



MAINE STATE BOARD OF EDUCATION

23 State House Station
AUGUSTA, MAINE 04333

STATE OF MAINE

The State Board of Education held a special meeting on September 30, 2022 in person and virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Paulette Bonneau; Wendy Ault; Kristin Bishop; James Ford; Wilson Hess; Thomas Keller; Victoria Kornfield; and Edmond Morin.

Absent with Excuse: Joshua Leinwand and Ryan Hafener

Others Present: Sandra Bourget, State Board of Education Office Specialist/Secretary Specialist.

CALL TO ORDER:

Chair Fern Desjardins called the meeting to order at 9:00 AM.

Roll call was taken by Chair Desjardins. The chair declared a quorum present.

VISION STATEMENT:

Read by board member, Kristin Bishop: The Vision of the State Board is to ensure Maine public school students graduate with the skills, knowledge, and principles to be responsible American citizens; self-directed and dedicated to making contributions to society by pursuing further education and employment.

PUBLIC COMMENT:

No Public Comment

STUDENT TRANSFER APPEALS:

PROCEDURE FOR HANDLING REQUESTS FOR REVIEW OF COMMISSIONER DECISIONS ON STUDENT TRANSFER REQUESTS

Fern Desjardins, Chair of the Board, read a procedure for the Board when going into executive session to review requests for review of the Commissioner's decisions on student transfer requests.

The Board will be considering requests for Board review of the 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 eight 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 request 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 Paulette Bonneau, seconded by Kristin Bishop, 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 AAM 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 9:10 AM.

The Board returned to the regular business meeting at 9:32 AM.

MOTION by Wendy Ault, seconded by James Ford, and voted five in favor with three members opposed (Victoria Kornfield, Thomas Keller and Paulette Bonneau) to overturn the Deputy Commissioner's decision in the denial of a transfer for AAM. The motion is adopted. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 ALM 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 9:37 AM.

The Board returned to the regular business meeting at 9:57 AM.

MOTION by James Ford, seconded by Kristin Bishop, and voted six in favor, two members opposed (Victoria Kornfield and Paulette Bonneau), and one abstention (Wilson Hess) to overturn the Deputy Commissioner's decision in the denial of a transfer for ALM. The motion is adopted. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 MY 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 10:02 AM.

The Board returned to the regular business meeting at 10:21 AM.

MOTION by Paulette Bonneau, seconded by Victoria Kornfield, and voted three in favor with six members opposed (Wendy Ault, Fern Desjardins, Kristin Bishop, Edmond Morin, Wilson Hess and James Ford) to uphold the Deputy Commissioner's decision in the denial of a transfer for MY. The negative has it and the motion is lost.

MOTION by Kristin Bishop, seconded by Wendy Ault, and voted six in favor with three members opposed (Victoria Kornfield, Thomas Keller and Paulette Bonneau) to overturn the Deputy Commissioner's decision in the denial of a transfer for MY. The motion is adopted. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 JC and CC 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 10:27 AM.

The Board returned to the regular business meeting at 10:52 AM.

MOTION by Kristin Bishop, seconded by Paulette Bonneau, and voted eight in favor with one member opposed (Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for JC. The motion is adopted. The transfer is granted.

MOTION by Kristin Bishop, seconded by Paulette Bonneau, and voted eight in favor with one member opposed (Victoria Kornfield) to overturn the Deputy Commissioner's decision in the denial of a transfer for CC. The motion is adopted. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 BB and WB 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 10:59 AM.

The Board returned to the regular business meeting at 11:10 AM.

MOTION by Wilson Hess, seconded by Kristin Bishop, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for BB. The motion is adopted. The transfer is granted.

MOTION by Wilson Hess, seconded by Kristin Bishop, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for WB. The motion is adopted. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Kristin Bishop, 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 EC 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 11:15 AM.

The Board returned to the regular business meeting at 11:30 AM.

MOTION by Thomas Keller, seconded by Kristin Bishop, and unanimously voted by those present to overturn the Deputy Commissioner’s decision in the denial of a transfer for EC. The motion is adopted. The transfer is granted.

DESIGNATION OF SCHOOL:

The appeal was withdrawn.

ANNOUNCEMENTS:

- The next regular Board business meeting is scheduled to be held on Wednesday, October 12, 2022 at 1:00 PM. The meeting will be held at the Burton Cross State Office Building, Room 103 and virtually via zoom.
- The November 9, 2022 Board business meeting is scheduled to be held at the Bath Regional Career and Technical Center.

ADJOURNMENT:

The meeting adjourned at 11:36 AM.

Respectfully Submitted by
Sandra Bourget, Office Specialist/Secretary Specialist
State Board of Education