



## 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 September 11, 2019 at Brunswick High School, 116 Maquoit Road, Brunswick, Maine. The following members were present: Chair Wilson Hess; Vice Chair Jane Sexton; Wendy Ault; John Bird; Fern Desjardins; Peter Geiger; Jana Lapoint; Casey Maddock; and Jaylee Rice

Excused: Martha Harris

Vacant: One Member

Others Present: Pender Makin, Commissioner of Education; Daniel Chuhta, Deputy Commissioner of Education; Sarah Forster, Assistant Attorney General; and Mary Becker, State Board Secretary Specialist.

### **CALLED TO ORDER:**

Chair, Wilson Hess called the meeting to order at 1:10 PM.

### **MOMENT OF SILENCE:**

Wilson Hess called a moment of silence in remembrance of September 11<sup>th</sup>.

### **VISION STATEMENT:**

Read by student member, Jaylee Rice: 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 Jane Sexton, seconded by Peter Geiger, and unanimously voted by those present to approve the August 13, 2019 minutes as amended.

MOVED by Jane Sexton, seconded by Wendy Ault and voted five in favor with two members abstained from the vote (Fern Desjardins and Peter Geiger) to approve the August 28, 2019 minutes as written.

## **PUBLIC COMMENT:**

*Public Comment from Maine School Management Association  
Delivered by Vicki Wallack*

### Chapter 115

I know this has been raised by several people in conversations around the iterations of certification rules, but it warrants repeating. We need to be consistent over a reasonable time period to be fair to those pursuing a degree in teaching, so the number of credit hours needed in given subject areas doesn't keep changing. It is confusing, and even though there is grandfathered language in certification, my understanding is all bets are off if a certificate lapses, and a teacher wants or is willing to come back to work. In this era of teacher shortages that is an all too likely scenario.

Also, the current situation is causing confusion. There are two rules on the website, one dated effective June 30, 2019, and the other July 1, 2019. Which one do our superintendents use when checking the credential of teachers they are hiring? We just had a call asking that very question this past week.

Now a few specifics and we will certainly raise more:

We have consistently been concerned about the elimination of the K-8 certification, which provides flexibility, particularly in rural districts, where we need to put a teacher in a classroom when a vacancy occurs. (In reality teachers usually stay in a given grade span, or move by request when a slot opens, but vacancies do happen that need to be filled quickly.) This certificate allows that kind of necessary mobility versus hiring a sub.

There also is confusing language around what constitutes required course work for administrators. (Under the Administrative section starting on page 52.) The majority of endorsements require semester hours but others, like assistant superintendent, allow professional development credits for seminars taught by attorneys in Special Education Law, School Law and School Finance. This could lead to a situation where an assistant superintendent who is hired to be a superintendent would be required to take university classes in the same areas where they already have taken courses through Drummond-Woodsum.

*Public Comment from Maine Education Association (MEA)  
Delivered by John Kolinski*

### Chapter 115

John echoed some of what Vicki Wallack commented on. From the perspective of the educators that the MEA represents, they are begging to stop the chaos around Certification. John has been with the MEA for nearly a decade and nearly every legislative session there is another bill tweaking, changing, or in some way altering the basic certification requirements. Please stop this as it has become madness. John has heard the Commissioner very clearly say our goal must be to maintain

high professional standards. Certainly, the op-ed in the Bangor Daily News hit on some case studies that we think are alarming.

Solution from John for the Board to consider:

You are all familiar with the Professional Standards Board (PSB).

The PSB is comprised of superintendents, principals, teachers, ed techs, and administrators. It is written in law. John read from law the duties of the PSB.

Professional Standards Board:

PSB's duty is to advise the State Board regarding professional growth, certification, endorsement, authorization and governance of the educational profession in the State. Certification – this is a group of front-line educators including the teacher prep programs for the University of Maine who are charged with advising this Board on certification.

This group has not met for at least ten years, it has been dormant. LD 898 passed this last session and was signed by the Governor and became law instructing this PSB to be appointed by November 1<sup>st</sup> and to commence meetings by December 1<sup>st</sup>. The Commissioner or Commissioner's designee and a member of the State Board serves on this PSB. It says as well in the law that the PSB shall develop an annual work plan in consultation with the Commissioner and the State Board that includes on-going work and new issues for study. This is their role and responsibility.

The PSB has twenty-two members representing elementary, high school, middle school, ed techs, ed specialist, curriculum coordinators, special education directors, and district level administrators. Can we bring this PSB back? If we could start over, put the team together and devise a certification process for teachers in the State of Maine that is streamlined, that makes sense and passes the common-sense straight face test and provides avenues for people to come into the classroom and teach in the State of Maine. If we could start over, what would our certification models look like.

The MEA would commit to helping and make sure to provide data and analysis from people in the field. The MEA offers this solution as one option for the State Board to consider. Thank you for your service and your time.

## **OFFICER'S REPORTS:**

### **Chair, Wilson Hess**

- Wilson thanked all members of the Board that were able to adjust their schedules to attend the special Board meeting on August 28 to review student transfer appeals. The timeliness was very important to the families and students involved.
- In observation of another special meeting was the ad-hoc committee on Chapter 125, chaired by Fern Desjardins with members Jane Sexton and Peter Geiger serving on the committee. In the published business agenda, Chapter 125 is not listed under item C of reports, however, will be added to the agenda and Fern Desjardins will give a report. Wilson shared an

observation as he was able to attend the committee meeting on Chapter 125. Wilson thought the work on-going is a clear indication of an example of what the Commissioner is trying to do to clarify rules by using straight forward language.

- The Board's draft policies and procedures manual has been reviewed by Assistant Attorney General, Sarah Forster. Sarah believes the draft looks fine. She has suggested that the Board review their By-laws and Wilson will add this item to the Board's agenda for a future meeting.
- The three regular standing committees of the Board, Career and Technical Education (CTE), Certification and Higher Education, and School Construction have extremely substantive items on their agenda.
  - Certification - Talked about Chapter 115 at the workshop session this morning
  - John Bird will speak about the Perkins V Plan during his CTE Committee report.
  - School Construction will meet on Thursday at Geiger in Lewiston.
- Wilson has reviewed the Board's budget and it remains on track.
- He has signed the renewal of the New England State Authorization Reciprocity Agreement (SARA). The state authorization regulation requires an institution to be authorized by the state in which it has its main location, or in which it has an additional physical location offering at least half of an educational program. "Authorization" refers to the legal authority for an institution to operate in a state.
- Wilson distributed a MEPRI (Maine Education Policy Research Institute) report to Board members for review.

#### **Vice Chair, Jane Sexton**

- Jane attended the ad-hoc committee meeting on Chapter 125. There are areas that need to be tweaked and Fern Desjardins will give a full report on the meeting.
- She attended the special Board meeting on August 28 to review student transfer appeals.
- She appreciates everyone's contribution today on Chapter 115. The Committee will meet on the fourth Wednesday in September (25<sup>th</sup>). The Committee will review three college team reviews, firm up their goals and review Chapter 115.

#### **COMMITTEE REPORTS:**

##### ***School Construction Committee (Fern Desjardins for Martha Harris):***

The School Construction Committee has not met since the last State Board meeting on August 13.

- The Construction Committee will be meeting at Geiger in Lewiston on Thursday, September 12. Peter has agreed to host the meeting. The Commissioner and Deputy Commissioner will be in attendance along with Jim Rier, Scott Brown, Ann Pinnette, and Stan Sawyer. It will be a daylong meeting. The Department is convening the meeting and there is no published agenda for the meeting. It is a Department School Construction

meeting.

The next School Construction Committee meeting is scheduled for Friday, September 27, 2019. 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 August 28, 2019 as scheduled and held a special meeting on September 9, 2019.

- At the next meeting the Committee will review and discuss three college team reviews.
- Discuss their Goals for the coming year.
- Review Chapter 115 Resolve

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, September 25, 2019. 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.

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

The Career and Technical Education (CTE) Committee met on August 22, 2019, as scheduled.

- The Committee is awaiting proposals from CTEs grades 9 and 10. It has been approved to use Perkins carry-over funds of about \$450,000.00 to fund a number of projects. The deadline for proposals is on September 16, and the Committee does not know how many proposals they will have to evaluate. The Board is not being asked for approval of the proposals as the Board previously approved the carry-over funds. The Department will be doing the work.
- At the last meeting, the committee welcomed three new members of the CTE community that will be attending meetings on a regular basis. Julie Kenny, Beth Fisher and Peter Hallen. Peter was unable to attend but will be at the next meeting. They will be spirited additions to the Committee's conversations.
- Perkins V - there is a meeting scheduled in the fall to work on all the elements of Perkins V under the leadership of Dwight Littlefield and Donna Tiner. John will be in attendance for the fall meeting.

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, September 26, 2019. 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 is currently inactive - nothing to report.

***Nomination and Election (Fern Desjardins):***

No report for the Nomination and Election Committee.

***Student Voices (Wendy Ault):***

The Student Voices Committee held their first meeting on August 19, 2019 in Augusta. The meeting included lunch with Commissioner Makin and Deputy Commissioner Chuhta who are both very interested in student voices. The Committee is very appreciative and excited about the Commissioner’s interest in a “student cabinet”. Rachel Paling has sent out a draft application and Jaylee and Casey have both responded with their comments.

***Chapter 125 - Basic Approval Standards: Public Schools and School Administrative Units (Fern Desjardins):***

The sub-committee met on August 21 at the Department of Education. Pamela Ford-Taylor attended by conference call along with Peter Geiger. Jane Sexton (committee member) and Wilson Hess (Chair of the SBE) were in attendance. Fern is very pleased to be chairing the sub-committee because Chapter 125 is something that has long concerned her. As a principal when she was first introduced to Chapter 125, DOE staff held informational sessions throughout the state to clarify and answer questions about each section, like how to interpret what is meant by “instructional time” and “school days.” A revision of Chapter 125 took place in 2002, but no training for administrators took place. A few years ago, Fern contacted Diana Doiron, the DOE Aroostook County Representative at the time, and asked if SAUs were still obligated to follow Chapter 125. Diana informed her to follow Chapter 125 until it gets replaced.

Fern is very happy with the DOE’s proposal to repeal and replace Chapter 125 and to be including the State Board in the process. The sub-committee had a very productive meeting in going through and providing feedback on the draft that Pamela provided.

Revisions being considered include: the elimination of duplicative language that is already in the law; a change of the term “Comprehensive Education Plan” to “School Approval Profile” to eliminate confusion and to reflect the scope for awarding school approval; detailing exceptions for CTE centers; a chart of all statutory requirements in Section 4; multiple tiers of intervention; a provision for family outreach and support programs; and developmentally appropriate educational practices for K-2. It looks at current practice and how the outdated document can really reflect what we are doing or want to be doing.

Fern had a follow-up phone conversation with Pamela on August 23. A meeting scheduled for September 4 was canceled but it will be re-scheduled after DOE staff meets to review revisions suggested for the draft.

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

The Charter School Commission met on September 10, 2019.

- Commission unanimously approved the tenth charter school “Ecology Learning Center” to be located on the campus of Unity College.

- The Commission’s official website should be up and running as of September 11, 2019. The initial presentation looked great and should be much easier to access materials.
- Approved SharePoint Access.
- Handed out a new handbook for all Commission members.
- All End of Year Monitoring Visits have been completed.
- All Schools opened last week.
  - Fiddlehead has two openings in kindergarten
  - Cornville has high school openings
  - Rest have a wait list
- Lost out on a multi-million dollar grant because Maine law has capped charter schools through district public schools.
- Commission will now be looking differently at how they work as authorizers with their schools.
- Met with Portland Press Herald Editorial Board – people need to tour charter schools before making unfounded comments.

**UNFINISHED BUSINESS:**

CHAPTER 115, “THE CREDENTIALING OF EDUCATIONAL PERSONNEL”

MOTION by Jane Sexton, seconded by John Bird, and unanimously voted by those present to table Chapter 115 until the State Board meeting scheduled for the first Wednesday following the second Tuesday of October 2019 (October 9, 2019).

POLICIES AND PROCEDURES MANUAL APPROVAL

MOTION by John Bird, seconded by Jane Sexton to accept the policies and procedures manual as presented.

Amendment to the Motion:

MOTION by Jane Sexton, seconded by John Bird, to modify Article VIII, Sec. C (Voting) to include the sentence “All minority votes and abstentions shall be recorded by name.” Seven members voted in favor of the amendment with one member (Wilson Hess) abstaining from the vote.

The amended motion passed unanimously.

**NEW BUSINESS:**

ELECT VOTING DELEGATE FOR THE NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) ANNUAL MEETING

MOTION by Wilson Hess, seconded by Jane Sexton, 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 and elect Wilson Hess as the alternate voting delegate.

**EXECUTIVE SESSION:**

MOTION by Jane Sexton, seconded by John Bird, and voted unanimously by those present for the Board to go into executive session to discuss student transfer appeals at 2:28 PM.

The Board returned to the regular business meeting at 3:21 PM.

MOTION by Peter Geiger, seconded by Fern Desjardins, and voted four in favor with three members opposed (John Bird, Jana Lapoint and Jane Sexton) to overturn the Commissioner's decision in the denial of a transfer for AT. Motion Carries and the transfer is granted.

MOTION by Peter Geiger, seconded by Fern Desjardins, and voted four in favor with three members opposed (John Bird, Jana Lapoint and Jane Sexton) to overturn the Commissioner's decision in the denial of a transfer for DT. Motion Carries and the transfer is granted.

MOTION by Peter Geiger, seconded by Jana Lapoint, and voted six in favor with one member opposed (Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for FA. Motion Carries and the transfer is denied.

MOTION by Jane Sexton, seconded by Jana Lapoint, and voted five in favor with two members opposed (Wendy Ault and Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for JM. Motion Carries and the transfer is denied.

MOTION by Fern Desjardins, seconded by Peter Geiger, and voted four in favor with three members opposed (John Bird, Jana Lapoint and Jane Sexton) to overturn the Commissioner's decision in the denial of a transfer for BB. Motion Carries and the transfer is granted.

MOTION by Fern Desjardins, seconded by Wendy Ault, and voted four in favor with three members opposed (John Bird, Jana Lapoint and Jane Sexton) to overturn the Commissioner's decision in the denial of a transfer for WB. Motion Carries and the transfer is granted.

MOTION by Wilson Hess, seconded by Jana Lapoint, and voted six in favor with one member opposed (Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for RL. Motion Carries and the transfer is denied.

MOTION by Peter Geiger, seconded by Jana Lapoint, and voted five in favor with two members opposed (Wendy Ault and Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for RS. Motion Carries and the transfer is denied.

MOTION by Peter Geiger, seconded by Jana Lapoint, and voted five in favor with two members opposed (Wendy Ault and Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for VS. Motion Carries and the transfer is denied.



MOTION by Peter Geiger, seconded by Jana Lapoint, and voted five in favor with two members opposed (Wendy Ault and Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for PS. Motion Carries and the transfer is denied.

**ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- The next Board meeting will be held at Rumford Elementary School on Wednesday, October 9, 2019, at 1:00 PM.
- The November 13 meeting will be held at Corinth Elementary School and the December 11 meeting will be held at Sanford High School.

**ADJOURNMENT:**

The September 11, 2019 State Board of Education meeting adjourned at 3:31 PM.