



## 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 March 11, 2020 at the Burton Cross State Office Building, 111 Sewall Street, Augusta, Maine. The following members were present: Chair Wilson Hess; Vice Chair Jane Sexton; Wendy Ault; John Bird; Fern Desjardins; Peter Geiger; Martha Harris; Jana Lapoint; and Casey Maddock

Excused: Jaylee Rice

Vacant: One Member

Others Present: Deputy Commissioner Daniel Chuhta; Jason Libby, Postsecondary and Educator Preparation Coordinator; Angel Loreda, Director of Higher Education and Educator Support Services; and Mary Becker, State Board Secretary Specialist.

### **CALLED TO ORDER:**

Chair, Wilson Hess called the meeting to order at 1:06 PM.

### **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 Fern Desjardins, and unanimously voted by those present to accept the February 12, 2020 minutes as written.

### **PUBLIC COMMENT:**

No Public Comment

## **OFFICER'S REPORTS:**

### **Chair, Wilson Hess**

- He was appointed to serve on a group for the Department of Economic and Community Development related to workforce development. This group will meet and advise the Governor. As part of this effort he attended the James Hunt Institute Governor's Advisory Retreat in Miami Florida on February 20 and 21. Wilson shared a handout of the input that he gave the group for the discussion on workforce development. Most of the information on workforce trends was developed from public sources. The handout included an excerpt from the Perkins V State Plan. At the April Board meeting, he will share his brief take aways from a meeting he attended in Augusta regarding workforce development. This group included two representatives from the Department of Labor, Beth Lambert from the Department of Education, a representative from the Maine Community College System (Dr. Lisa Larson, President of Eastern Maine Community College) and himself. There are several groups working to advise the Governor on this issue of workforce development that could become one of the top priorities for the second half of the Governor's administration.
- Wilson was also asked to serve on a group chaired by Kim Smith, Deputy Commissioner of the Department of Labor related to the implementation of the State Economic Plan. He indicated to Ms. Smith that he will speak to members of the State Board to serve on the group. He has spoken to members of the CTE Committee (John Bird, Wendy Ault and Jana Lapoint). Wilson will nominate the Chair of the CTE Committee, John Bird, to serve on this group.
- On February 28, Wilson represented the State Board at the Arts Celebration at the Hall of Flags. A new set of art from students at Mattanawcook Junior High School has been presented on the 5<sup>th</sup> floor of the Department of Education and students toured the Department to view their piece.
- He serves on the Editorial Board at the National Association of State Boards of Education (NASBE) and they are in the final process of reviewing the next issue of the NASBE Standard on "school climate."
- He has been called several times by the Commissioner to discuss the Integrated, Consolidated School Construction Program. Wilson thanked Martha Harris and her committee for the guidance they have given him. They have discussed the Saint John Valley project and the Houlton project.
- Wilson has also spent time with the Commissioner and Deputy Commissioner regarding funding for the Professional Standards Board. The SBE and DOE are now waiting for final consideration by the Appropriations Committee.
- He was pleased to attend the MELMAC conference and thanked Wendy Ault and her team who worked so hard to put together a first-class event.
- Regarding Chapter 115 activity, a lot of time has been put into this rule. The Professional Standards Board rule has been vetted by Sarah Forster and Jaci Holmes has put time into formatting the rule. The version of the rule is much shorter and at Sarah's advice the redundancy from statute has been

removed. At the request of Senate Chair Millett of the Education and Cultural Affairs Committee, the Board has revised the Chapter 115 timetable, showing specific reference to the Professional Standards Board's role.

**Vice Chair, Jane Sexton**

- On February 26, Jane met with, Deputy Commissioner Chuhta and Wilson Hess for agenda review for the March 11 Board meeting and it was a very productive meeting. She appreciates the discussions they have during these monthly agenda review meetings.
- She attended and chaired the Certification and Higher Education Committee meeting on February 26.

**Board Annual Retreat Discussion (Jane Sexton)**

The Board had a discussion regarding the date of the Annual Board Retreat.

After much discussion the Board agreed to keep the August dates of Monday the 10<sup>th</sup> and Tuesday the 11<sup>th</sup>. The Board Business meeting will be held at 1:00 PM the second day of the retreat, Tuesday, August 11<sup>th</sup>.

**COMMITTEE REPORTS:**

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

The School Construction Committee met on February 28, 2020 as scheduled.

- The Committee had a lively discussion regarding the Integrated, Consolidated School Construction Program
  - Martha is hoping Sarah Forster will be available to attend the next committee meeting to find out from a legal stand point on how best to go forward. There is an issue about governance and the Committee needs to address that issue in a more global fashion rather than individually.
  - The Committee made a strong recommendation that the third project could go forward as well but it depends on the funding. The Committee will continue discussion at the next committee meeting on March 27.

The next School Construction Committee meeting is scheduled for Friday, March 27, 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 February 26, 2020 as scheduled.

- Chapter 115:
  - Jane addressed the Chapter 115 rulemaking document in the Board's meeting materials.

- At the Committee meeting, Deputy Commissioner Chuhta presented and reviewed the document. The Committee had discussion on terminologies.
- Certification Update:
  - The Committee received a report from Stephanie Fyfe.
    - 0 to 15 minutes wait time on phones
    - Three-week processing time
    - Stephanie went around to Universities in December to talk to people that were graduating regarding certification
    - Spoke about training for superintendents
  - Higher Education Update:
    - Team Reviews coming up in the spring
    - Thomas College Team Review discussion
    - Committee members continue working on the standards related to Higher Education Reviews and Chapter 114. They will look at each standard in relation to team reports to see that they are consistent within each standard.
      - Jane Sexton – Standard 2: Assessment System and Unit Evaluation
      - Jana Lapoint – Standard 3: Field Experiences and Clinical Practice
      - Wendy Ault – Standard 4: Diversity
- Discussion on Northeastern University Team Review
  - Date of review team meeting
  - Board Observer – Wendy Ault

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, March 25, 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.

***Career and Technical Education (John Bird):***

The Career and Technical Education (CTE) Committee did not meet on February 27, 2020 as scheduled. The agenda for February will be the March 26 meeting agenda.

- The Committee will have discussion on the following topics in March:
  - If we want to continue with grants for programs for grades 9 and 10.
    - If the committee goes through the RFP process, we would need to gear up many months in advance as there is quite a process for approval that takes a lot of time. There is much more flexibility not going through the RFP process. Technically all centers are eligible.
  - Potential workforce collaborations with the Department of Labor:
    - Career exploration program
    - Apprenticeships

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, March 26, 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 meets every Friday as needed and last met on March 6, 2020.

It was a short meeting - the Committee discussed the following bill:

- LD 2075: Resolve, Regarding Legislative Review of Portions of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education

Peter thanked all members of the Committee for calling in every Friday during the Legislative session.

***Nomination and Election (Martha Harris):***

Martha Harris is the Chair of the Nominations and Election Committee. Wendy Ault and Fern Desjardins serve on the committee. The Committee has not met to date.

The Committee will announce a slate of officers for nomination of chair and vice chair for the 2020-2021 year at the May Board meeting. The Board will vote at the June meeting.

***Student Voices (Casey Maddock):***

- The Student Cabinet held a meeting via Zoom on February 26. Most of the students on the advisory committee participated.
- Mental health was identified at the first meeting as a major issue.
- Casey did her homework by taking a poll of almost all the students and compiling a survey on what effects mental health in schools and what schools can provide to improve it. It was interesting to hear what the younger students are coming up with regarding positive solutions for mental health.
- The younger students were asked about bullying and civil rights.
- The next meeting will be held in April.

***Student Membership (Fern Desjardins):***

Wendy Ault, Fern Desjardins and Jaylee Rice were appointed by Chair Hess to serve on the ad-hoc committee reviewing student applications, selecting the six semi-finalists for interviews and following the interviews, sending the names of the three finalists to the Governor for an appointment to the Board.

The Student Membership Committee met on February 28 and March 9, 2020 to review the applications received by sophomores in the second congressional district. The committee received the following:

- Fifteen applications were received
  - Eleven female applications
  - Four male applications
  - Twelve high schools were represented
  
- Last year the Board received ten applications. The committee made sure that we reached out to all high schools. In a previous year, the State Board received 23 applications. We were in hopes to receive more than 15 but 15 is a good number.

To be sure all sophomores were aware, packets were sent to every high school principal and counselor’s office in the second congressional district (as done every year). In addition, posters were printed and sent in the packets this year to be posted in two areas of each school. A press release was sent out by the Department of Education.

Despite all the efforts of awareness, Mary Becker still received calls and emails from schools, at the very last minute, that packets had not been opened until just before February school vacation and it was too late for those students to apply.

The committee is down to the six semi-finalists to be interviewed. Interviews will take place over the next two weeks. Following interviews, the names of three finalists will be sent to the Governor to appoint a new student member to the Board.

***Charter Commission Representatives (Jana Lapoint):***

The Charter School Commission met on February 11, 2020.

Jana shared with the Board sad news of the recent passing of James “Jim” Banks. Jim was a former member of the State Board of Education serving a five- year term, with one year as Vice Chair of the Board and two years serving as the Board Chair. He was also a member of the Maine Charter School Commission for one year.

The Charter School Commission considered several requests from the Community Regional Charter School (*formerly Cornville Regional Charter School*) as follows:

- To rename their three campuses – the Early Childhood Center will become Creative Children’s Academy; the Cornville Campus will become Dimensions Academy; and the Skowhegan Campus will become Overman Academy. The process for renaming included soliciting input from learners, staff, and parents.
- To amend Anytime/Anywhere Learning Days to take effect on days when school is closed either for weather or when the school facilities are closed for various reasons such as lack of power or construction issues. These days will be used in place of snow days but will not be the first option for use during regular snow days. Pre-K learners at the Early Childhood Center will be exempt from additional snow days as these students are not mandated to go to school for 175 days.

- To move the physical location of the Kindergarten program from the Early Childhood Center to the Cornville Campus. This request does not change funding or enrollment numbers.

The dates of upcoming enrollment lotteries at each school were shared. Baxter held its lottery on February 5<sup>th</sup>. All other lotteries, if needed, will be held this month. An update on the lotteries will be shared at the Commission’s April Business Meeting.

Legislative updates were as follows:

- A Public Hearing for LD 2113 – “An Act to Prevent Charter Schools from Using State Funds for Anti-Union Campaigns” was held on March 4<sup>th</sup>. The Work Session is scheduled for March 12<sup>th</sup>. This bill, if passed, would prohibit a public charter school from using funds received from the State or Federal Government to engage in, or to retain legal counsel for the purpose of engaging in activities that interfere with, restrain, or coerce employees of the public charter school in their exercise of rights granted under the National Labor Relations Act, Section 7. The Commission did not submit testimony on this bill.

***Professional Standards Board (Peter Geiger):***

The Professional Standards Board has not met.

**OLD BUSINESS:**

RECOMMENDATIONS FOR PROFESSIONAL STANDARDS BOARD RULEMAKING

BACKGROUND: Governor Mills has re-activated the Professional Standards Board after a dormancy of some nine years.

The twenty-three voting members (including our own Peter Geiger, a voting *ex-officio* member) are charged by statute with “advising the State Board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State” as the centerpiece of the consensus-based rulemaking process for Chapter 115. The major, substantive rule-making process required for Chapter 115 is a lengthy and detailed one that Commissioner Makin is justifiably eager to begin. Several pertinent provisions of Chapter 502-B, which establish the Professional Standards Board, are:

***§13101. Professional Standards Board***

1. Board established. There is established the Professional Standards Board, referred to in this chapter as "the board," to advise the state board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State. The board consists of the following 22 members and 2 ex officio members:

2. Appointments. The Governor shall appoint the 23 members of the board specified in subsection 1, paragraphs A to M from nominations submitted by the education profession and interested persons. Members representing practitioner groups must be active practitioners and are appointed from a list of nominees presented by the largest organization in the State representing education paraprofessionals, elementary and secondary teachers, university faculty and each administrator specialty.

See attachment for items 3 through 6 which includes powers and duties, and §13102 - Work plan and annual report.

**§13104. Rulemaking**

The state board may adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

RECOMMENDATION: That the Board adopt the Rules dated March 11, 2020 to implement Chapter 502 and initiate the re-convening of the Professional Standards Board. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

And further, that the Board adopt the document Initial Meeting and Work Plan of the Professional Standards Board, dated March 11, 2020.

MOVED by John Bird and seconded by Jana Lapoint to adopt the Rules dated March 11, 2020 to implement Chapter 502 and initiate the re-convening of the Professional Standards Board. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. And further, that the Board adopt the document Initial Meeting and Work Plan of the Professional Standards Board, dated March 11, 2020.

Following discussion, John Bird withdrew his motion in favor of two separate motions.

MOTION by Martha Harris, seconded by Jana Lapoint, and unanimously voted by those present to adopt the Rules dated March 11, 2020 to implement Chapter 502 and initiate the re-convening of the Professional Standards Board. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

MOTION by Martha Harris, seconded by John Bird, and unanimously voted by those present to adopt the document Initial Meeting and Work Plan of the Professional Standards Board, dated March 11, 2020, as revised.



*NOTE: Wilson Hess will send an email to Senator Millett and Representative Kornfield, Education and Cultural Affairs Committee, stating that the State Board of Education voted at their March 11, 2020 meeting to adopt the rules for the Professional Standards Board and will include in the email the motion for the vote:*

**NEW BUSINESS:**

CONSIDERATION OF APPROVAL TO THE THOMAS COLLEGE EDUCATOR PREPARATION PROGRAM IN ACCORDANCE WITH CHAPTER 114

BACKGROUND: The review team was chaired by Dr. Linda Fuller of the College of the Atlantic. The review took place September 29-October 1, 2019. The review team reviewed the institution's self-study using Chapter 114 standards and recommended five-year program approval for the following programs:

- Early Childhood Education (B-5) (K-3);
- Elementary Education (K-8);
- Secondary Education (7-12) in English, Social Studies, Life Science, and Math

RECOMMENDATION: That the State Board of Education grant Thomas College a full five-year renewal from Fall 2019 to Fall 2024. The State Board also requires that Thomas College submit progress regarding the review team report recommendations within the annual report stipulated by Chapter 114.

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to grant Thomas College a full five-year renewal from Fall 2019 to Fall 2024. The State Board also requires that Thomas College submit a progress report regarding the review team recommendations as part of the annual reports stipulated by Chapter 114.

APPROVAL OF PROPOSED TEAM MEMBERS FOR NORTHEASTERN UNIVERSITY DEGREE-GRANTING AUTHORITY APPLICATION REVIEW

BACKGROUND: Northeastern University has filed an application for degree-granting authority in Maine. According to Chapter 149, review team members must be approved by the State Board of Education.

The following individuals are proposed to serve on the review team:

Dr. Joan Ferrini-Mundy, The University of Maine  
Dr. Glenn Cummings, University of Southern Maine  
Dr. Ellen Beaulieu, University of New England  
Dr. Josh McIntosh, Bates College  
Mr. Matthew Orlando, Bowdoin College  
Wendy Ault, State Board of Education Observer

RECOMMENDATION: That the State Board of Education approve the proposed Northeastern University review team.

MOTION by Jane Sexton, seconded by John Bird, and unanimously voted by those present to approve the proposed Northeastern University review team and add Wendy Ault as the Maine State Board of Education Observer.

#### RECOMMENDATIONS FOR INITIATING RULEMAKING PROCESS FOR CHAPTER 115 CREDENTIALING OF EDUCATION PERSONNEL

BACKGROUND: In drafting a new version of Chapter 115, the Department of Education (DOE) and the State Board of Education (SBE) jointly endeavor to create a comprehensive, long-standing rule that achieves a robust, skilled, diverse, compassionate, engaged, inspiring, motivating, caring educator workforce. It is our joint intention to pursue an inclusive process using consensus-based rulemaking in accordance with 5 M.R.S. § 8051-A.

The State Board of Education (SBE) hereby requests the Department of Education to initiate the Chapter 115 review, utilizing consensus-based rulemaking.

RECOMMENDATION: The State Board of Education (SBE) hereby requests the Department of Education to initiate the Chapter 115 review, utilizing consensus-based rulemaking.

And further, that Board adopt the document Timetable for Consensus-based Rule-making for Chapter 115 -- Credentialing of Education Personnel, dated March 11, 2020.

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to request the Department of Education to initiate the Chapter 115 review, utilizing consensus-based rulemaking.

#### **Timetable for Consensus-based Rule-making for Chapter 115 – Credentialing of Education Personnel**

In the drafting of a new version of Chapter 115, the Department of Education and the State Board of Education (SBE) jointly endeavor to create a comprehensive, long-standing rule that achieves a robust, skilled, diverse, compassionate, engaged, inspiring, motivating, caring educator workforce. It is our joint intention to pursue an inclusive process using consensus-based rulemaking in accordance with 5 M.R.S. § 8051-A.

Members of the newly revitalized Professional Standards Board, which represent a wide-range of educational fields and roles, will be essential to the consensus-based rulemaking process.

The Department and the State Board have jointly established the following timetable for Chapter 115 review.

The State Board of Education (SBE) hereby requests the Department of Education to initiate the Chapter 115 review, utilizing consensus-based rulemaking.

<b>Timing</b>	<b>Action/Activity</b>
February 2020	The State Board of Education (SBE) Certification and Higher Education (CHE) Committee discusses priorities for certification with the Department.
March 2020	The State Board of Education (SBE) votes to initiate consensus-based rulemaking through the Department of Education.
March 2020 – June 2020	A representative group of participants, including members of the Professional Standards Board, which is facilitated by the Department, drafts language for the rule.
June 2020	The Professional Standards Board issues its initial findings to the State Board from the consensus-based rulemaking process.
June 2020 – July 2020	The Commissioner and the CHE review the draft language, propose any revisions, and adds any language (if applicable).
July 2020 - October 2020	The SBE reviews the draft rule at its regular meeting. The proposed rule is promulgated, notice is given, hearing is held (at least one), and a comment period is established. The SBE considers substantive changes at its regular meeting; followed by a comment period of 30 days. The Department will review and finalize, and drafts responses to comments.
November 2020	Provisional adoption, following the SBE regular meeting.
8 January 2021	The rule is sent to Legislature.

MOTION by Jane Sexton, seconded by Martha Harris, and unanimously voted by those present to adopt the document Timetable for Consensus-based Rule-making for Chapter 115 -- Credentialing of Education Personnel, dated March 11, 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 a request 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 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 one.

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 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 Martha Harris, 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 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 2:42 PM.

The Board returned to the regular business meeting at 2:58 PM.

MOTION by Fern Desjardins, seconded by Jana Lapoint, and unanimously voted by those present to uphold the Commissioner's decision in the denial of a transfer for JB. Motion Carries and the transfer is denied.

**ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.

- Jane Sexton asked that if Board members have any new ideas on Chapter 115
- The next Board meeting will be held at the Cross State Office Building on Wednesday, April 15, 2020, at 1:00 PM.

**ADJOURNMENT:**

The March 11, 2020 State Board of Education meeting adjourned at 3:00 PM.