



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 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; Wilson Hess; Victoria Kornfield; and Cynthia Murray-Beliveau. Attending the meeting virtually via Zoom: Wendy Ault; James Ford; and Greyson Orne.

Absent with Excuse: Joshua Leinwand

Others Present: Mary Becker, State Board of Education Secretary Specialist.

CALLED TO ORDER:

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

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 – “Casco Bay, July” by Alice Persons, a Maine poet.

APPROVAL OF MINUTES:

MOVED by Cynthia Murray-Beliveau, seconded by Victoria Kornfield, and unanimously voted by those present to accept the August 11, 2021 minutes as presented.

PUBLIC COMMENT:

No Public Comment

OFFICER'S REPORTS:

Chair, Fern Desjardins

- Fern Desjardins reviewed the business agenda for the September 15 meeting.
 - *Unfinished Business*
 - No Unfinished Business
 - *New Business*
 - Approval of University of New England Educator Preparation Review Team
 - Authorization of the Filing of the Proposed Chapters 60, 61, and 125 Rules
 - Approval of Amendments to the Remote Participation Policy
 - National Association of State Boards of Education (NASBE) Voting Delegate
 - Consideration of four student transfer appeals
- On September 14, Wendy Ault and Fern provided the Joint Standing Committee on Education and Cultural Affairs Committee with an update on the new certification rules, Chapter 115. Fern had Mary Becker forward Board members a copy of the presentation. Deputy Commissioner Daniel Chuhta contributed to the update.
- She attended NASBE's Office Hours on August 12 which focused on helping members think through ESSER (Elementary and Secondary School Emergency Relief Funds) and ARP (American Rescue Plan) investments. A presentation by FutureEd introduced them to evidence-based strategies for investing in federal relief funding. She also attended the September 2 Office Hours on using ARP funds on a guide from Science of Learning and Development Alliance that focuses on how schools can help students recover from the pandemic and accelerate their learning and development.
- The third and final session of the New Member Institute was held on August 18. Fern thanked Paulette Bonneau, James Ford, Victoria Kornfield, and Joshua Leinwand for attending. The session was on the federal role in education; working with the legislature, governor, and the media; and building partnerships in the education community. The new member participants chose Patti Gubbels of Nebraska to serve as the new member representative on the 2021-22 Board of Directors. Ms. Gubbels will replace Fern when her term ends in October. A recording of Session III is available on the NASBE website.

- Registration is now open for NASBE's 2021 Virtual Annual Conference on October 6-8. Let Mary Becker know if you want her to register you for the conference.
- Peter Geiger and Fern submitted an application for Martha Harris, former SBE member for 10.5 years, for the NASBE Distinguished Service Award. Martha was selected as one of the three recipients to receive the award that will be presented during NASBE's Virtual Annual Conference.
- Fern had an interview with Maine Today Media regarding the recent appointment of Joshua Leinwand to the State Board. The article, in which they state that Joshua hopes his appointment will prepare him for future public office, came out September 7 in the Portland Press Herald.
- She met with the Hawaii SBE Chair and the Executive Director via Zoom on August 27 to discuss Maine's SBE development of a 5-year strategic plan. They were interested in the process we are using and the support we are getting from NASBE.
- LD 705 – *Resolve, To Improve Air Quality and Ventilation in Maine's Public Schools* directs that rules Chapter 60, Chapter 61 and Chapter 125 be amended regarding air quality and ventilation standards in public schools. The rules would be opened only for complying with air quality and ventilation standards related to the Resolve, nothing else. Board members received an email on a stakeholder forum that will be held September 20, 9:30-11:00 via Zoom. School Construction Committee members were especially encouraged to attend.

Vice Chair, Peter Geiger

- Peter participated in the public hearing on Chapter 115 held at the Cross Building on August 16.
- He attended and chaired the Construction Committee meeting that he will report on in a few minutes and the special SBE meeting reviewing student transfers on September 8.
- As a side, there was a massive apartment fire in Lewiston Saturday afternoon, September 11. A 4-story apartment building was totaled. One man perished and 27 people (18 students) are displaced. Kudos to Superintendent Jake Langlais, AD Jason Fuller and the entire Lewiston School community for immediately helping those involved.
 - Lewiston High School (LHS) established a shelter for 27 victims.
 - The Green Ladle has been serving victims 3 meals a day starting with the evening of September 11.
 - The Store Next Door is assisting with resources including clothing.
 - Families at LHS communicate in 5 languages and amongst them there are some that speak multiple languages so there isn't a communication gap.
 - Action by the school community took place Saturday afternoon, immediately after the 5 pm fire and remains through this week. Education transcends the school walls and care for students and

families is a 24/7 job and I am proud of how effective the Lewiston School Community was at a time it was most needed.

COMMITTEE REPORTS:

School Construction Committee (Peter Geiger):

The School Construction Committee met on August 27, 2021 as scheduled.

- The Committee discussed how we will implement work directed to us through LD 705 regarding ventilation and air quality in schools. In working with Jaci Holmes and the DOE, we have wording that allows us to handle this aspect of construction through rules in Chapters 60, 61 and 125. There will be an agenda item today that will move this forward in a timely manner.
- The Committee reviewed the initial work that will become part of the SBE's 5-year strategic plan. The Committee has a good head start and has placed it in the recommended format.
- Received an update on the status of the first five projects listed on the Major Capital School Construction List.
- Scott Brown worked the committee through the 21 steps that brings a construction project from application through completion.

The next regular School Construction Committee monthly meeting is scheduled for Friday, September 24, 2021. The approved minutes will be posted on the State Board website.

Certification and Higher Education (Wendy Ault):

The Certification and Higher Education Committee (CHE) held their regular monthly meeting on August 25, 2021 as scheduled.

- Wendy Ault reported that the public comment period for Chapter 115 ends today, September 15. The Committee will be meeting on Friday, September 17 to review comments received and discuss draft responses.
- The Committee will work further on the Board's Strategic Plan at the next regular meeting.

The next regular Certification and Higher Education Committee monthly meeting is scheduled for Wednesday, September 22, 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 on August 26, 2021 as scheduled. The meeting was held virtually via Zoom under the Board's remote meeting policy due to COVID-19 surge.

- The Committee reviewed the Perkins V and Briggs financial reports.
- Received a request from MACTE (Maine Administrators of Career and Technical Education) for annual support that will be considered at the next meeting.
- Updates were provided by stakeholders: Dwight Littlefield, State Director for CTE, Department of Education; Jason Judd, Executive Director of Educate Maine; MACTE (Maine Administrators of Career and Technical Education); and from Joan DeCosta, Perkins Grant Coordinator, Community College System.
- Discussed planning issues and received input that was provided at the workshop session this morning.

The next regular CTE Committee monthly meeting is scheduled for Thursday, September 23, 2021. The approved minutes will be posted on the State Board website.

Legislative Action (Wilson Hess):

The Legislative Action Committee’s organizational meeting was held on Wednesday, August 25, 2021 virtually via Zoom under the Board’s remote meeting policy due to COVID-19 surge.

- Wilson thanked Peter Geiger for his leadership of the Legislative Action Committee over the past year.
- The Committee reviewed its purpose from the State Board Policies and Procedures Manual. There were four items that were the outcomes of the meeting.
 - Established that we will strive to prepare positions in advance on carry-over legislation and targeted resolves from the first session of the 130th.
 - Established that we will shepherd SBE rules through the rule-making process, legislative review, and final SBE adoption. These rules “belong” to other SBE committees, but we can monitor the progress, advise the committees on process, help with legislative review, and monitor final adoption process.
 - Agreed that we will be prepared to receive and follow-up on planning priorities from other SBE Committees that require interaction with the Legislature.
 - Served notice of the September 14 meeting of the Education and Cultural Affairs Committee at which the SBE was invited to give an update on Chapter 115. Thank you to Chair Desjardins and CHE Committee Chair Ault for their report to the Education and Cultural Affairs Committee.

Student Voices (Greyson Orne, Joshua Leinwand and Wendy Ault):

- Wendy Ault reported that it has been very quiet. She is not aware of any date set for a meeting of the Commissioner’s Student Cabinet. Greyson Orne agreed that a date has not been set for the next meeting of the Student Cabinet and he will keep Wendy informed when he does hear of a future meeting date.

Charter Commission Representatives (Cynthia Murray-Beliveau):

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

- Accepted notification of four new Governing Board members to three different Charter schools. Former SBE member, Jana Lapoint has been appointed to the Baxter Academy Board.
- Received notification of one Board member resignation.
- Accepted the FY21 Budget vs. Actual – End of Year Report.
- Received the 2021-22 preliminary school enrollment report.
- There are 200 students on the wait list for virtual schools.
- Organizational/Operational reports were given by Jeremy Jones, Executive Director of Charter Schools:
 - Legislative update, office changes, renewal update, school opening updates, infinite campus update, strategic plan updates and media updates.

Public Comment by Dick Durost, retired executive director of the Maine Principal’ Association (MPA), who now serves on the Maine Arts Academy Board of Directors. Dick commends the Board and the administration of the school for their hard work to become effective and more efficient. Conversations have been around the responsibilities of the board versus the responsibilities of the administration, as to not step on each other’s toes. Dick has been asked to serve as vice chair of the board and has agreed to do so.

Professional Standards Board (Peter Geiger):

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

- The PSB will meet this fall to elect a new chair and vice chair, receive updates from the state and review goals for the 2021-22 school year.
- By statute, the PSB is required to present a report to the State Board annually. The Board accepted the PSB’s annual report at the June 9, 2021 meeting.

UNFINISHED (OLD) BUSINESS:

No Unfinished Business

NEW BUSINESS:

APPROVAL OF UNIVERSITY OF NEW ENGLAND EDUCATOR PREPARATION REVIEW TEAM

BACKGROUND: The University of New England will undergo a Chapter 114 review of its educator preparation programs in September 2021.

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

Anita Charles (Chair), Bates College
Travis Allen, Husson University
Tim Reagan, The University of Maine
Linda Evans, University of Southern Maine

The State Board of Education Observers will be Wendy Ault and Cynthia Murray-Beliveau.

RECOMMENDATION: The State Board of Education accepts the proposed review team.

MOTION by Wendy Ault, seconded by Cynthia Murray-Beliveau, and unanimously voted by those present to accept the proposed review team for the University of New England.

AUTHORIZATION OF THE FILING OF THE PROPOSED CHAPTERS 60,61, AND 125 RULES

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

Resolve, To Improve Air Quality and Ventilation in Maine's Public School
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.

RECOMMENDATION: That the State Board of Education vote 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 immediately following the September 15, 2021 State Board meeting for a targeted rulemaking to include the same statement in the appropriate section of each rule.

MOTION by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present 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 immediately following the September 15, 2021 State Board meeting for a targeted rulemaking to include the same statement in the appropriate section of each rule.

APPROVAL OF AMENDMENTS TO THE REMOTE PARTICIPATION POLICY

MOTION by Peter Geiger, seconded by Cynthia Murray-Beliveau, and voted seven in favor with one member opposed (Wilson Hess) to accept the amendments to the Board's Remote Participation Policy.

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) VOTING DELEGATE

MOTION by Peter Geiger, seconded by Wilson Hess, and unanimously voted by those present to elect Fern Desjardins as the voting delegate for the National Association of State Boards of Education (NASBE) Annual Meeting in October 2021.

MOTION by Wilson Hess, seconded by Peter Geiger, and unanimously voted by those present for Chair Fern Desjardins to appoint the alternate voting delegate for the National Association of State Boards of Education (NASBE) Annual Meeting in October 2021.

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 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 Wilson Hess, 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 LS 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 1:59 PM.

The Board returned to the regular business meeting at 2:39 PM.

MOTION by Fern Desjardins, seconded by Peter Geiger, and voted six in favor with one member opposed (Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for LS. 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 DS and HS 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 2:45 PM.

The Board returned to the regular business meeting at 3:06 PM.

MOTION by Wilson Hess, seconded by Peter Geiger, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for DS. The transfer is granted.

MOTION by Wilson Hess, seconded by Peter Geiger, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for HS. 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 SL 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 3:13 PM.

Wilson Hess expressed a conflict of interest and asked the parent of SL if she was okay with him sitting in on the discussion of the requested review, though he would choose not to participate in the discussion or the vote. The parent was fine with the request.

The Board returned to the regular business meeting at 3:23 PM.

MOTION by Cynthia Murray-Beliveau, seconded by Victoria Kornfield, and voted six in favor with one member abstained (Wilson Hess) to overturn the Deputy Commissioner's decision in the denial of a transfer for SL. The transfer is granted.

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 Burton Cross State Office Building in Augusta on Wednesday, October 13, 2021, at 1:00 PM.

ADJOURNMENT:

MOTION by Peter Geiger, seconded by Cynthia Murray-Beliveau, and unanimously voted by those present to adjourn the September 15, 2021 State Board of Education meeting at 3:31 PM.

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