



## **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 August 16, 2022 at the University of Maine at Farmington and virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Paulette Bonneau; Wendy Ault; Kristin Bishop; James Ford; Wilson Hess; Thomas Keller; Victoria Kornfield; Joshua Leinwand; and Ryan Hafener.

Others Present: Mary Becker, State Board of Education Secretary Specialist.

### **CALLED TO ORDER:**

Chair Fern Desjardins called the meeting to order at 1:02 PM.

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

### **VISION STATEMENT:**

Read by student member, Joshua Leinwand: 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.

### **POEM READING:**

Poem Read by Victoria Kornfield – “Where I Live” by Wes McNair, a Maine poet.

### **ADJUSTMENTS TO THE AGENDA:**

No Adjustments were made.

**APPROVAL OF MINUTES:**

MOTION by Wendy Ault, seconded by Victoria Kornfield, and unanimously voted by those present to accept the July 13, 2022 minutes as presented.

**PUBLIC COMMENT:**

No Public Comment

**STUDENT TRANSFER APPEALS:**

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

Fern Desjardins, 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 Deputy 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 seven 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 request in public session.

The Board’s role in these proceedings is to review the Deputy Commissioner’s decision based on the record that was before him at the time he 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 Deputy 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 Paulette Bonneau, seconded by Victoria Kornfield, 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 SW to review the Deputy 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 1:12 PM.

The Board returned to the regular business meeting at 1:21 PM.

MOTION by Thomas Keller, seconded by Victoria Kornfield, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for SW. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Wendy Ault, 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 CA to review the Deputy 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 1:24 PM.

The Board returned to the regular business meeting at 1:35 PM.

Chair Desjardins delayed the motion for a vote due to technical issues for the parent to join the Zoom meeting.

MOTION by Paulette Bonneau, seconded by James Ford, 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 DS to review the Deputy 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 1:37 PM.

The Board returned to the regular business meeting at 1:51 PM.

MOTION by Wendy Ault, seconded by Paulette Bonneau, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for DS. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Victoria Kornfield, 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 JD to review the Deputy 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 1:53 PM.

The Board returned to the regular business meeting at 2:09 PM.

MOTION by James Ford, seconded by Wendy Ault, and voted three in favor with five members opposed (Kristin Bishop, Paulette Bonneau, Wilson Hess, Thomas Keller, and Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for JD. The motion failed.

MOTION by Victoria Kornfield, seconded by Thomas Keller, and voted five in favor with three members opposed (Wendy Ault, Fern Desjardins, and James Ford) to uphold the Deputy Commissioner's decision in the denial of a transfer for JD. The transfer is denied.

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 HB to review the Deputy 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 2:13 PM.

The Board returned to the regular business meeting at 2:31 PM.

MOTION by Kristin Bishop, seconded by Victoria Kornfield, and voted four in favor with four members opposed (Wendy Ault, Fern Desjardins, James Ford, and Wilson Hess) to uphold the Deputy Commissioner's decision in the denial of a transfer for HB. 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 Paulette Bonneau, seconded by Victoria Kornfield, 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 ET to review the Deputy 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 2:34 PM.

The Board returned to the regular business meeting at 2:57 PM.

MOTION by Wilson Hess, seconded by Victoria Kornfield, and voted five in favor with two members opposed (James Ford and Thomas Keller) to uphold the Deputy Commissioner's decision in the denial of a transfer for ET. The transfer is denied.

MOTION by Paulette Bonneau, seconded by Victoria Kornfield, 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 MB to review the Deputy 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 2:59 PM.

The Board returned to the regular business meeting at 3:11 PM.

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

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 CA to review the Deputy 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 3:13 PM.

The Board returned to the regular business meeting at 3:21 PM.

MOTION by Victoria Kornfield, seconded by Wilson Hess, and unanimously voted by those present to uphold the Deputy Commissioner's decision in the denial of a transfer for CA. The transfer is denied.

### **OFFICER'S REPORTS:**

#### **Chair, Fern Desjardins**

- Fern reviewed the business agenda for the August 16 meeting.
- **COMMITTEE APPOINTMENTS**
- The Committee Appointments/Board Representatives list was updated on August 10 and distributed to Board members electronically.
- Mark V. Balfantz resigned from the State Board on July 28, 2022. The Board now has one vacant seat in District 1.
- Office Specialist Search Committee members Paulette Bonneau, Tom Keller, Georgette Valliere and Fern met five times since the July 13 SBE meeting to plan for the review process, interview questions, discuss the 46 applications received for the position, and to interview eight candidates. They are now at the point of checking references and filling out forms required by the Division of Financial & Personnel Services.
- Mary is working for the SBE under contract with Tri-State for 3 days weekly in the second, third, and fourth week of August to help during the transition period.
- Worked with Paulette and Tom to submit FY24/25 budget request forms that were due July 29. Requests were made for an Executive Director position, contracted services, and to increase the per diem allocation for FY23 and the FY24/25 biennial budgets.
- She attended the Board Effectiveness Ad Hoc Committee meeting (7/18), Career and Technical Education Committee meeting (7/28), chaired the School Construction Committee meeting (7/29), and participated with

Wendy in a special meeting with the Director and the Team Coordinator of Educator Support Services to discuss how things are going with the implementation of changes in Chapter 115.

- Attended a few meetings with Paulette, UMS and UMF staff for the Annual Retreat planning.
- NASBE
  - July 27 – Attended New Member Institute, Session II: “Parliamentary Procedure Training and Demonstration and Leading with Evidence.”
  - Led two special Executive Committee meetings (7/19, 7/20), attended a regular Executive Committee meeting (7/22), Board of Directors meeting (7/25), and chaired the Finance & Audit Committee meeting (7/21).
  - Registration is open for NASBE’s Annual Conference October 26-29, 2022 in Phoenix, Arizona.

#### **Vice Chair, Paulette Bonneau**

- She attended the monthly CTE Committee meeting on July 28.
- On August 2, she attended the NASBE Governmental Affairs Committee. No new substantial report-outs.
- Paulette spent several hours on screening, reviewing, planning, and interviewing potential candidates for the Office Specialist II position.
- On August 8, she attended the Agenda Review meeting with Deputy Commissioner Chuhta and Fern Desjardins.
- She spent time planning and coordinating the Board’s Annual Retreat.

#### **COMMITTEE REPORTS:**

##### ***School Construction Committee (Fern Desjardins):***

The School Construction Committee met on Friday, July 29, 2022 at 10:00 AM at the Agnes Gray School in West Paris, which is part of RSU 17.

The Agnes Gray School is listed as #6 on the 2017-2018 Rating Cycle of the Major Capital School Construction Program Priority List. RSU 17 also has the #7 school on the priority list, which is the Oxford Hills Middle School. School Construction Committee Members met in RSU 17 to tour the Agnes Gray School, Paris Elementary School in South Paris, Oxford Hills Middle School – South Campus in South Paris, and the Oxford Hills Middle School – North Campus in Oxford. District administrators, school board members, and custodians led the tours and answered questions from committee members.

As part of their business meeting, committee members received an update from Scott Brown, Director of School Construction Programs, on Major Capital School Construction, made plans for a Committee workshop at the end of August, and

discussed Priority 4 – School Construction & Renovations of the Maine State Board of Education’s 5-Year Strategic Plan.

The next regular School Construction Committee monthly meeting is scheduled for Friday, August 26, 2022 in Room 500 at the Burton Cross State Office Building in Augusta. The approved minutes will be posted on the State Board website.

***Certification and Higher Education (Wendy Ault):***

The Certification and Higher Education Committee (C&HE) met on July 27, 2022 as scheduled. The meeting was held virtually via Zoom.

- Chair Ault was not available to report out.

The next regular Certification and Higher Education Committee monthly meeting is scheduled for Wednesday, August 24, 2022 and will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

***Career and Technical Education (Wilson Hess):***

The Career and Technical Education (CTE) Committee met on July 28, 2022 as scheduled. The meeting was held in Room 538 at the Cross State Office Building and virtually via Zoom.

- Received funding updates on Perkins and Briggs Trust fund.
- Received reports from:
  - State Director for CTE
  - MACTE Director
  - Educate Maine
- Received an update from the MACTE’s summer conclave was held at UNUM in Portland on July 26 and 27.

The next regular CTE Committee monthly meeting is scheduled for Thursday, August 25, 2022. The Committee will meet in-person at the Cross State Office Building, Room 538. The approved minutes will be posted on the State Board website.

***Legislative Action (Wilson Hess):***

The Legislative Action Committee (LAC) last met on March 18, 2022 virtually via Zoom under the Board’s remote meeting policy due to COVID-19 surge.

The next Legislative Action Committee meeting will be held as needed.



***Student Voices (Joshua Leinwand and Ryan Hafener):***

The Student Voices Committee did not meet in August of 2022.

- Ryan reported that he has joined the NASBE Student Engagement Collaborative. This is a six-month program. Ryan attended the first meeting and the second meeting will be held in September or October of 2022. James Ford has volunteered to be Ryan's mentor.
- Ryan will be attending the NASBE Fall Conference in Phoenix, Arizona in October.

The next Student Voices Committee meeting date is to be determined.

***Board Effectiveness (Paulette Bonneau):***

The Board Effectiveness Committee met on July 18, 2022 virtually via Zoom.

- The Committee prepared the draft vision/mission statements to share with the Board at the August retreat, however, this item has been moved to the September 14, 2022 Board meeting.

The next Board Effectiveness Committee meeting will be determined at a later date.

***Charter Commission Representatives (Wilson Hess):***

The Charter School Commission met two times since the last SBE meeting. July 21 and August 9, 2022.

- At the July 21 meeting:
  - Wilson welcomed new Commission member, Tom Keller, appointed by the State Board at its June 13, 2022 meeting.
  - The Commission said good-bye to Executive Director, Jeremy Jones. Jeremy's last day as executive director is July 22, 2022.
  - Reviewed the transition from the out-going executive director to the Interim Executive Director. Approved the Interim Executive Director appointment of Gina Post.
  - Wilson Hess was appointed to serve as Chair of the Commission and Nichi Farnham was appointed to serve as Vice Chair of the Commission, both for a period of one year.
  - Approved Maine Academy of Natural Sciences' New Charter Contract.
  - Approved funding for the Ecology Learning Center.
  - Approved funding for Community Regional Charter School.
  - Approved funding for Board development
  - Approved amendments to ACADIA Academy's school schedule.

- Approved new Board members at Baxter Academy.
- Reviewed the strategic plan progress tracker.
- Received Committee reports.
- At the August 9 meeting:
  - Received a presentation from Nick Murray, Director, Maine Policy Institute.
  - Preliminary approval of Commission's Paid Parental Leave Policy pending legal review.
  - Consideration of Approval of the Commission's Remote Meeting Policy.
  - Approved changes to the Commission's Election of Officers Policy/Procedures.
  - Received an update on Pre-Opening Visit and Progress on Harpswell Charter Renewal.

The next regular monthly Charter Commission Business Meeting is scheduled to be held on September 13, 2022.

***Professional Standards Board (Thomas Keller):***

The Professional Standards Board (PSB) met virtually via Zoom on **July 28, 2022.**

- ***There are 24 members that serve on the PSB. There were 8 members present.***
- All their terms end in January of 2023. The terms are not staggered for members.
- ***Members are focusing*** on induction and mentoring.

The next PSB meeting is scheduled for October 10, 2022 at 3:00 PM.

**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 Strengthening Career and Technical Education for the 21st Century Act (P. L. 115-224), requires a designated eligible agency in each State, which in Maine is the State Board of Education, to submit a State Plan for Career and Technical Education. The State Plan

was approved by the Office of Career and Technical and Adult Education on May 22, 2020. 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 of Education 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 and final report for FY2022.

RECOMMENDATION: The State Board of Education approve the Quarterly report for the period of April 1, 2022 through June 30, 2022, of the State of Maine Plan for the Strengthening Career and Technical Education for The 21st Century Act (P. L. 115-224).

MOTION by Kristin Bishop, seconded by Paulette Bonneau, and unanimously voted by those present to approve the Quarterly report for the period of April 1, 2022 through June 30, 2022, of the State of Maine Plan for the Strengthening Career and Technical Education for the 21st Century Act (P. L. 115-224).

PROFESSIONAL STANDARDS BOARD YEARLY REPORT

MOTION by Thomas Keller, seconded by James Ford, and unanimously voted by those present to receive the Professional Standards Board Annual Report.

RECEIPT OF THE UNIVERSITY OF SOUTHERN MAINE EDUCATOR PREPARATION PROGRAM STATE REVIEW TEAM REPORT AND THE EDUCATOR PREPARATION PROGRAM COUNCIL FOR THE ACCREDITATION OF EDUCATOR PREPARATION (CAEP) REVIEW TEAM REPORT

BACKGROUND: The state review team, chaired by Dr. Jim Artesani of the University of Maine, conducted a virtual program review November 7-9, 2021. The review was held concurrently with the Council for the Accreditation of Educator Preparation (CAEP) review team. The Certification and Higher Education

Committee of the State Board of Education received the state review team's report of findings at their March 23, 2022 meeting and the CAEP *Accreditation Action Report* at their July 27, 2022 meeting.

RECOMMENDATION: That the State Board of Education receive the University of Southern Maine Educator Preparation Program State Review Team report of findings and the Council for the Accreditation of Educator Preparation (CAEP) Review Team report of findings.

MOTION by Victoria Kornfield, seconded by Wilson Hess, and unanimously voted by those present to receive the University of Southern Maine Educator Preparation Program State Review Team report of findings and the Council for the Accreditation of Educator Preparation (CAEP) Review Team report of findings.

#### RECEIPT OF THE BOWDOIN COLLEGE EDUCATOR PREPARATION PROGRAM REVIEW TEAM REPORT

BACKGROUND: Under the chairpersonship of Dr. Anita Charles of Bates College, the review team conducted a virtual program review May 2-6, 2022. The review team submitted the report of findings to the Maine Department of Education. Prior to the arrival of the report to the DOE, it was sent to Bowdoin College for an assessment of errors of fact.

RECOMMENDATION: That the State Board of Education receive the Bowdoin College Review Team report of findings.

MOTION by James Ford, seconded by Wilson Hess, and unanimously voted by those present to receive the Bowdoin College Review Team report of findings.

#### **ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Fern Desjardins at the end of this meeting.
- The next regular Board business meeting is scheduled to be held on Wednesday, September 14, 2022 at 1:00 PM. The meeting will be held at the Burton Cross State Office Building, Room 103.

#### **ADJOURNMENT:**

The August 16, 2022 State Board of Education meeting adjourned at 4:25 PM.

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