



## **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 November 8, 2023, at Mt. Ararat High School and virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Paulette Bonneau; Wendy Ault; Kristin Bishop; James Ford; Thomas Keller; Victoria Kornfield; Edmond Morin; Ryan Hafener; and Phat Thai.

Absent with Excuse: Denham Ward

Others Present: Scott Brown, Director of School Construction Programs; Valerie Chiang, School Construction Coordinator; Superintendent Roberta Hersom; Kathryn Cogan, CHA Architecture; Ben Winschel, CHA Architecture; and Sandra Bourget, State Board of Education Office Specialist.

### **CALLED TO ORDER:**

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

Roll call was taken by Sandra Bourget. Chair Desjardins declared a quorum present.

### **VISION STATEMENT:**

Read by student member, Phat Thai: The vision of the Maine State Board of Education is that all students will receive a high-quality education leading to graduation with the skills, knowledge, and principles to be prepared for future learning, careers, and life.

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

No Adjustments to the Agenda.

**APPROVAL OF MINUTES:**

MOTION by Wendy Ault, seconded by Kristin Bishop and unanimously voted to accept the October 11, 2023, minutes as amended. The motion was adopted.

**PUBLIC COMMENT:**

No Public Comment.

**STUDENT TRANSFER APPEALS:**

**PROCEDURE FOR HANDLING REQUESTS FOR REVIEW OF 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 Superintendents' decisions on student transfer requests.

The Board will be considering requests for Board review of the Superintendents' decisions 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 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. 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 request in public session.

The Board's role in these proceedings is to review the Superintendents' decisions based on the record that was before them at the time they 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 Superintendents' 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 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 CR to review the Superintendents' decisions to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 1:15 PM.

The Board returned to the regular business meeting at 1:38 PM.

MOTION by Fern Desjardins, seconded by Wendy Ault and unanimously voted that given the information the Board received, it was in CR's best interest to approve a transfer. The transfer was approved.

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 SW to review the Superintendents' decisions to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 1:43 PM.

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

MOTION by Paulette Bonneau, seconded by Wendy Ault, and voted six in favor with two opposed (Thomas Keller and Victoria Kornfield) that given the information the Board received, it was in SW's best interest to approve a transfer. The transfer was approved.

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 CE to review the Superintendents' decisions to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 2:17 PM.

The Board returned to the regular business meeting at 2:38 PM.

MOTION by Wendy Ault, seconded by Thomas Keller, and unanimously voted that given the information the Board received, it was in CE's best interest to approve a transfer. The transfer was approved.

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

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

- Fern attended her first in-person MEPRI Steering Committee meeting on October 18. Janet Fairman and Amy Johnson provided updates on the FY2024 work plan. The committee discussed MEPRI's funding and staffing needs and ways to strengthen the impact of MEPRI's research. A copy of the updated work plan was distributed at the meeting.
- She attended the October 19 Penquis Superintendents' Association meeting to discuss the "Superintendent Agreement Process." It was a good opportunity for the superintendents and Fern to discuss the challenges that arise in the process and to share ideas on ways to address them.
- She met with the Board Effectiveness Committee on October 23, as reported out below.
- The Executive Director position was submitted for the FY24-FY25 Supplemental Budget on October 30.

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

- Paulette attended agenda review meetings with Fern and Deputy Commissioner Chuhta on October 2 and October 30.
- Regarding the October 11 meeting in Caribou, Paulette enjoyed seeing the context in which the northern rural schools are situated.
- She met with the Board Effectiveness Committee on October 23 as reported out below.

- Paulette attended the NASBE Annual Conference at the end of October. She attended many useful workshops. Chair Desjardins received the 2023 Distinguished Service Award, and she is well respected amongst all of NASBE's state representatives, Board, and staff.
- The State Board of Education members presented Fern with a framed photo of her award presentation, which had signed sentiments from Board members.

## **COMMITTEE REPORTS:**

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

The School Construction Committee met on October 31.

- The committee recommended the exhibit that will be taken up under New Business to grant Design & Funding Approval to RSU 49/MSAD 49 for a new grades 3-6 elementary school construction project.
- Laura Cyr, Federal and State Legislative Specialist, MDOE, reviewed the schedule and details for Chapter 61 Rulemaking. The *Notice of Agency Rulemaking Proposal* was filed with the Secretary of State on October 24. Publication took place on November 1. That opened up the comment period, so the comment deadline is set for December 1, 2023. The public hearing will be held November 21, 2023, 9:00-11:00 a.m. in Room 103 of the Burton Cross Office Building and there will be a virtual option. Three Board members will attend in person.
- An RFP is out to update school construction documents that include educational specifications, space allocation guidelines, and public-school standards and guidelines.
- The next committee meeting will be held on November 28 at 9:00 a.m.

### ***Certification and Higher Education (Thomas Keller):***

The Certification and Higher Education (C&HE) Committee met on October 25.

- Two special meetings are scheduled for November 13 at 1:00 p.m. and November 27 at 3:00 p.m. in-person in Room 500 of the Burton Cross Office Building and virtually via Zoom. Public comments will be received, and the committee will discuss the draft report for L.D. 485.
- Erin Reinhard has been named Certification Coordinator, and Michael Perry has been named Director of the Office of Higher Education and Educator Support Services.

- 2,912 endorsements were processed in September, which is about the same as last year.
- Cindy Dean of the University of Maine at Augusta reported for the EPPs and noted that the University of Southern Maine is working to gather a course list for all EPPs to solidify an agreed list of approved courses for Pathway 2.
- A short discussion was had about TEAMe having a focus on practices as a regular agenda item. For example, there could be a discussion on best practices in using Zoom for student teacher support, compensation for student teachers and cooperating teachers, or training manuals for cooperating teachers.
- Wendy Ault thanked Tom Keller for his conversation in the workshop session on the draft L.D. 485 report, and for the opportunity to speak.
- The next meeting is scheduled for November 29.

***Career and Technical Education (Edmond Morin):***

The Career and Technical Education (CTE) Committee has not met.

- James Ford, the State Board representative for the CTE Task Force, gave a brief update. He spoke of a few different presentations on the value of a four-year program.
- The next meeting is scheduled for November 20.

***Legislative Action (Paulette Bonneau):***

The Legislative Action Committee has not met.

***Student Voices (Ryan Hafener, Phat Thai, Wendy Ault, and James Ford):***

The Student Voices Committee met on November 6.

- Phat has brought a lot to the committee; he and Ryan make a wonderful team and are accomplishing great things.
- The student cabinet has received 60 applicants (grades 4-12) in just three weeks.
- They have been working on outreach to youth groups.
- The students met with Commissioner Makin on what they want the student cabinet to look like this year.
- Ryan toured and spoke at the opening of the South Portland Middle School last month.
- Ryan shadowed a class at Bowdoin College on Contemporary American Education, in which they discussed the school budgeting process.
- Phat hosted a school dialog about the events that took place in Lewiston.

- Phat missed October's meeting; he took PSATs and did extremely well.
- Deering High School won the Regionals for soccer, and they move on to State finals.
- Wendy Ault thanked Ed Morin for choosing an effective leader in Phat.

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

The Board Effectiveness Committee met on October 23.

- They reviewed and further edited the Student Transfer Appeal policy.
- December's SBE meeting will be held at Bangor High School.
- The committee had a brief discussion on L.D. 485 and the importance of transparency and planning a time to meet with MDOE in which Deputy Commissioner Chuhta would be present.
- The next meeting will be held on December 18.

***Charter Commission Representatives (Victoria Kornfield, Thomas Keller, and James Ford):***

- The Annual Report for the Commissioner has been finalized.
- They have conducted a Board survey on effectiveness.
- The next meeting is November 14.

***Professional Standards Board (Denham Ward):***

No report given.

***NASBE:***

***Executive Committee/Board of Directors (Fern Desjardins):***

- Fern attended special meetings of the Executive Committee for Delegate Assembly plans.
- Fern and Paulette attended the Annual Conference October 25-28 in San Diego, CA.
  - The Board of Directors met to review and approve the FY2024 budget and to receive updates from President/CEO Paolo DeMaria, Chair Chris Benson, and all committees and affiliates.
  - California State Board President Dr. Linda Darling-Hammond provided the kickoff to the Annual Conference. She spoke of the transformative work the State Board has done to improve education in California.

- Fern attended sessions on balancing equity and excellence, competency-based education, AI, New York’s graduation measures initiative, early literacy, Utah’s state board partnership with DonorsChoose, parliamentary procedure, and ETS and Carnegie Foundation’s transformation of education. She heard a keynote from Rebecka Peterson, 2023 National Teacher of the Year; attended a session with presiding officers from other states; and she attended the Northeast Area Meeting.
- At the Delegate Assembly, Keven Ellis from Texas was elected Chair-Elect and Fern was elected to a second term as Secretary-Treasurer.
- Fern was honored to receive the NASBE Distinguished Service Award. She thanked Kristin for nominating her, Tom for encouraging Board members to submit nominations, and all Board members for their kind, heart-warming congratulatory emails and support in her role as chair. She noted that she would not have received the award without their dedication and tireless contributions to the Board. She acknowledged that the work of the entire Board made it possible for her to achieve this level of recognition.

***Government Affairs Committee (Thomas Keller):***

- Spoke of the 2024 appropriations
  - House at \$67.4M
  - Senate at \$79.6M
  - President at \$90M
- Title I and Title II expected to endure big cuts; need stories about Title II impact, e.g. on the science of reading for teachers. ERate – now allows reimbursement for WIFI on school buses.
- New York is making changes to graduation requirements, but more in how those are assessed – looking at broader assessment than 4 or 5 regents.
- Connecticut is now requiring districts to do an exit interview of teachers.

***Public Education Positions Committee (Paulette Bonneau):***

- The committee is done meeting and the recommendations submitted were accepted by the Delegate Assembly.



**UNFINISHED (OLD) BUSINESS:**

No Unfinished Business

**NEW BUSINESS:**

**MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; DESIGN AND FUNDING APPROVAL CONSIDERATION; RSU 49/MSAD 49 - NEW ELEMENTARY SCHOOL CONSTRUCTION PROJECT**

STATEMENT OF FACT: RSU 49/MSAD 49 Superintendent Roberta Hersom requests that the State Board of Education grant Design and Funding Approval for a new grades 3-6 school to be constructed in the town of Benton. Fairfield Primary School (grades PreK-K) rated 1st on the Final Priority List of the 2017-2018 Rating Cycle and was placed on the Approved Projects List at the October 9, 2019, State Board of Education meeting.

RSU 49/MSAD 49 hired CHA Architecture to complete a New vs. Renovations analysis of the existing Fairfield Primary School and conduct further studies of the other elementary school buildings in the district. This analysis resulted in a recommendation for new construction that would provide educational programs and services for 574 district students in grades 3-6. The project allows for the expansion of PreK programming for early childhood programs in the adjacent Benton Elementary School. This project supports RSU 49's goal for improving educational equity for all PreK to grade 6 students in the district.

The selected site is in the center of the district and is well served by utility and transportation infrastructure and has a direct connection to the Benton Elementary School. The project received State Board of Education Site Approval on June 15, 2022, and State Board of Education Concept Approval on September 14, 2022. A district referendum was held on November 8, 2022. The state/local portion passed but the local only portion was voted down. Therefore, the project scope has been reduced to meet only the amount supported by the state/local funds.

Design and Funding Approval is being requested pursuant to Title 20-A M.R.S. §15905(1) and State Board of Education Rule Chapter 61, Rules for Major Capital School Construction Projects.

The new building has been designed to meet the Department of Education school construction standards and is in the final stages of receiving all required approvals. Additional time was required to achieve 100% complete construction documents as required by Rule Chapter 61. As a result, timelines for the project were extended beyond the requirements of Chapter 61 Section 6.2.F., Time Limitations, (3).

***Project Information:***

Project: RSU 49/MSAD 49 New Grades 3-6 Elementary School Construction Project

Superintendent: Roberta Hersom

Architect: CHA Architecture – Kathy Cogan

Schools to be closed: Fairfield Primary School, Clinton Elementary School, and Albion Elementary School

***Project Budget Information:***

Total Project Cost: \$45,605,070.

Local Only (no State participation): \$0.

Approved for State/Local Debt Service Subsidy: \$45,605,070.

COMMISSIONER’S RECOMMENDATION: The Commissioner of the Department of Education recommends that the State Board of Education grant Design and Funding Approval to RSU 49/MSAD 49 for a new elementary school construction project as presented. The Commissioner further recommends that Chapter 61 Sections 6.2.F., Time Limitations, (3) be waived by the State Board.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On October 31, 2023 the School Construction Committee recommended that pursuant to Title 20-A M.R.S. §15905(1) and State Board of Education Rule Chapter 61, Rules for Major Capital School Construction Projects, that this exhibit be placed on the November 8, 2023 State Board meeting agenda and that the State Board grant Design and Funding Approval to RSU 49/MSAD 49 for a new elementary school construction project as presented and waive Chapter 61 Section 6.2.F., Time Limitations, (3), pursuant to Section 2.5.C., whereby the State Board finds reasons for a waiver based on the fact that the project requires more than a nine month timeframe as required by Chapter 61.

MOTION by Kristin Bishop, seconded by Edmond Morin, and unanimously voted that pursuant to Title 20-A M.R.S. §15905(1) and Chapter 61, State Board of Education Rules for Major Capital School Construction Projects, that the State Board grant Design and Funding Approval to RSU 49/MSAD 49 for a new

elementary school construction project as presented and waive Chapter 61 Section 6.2.F., Time Limitations, (3), pursuant to Section 2.5.C., whereby the State Board finds reasons for a waiver based on the fact that the project requires more than a nine month timeframe as required by Chapter 61. The motion was adopted.

## **2024 STATE BOARD OF EDUCATION MEETINGS CALENDAR**

MOTION by Paulette Bonneau, seconded by Kristin Bishop and unanimously voted by those present to approve the 2024 State Board of Education meetings calendar. The motion was adopted.

### **ANNOUNCEMENTS:**

- Submit expense account vouchers to Sandra Bourget by the 15<sup>th</sup> day following the month of the expenses incurred.
- The next regular State Board meeting will be held on Wednesday, December 13, 2023, 1:00 PM at Bangor High School and virtually via Zoom.

### **ADJOURNMENT:**

The meeting adjourned at 3:46 PM.

Respectfully Submitted by  
Sandra Bourget, Office Specialist  
State Board of Education

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