



## 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 July 14, 2021 virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Peter Geiger; Wendy Ault; Paulette Bonneau; James Ford; Wilson Hess; Victoria Kornfield; Cynthia Murray-Beliveau; and Greyson Orne.

Excused: Cordelia Pitman and Casey Maddock

Others Present: Deputy Commissioner Chuhta; Scott Brown, Director, School Construction Programs; Valerie Chiang, School Construction Coordinator; Angel Loreda, Director of Higher Education and Educator Support Services; Jason Libby, Higher Education Specialist; (Department of Education) Joshua Leinwand, Student Member Designee; and Mary Becker, State Board Secretary Specialist.

### **CALLED TO ORDER:**

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

The meeting was conducted in accordance with Sec. G-1. 1 MRSA §403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. Whereas the meeting is open to the public, all votes will be taken by roll call. Nine Board members attended virtually.

Roll call was taken by Mary Becker, Secretary Specialist. The chair declared a quorum present.

### **VISION STATEMENT:**

Read by student member, Greyson Orne: 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 – “Breaking Free” by Stuart Kestenbaum, a Maine poet.

## **APPROVAL OF MINUTES:**

MOVED by Wilson Hess, seconded by Peter Geiger, and unanimously voted by those present to accept the June 9, 2021 minutes as presented.

## **PUBLIC COMMENT:**

No Public Comment

## **OFFICER’S REPORTS:**

### **Chair, Fern Desjardins**

- Fern reviewed the business agenda for the July 14 meeting.
  - *Unfinished Business*
    - Regulation Chapter 115, “The Credentialing of Educational Personnel,” Proposed
  - *New Business*
    - Request Approval of the Educate Maine FY22 Perkins Contract
    - Major Capital School Construction Program; Site Approval for RSU 54 – New Elementary School Construction Project
    - Receipt of the College of the Atlantic Educator Preparation Program Review Team Report
    - Appointment of a State Board Member to the Maine Charter School Commission
    - Consideration of two student transfer appeals
- Committee Appointments for Board Members
  - The Committee Appointments/Board Representatives list was distributed to Board members electronically. Chair Desjardins reviewed the list and briefly spoke about the appointments.
- Chair Desjardins serves on various committees of the National Association of State Boards of Education (NASBE). Over the past month, she participated in the following:
  - Awards Committee – Met on June 11 to recommend recipients of the Distinguished Service Award and Friend of Education Award.
  - Public Education Positions Committee (Chair) – Met on June 14 and 28. The committee is close to finalizing four positions that will be brought for a vote at the Delegate Assembly in October.
  - Office Hours are held monthly – The June 11 session was on new developments with broadband connectivity, the Emergency

Broadband Benefit program, and erate expansion. All Office Hours are recorded so you can access them.

- New Board Member Institute – Chair Desjardins thanked participants that attended the first session on June 23 - Victoria Kornfield, James Ford, Paulette Bonneau and Joshua Leinwand. There is no cost for new board members to attend. Two students were in attendance, one from Mississippi and Maine’s Joshua Leinwand. Chair Desjardins was very proud of Joshua’s responses to President Hull’s questions.
- Chapter 115 is progressing well and the Board will take action on Chapter 115 in today’s meeting.
- She attended a meeting with Sarah Forster, Assistant Attorney General, regarding LD 32: “An Act Regarding Remote Participation in Public Proceedings”. She is working with Peter Geiger and Wilson Hess on a draft policy for remote participation in public meetings and the draft will be shared with Board members at the August 11, 2021 meeting. Mary Becker will send a copy of LD 32 to all Board members. Beginning in August and until the policy is in place, all Board meetings will be held in person.

**Vice Chair, Peter Geiger**

- On June 11, Peter attended a Certification and Higher Education (CHE) Committee meeting to review Chapter 115 materials.
- On June 11, he participated at a Maine Teacher of the Year (MTOY) review panel meeting.
- He attended CHE Committee meetings on June 15 and June 18.
- On June 16, he attended a Chapter 115 Portfolio Planning Session.
- On June 17, he attended a MTOY Advisory Committee Meeting.
- On June 25, he attended and chaired a School Construction Committee Meeting.
- Throughout the month, Chair Desjardins and he have been tending to the details of the upcoming SBE Retreat which will take place on August 10 and 11 at the Green Ladle in Lewiston.

**COMMITTEE REPORTS:**

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

The School Construction Committee met on June 25, 2021 as scheduled.

- Peter Geiger, Fern Desjardins and Wilson Hess were in attendance virtually and Board member Cynthia Murray-Belliveau joined the meeting.
- The Committee reviewed the Major Capital School Construction Program – Site Approval for RSU 54/MSAD 54 New Elementary School Construction Project. The new facility will combine Margaret Chase Smith Elementary School, Northfield Elementary School and Bloomfield Elementary School

into a new Pre-k – 5 elementary school. An exhibit will be presented during this meeting to act on the committee’s recommendation.

- The Committee had a brief discussion about LD 705 which is a “Resolve, To Improve Air Quality and Ventilation in Maine’s Public Schools.” This will require revisions to rule chapters 60, 61 and 125. Work will begin shortly to address the specifics of this Resolve.

The next regular School Construction Committee monthly meeting is scheduled for Friday, July 30, 2021. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

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

The Certification and Higher Education Committee held their regular monthly meeting on June 23, 2021 as scheduled. The Committee held special meetings on June 7, June 11, June 15, June 18, June 21, and June 28, 2021.

- Wendy Ault reported that the months of work on Chapter 115, Part I and Part II will be discussed under unfinished business on today’s agenda.

The next regular Certification and Higher Education Committee monthly meeting is scheduled for Wednesday, July 28, 2021. The meeting will be held virtually via Zoom. 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 on June 24, 2021 as scheduled.

- Wilson Hess reported that the primary topic of the meeting was consideration of the proposal to establish a partnership between Educate Maine and the State Board. This implements some strategic priorities related to Career and Technical Education and some research is needed. The State DOE’s CTE branch has cleared way for funding for this to take place through Perkins funds.
- Data collection from the CTE Centers and Regions, specifically around programs that have been going on with our sponsorship around 9<sup>th</sup> and 10<sup>th</sup> graders. The number of connections awarded to students of CTEs and various scheduling models.
- Systematic changes such as transportation that is always an issue. Credits, scheduling and space considerations. The Board will take action on the contract later today.

The next regular CTE Committee monthly meeting is scheduled for Thursday, July 22, 2021. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

**Legislative Action (Peter Geiger):**

The Legislative Action Committee last met on Friday, May 28, 2021.

- The Committee has not met and does not have anything to report.

**Student Voices (Casey Maddock, Greyson Orne and Wendy Ault):**

Wendy Ault reported that whereas it is summer, the Commissioner chose not to hold a Student Cabinet meeting over the summer months.

Greyson Orne had nothing to report as the Student Cabinet has not met over the summer.

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

The Charter School Commission met on July 13, 2021 as scheduled.

- The Commission received a policy presentation from the National Association of Charter School Authorizers (NACSA).
- Commission accepted several new Governing Board members. Jana Lapoint was added to the Board of MCA.
- Accepted a few resignations of Governing Board members.
- Elections of officers – Wilson Hess is serving as the Chair of the Charter Commission.
- Received the first reading of a remote meeting policy.
- Approved a three-year expansion model.
- Approved the FY22 budget.
- Approved Maine Virtual Academy’s contract changes.

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

The Professional Standards Board (PSB) last met on May 3, 2021.

- The PSB’s next meeting will be held in the Fall of 2021.

**UNFINISHED (OLD) BUSINESS:**

REGULATION CHAPTER 115, “THE CREDENTIALING OF EDUCATION PERSONNEL,” PROPOSED

BACKGROUND: After a May 2020 convening of a consensus-based rulemaking committee which met for seven months, and additionally, the comprehensive review of the proposals by the State Board of Education’s Certification and Higher Education Committee, a proposed Rule Chapter 115 is attached for your consideration. This rule has substantial changes, which will positively benefit the educator workforce in Maine.

The proposed changes in Chapter 115 include, but are not limited to:

- Updating professional standards for administrator certificates
- An additional option for Educational Technician certification preparation
- Emergency and reciprocal certification provisions
- Removal of qualifying examination requirements. For teachers, this Requirement was replaced with the option to take a basic skills test, provide evidence of at least a 3.0 cumulative GPA in the courses required for the certificate/endorsement, or the review of a portfolio which includes evidence of competency in Maine's Initial Teaching Standards.
- Improved Career and Technical Education (CTE) program and Endorsement alignment, as well as increased flexibilities for currently certified teachers
- Updating many grade spans to include pre-kindergarten
- Clarification of course requirements for special education certificates, as well as an additional pathway for current Educational Technician IIIs
- Removal of the Adaptive Physical Education, Special Education Consultant, and Speech and Language Consultant certificates/endorsements
- Additional course requirements including 3 hours of coursework in diversity-centered content related to today's classroom (for most certificates and endorsements) and 3 hours of coursework in human development, educational psychology, developmental psychology, adolescent psychology, or child development, for teacher certificates and endorsements
- Added a School Health and Physical Education combined teacher endorsement
- Variety of updates to Educational Specialist certificates, including the Library Media Specialist, School Counselor, and School Psychologist certificates

Some of these proposals necessitated changes in statute first and were included in LD 1189, which was enacted in the House on June 9, 2021 and in the Senate on June 10, 2021. The Governor signed the emergency measure into Public Law 2021, Chapter 228 on June 16, 2021. The Law states "Rulemaking; applicability. The State Board of Education shall amend Department of Education rule Chapter 115 regarding the credentialing of education personnel in accordance with this Act."

The proposed Rule Chapter 115 will follow the required steps of filing, posting a notice, hearing and a comment period to be completed by the end of December 2021. After provisional adoption, the rule will be submitted to

Legislative Council to be referred to the Joint Committee on Education and Cultural Affairs for its consideration.

RECOMMENDATION: That the State Board of Education vote to authorize the filing of the proposed Rule Chapter 115 and the Administrative Procedures Act forms with the Secretary of State's Office immediately following the July 14, 2021 State Board meeting.

MOTION by Wendy Ault, seconded by Wilson Hess, and unanimously voted by those present to authorize the filing of the proposed Rule Chapter 115 and the Administrative Procedures Act forms with the Secretary of State's Office immediately following the July 14, 2021 State Board meeting.

**NEW BUSINESS:**

REQUEST APPROVAL OF THE EDUCATE ME FY22 PERKINS CONTRACT

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 the administration on oversight of Maine's Perkins grant funding.

The committee reviews proposals to make recommendations for the approval of programs to enhance career and technical education to the State Board of Education.

Recommendation: The State Board of Education approve a FY22 Perkins contract award, in the amount of no more than \$30,000, to the Educate ME foundation. Funds will be used to collect and analyze CTE fiscal data in order to make recommendations on supplemental funding; collect CTE data points in order to show CTE educational trends; and to facilitate CTE stakeholder working groups in order to determine actions steps and timelines to address CTE strategic priorities. In accordance with the Perkins V Act sections 121(a) Eligible Agency Responsibilities and 122(a) State Plan requiring stakeholder engagement, the State Board of Education CTE Committee will partner with Educate Maine to oversee all aspects of this initiative.

MOTION by Wilson Hess, seconded by Peter Geiger, and unanimously voted by those present to approve a FY22 Perkins contract award, in the amount of no more than \$30,000, to the Educate ME foundation. Funds will be used to collect and analyze CTE fiscal data in order to make recommendations on supplemental funding; collect CTE data points in order to show CTE educational trends; and to facilitate CTE stakeholder working groups in order to determine actions steps and timelines to address CTE strategic priorities. In accordance with the Perkins V Act sections 121(a) Eligible Agency Responsibilities and 122(a) State Plan

requiring stakeholder engagement, the State Board of Education CTE Committee will partner with Educate Maine to oversee all aspects of this initiative.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; SITE APPROVAL  
CONSIDERATION; RSU 54/MSAD 54 - NEW ELEMENTARY SCHOOL  
CONSTRUCTION PROJECT

STATEMENT OF FACT: Superintendent Jonathan Moody requests that the State Board of Education approve a site in Skowhegan for a new elementary school. North Elementary School (grades PreK-K) rated 2nd on the Final Priority List of the 2017-2018 Rating Cycle. The proposed new elementary school will also include students from Bloomfield Elementary (grades 1-3), Margaret Chase Smith Elementary (grades 4-5) and Canaan Elementary (grades 3-5).

RSU 54/MSAD 54 hired Stephen Blatt Architects to complete a New vs. Renovations analysis of the existing North Elementary School and conduct further facilities analysis of three other elementary buildings in the district. The analyses resulted in a recommendation of new construction that would include grades preK-5. The district is currently working with the Department to explore including CDS and other early childhood programs in the new facility. This project allows for the elimination of 21 portable classrooms and provides space to enhance pre-K programming in other district elementary schools in Norridgewock and Canann. The proposed project, with district wide grade alignment, will support the district's goals of improving educational equity.

The current North Elementary school site is 2 acres which will not support this school project. A comprehensive search was conducted to find a site that could support the needs of the new combined elementary school. The process was led by Andy Johnston P.E., of Atlantic Resource Consultants. The search began with 54 sites and through an evaluation process was narrowed to 4. The 4 remaining sites were studied extensively using the criteria on the site selection matrix developed by the design team and the school district. The existing Margaret Chase Smith 8.09 acre site was identified as the best site for the new school. Adjacent to the school is a National Park Service (NPS) 18.02 acre recreational site. The town of Skowhegan and the school district are working with the NPS to relocate the recreational amenities. This will allow the district to combine the two sites for a total of 26.11 acres. An agreement has been reached and project costs associated with this conversion will be included in the Concept Approval budget. Additionally, the project will necessitate the relocation of a district bus garage to a location to be determined.

This proposed site is in the heart of the community and benefits from good access and is well served by utility and transportation infrastructure. Site investigations and environmental analysis studies have been conducted and have not revealed any issues of significance. The new school can be constructed while the existing



school remains operational. A completed Site Application is on file with the Department of Education and meets all the applicable criteria of the State Board of Education's Chapter 61, Rules for Major Capital School Construction Projects.

In a public meeting on May 19, 2021, constructing a new facility on this site was endorsed by a straw poll vote of 22 in favor and 0 opposed.

*Project Information:*

Project: RSU 54/MSAD 54 New Grades preK-5 Construction Project

Superintendent: Jonathan Moody

Architect: Stephen Blatt Architects

Engineer: Andy Johnston, Atlantic Resource Consultants

Schools to be closed: North Elementary, Margaret Chase Smith Elementary, Bloomfield Elementary

Total number of acres: 26.11

Purchase cost: NPS conversion costs estimated \$1,932,444.85

COMMISSIONER'S RECOMMENDATION: The Commissioner of the Department of Education recommends that the State Board of Education grant Site Approval to RSU 54/MSAD 54 for the new Elementary School construction project as presented.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On June 25, 2021, the School Construction Committee recommended that this exhibit be placed on the July 14, 2021 State Board meeting agenda and that the State Board grant Site Approval to RSU 54/MSAD 54 for the new Elementary School construction project as presented.

MOTION by Peter Geiger, seconded by Cynthia Murray-Beliveau, and unanimously voted by those present to grant Site Approval to RSU 54/MSAD 54 for the new Elementary School construction project as presented.

RECEIPT OF COLLEGE OF THE ATLANTIC EDUCATOR PREPARATION PROGRAM REVIEW TEAM REPORT

BACKGROUND: The review team was chaired by Lane Clarke of the University of New England. The review took place the week of April 5-9, 2021. The review team reviewed the institution's self-study using Chapter 114 standards.

The following programs were reviewed for approval renewal:

- Elementary Education, K-8; and
- Secondary Education, 7-12 in English Language Arts, Life Sciences, and Social Studies

Additionally, the following program was reviewed for initial certification:

- A minor in Art Education, K-12

The team recommends a full five-year approval from Fall 2020 to Fall 2025.

RECOMMENDATION: That the State Board of Education receive College of the Atlantic Review Team report of findings that the institution's educator preparation program be granted initial program approval by the Maine State Board of Education from Fall 2020 to Fall 2025.

MOTION by Wendy Ault, seconded by Wilson Hess, and unanimously voted by those present to receive the College of the Atlantic Review Team report of findings that the institution's educator preparation program be granted initial program approval by the Maine State Board of Education from Fall 2020 to Fall 2025.

APPOINTMENT OF A STATE BOARD OF EDUCATION MEMBER TO THE MAINE CHARTER SCHOOL COMMISSION

MOTION by Fern Desjardins, seconded by Wilson Hess, and unanimously voted by those present to appoint Cynthia Murray-Beliveau to serve on the Maine Charter School Commission.

**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 two 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 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 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 ID 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 2:27 PM.

The Board returned to the regular business meeting at 2:53 PM.

MOTION by Wilson Hess, seconded by Victoria Kornfield, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for ID and grant the transfer.

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 CH 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 2:58 PM.

The Board returned to the regular business meeting at 3:29 PM.

MOTION by Victoria Kornfield, seconded by Peter Geiger, and voted six in favor with one member opposed (Wilson Hess) to uphold the Deputy Commissioner's decision in the denial of a transfer for CH.

**ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- The next Board meeting is scheduled to be held at the Green Ladle in Lewiston on Wednesday, August 11, 2021, at 1:00 PM.
- The Board annual retreat will be held at the Green Ladle in Lewiston on Tuesday, August 10 and Wednesday, August 11, 2021, followed by the business meeting at 1:00 PM on August 11.

**ADJOURNMENT:**

MOTION by Peter Geiger, seconded by Wendy Ault, and unanimously voted by those present to adjourn the July 14, 2021 State Board of Education meeting at 3:42 PM.

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