commission will meet on August 11, 2020 as scheduled.

- The Commission will consider and accept the resignation of Bob Kautz as Executive Director of the Maine Charter School Commission. Bob will be retiring at the end of October 2020.
- John Bird and Fern Desjardins are serving on the Search Committee for a new executive director for the Commission. Fern is chairing the Search Committee and they have interviewed a number of people to determine the needs of the Commission.
- The two virtual schools did not miss a beat throughout COVID-19. No interruptions this academic year as they are 100% virtual.
- All students attending Cornville will be returning to school this fall. There will be groups of 10 or less and Cornville is tagged as yellow. Since March and throughout the summer, all teachers have kept in touch with students and their parents.
- Baxter Academy was on PBS and it was a great presentation.

Professional Standards Board (Peter Geiger):

The Professional Standards Board will hold their first meeting on August 12, 2020.

- Governor Mills appointed 22 members and 2 ex-officio members to serve on the Professional Standards Board. The Board is charged by statute to meet five times a year. The Board will appoint a chair and vice chair at its initial meeting on August 12, 2020. The first meeting will be a basic orientation for members of the Board.

UNFINISHED (OLD) BUSINESS:

No Unfinished Business

NEW BUSINESS:

REQUEST APPROVAL OF THE QUARTERLY REPORT OF THE MAINE CARL D. PERKINS GRANT AS AUTHORIZED UNDER THE STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT (P. L. 115-224).

As a condition for the receipt of Federal funds to support vocational and technical education, §122 of the recently reauthorized Strengthening Career and Technical Education For The 21st Century Act (P. L. 115-224) requires a designated eligible agency in each State, in Maine's case the State Board of Education, to submit a State Plan for Career and Technical Education. The Interim State Plan was approved by the Office of Career and Technical and Adult Education on July 1, 2019. Further requirements are as follows:

SEC. 121. STATE ADMINISTRATION.

(a) **ELIGIBLE AGENCY RESPONSIBILITIES.**—The responsibilities of an eligible agency under this title shall include:

(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than 4 times annually;

The State Board Chair has requested, in accordance with Title 20-A, Section 405, 7, that the Career and Technical Education (CTE) team submits a quarterly financial report to the Board and in response to this request we are submitting this report as the fourth report for FY2020.

RECOMMENDATION: The State Board approve the Quarterly report for the period of April 1, 2020 through June 30, 2020, of the State of Maine Plan for the Strengthening Career and Technical Education For The 21st Century Act (P. L. 115-224).

MOVED by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve the Carl D. Perkins Quarterly report for the period of April 1, 2020 through June 30, 2020, of the State of Maine Plan for the Strengthening Career and Technical Education For The 21st Century Act (P. L. 115-224).

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM – INTEGRATED, CONSOLIDATED 9-16 EDUCATIONAL FACILITY APPROVED PROJECTS LIST FOR THE 2017-2018 RATING CYCLE - NEW RECOMMENDATION BASED ON MEMBER APPLICANT WITHDRAWAL

STATEMENT OF FACT: On August 14, 2018, the State Board of Education approved the Integrated, Consolidated 9-16 Educational Facility Proposed Priority List recommended by the Commissioner of the Department of Education. On September

12, 2018 project number 1 was added to the Approved Projects List and on August 13, 2019 project number 2 was added to the List.

On November 19, 2019 RSU 84/MSAD 14, a member applicant of project number 2, voted to withdraw from the project and on December 11, 2019 the State Board of Education voted to continue with the project with the remaining three high schools.

On February 10, 2020 RSU 50 a member applicant of project number 2 also voted to withdraw from the project leaving only two remaining high schools. The State Board of Education motions and votes on August 13, 2019 and December 11, 2019 stated “any withdrawal of a member applicant, or any withdrawal of a municipality from a member applicant, will require a new recommendation from the Commissioner and approval from the State Board of Education, or a new application submission during the next rating cycle”.

During the application process for the 2017-2018 cycle the Department sponsored four regional informational meetings and distributed materials that clearly indicated the intent and goal was to identify a pilot project(s) that included three or more high schools, Career and Technical Education, and higher education components. The application and scoring processes were aligned to identify the best applicant(s) that met those objectives. Project number 2’s original application included five high schools and received the most points in the Part 1 scoring process. The February withdrawal of RSU 50, leaving only two remaining high schools, would have significantly reduced the points awarded in the Part 1 scoring, changed the priority order, and would have made the project ineligible to move forward to Part 2.

COMMISSIONER’S RECOMMENDATION: The Commissioner recommends that project number 2, RSU 29/MSAD 29, RSU 70/MSAD 70, Region Two School of Applied Technology, be removed from the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle.

The Commissioner further recommends that project number 3, MSAD 46/AOS 94, RSU 80, RSU 70/MSAD 4, RSU 41/MSAD 41, RSU 82/MSAD 12, Greenville Public Schools, Tri-County Technical Center be added to the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On August 7, 2020, the School Construction Committee recommended that this exhibit be placed on the August 11, 2020 State Board meeting agenda and that the State Board approve the removal of project 2, RSU 29/MSAD 29, RSU 70/MSAD 70, Region Two School of Applied Technology, and that project 3, MSAD 46/AOS 94, RSU 80, RSU 70/MSAD 4, RSU 41/MSAD 41, RSU 82/MSAD 12, Greenville Public Schools, Tri-County Technical Center be added to the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle. Any withdrawal of a member applicant, or any withdrawal of a municipality from a member applicant, will require a new recommendation from the Commissioner and approval from the State Board of Education, or a new application submission during the next rating cycle.

MOVED by Peter Geiger, seconded by Martha Harris, and unanimously voted by those present to approve the removal of project 2, RSU 29/MSAD 29, RSU 70/MSAD 70, Region Two School of Applied Technology, and that project 3, MSAD 46/AOS 94, RSU 80, RSU 70/MSAD 4, RSU 41/MSAD 41, RSU 82/MSAD 12, Greenville Public Schools, Tri-County Technical Center be added to the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle. Any withdrawal of a member applicant, or any withdrawal of a municipality from a member applicant, will require a new recommendation from the Commissioner and approval from the State Board of Education, or a new application submission during the next rating cycle.

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.

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 John Bird, seconded by Jana Lapoint, 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 AG 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 9:58 AM.

The Board returned to the regular business meeting at 10:19 AM.

MOTION by Fern Desjardins, seconded by Jana Lapoint, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for AG. The transfer is granted.

MOTION by Peter Geiger, seconded by John Bird, 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 CAD and COD 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 10:20 AM.

The Board returned to the regular business meeting at 10:38 AM.

MOTION by Wilson Hess, seconded by Fern Desjardins, and voted four in favor with four members opposed (John Bird, Peter Geiger, Martha Harris and Jana Lapoint) to overturn the Deputy Commissioner's decision in the denial of a transfer for CAD. By rule, when the Board is acting in its appellate role, a tie vote means the original ruling stands. The transfer is denied.

MOTION by Wilson Hess, seconded by Fern Desjardins, and voted four in favor with four members opposed (John Bird, Peter Geiger, Martha Harris and Jana Lapoint) to overturn the Deputy Commissioner's decision in the denial of a transfer for COD. By rule, when the Board is acting in its appellate role, a tie vote means the original ruling stands. The transfer is denied.

ANNOUNCEMENTS:

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- The next Board meeting will be held at the Cross State Office Building and virtually via Zoom on Wednesday, September 9, 2020, at 1:00 PM.

ADJOURNMENT:

The August 11, 2020 State Board of Education meeting adjourned at 10:49 AM.