



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The State Board of Education held a special meeting on September 8, 2021 virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Peter Geiger; Wendy Ault; Paulette Bonneau; Wilson Hess; Victoria Kornfield; and Cynthia Murray-Beliveau.

Absent With Excuse: James Ford, Greyson Orne and Joshua Leinwand.

Cordelia Pitman: Chair Fern Desjardins was notified by the Governor's Office that Cordelia Pitman has resigned from the State Board of Education effective as of September 1, 2021. There is now a vacant seat to be filled from the First Congressional District.

CALLED TO ORDER:

Chair Fern Desjardins called the meeting to order at 1:00 PM.

VISION STATEMENT:

Read by Victoria Kornfield: 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.

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 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 five 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 requests 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 Peter Geiger, 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 BS 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 1:09 PM.

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

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

MOTION by Peter Geiger, seconded by Cynthia Murray-Beliveau, 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 AW 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 1:37 PM.

The Board returned to the regular business meeting at 2:05 PM.

MOTION by Paulette Bonneau, seconded by Wilson Hess, and voted five in favor with two members opposed (Peter Geiger and Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for AW. The transfer is granted.

MOTION by Peter Geiger, seconded by Paulette Bonneau, 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 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 2:09 PM.

The Board returned to the regular business meeting at 2:30 PM.

MOTION by Peter Geiger, seconded by Victoria Kornfield, 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.

Note: The Board took a break at 2:33 PM and returned to the business meeting at 2:40 PM.

MOTION by Peter Geiger, seconded by Cynthia Murray-Beliveau, 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 CB 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 2:41 PM.

The Board returned to the regular business meeting at 3:01 PM.

MOTION by Wendy Ault, seconded by Peter Geiger, and voted four in favor with three members opposed (Peter Geiger, Wilson Hess, and Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for CB. The transfer is granted.

MOTION by Peter Geiger, 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 BF 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 3:05 PM.

The Board returned to the regular business meeting at 3:16 PM.

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

ANNOUNCEMENTS:

- An email will be sent to all Board members regarding NASBE's Annual Delegate Assembly that will be held virtually on Friday, October 8 to conduct the business of the organization. Each state has one vote, which is cast by the Voting Delegate or Alternate. At the September 15 business meeting, the Board will decide on who will cast the votes for Maine.
- The Forum on Air Quality and Ventilation has been rescheduled for Monday, September 20 and will be held virtually via Zoom. All Board members will receive an invitation to the forum.
- Submit travel and expense account vouchers to Mary Becker.
- The next regular monthly Board meeting is scheduled to be held at the Burton Cross State Office Building in Augusta on Wednesday, September 15, 2021, at 1:00 PM. Material packets have been mailed to each member's home address. The meeting will be held in-person. There is an option to attend virtually via Zoom following the Remote Participation policy.

ADJOURNMENT:

The September 8, 2021 State Board of Education meeting adjourned at 3:31 PM.

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