



## **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 September 14, 2022 at the Burton Cross State Office Building and virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Paulette Bonneau; Kristin Bishop; James Ford; Wilson Hess; Thomas Keller; Victoria Kornfield; Joshua Leinwand; and Ryan Hafener.

Absent with Excuse: Wendy Ault

Others Present: Sandra Bourget, State Board of Education Office Specialist /Secretary Specialist.

### **CALLED TO ORDER:**

Chair Fern Desjardins called the meeting to order at 11:32 AM.

Roll call was taken by Chair Desjardins. The chair declared a quorum present.

### **VISION STATEMENT:**

Read by student member, Ryan Hafener: 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.

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

X.F. Hiring of Office Specialist/Secretary Specialist

**APPROVAL OF MINUTES:**

MOTION by Wilson Hess, seconded by Paulette Bonneau, and unanimously voted by those present to accept the August 16, 2022 minutes as presented.

MOTION by Wilson Hess, seconded by Thomas Keller, and voted five in favor with one abstention (Kristin Bishop) to accept the August 29, 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 ten 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 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 JB 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 11:43 AM.

The Board returned to the regular business meeting at 12:04 PM.

MOTION by Fern Desjardins, seconded by Wilson Hess, and voted five in favor with one opposed (Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for JB. 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 CW, GW and 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 12:09 PM.

The Board returned to the regular business meeting at 12:23 PM.

MOTION by Thomas Keller, seconded by Kristin Bishop, and unanimously voted by those present to uphold the Deputy Commissioner's decision in the denial of a transfer for SW. The transfer is denied.

MOTION by Thomas Keller, seconded by Kristin Bishop, and unanimously voted by those present to uphold the Deputy Commissioner's decision in the denial of a transfer for GW. The transfer is denied.

MOTION by Thomas Keller, seconded by Kristin Bishop, and unanimously voted by those present to uphold the Deputy Commissioner's decision in the denial of a transfer for CW. The transfer is denied.

MOTION by Paulette Bonneau, seconded by Thomas Keller, 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 LM 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 12:28 PM.

The Board returned to the regular business meeting at 12:36 PM.

MOTION by Kristin Bishop, seconded by Thomas Keller, and unanimously voted by those present to uphold the Deputy Commissioner's decision in the denial of a transfer for LM. 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 PBAA, PLAA and PBA 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 12:39 PM.

The Board returned to the regular business meeting at 1:00 PM.

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

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

MOTION by Wilson Hess seconded by Kristin Bishop, and unanimously voted by those present to uphold the Deputy Commissioner's decision in the denial of a transfer for PBA. 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 SB and KB 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 1:06 PM.

The Board returned to the regular business meeting at 1:31 PM.

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

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

**OFFICER'S REPORTS:**

**Chair, Fern Desjardins**

- Fern reviewed the business agenda for the September 14 meeting.
- Worked with the State of Maine Bureau of Human Resources for the Office Specialist position and the job offer to Sandra Bourget. Ms. Bourget began working for the State Board of Education on August 29, 2022.

- Worked with the Department of Education and Assistant Attorney General for clarification on the title for that position.
- On September 2, she and Vice Chair Bonneau met with Commissioner Makin for a discussion of various educational issues facing the State Board.
- On August 26, she chaired the monthly School Construction Committee meeting and held a Construction Committee workshop with Commissioner Makin and Scott Brown, Director of School Construction Programs.
- NASBE
  - August 24 – Attended New Member Institute, Session III: “The Federal Role in Education and Emerging Education Issues, Communications and Engagement, and Working with Your Legislature and Governor.”
  - Attended a Board of Directors meeting (8/18), a regular Executive Committee meeting (8/29), and Office Hours held September 12 with Best Selling Author, Dana Suskind to discuss her newest book, *Parent Nation: Unlocking Every Child’s Potential, Fulfilling Society’s Promise.*
  - *The State Education Standard* is coming out September 20. The issue is on Equipping Teachers.

**Vice Chair, Paulette Bonneau**

- She attended the agenda review with Chair Desjardins, Deputy Commissioner Chuhta and Commissioner Makin.
- Since August 19, she’s attended eight meetings focused on staffing, Board responsibilities and functions and HR.
- She attended the NASBE Governmental Affairs Committee.
  - They are having hearings on how the federal emergency funds have been spent. Congress is looking to push out some more money to help those states who are experiencing severe flooding.
  - Senator Hassan is introducing a bill to streamline access to early childhood education.
  - The broadband money is coming to the states, and it is up to the Governor to appoint someone to write a plan on how that broadband will be expanded in each state.
  - Education is one of the most attacked entities with cyber attacks and cyber bullying identified by the FBI.
  - Tennessee is one of the first states that has passed and approved apprenticeship for teacher training. As we look at that in the state of Maine, we might look to Tennessee as a model.

- They had a lot of questions about the changes we've made in our certification rule.

### **COMMITTEE REPORTS:**

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

The School Construction Committee met on August 26, 2022, as scheduled.

- Two of the items taken up at that meeting are up for Board votes today - Item X.A. which is the Concept Approval consideration for RSU 49 and Item X.B for additions to the Approved Projects List.
- RSU 01 Superintendent Patrick Manuel attended the meeting. He addressed the Committee on the fire they had in June at the Dike Newell School and inquired on the provisions for emergency status. He provided an update on insurance of the school stating it is not finalized yet, but he's anticipating a decision from the insurance company soon.

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

The Certification and Higher Education Committee (C&HE) met on August 24.

- Chair Ault was not available to report out.

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

The Career and Technical Education (CTE) Committee did not meet in August.

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

- The Committee did not meet in the last month.

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

The Student Voices Committee did not meet in the last month.

- The Student Cabinet will be meeting October 14, 2022 in person from 9:00AM to 3:00PM at the Burton Cross State Office Building.

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

The Board Effectiveness Committee did not meet in August but will reconvene in October to get feedback on the vision and mission statements put out to Board members in today's workshop.

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

The Charter School Commission met on September 13, 2022.

- The yurts are still not up in Harpswell. Two classes—one is using the library and one is using the gym, which is disappointing because the library and gym can't be used appropriately by other students.
- We have three new proposed Board members. The Honorable Jim Handy, Norm Higgins and a female from Bates College.
- HCA is below on the desired count and so their enrollment is not where it needs to be and it continues to be an issue with them. That is a key factor for them continuing not this year but the following year. They have money for this year but they have to have a certain number of students to have enough money to continue next year.
- The Commission staff put in a performance platform which is really excellent and has clearly laid out what each school needs to do by a certain date. It's a vast improvement and very transparent.
- The Commission has a set of tools that are useful even for public schools to take a look at and it's suggested at some point we present at the Commissioner's Conference to demonstrate these tools to let superintendents know what they're doing. They have a large staff and they're doing very interesting work. Very impressive materials and professional development.

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

The Professional Standards Board (PSB) did not meet in August 2022.

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

**UNFINISHED (OLD) BUSINESS:**

No Unfinished Business

**NEW BUSINESS:**

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



STATEMENT OF FACT: RSU 49/MSAD49 Superintendent Roberta Hersom requests that the State Board of Education grant Concept 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 include grades 3-6 to provide educational programs and services for 574 students. 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 project received State Board of Education Site Approval on June 15, 2022. The selected site in the center of the district is well served by utility and transportation infrastructure. The 23.43-acre site will have a direct connection to the Benton Elementary School through a .4-acre CMP easement.

The new building has been designed in accordance with the Department of Education school construction standards. Appropriate state and local agencies have had input in the planning process.

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

*Project Description by Roberta Hersom, Superintendent:*

In 2018 RSU 49/ MSAD49's Fairfield Primary School was identified as #1 on the state Major Capital Construction list. Also ranked on the list are Clinton Elementary School (#39) and Albion Elementary School (#58). All three were evaluated in their need for repair or replacement. The study resulted in the ultimate recommendation of a New Grades 3-6 School and a reprogrammed Benton Elementary to serve PreK-2, as well as house our childcare for 3-year olds. This new campus is RSU 49/MSAD 49's comprehensive approach to elementary education to providing a more equitable, efficient, and healthy environment for our students and collective community.

This district solution addresses the compounded issues of maintaining aging facilities and diffused resources that collectively contribute to an inequity of services and less than optimal learning environments necessary for student success. Fairfield Primary School, originally constructed in 1907, Clinton Elementary School with multiple additions through 1974 to its original 1940 structure, with a modular addition in 1989, and Albion Elementary School, originally constructed in 1952 with a 1980 addition, have all exceeded their life cycle, needing replacement. In consideration of building conditions, small lot sizes, proximity to streets, site circulation, learning environment quality, educational flexibility, and energy and maintenance costs, the district will consolidate with the closure of these three elementary schools and concentrate vital, and often finite, resources in this comprehensive solution.

The existing Benton Elementary School was determined to be a solid structure that will last decades in service to the education of our elementary students. With its forward-thinking design of *houses* within the school and movable walls, this flexible spacing allows for a sense of community within a larger building. With this thorough study, exploration of options, numerous public forum events and discussion, the district accepted the recommendation made in the Facilities Report and selected property adjacent to the existing Benton Elementary School for the New Grades 3-6 School.

Early learning is foundational to student success. The district prioritized this with a commitment to offer universal PreK programming to our families. Currently, our Fairfield and Benton PreK-K students attend Fairfield Primary School, then transition to the current BES, and for many, that occurs after only a year at FPS. With the existing Benton building reprogrammed to serve 3 year olds through grade 2, the district will bring together what are now diffused resources to maximize efficiency, greatly improving capacity to staff the programs, as well as limit transitions in those early grades.

The district began consolidation of some special education programs several years ago in an effort to provide fully-staffed services and appropriate spaces to meet student needs. The district's current population of students requiring special education services is 27.7 % with a growing trend of more intensive needs, and more students identified at younger ages. Our plan addresses this growing need as a priority, and also recognizes the high value of early learning as integral to improving student outcomes—their future success beyond years in our schools.

This comprehensive approach to elementary education will allow the district to sustain viable programs and services, not only supporting student academic achievement, but improving broader outcomes through capacity for staff to work collaboratively to ensure educational equity and a common foundation for learning and growing. The consolidated Benton campus will house several programs, including childcare, universal PreK, special education services, before and after school childcare programs, CDS services, health services. Additionally, the district is experiencing and fully anticipates the future need for summer programming. The New School will have this capacity to serve children year-round, with cooling and ventilation as important components to a healthy environment for students and staff. The new building plan also includes improvements to the site circulation on the existing Benton Elementary lot, as well as establishing traffic interconnection between the two schools. Efficiencies gained with a campus approach include staffing, maintenance, snow removal, ease of pick-up and drop off for parents, adequate parking, safety, community use of the facility after school hours, and walking pathways, including sidewalk improvements for the pedestrian safety of children walking to and from school.

This opportunity is a tremendous asset to our school community and will ensure MSAD 49's viability and capacity to serve our children for decades to come.

**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: \$47,399,350.

Local Only (no State participation): \$1,794,280.

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 Concept Approval to RSU 49/MSAD 49 for a new grades 3-6 Elementary School construction project as presented.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On August 26, 2022 the School Construction Committee recommended that this exhibit be placed on the September 14, 2022 State Board meeting agenda and that the State Board grant Concept Approval to RSU 49/MSAD 49 for a new grades 3-6 Elementary School construction project as presented.

MOTION by Kristin Bishop, seconded by Thomas Keller and unanimously voted by those present to grant Concept Approval to RSU 49/MSAD 49 for a new grades 3-6 Elementary School construction project as presented.

**MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM – ADDITIONS TO THE APPROVED PROJECTS LIST FOR THE 2017-2018 RATING CYCLE**

STATEMENT OF FACT: In accordance with Chapter 61, Rules for Major Capital School Construction Projects, Section 5 Approved Projects List, “Placement on the Approved Projects List is an acknowledgement that the pupils in the rated facility have a significant need to be housed under improved circumstances.” Placement on the Approved Projects List will allow the Department to work with the school districts in developing recommendations and timelines for each project.

The State Board of Education approved the Major Capital School Construction Final Priority List for the 2017-2018 Rating Cycle on August 14, 2018. On October 9, 2019 the State Board of Education approved the Commissioner’s recommendation to place the first three projects on the Major Capital School Construction Approved Projects List. On November 4, 2020 the State Board of Education approved the Commissioner’s recommendation that projects 4 and 5 be added to the Approved Projects List. After a review of current projects in relation to the debt ceiling, the Commissioner now recommends that projects 6 and 7 be added to the Approved Projects List.

COMMISSIONER’S RECOMMENDATION: The Commissioner recommends that the State Board of Education approve the attached Approved Projects List for the 2017-2018 Rating Cycle. It is further recommended that Section 6.2.F., Time Limitations, ¶1, be waived by the State Board of Education until a

workable plan for Concept Approval has been developed by the Department and the designated school systems. The Department will provide the State Board with periodic updates on the status of progress toward Concept Approvals of the designated projects.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On August 26, 2022, the School Construction Committee recommended that this exhibit be placed on the September 14, 2022 meeting agenda and that the State Board of Education approve the attached Approved Projects List for the 2017-2018 Rating Cycle. It is further recommended that Section 6.2.F., Time Limitations, ¶1, be waived by the State Board of Education until a workable plan for Concept Approval has been developed by the Department and the designated school systems.

MOTION by Kristin Bishop, seconded by Paulette Bonneau and unanimously voted by those present to approve the attached Approved Projects List for the 2017-2018 Rating Cycle. Project #6 is the Agnes Gray School in RSU 17/MSAD 17 and project #7 is the Oxford Hills Middle School also in RSU 17/MSAD 17. It is further recommended that Section 6.2.F., Time Limitations, ¶1, be waived by the State Board of Education until a workable plan for Concept Approval has been developed by the Department and the designated school systems. Further, that the Department will provide the State Board of Education with periodic updates on the status of progress toward Concept Approvals of the designated projects.

**CONSIDERATION OF THE UNIVERSITY OF SOUTHERN MAINE REPORTS FROM THE COUNCIL FOR THE ACCREDITATION OF EDUCATOR PREPARATION (CAEP) AND THE STATE APPROVED REVIEW TEAM**

BACKGROUND: The Council for the Accreditation of Educator Preparation (CAEP) review team submitted their report on May 2022 and the State Approved Review Team submitted a report. Both reports were reviewed by the Certification and Higher Education Committee and voted for advancement to the full State Board of Education for consideration.

RECOMMENDATION: That the State Board of Education approve the University of Southern Maine Educator Preparation Programs for December 2021 to December 2028.

MOTION by Thomas Keller, seconded by Paulette Bonneau and unanimously voted by those present to approve the University of Southern Maine Educator Preparation Programs for December 2021 to December 2028.

### **CONSIDERATION OF THE BOWDOIN REVIEW REPORT OF FINDINGS**

BACKGROUND: Under the chairpersonship of Dr. Anita Charles of Bates College, the review team conducted a virtual program review on May 2-6, 2022 for Bowdoin College. The review team submitted the report to the Certification and Higher Education Committee where it was reviewed and voted for advancement to the full State Board of Education for consideration.

RECOMMENDATION: That the State Board of Education approve the Bowdoin College Educator Preparation Programs: Secondary English, Social Studies, Math, Life Science, Physical Science, and K-12 World Languages for a five-year certification effective May 2022 to May 2027.

MOTION by Kristin Bishop, seconded by Paulette Bonneau and unanimously voted by those present to approve the Bowdoin College Educator Preparation Programs: Secondary English, Social Studies, Math, Life Science, Physical Science and K-12 World Languages for a five-year certificate effective May 2020 to May 2027.

### **NASBE Voting Delegate**

MOTION by Kristin Bishop, seconded by Paulette Bonneau and voted five in favor with one abstention (Fern Desjardins) to elect Fern Desjardins as the voting delegate for the Maine State Board of Education at the National Association of State Boards of Education Annual Meeting in October 2022. The motion was adopted.

### **Hiring of Office Specialist/Secretary Specialist**

MOTION by Paulette Bonneau, seconded by James Ford and unanimously voted by those present that the State Board of Education affirm the hiring of Sandra Bourget as Office Specialist/Secretary Specialist.

### **ANNOUNCEMENTS:**

- Submit expense account vouchers to Fern Desjardins by the 15<sup>th</sup> day following the month of the expenses incurred.
- The next regular Board business meeting is scheduled to be held on Wednesday, October 12, 2022 at 1:00 PM. Location to be determined.
- There will be a special meeting on September 30, 2022 at 9:00 AM with a Zoom option.

**ADJOURNMENT:**

The meeting adjourned at 3:18 P.M.

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

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