



## 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 December 15, 2021 at the Cross State Office Building, Augusta, Maine and virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Peter Geiger; Paulette Bonneau; James Ford; Wilson Hess; Victoria Kornfield; and Joshua Leinwand. Attending the meeting virtually via Zoom: Wendy Ault

Absent with Excuse: Greyson Orne

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

### **CALLED TO ORDER:**

Chair, Fern Desjardins called the meeting to order at 1:01 PM.

### **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 – “It” by Wes McNair, a Maine poet.

### **APPROVAL OF MINUTES:**

MOTION by Peter Geiger, seconded by James Ford, and unanimously voted by those present to accept the November 10, 2021 minutes as presented.

## **PUBLIC COMMENT:**

No Public Comment

## **OFFICER'S REPORTS:**

### **Chair, Fern Desjardins**

- Fern Desjardins reviewed the business agenda for the December 15, 2021 meeting.
- She reported that she was an observer, along with Board member Tori Kornfield, on the UMPI Review. It was conducted virtually November 12 and 15-19. Students and alumni who were interviewed spoke highly of the education program and the support received from their teachers, even after they graduated. UMPI plays a significant role in Aroostook County's educator workforce – from degree granting and providing a pool of candidates available for employment to on-going professional development to SAUs. Details of the cooperative work between SAUs and UMPI came out in a session with two County superintendents, a curriculum coordinator, and a principal.
- She attended 4 meetings of the Certification & Higher Education Committee. Chapter 115 has required a significant amount of time from committee members.
- Janet Fairman and Amy Johnson, co-directors at MEPRI, held a Steering Committee meeting on December 6. They provided an update on the projects they are working on along with reports that are due next spring. There was discussion on their projects with an opportunity for committee members to share ideas for MEPRI to fulfill their work plan obligations.
- The Maine Charter School Commission met on December 14 and Fern attended that meeting along with the monthly Board of Directors meetings for Maine Arts Academy and Harpswell Coastal Academy.
- Fern worked with the Board Effectiveness Ad hoc committee to finalize their section of the strategic plan, attended a Legislative Action Committee meeting, and two special meetings of the CTE Committee.
- The English Learners Advisory Council met on December 3. Committee members were especially pleased to get an update on the draft of the long-awaited guidance manual for identifying and serving students who are ELs with disabilities.
- She attended the December 1 informational meeting of the Education and Cultural Affairs Committee. The agenda included an update from the Department of Education – Commissioner Makin, Deputy Commissioner Dan Chuhta, Beth Lambert - Director of Innovative Teaching and Learning, and Bear Shea – Mental Health/School Counseling Specialist. Their presentation was followed by updates from the University of Maine System, Maine Community College System, and MEPRI.

- NASBE Office Hours was held on December 2. NASBE leadership discussed priorities for 2022 and received member feedback on topics for upcoming office hours.
- Lastly, she attended a Government Affairs Committee (GAC) meeting on December 7. She was asked to offer insights on the *Carson v. Makin* case that was heard by the Supreme Court on the following day, December 8. NASBE has a goal of having all NASBE member states represented on the Public Education Positions (PEP) Committee and the Government Affairs Committee (GAC). Maine currently does not have a rep on either committee. Martha Harris was our GAC rep and Fern was the PEP rep in the last two years. Fern invited anyone who is interested in being the rep for Maine on either of the committees to let her know.

**Vice Chair, Peter Geiger**

- On December 2, he attended the Professional Standards Board meeting.
- On December 3, he attended and chaired the School Construction Committee meeting virtually and the Legislative Action Committee meeting.
- On December 6, he participated in the Agenda Review meeting with Chair Desjardins and Deputy Commissioner Chuhta.
- On December 10, he attended the virtual Educate Maine Symposium. The topics that caught his attention included Early College Partnerships, the Next Step to School Redesign, and Maine’s Early Childhood Workforce.

**COMMITTEE REPORTS:**

***School Construction Committee (Peter Geiger):***

The School Construction Committee met on December 3, 2021 as scheduled.

- Jaci Holmes presented an exhibit that included revisions to Rule Chapters 60, 61, and 125 for the Board to review and consider for provisional adoption later in this meeting – item VIII.D.
- Scott Brown spoke about a process he and his team will put in place in order to meet our committee’s strategic goals. We had a discussion about a number of topics of interest including: 1) moving forward with the Integrated Consolidated 9-16 Educational Facility program application process; 2) the need for a statewide inventory project; and, 3) the need to advocate for increasing the debt limit for major capital school construction projects. All of the above require funds and will be on the future agenda for the Legislative Action Committee.

The next regular School Construction Committee monthly meeting is scheduled for Friday, January 28, 2021. The approved minutes will be posted on the State Board website.

### ***Certification and Higher Education (Wilson Hess for Wendy Ault):***

The Certification and Higher Education Committee (CHE) met four times since the November 10, 2021 Board meeting. The regular meeting was held on November 17, 2021. The Committee held special meetings on November 30, December 6, and December 13, to review the second round of comments for Chapter 115.

- Recommended Approval of The University of Maine Educator Preparation Program Report at the Board's December 15 meeting.
- Recommended the Board receive The University of New England Educator Preparation Program Review Team Report today.
- The Committee reviewed and discussed public comments for Rule Chapter 115 and is recommending the Board authorize the filing for provisional adoption of Chapter 115 rules and the Administrative Procedures Act forms with the Secretary of State's Office today.
- Reviewed the template for annual reports that are due in April of 2022.

The next regular Certification and Higher Education Committee monthly meeting is scheduled for Wednesday, January 26, 2021. 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 three times since the November 10, 2021 SBE meeting. The Committee met on November 18, December 2, and December 7, 2021. The meetings were held virtually via Zoom under the Board's remote meeting policy due to COVID-19.

- Reviewed the Fund balances for both the Perkins and Briggs Fund. Recommendation for action today to provide \$15,000.00 for MACTE Sponsorship Winter Retreat to take place in February and for the CTE Student of the Year in the Spring.
- Received a report from CTE Director Littlefield which included an update on the three-year MOU between the Maine Community College System and the Department of Education. The MOU three year understanding is to advance community college alignment with 9th and 12th grade CTE programs. The Committee will receive a draft of renewal at the January Committee meeting.
- Received a sneak preview of the data that was presented at the LD 313 workshop.
- Received an update from Educate Maine on the research they are doing on data collection for CTE around the state. They are waiting for MEPRI's study on CTE.
- Discussion on the potential priorities (exploratory) for Perkins carryover projects every year. Carryover money from Perkins budget that comes before the Committee to make recommendations on how the funds will be

awarded. There are a number of options that were suggested, including continuation of providing emergency COVID related funding, 9th and 10th grade projects, support for additional alignment between the Community Colleges and the secondary CTEs, and formula allocations.

- Wilson thanked Wendy Ault and Paulette Bonneau for their very careful edits and contributions with the strategic plan on November 4, in his absence.
- There will be no regular CTE Committee meeting in December. That meeting will be held on January 6, 2022.

The next regular CTE Committee monthly meeting is scheduled for Thursday, January 27, 2021. The approved minutes will be posted on the State Board website. A special Committee meeting is scheduled for Thursday, January 6, 2021.

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

The Legislative Action Committee met on December 3, 2021 virtually via Zoom under the Board's remote meeting policy due to COVID-19 surge.

- The Legislative Designee filing has been completed by Mary Becker. Fern Desjardins (Chair), Peter Geiger (Vice Chair) and Wilson Hess (LAC Chair) were listed as the Board's designees.
- The Committee reviewed carry-over legislation from the first session of the 130<sup>th</sup>.
- Watch List Items:
  - LD 705: Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools
  - LD 313: An Act to Advance Career and Technical Education Opportunities in Maine
  - LD 1189/Chapter 115: An Act to Amend the Teacher Certification Statutes
- The Committee reviewed its Role in ongoing rule-making and monitoring for:
  - Chapter 115: The Credentialing of Education Personnel
  - Chapter 60: New School Siting Approval
  - Chapter 61: Rules for Major Capital School Construction Projects
  - Chapter 125: Basic Approval Standards – Public Schools and School Administrative Units
- Wilson briefed the Board on LD 313. There are eight items in the Resolve. The working group will give a preliminary report on December 15, 2021 and then a final report in March of 2022. Of those eight items, they are still dealing with the first one with state-wide inventory of CTE programs.

The Legislative Action Committee will meet periodically in January and more frequently once the legislature is in regular session.

***Student Voices (Joshua Leinwand and James Ford):***

The Student Voices Committee met on December 14, 2021.

- Joshua Leinwand reported that the committee discussed the Maine Bicentennial Time Capsule which he and Greyson Orne have submitted a letter to.
- They touched briefly on student involvement on other State Board activities.
- Touched on the Carson v. Makin Supreme Court Case.
- Talked about how COVID has a rising impact and how it is affecting student mental health. James Ford touched on how COVID had an impact in the Lewiston School District, where he works.
- The Committee also touched upon the Commissioner's Student Cabinet and how no word has come out on this. There is no list of selected students on the DOE website. Joshua has a friend that applied and has not heard if he was selected or not selected. Wendy Ault will be reaching out to Rachel Paling at the Department of Education. Deputy Commissioner Chuhta stated that students have been selected for the cabinet and one meeting has been held. He will reach out to DOE staff member Rachel Paling to see why applicants have not been contacted.
- Talked about what other states do for student involvement on State Boards and the Committee will be reaching out to the National Association of State Boards of Education (NASBE) for information.

The next regular Student Voices Committee monthly meeting is scheduled for Tuesday, January 11, 2021.

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

The Charter School Commission met on December 14, 2021 as scheduled.

- The Charter School Commission welcomed their newest member, a representative of the State Board of Education, Victoria Kornfield.
- Former State Board of Education member, Jana Lapoint, presented public comment about the issue of school liaisons. The Commission will discuss at a future meeting.
- Received independent third party evaluations for Maine Virtual Academy and Maine Connections Academy.
- Approved the annual report for the Commissioner.
- Received 2020-21 Annual Monitoring Reports for all ten charter schools and held a discussion on each.
- New Governing Board Members: A new Governing Board member for the

- Maine Academy of Natural Sciences, if approved, will be Martha Harris.
- Approvals for Professional Development.
  - Professional Development Approval to bring Executive Director, Jeremy Jones, to five of the Charter Schools for meetings.
  - Consideration of Fiddlehead School of Arts and Sciences Fund Request.
  - Consideration of the approval of Proposal from Dr. Madden and Associates to Conduct Maine Virtual Academy's 2021-22 Independent Third Party Evaluation.

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

The Professional Standards Board (PSB) met on December 3, 2021 virtually via Zoom.

- Deputy Commissioner Chuhta gave an update to Rule Chapter 115 including the current targeted comment period, the fact that it will come to the SBE for a vote and then to the Education and Cultural Affairs Committee for input before getting final endorsement by the State Board of Education (SBE).
- In terms of future work, they would like to look at the impact of emergency certificates, Review Chapter 180 regarding teacher supports and would work with the SBE when work is done on Chapter 114.
- They discussed a best time for future meetings and agreed to holding one in early February. Specifics to be determined.
- Andrew McCullough is the PSB chair and ran an excellent meeting.

**UNFINISHED (OLD) BUSINESS:**

No Unfinished Business

**NEW BUSINESS:**

RECEIPT OF THE UNIVERSITY OF NEW ENGLAND EDUCATOR PREPARATION PROGRAM REVIEW TEAM REPORT

**BACKGROUND:**

The state review team was chaired by Dr. Anita Charles of Bates College. The virtual review took place September 27-October 1, 2021. The review team reviewed the institution's self-study using Chapter 114 standards.

**RECOMMENDATION:** That the State Board of Education receive the University of New England Review Team report.

MOTION by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present to receive the University of New England Review Team report.

## APPROVAL OF THE UNIVERSITY OF MAINE EDUCATOR PREPARATION PROGRAM

BACKGROUND: The review took place December 13-15, 2020 concurrently with a review conducted by the Council for the Accreditation for Educator Preparation (CAEP). The state review team was chaired by Dr. Andrea Stairs-Davenport of the University of Southern Maine. The state review team reviewed the institution's self-study using only Chapter 114 standards 5 and 6 as outlined in an agreement between the Maine State Board of Education and CAEP. Both the state report and the CAEP Final Action report were previously presented to the board.

The following programs were reviewed for approval:

- Early Childhood, ages 0-5
- Early Elementary, K-3
- Elementary Education, K-8
- Secondary Education, 7-12 in English Language Arts, Mathematics, Physical Science, Life Science, and Social Studies
- Physical Education, K-12
- World Language, K-12

RECOMMENDATION: That the University of Maine Educator Preparation Programs be granted full seven-year approval by the Maine State Board of Education from Fall 2021 to Fall 2028.

MOTION by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present to grant a full seven-year approval by the Maine State Board of Education from Fall 2021 to Fall 2028.

## REQUEST APPROVAL OF THE MAINE ADMINISTRATORS OF CAREER AND TECHNICAL EDUCATION FY22 GEORGE BRIGGS GRANT AWARD

The State Board of Education's Career and Technical Education Committee recommends to the State Board of Education any and all pertinent materials so that the State Board may perform its duties, including its fiduciary responsibilities, as the agency responsible for the administration and oversight of the state career and technical education (CTE) program.

The committee oversees the George M. Briggs Award. It reviews proposals to make recommendations for the approval of programs to enhance career and technical education to the State Board of Education. The committee requires the following testimonial statement be included verbally and in printed materials associated with events and activities supported by George Briggs Trust funding: "The George M. Briggs Trust was established in February 1948 through the generosity of the late George Millett Briggs of Turner for the purposes of



supporting the field of career and technical education and thereby enabling the young people of Maine to become self-supporting and useful citizens of the State. The State Board of Education is pleased that Mr. Briggs' memory and purposes can be furthered through activities such as [this event] for the advancement of career and technical education in Maine.”

Recommendation: The State Board approve the FY22 George Briggs grant award to the Maine Administrators of Career and Technical Education to provide a winter retreat for CTE Directors to continue work on a MACTE organizational vision and mission in coordination with a strategic planning process for CTE in Maine and to provide a CTE student of the year celebration in the spring. This award is \$15,000 and will be subject to terms and conditions as set forth in the award letter.

MOTION by Wilson Hess, seconded by Peter Geiger, and unanimously voted by those present to approve the FY22 George Briggs grant award to the Maine Administrators of Career and Technical Education to provide a winter retreat for CTE Directors to continue work on a MACTE organizational vision and mission in coordination with a strategic planning process for CTE in Maine and to provide a CTE student of the year celebration in the spring. This award is \$15,000 and will be subject to terms and conditions as set forth in the award letter.

REGULATION CHAPTERS 60, 61, AND 125

UPDATE: LD 705 was enacted in the House on June 9, 2021 and in the Senate on July 2, 2021. The Resolve or signed emergency became law without Governor's signature into Resolve 2021, Chapter 114 on July 15, 2021. The Resolve states:

**Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools**

**Sec. 1. Department of Education to amend rules. Resolved:** That the Department of Education shall amend its rules Chapter 60: New School Siting Approval, Chapter 61: State Board of Education Rules for Major Capital School Construction Projects and Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to require standards governing air quality and ventilation for all public schools, including schools with mechanical and nonmechanical ventilation systems. These standards must apply to all public schools and must apply no earlier than July 1, 2022 and no later than July 1, 2026. The rules adopted pursuant to this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, and the department shall submit the provisionally adopted rules for final adoption to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2022.

The State Board of Education voted on September 15, 2021 to authorize the filing of the proposed Chapters 60,61, and 125 rules and the Administrative

Procedures Act forms with the Secretary of State's Office for a targeted rulemaking to include the same statement in the appropriate section of each rule. There were no comments made on the targeted proposed rules.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On December 3, 2021, the School Construction Committee recommended that this exhibit be placed on the December 15, 2021 State Board meeting agenda and that the State Board of Education vote to authorize the filing of the provisional adoption of Chapters 60, 61, and 125 rules and the Administrative Procedures Act forms with the Secretary of State's Office following the December 15, 2021 State Board meeting for a targeted rulemaking to include the same statement in the appropriate section of each rule.

MOTION by Wilson Hess, seconded by Victoria Kornfield, and unanimously voted by those present for the State Board of Education to authorize the filing of a provisional adoption for Rule Chapter 60, 61, and 125 and forward Chapter 125 to the Commissioner of Education for the Department's joint provisional adoption.

MOTION by Wilson Hess, seconded by Victoria Kornfield, and unanimously voted by those present to schedule a public hearing for Rule Chapter 60, 61, and 125 in January of 2022 and report to the Legislature after the public comment period with a summary of the results.

REGULATION CHAPTER 115, "THE CREDENTIALING OF EDUCATION PERSONNEL"

UPDATE: The State Board's Certification and Higher Education Committee, supported by the Deputy Commissioner of Education and other Department staff, reviewed the 43 initial comments received on the proposed Chapter 115. On October 26, 2021, the Board approved three substantial changes to the rule. These changes necessitated an additional 30-day public comment period. The topics included in changes are as follows:

- Refined some of the grade spans
- Reinstated Adapted Physical Education (APE) endorsement
- Revised language per P.L.2021, Chapter 348, which requires that rules which used the term 'hearing impaired' be changed to 'hard of hearing'

During the second comment period, there were 21 comments received by the deadline of November 29, 2021. The Certification and Higher Education Committee reviewed the comments and crafted responses to all comments at their meeting on December 6, 2021. There were no changes proposed because of the comments.

RECOMMENDATION: That the State Board of Education vote to authorize the filing for provisional adoption of Chapter 115 rules and the Administrative Procedures Act forms with the Secretary of State's Office immediately following the December 15, 2021 State Board meeting.

MOTION by Paulette Bonneau, seconded by Victoria Kornfield, and unanimously voted by those present to authorize the filing for provisional adoption of Chapter 115 rules and the Administrative Procedures Act forms with the Secretary of State's Office immediately following the December 15, 2021 State Board meeting.

#### APPROVAL OF THE FIVE-YEAR STRATEGIC PLAN 2022-2026

MOTION by Victoria Kornfield, seconded by Peter Geiger, and unanimously voted by those present to approve the Five-Year Strategic Plan 2022-2026 as amended.

#### APPROVAL OF AMENDMENT TO THE REMOTE PARTICIPATION POLICY

Withdrawn from the agenda.

### **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 four 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 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 JS 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 3:03 PM.

The Board returned to the regular business meeting at 3:19 PM.

MOTION by Paulette Bonneau, seconded by Peter Geiger, and unanimously voted by those present to overturn the Deputy Commissioner’s decision in the denial of a transfer for JS. The transfer is granted.

**EXECUTIVE SESSION:**

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 LB 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 3:23 PM.

The Board returned to the regular business meeting at 3:39 PM.

MOTION by Victoria Kornfield, seconded by Wilson Hess, and voted four in favor with two members opposed (Fern Desjardins and James Ford) to uphold the Deputy Commissioner’s decision in the denial of a transfer for LB. The transfer is denied.

**EXECUTIVE SESSION:**

MOTION by Peter Geiger, 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 AET and AMT 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 3:46 PM.

The Board returned to the regular business meeting at 4:01 PM.

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

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

**ANNOUNCEMENTS:**

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

- The next regular Board meeting is scheduled to be held at the Burton Cross State Office Building in Augusta on Wednesday, January 12, 2021, at 1:00 PM.

**ADJOURNMENT:**

The December 15, 2021 State Board of Education meeting adjourned at 4:06 PM.

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