



## MAINE STATE BOARD OF EDUCATION

23 State House Station  
AUGUSTA, MAINE 04333

### STATE OF MAINE

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The State Board of Education held a regular monthly meeting on December 11, 2019 at Sanford High School, 100 Alumni Blvd, Sanford, Maine. The following members were present: Chair Wilson Hess; Vice Chair Jane Sexton; Wendy Ault; John Bird; Fern Desjardins; Peter Geiger; Martha Harris; Casey Maddock; and Jaylee Rice

Excused: Jana Lapoint

Vacant: One Member

Others Present: Scott Brown, Director of School Facilities; and Mary Becker, State Board Secretary Specialist.

### **CALLED TO ORDER:**

Chair, Wilson Hess called the meeting to order at 1:00 PM.

Wilson thanked Superintendent Nelson and all others at Sanford High School for their hospitality and the tour of the new facility. The Board is very impressed with all that is happening at Sanford High School.

### **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 John Bird, seconded by Martha Harris, and unanimously voted by those present to accept the November 13, 2019 minutes as written.

### **PUBLIC COMMENT:**

No Public Comment

## **OFFICER'S REPORTS:**

### **Chair, Wilson Hess**

- Wilson reminded Board members that we are entering the second session of the 129<sup>th</sup> Legislature. The Board's monthly meetings from January to July will be held in Augusta.
- Commissioner Makin is engaging in great efforts regarding the next iteration of Chapter 115 which will be modified under consensus rulemaking. We will have a new education process. The Board will receive a briefing at the January 15 meeting.
- Wilson thanked Board members for their morning work on the Action Agenda.
- The Professional Standards Board (PSB) will be appointed by the Governor early in the new year. The PSB reports to the State Board of Education. It has been approximately ten years since the PSB met.
- Wilson thanked Wendy Ault, Fern Desjardins and Peter Geiger for attending the public hearings on Chapter 115 and Chapter 125 on December 16.
- He attended the Educate Maine Symposium and thought it was a very good event. Wilson is pleased at what continues to be a growing collaboration with Educate Maine. Beyond the Teacher of the Year and the work they have been doing with the Board's CTE Committee.
- He participated in the Celebration of the Arts for students at Cape Elizabeth. The event was held at the Hall of Flags. Senator Millett participated as well.

### **Vice Chair, Jane Sexton**

- She gave her report during the morning workshop session.

## **COMMITTEE REPORTS:**

### ***School Construction Committee (Martha Harris):***

The School Construction Committee met on November 21, 2019.

The primary purpose of the meeting was to bring forward to the full Board Exhibit VIII A - 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:

- On November 19, 2019 RSU 84/MSAD 14, a member applicant of project number 2 voted to withdraw from the project.
- The Commissioner recommends that the State Board of Education approve the continued placement of project number 2.
- The School Construction Committee recommends that the State Board approve the continued placement of project number 2.
- The facilities team did some research in terms of whether it would make a difference regarding the ranking of the three projects, which it did not.
- There were some anomalies regarding the land size particularly with the integrated consolidated projects. The facilities team is working on a recommendation.

The Committee discussed the fact that these programs need money for planning which the State does not have but the Government might.

The Committee is looking at how to free up some money and strongly recommending that all three projects move forward, which is also a money issue.

The School Construction Committee will not be meeting in December.

The next School Construction Committee meeting is scheduled for Friday, January 31, 2020. The meeting will be held in room 500 of the Cross State Office Building. 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 November 5, 2019 as scheduled.

- The main topic of discussion was Chapter 115: “Credentialing of Education Personnel.” Several exhibits went before the full State Board at the November 13, 2019 meeting.

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, December 18, 2019. The meeting will be held in room 538 of the Cross State Office Building. 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 November 21, 2019 as scheduled.

- The Committee took a first look at the grades 9 and 10 grants.
  - There were ten grants awarded that ranged from \$30,000.00 to around \$200,000.00.
  - The total dollars distributed from Perkins Carryover money was \$485,000.00.
  - Jana was the point person that screened the grants with Dwight Littlefield and Meg Harvey.
  - Grants covered the State very well – North and South.
  - John will distribute a list of the grants to the Board. The grant list will show the title of what the grant is devoted to.
  - Will be implemented throughout the course of this year. All funds need to be expended by June 30<sup>th</sup>.
- There are three CTE Directors that attend the Committee meetings.
- The remainder of the meeting time, the Committee talked about how funding can be strengthened for Career and Technical Education.
  - CTE Schools are underfunded.
  - No funding for equipment – equipment comes from businesses that schools have a relationship with.
- Reports

- The MACTE \$30,000.00 mid-year report has been submitted as a draft. The Committee will review and discuss the report at the January 23, 2020 meeting.
- An update on the progress of the MOU with the Community Colleges will be submitted by Dwight Littlefield at the January 23, 2020 Committee meeting.

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, January 23, 2020. The meeting will be held in room 538 of the Cross State Office Building. The approved minutes will be posted on the State Board website.

***Legislative Action (Peter Geiger):***

The Legislative Action Committee last met on October 23 and will meet on Friday, December 13, 2019. The Committee will review the bills of interest. Karen Kusiak at the Department of Education will join the meeting.

***Nomination and Election (Wilson Hess):***

No report for the Nomination and Election Committee as it has not been appointed. The Committee will be appointed at some time in March.

Any Board member interested in serving on the Nomination and Election Committee should let Wilson know.

Jane Sexton has expressed an interest to the Governor for reappointment to the State Board.

***Student Voices (Casey Maddock and Jaylee Rice):***

The first meeting of the Commissioner’s Student Cabinet was canceled due to inclement weather. The Cabinet will meet on December 20, 2019 at the Senator Inn. The meeting will focus on team building activities and trying to be sure all the students are comfortable sharing in front of each other. A snow date of January 24, 2020 has been set.

***Chapter 125 - Basic Approval Standards: Public Schools and School Administrative Units (Fern Desjardins):***

- Deputy Chuhta did a really good job reporting out at the last meeting.
- All changes proposed are well summarized in the minutes that Board members received at the last Board meeting.
- Jaci Holmes did a great job this morning walking the Board through where things are at moving towards the public hearing for Chapter 125.
- The public hearing will take place from 1:00 PM to 3:00 PM on Monday, December 16, 2019.
- No comments have been received to date
- Wendy Ault, Peter Geiger and Fern will be the State Board members attending the public hearing.

- Fern Desjardins will send a short list of talking points for testimony to Peter Geiger by the first of the year.

**Charter Commission Representatives (Fern Desjardins for Jana Lapoint):**

The Charter School Commission did not meet December 10, 2019.

At Jana Lapoint’s request, Mary Becker distributed three documents to Board members:

Shelley Reed provided to the Charter Commission a written report for Maine Virtual Academy’s renewal and presented the report step by step at the Commission’s last meeting. The Commission approved the renewal for five years.

1. *Responding to Maine Virtual Academy’s Application for Renewal 2019* – Shelley Reed’s evaluation is that MeVA is a candidate for renewal with conditions.

Written reports from Jana Lapoint and Shelley Reed from their attendance at the NACSA Conference that they attended along with Bob Kautz and Gina Post

1. *Gateways to Impact – 2019 NACSA Leadership Conference on October 21-24, 2019* – Report from Shelley Reed
2. *Gateways to Impact – 2019 NACSA Leadership Conference on October 21-24, 2019* – Report from Jana Lapoint

**NEW BUSINESS:**

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. Per the State Board of Education motion and vote on August 13, 2019 “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”.

The remaining applicant members of project number 2 are requesting to continue with the governance and planning process required to initiate the project. The revised member applicants as listed on the attached amended Approved Projects List include:

2. RSU 29/MSAD 29, RSU 50, RSU 70/MSAD 70, Region Two School of Applied Technology – *Concept Approval assigned calendar year 2022*

Any further 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.

COMMISSIONER'S RECOMMENDATION: The Commissioner recommends that the State Board of Education approve the continued placement of project number 2, RSU 29/MSAD 29, RSU 50, RSU 70/MSAD 70, Region Two School of Applied Technology, on the Integrated, Consolidated, 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On November 21, 2019, the Construction Committee recommended that this exhibit be placed on the December 11, 2019 State Board meeting agenda and that the State Board approve the continued placement of project 2, RSU 29/MSAD 29, RSU 50, RSU 70/MSAD 70, Region Two School of Applied Technology, on the Integrated, Consolidated 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle. Any further 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 Martha Harris, seconded by Jane Sexton, and unanimously voted by those present to approve the continued placement of project 2, RSU 29/MSAD 29, RSU 50, RSU 70/MSAD 70, Region Two School of Applied Technology, on the Integrated, Consolidated, 9-16 Educational Facility Approved Projects List for the 2017-2018 Rating Cycle. Any further 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.

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 first report for FY2020.

RECOMMENDATION: The State Board approve the Quarterly report for the period of July 1, 2019 through September 30, 2019, 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 Wendy Ault, and unanimously voted by those present to approve the Quarterly report for the period of July 1, 2019 through September 30, 2019, of the State of Maine Plan for the Strengthening Career and Technical Education for the 21st Century Act (P. L. 115-224).

CONSIDERATION OF UPDATES FOR THE 2016-2021 STRATEGIC PLAN

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to table Consideration of the updates for the 2016-2021 Strategic Plan to the January 15, 2020 meeting.

CONSIDERATION OF THE 2020 ACTION AGENDA

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to table Consideration of the 2020 Action Agenda to the January 15, 2020 meeting.

2020 BOARD MEETING CALENDAR

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to move the 2020 Board Meeting Calendar Discussion to before the Student Transfer Appeals on the agenda.

MOTION by Jane Sexton, seconded by John Bird, and unanimously voted by those present to move the November 11, 2020 regular monthly meeting to Wednesday, November 4, 2020 due to Veteran's Day falling on November 11, 2020.

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to hold the annual Board retreat on Monday, August 17 and Tuesday, August 18, 2020.

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 several requests for Board review of the Commissioner's decision regarding a requested transfer of a student to another school district, pursuant to Title 20-A, section 5205(6)(F). The Board will be going into executive session to consider the requests 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.

After the Board comes out of executive session, the Board will entertain motions and take a vote on the disposition of each request 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 Jane Sexton, seconded by Fern Desjardins, and voted unanimously 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 JB to review the Commissioner's decision to approve or disapprove a request for student transfers, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 1:52 PM.

The Board returned to the regular business meeting at 2:23 PM.



MOTION by Martha Harris, seconded by Wendy Ault, and voted unanimously by those present to overturn the Commissioner's decision in the denial of a transfer for JB. Motion Carries and the transfer is granted.

MOTION by Jane Sexton, seconded by Fern Desjardins, and voted unanimously 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 ER 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 2:25 PM.

The Board returned to the regular business meeting at 2:55 PM.

MOTION by Peter Geiger, seconded by Fern Desjardins, and voted unanimously by those present to overturn the Commissioner's decision in the denial of a transfer for BB. Motion Carries and the transfer is granted.

**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 on Wednesday, January 15, 2019, at 12:30 PM.

**ADJOURNMENT:**

The December 11, 2019 State Board of Education meeting adjourned at 2:57 PM.