



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 January 14, 2009, at the Cross State Office Building, ATM Room 103, Augusta, Maine. The following members were present: Chair Ann Weisleder; Vice Chair Connie Goldman; James Carignan; Philip Dionne; Jean Gulliver; Mabel Desmond; Marilyn Temple Tardy; James Banks, Sr.; and Justin Chenette. Honor Wilkinson attended the meeting via ATM from Calais High School.

Also present were: Commissioner Susan Gendron; Deputy Commissioner Angela Faherty; Scott Brown, AIA, School Facilities; Harry Osgood, Higher Education Specialist; Jaci Holmes, Federal Liaison; David Connerty-Marin, Director of Communications; and Mary Becker, Secretary Associate.

CALLED TO ORDER:

The meeting was called to order at 1:02 PM

APPROVAL OF MINUTES

MOVED by Jim Banks, seconded by Jim Carignan, and unanimously voted by those present to approve the November 12, 2008 and January 5, 2009 minutes as written.

REVISED AGENDA:

Exhibit #III.F., Approval of the State Review Team for the University of Southern Maine Educator Preparation Program Approval Visit is added to the revised agenda under Consent.

Exhibit #IV.E., Approval of an Appointment Process for Vice Chair of the Board is added to the revised agenda under Regular Business.

CONSENT AGENDA:

Jean Gulliver requested that Exhibit Item III.A., Major Capital School Construction Program; Site Approval Consideration; SAD #9 – Mt. Blue High School/Foster Regional Applied Technology Center School Construction Project be moved to Regular Business on the agenda.

MOVED by Marilyn Tardy, seconded by Jim Carignan, and unanimously voted by those present to move Exhibit Item III.A. to the business agenda and approve the remaining Consent agenda items, Exhibit #III.B. through Exhibit #III.F.

RECEIPT OF THE UNIVERSITY OF MAINE AT FARMINGTON REVIEW TEAM REPORT FOR THE EARLY CHILDHOOD BIRTH TO AGE 5 PROGRAM.

RECEIPT OF REVIEW TEAM REPORT CONCERNING THE APPLICATION FOR ADDITIONAL DEGREE-GRANTING AUTHORIZATION AS SUBMITTED BY HEARTWOOD COLLEGE OF ART TO AWARD THE MASTER OF FINE ARTS DEGREE.

RECEIPT OF THE INTERIM REPORT FROM THE UNIVERSITY OF MAINE AT PRESQUE ISLE TEACHER EDUCATION PROGRAM.

RECEIPT OF THE PROGRAM REVIEW TEAM REPORT FOR THE HUSSON UNIVERSITY EDUCATOR PREPARATION PROGRAMS.

APPROVAL OF THE STATE REVIEW TEAM FOR THE UNIVERSITY OF SOUTHERN MAINE EDUCATOR PREPARATION PROGRAM APPROVAL VISIT.

REGULAR BUSINESS:

Moved from Consent Agenda:

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; SITE APPROVAL CONSIDERATION; SAD #9 – MT. BLUE HIGH SCHOOL/FOSTER REGIONAL APPLIED TECHNOLOGY CENTER SCHOOL CONSTRUCTION PROJECT.

MOVED by Jean Gulliver, seconded by Marilyn Tardy, and unanimously voted by those present to grant site approval to SAD#9, Mt. Blue High School/Foster Regional Applied Technology Center School Construction Project.

APPROVAL OF THE COMMISSIONER'S RECOMMENDED FUNDING LEVEL 2009-2010.

Moved by Jean Gulliver, seconded by Marilyn Tardy, and unanimously voted by those present to approve the Commissioner's Recommended Funding Level for 2009-2010 in the amount of \$958,971.492.

Motion by Jim Carignan, seconded by Jean Gulliver to amend the original motion and add that the State Board strongly suggest and recommend the expansion of the laptop initiative to the secondary level on a State-wide basis and provide some level of funding to support the implementation of the mentoring program as in Chapter 118. 6 in favor, 1 opposed (Phil Dionne). The motion carries.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; CONCEPT APPROVAL CONSIDERATION; CHELSEA SCHOOL DEPARTMENT, PREK-8 ELEMENTARY SCHOOL CONSTRUCTION PROJECT.

STATEMENT OF FACT: The Chelsea elementary school project was rated number 15 on the 2004-2005 Approved Projects List. The project will house grades preK-8 and will replace existing Chelsea Elementary School.

A complete New vs. Renovation Study is on file with the Department of Education which supports the Department's recommendation to build a new preK-8 school in Chelsea.

The building has been designed to High Performance Standards. All appropriate State and local agencies have been contacted, and where necessary, documented approvals are on file.

Prior to proceeding with Concept Approval for this project, Superintendent Boynton investigated consolidation with neighboring school districts. There was no interest in a consolidated project.

With the expansion of the Togus Hospital and the rural nature of the community, the school will be able to serve Chelsea's future growth with little or no building expansion.

The proposed school's location on the site will solve a major safety issue both for students and for vehicles serving or passing the school. The new location will also move the school away from the Chelsea Town Office and the alternative educational program will also be housed in a more appropriate setting.

This Concept Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

The Chelsea School Department is requesting Concept Approval for a new preK-8 elementary school qualifying under State statute and State Board of Education Rule,

Chapter 61, Rules for Major Capital School Construction Projects. Superintendent Francis Boynton has provided the following project description statement:

The development of the Chelsea Building Project has been a focus of the administration and School Committee since 1998. The need was seen as the building was reviewed for structural and code deficiencies at that time. Although some immediate concerns were addressed, the electrical and general facility inadequacies remain today. Early in 2000, the Committee determined the need for 4 additional portable reconditioned classrooms to the facility in addition to the 6 attached portables that were build on site in 1993. These structures are showing their age.

The community of Chelsea has provided adequate funds to support the maintenance and upkeep of the building; the general structure, heating system, electrical system, and other components are beginning to age past their life expectancy. In general, the building has reached its useful limit and is rapidly becoming a liability as the components for repair are becoming hard to find.

Although a recent project has made a significant difference in the air quality and structure, the building still lacks in this vital area for student health and learning. Community support and skill has certainly played a role in advancing the technology and communication components of the school, but the program has needs, which go beyond the cost effectiveness of a major retrofit.

For the school district, the long-term effect will be a reduction of costs for energy use, repairs, and maintenance. The efficiencies of a new building can be translated into program development and educational advancement in an improved educational environment. Students will no longer have to put on coats to go into the building to get a drink of water or use the facilities.

The development of a new school will become a key factor for the community of Chelsea. The school is a community center, which is vital to the character of the community. As the centerpiece of the community, the school will serve the education of the children in a warm educational environment and become a center of pride for the community.

Project Information

Project: PreK-8 Elementary School
Superintendent: Francis Boynton
Principal: Andrew Doiron
Architect: Oak Point Associates
School(s) to be closed: The existing Chelsea Elementary School

Project Budget Information

Total Project Cost: \$18,856,121
Local Only (no State participation): \$301,448
Approved for State/Local Debt Service Subsidy: \$18,404,650
Anticipated Maine High Performance Schools Energy Grant: \$150,023

CONSTRUCTION COMMITTEE RECOMMENDATION: The Construction Committee voted unanimously on January 5, 2009, to recommend that the State Board of Education grant Concept Approval to Chelsea School Department for a preK-8 elementary school in Chelsea, Maine.

DEPARTMENT RECOMMENDATION: The Commissioner recommends that the State Board of Education grant Concept Approval to the Chelsea School Department for a preK-8 elementary school in Chelsea, Maine, as a Major Capital School Construction Project and approve the concept budget as presented.

**This approval constitutes Concept Approval. Final Funding Approval may be subject to adjustment under Section 10, Subsection 1, of the State Board of Education Rules for School Construction Projects, which states:

“Final Funding Approval by the Commissioner establishes the Project Budget and takes place after construction bids have been received. At that time, the Commissioner may reduce the budget to finance the project, thus providing additional funds for other projects.”

MOVED by Jean Gulliver, seconded by Jim Banks, and unanimously voted by those present to grant concept approval to the Chelsea School Department for a preK-8 elementary school as a Major Capital School Construction Project and approve the concept budget as presented.

APPROVAL OF AMENDMENTS TO SECTION 8 AND SECTION 9 OF CHAPTER 61, RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS, REGARDING HISTORIC NEIGHBORHOOD SCHOOLS, AND RECOMMENDATION TO GO FORWARD WITH RULEMAKING.

STATEMENT OF FACT: On April 8, 2008, the Maine State Legislature emergency adopted P.L. Chapter 578, An Act to Preserve Successful Historic Neighborhood Schools. In accordance with P.L. 578, amendments to Section 8 and Section 9 of Chapter 61 are being proposed to outline the criteria under which a waiver of the requirements of 20-A MRSA §15908-A, School energy efficiency standards rules, may be granted. P.L. 578 establishes these changes as routine technical and will be processed as such in accordance with the Administrative Procedure Act.

Construction Committee Recommendation: The Construction Committee voted unanimously to present the amendments to Section 8 and Section 9 of Chapter 61 to the State Board of Education with a recommendation to go forward with rulemaking in accordance with the Administrative Procedure Act.

Commissioner’s Recommendation: The Commissioner of Education recommends that the State Board of Education approve the amendments to Section 8 and Section 9 of Chapter 61, Rules for Major Capital School Construction Projects, and to go forward with rulemaking on the amendments in accordance with the Administrative Procedure Act.

MOVED by Jean Gulliver, seconded by Jim Carignan, and unanimously voted by those present to approve the amendments to Chapter 61 and move forward with rulemaking according to the APA process.

CONSIDERATION OF RECOMMENDATION – CONSOLIDATED AND INTEGRATED SECONDARY AND POST-SECONDARY 9-16 EDUCATION FACILITY.

STATEMENT OF FACT: On April 24, 2008, Governor Baldacci signed L.D. 2175, Resolve Chapter 223 To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education. The Resolve requires the following:

That the Department of Education shall recommend to the State Board of Education an innovative model of consolidated and integrated secondary and postsecondary education that includes facilities for:

1. A regional high school;
2. A fully integrated career and technical high school;
3. A higher education center that will provide courses and degrees from both the University of Maine System and the Maine Community College System; and
4. Centers of excellence that will provide industry-specific training; and be it further

The model selected must:

1. Promote the development of a “one campus” design, where all facilities are located on one site, providing a streamlined and integrated learning experience for students of all ages;
2. Integrate and consolidate administrative responsibilities on the campus wherever possible, thereby reducing costs for overhead and shared functions;
3. Be located in a region with high schools whose consolidation would benefit future generations of students and provide reduced costs to the communities involved;
4. Have an advisory body that is integrated with the local economy, including the community involvement of students, citizens, business leaders, teachers, parents and organizations to promote both employment opportunities for students and citizens and a skilled workforce optimal for economic development; and
5. Serve as an example for other school districts and areas of the State; and be it further that, not later than December 31, 2008, the Department of Education shall recommend, and the State Board of Education shall select, a qualified applicant to implement the innovative model pursuant to this Resolve.

The Department received three applications for a Consolidated and Integrated Secondary and Post-Secondary Education Facility, [1] Many Flags in Knox County, [2] Sanford School Department, and SAD#6 in Buxton/Standish. The applications were reviewed and evaluated based on Rules Chapter 61, Section 15, “Integrated, Consolidated 9-16 Educational Facility.” SAD #6 did not meet the minimum requirements and thus were not evaluated. Many Flags and Sanford were carefully read and evaluated.

Based upon evaluation of the of applications submitted by the Sanford School Department and the Many Flags project, the Team submits the following Priority List for the Commissioner’s Consideration:

1. Sanford School Department
2. Many Flags/One Campus

CONSTRUCTION COMMITTEE RECOMMENDATION: On December 15, 2008, the Construction Committee voted unanimously to accept the Priority List, and to select the first project on the Priority List, and that the Priority List remains intact.

COMMISSIONER RECOMMENDATION: The Commissioner recommends that the State Board of Education accept the Priority List, and select the first project on the Priority List, and that the Priority List remains intact in accordance with Resolve Chapter 223, Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education.

Sarah Forster – Legal Counsel, gave a description of the Chronological Format for the Consolidated and Integrated Secondary and Post Secondary 9-16 Education Facility:

Resolve #223 passed by the Legislature at the end of the last session. The Board was presented with a resolve that required them to go into emergency rulemaking mode and come up with rules on an emergency basis not later than October 31, 2008, that would allow the Board to collect an innovative model that is described in the resolve. After the Board adopted rules and selected its innovative model the Commissioner was to put funding for said model into the next biennial budget. This would be done in such a way that it did not impact in any way the pre-existing commitment under the Major Capital School Construction special priority list so we would have a separate funding stream from this resolve.

Because this resolve was passed as part of the special session of the legislature at the end of last year it became effective as of July 18, 2008. The Board had from July 18, 2008 until October 31, 2008 to put some emergency rules into place. The emergency rules were adopted on September 15, 2008. The Board accepted applications for the innovative project until December 1, 2008.

The applications go to the School Construction Team at the Department of Education. The Department received and evaluated the applications. On December 15, 2008 the Construction Committee got together to finalize the scoring of the applications and the creation of the priority list. In other words, the ranking of them.

After the meeting on December 15, 2008, on December 19, 2008 the assistant to the Construction Committee sent copies of the evaluation reports with the scores on them to the participants. At that point, the Board was scheduled to consider the proposed priority list on December 17, 2008. That did not happen as weather intervened and the Board meeting was canceled.

In January, with a recommendation from the Commissioner based on the work done by the Construction Committee on December 15, 2008, there is an inevitability factor. When one is trying to pull these things together in a short period of time, there is a margin of error. Over the past week it has been brought to my attention as counsel for the Board and I brought this to the Board's attention, that the rule provides that after the evaluation report goes to the Commissioner, in the first instance here along with

the development of the priority list, there is a period of time within which any of the affected superintendents that receive the scores can appeal those scores. I am being a little generous in suggesting that this is obvious from the rules, as when trying to write rules in a very short time. It is a little tricky to sort out how this all went down in the rules. One thing that is clear about the rule is that there is an appeal process. It is not to become a final determination of the Board until the applicants and the Major Capital School Construction Program have an opportunity to express and submit questions, concerns, or complaints about their point rating to the Construction Team and they have a right to administrative review by the Commissioner.

Based on the determination by the staff that mailed the scores out, the individualized reports, the date would run from December 19, 2008 which takes us to a date that is past this date. Because of the holiday and weekend it seems to me that the 30 day period from December 19, 2008 is next Tuesday, due to the holiday on Monday. Martin Luther King Day is on Monday and there will be no staff at the Department of Education to receive the appeals.

Before the Board today, is the Commissioner's recommendation as an exhibit. I understand there was a third applicant, but the application was not complete. We now have two applicants that submitted applications. Neither applicant has had their full 30 days to file an appeal for an administrative review. That is the story as you have it sitting here today. Does the Board have a proposed solution? By rule the written request for administrative review shall be made to the Commissioner within 30 days of receipt of the evaluation report.

A review committee consisting of the Commissioner or designee and two staff members appointed by the Commissioner, other than members of the team that originally did the work will review issues raised by the school administrative unit and presented by the school administrative unit at an informal hearing. The review committee may call upon others to provide relevant information. Notification of the review committee's finding of facts and decision shall be made in writing within 60 days of the receipt of request of administrative review. At either the point where the 30 days has run – next Tuesday or within the time that the Commissioner has to make this determination which happens no later than 60 days after filing. At that point the Commissioner is truly in position to make recommendation to the Board. When this is done through the Major Capital School Construction the list gets made and presented to the Board. The appeal begins, but in this case it is slightly different in that the appeal runs before it gets to the Board for the first Board action. The concept of having the administrative review and everything else is the same.

Commissioner Gendron requested that the State Board of Education allow her to withdraw her recommendation from the agenda today.

Chair Ann Weisleder:

If you vote to allow the Commissioner to withdraw her recommendation we want all Board members to be aware of the following; Any request for administrative review

must be made by January 20, 2009. The request will be sufficient to hold the place for review and must then be followed by completion of the proper request form which is available from the school facilities department on behalf of the Commissioner. The place holding request will start the clock ticking for the 60 day window during which the review must occur and written notification made of the findings and facts decision. Following this notification and the review, the Commissioner may then bring a recommendation to the Board and the Board will be able to vote upon that recommendation.

MOVED by Jean Gulliver, seconded by Jim Carignan, and unanimously voted by those present to allow the Commissioner to withdraw her recommendation from the agenda today.

RECOMMENDATION OF AUTHORIZATION FOR THE CHAIR OF THE BOARD TO APPOINT A VICE CHAIR TO THE STATE BOARD OF EDUCATION FOR THE REMAINDER OF THIS TERM.

Moved by Jim Carignan, seconded by Marilyn Tardy, and unanimously voted by those present to authorize the Chair of the State Board to appoint a Vice Chair for the remainder of this term and that the Board needs to address this kind of issue in its By-Laws.

The recommendation of a Vice Chair will be announced at the next Board meeting.

REPORTS

COMMISSIONER'S REPORT: (Angela Faherty, Deputy Commissioner)

- David Connerty-Marin presented an update on School Reorganization. David distributed two handouts and talked about an On-line Survey regarding what the burdens are and what specifically could be done differently to make jobs easier with the reorganization of schools. Ann requested that David assist Mary with addresses for the new RSU's, so Mary can mail the letters to each school that the State Board members agreed upon at the November meeting. The letters will be mailed regarding Student membership on school Boards.
- Angela Faherty, Deputy Commissioner reported on the Stakeholder's Group PowerPoint presentation. Forums are being set up and members of the Stakeholder Group have agreed to go to the meetings around the State. An Informational letter will be sent out for all locations. Jaci Holmes reported on the locations that are currently scheduled.

CHAIR'S REPORT:

Announcements from Ann Weisleder:

- Ann distributed the following handouts to members of the Board:

- ⇒ Photo List of Ed Committee Group (all new this year except for 3).
- ⇒ Existing Board Mission Statement (approved by the Board on 4-11-07).
- ⇒ State Board of Education Ethics copied from the Policy and Procedures Manual.
- ⇒ Board Member Duties and Responsibilities copied from the Policy and Procedures Manual.
- ⇒ Copy of Testimony Statement For LD 45 “An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009.”

Report from Ann Weisleder.

- That she gave a brief description of what the State Board is and how it is structured for new members of the Education Committee.
- That she would appreciate it if all members be prompt at submitting monthly Travel and Expense Account Vouchers. Angela suggested that perhaps the Board members complete their voucher at lunch time during the monthly meetings. The Board is behind on funds in the Personal Services account that pays per diem to Board members.
- That she wants to confirm that all Board members have a copy of the existing SBE Policy and Procedures Manual. Mary will get a copy to Justin and Honor as they did not receive a copy.
- That she along with Phil, Jim Banks and Mary have been meeting for Document Reviews.
- That she has a copy of the Heartwood College Review reports along with the financial statements. Mary will email an electronic copy of the financial statements to all Board members.

BOARD MEMBER REPORTS:

Jim Banks:

- That he would like to thank Connie Goldman for her contributions to the Board.
- That he was very pleased to see the article about the Commissioner in Education Weekly and Fortune. Also, an article about the progress that the State of Maine has made since the No Child Left Behind.

Marilyn Temple Tardy:

- That she attended the Review Team for Husson University as an Observer and was truly impressed with the hard work that everyone does.

Justin Chenette:

- That he would like to comment that Connie has been a great asset for him on the Board with her voice of wisdom and honesty. He wishes her the best in her newest adventure.

Jean Gulliver

- No Report

Phil Dionne:

- That Career and Technical Education Reorganization completed the review on the effects of reorganization on CTE and have passed on a recommendation to the Commissioner.
- That he attended the Review Team at Embry Riddle College as an Observer. The review was held for one day at the Brunswick Naval Station.
- That he attended Region 9 – Mexico Ribbon Cutting Ceremony. Two of the speakers were very impressive. The architect spoke about the project along with the General Contractor.
- That he attended the Presidential Awards Ceremony for Math and Science. It is a great honor and it is too bad that not many people attend.
- That he is on the Executive Committee of the North Star Alliance Initiative, on the Board of Jobs for Maine Graduates, Member of the Apprenticeship Council, and Chairs the Maine Jobs Council. All four are gubernatorial appointments.
- That Education Week had a nice article on the Army that is part of what I attended with NASBE.

Jim Carignan:

- That the Diploma Stakeholder Group has completed their session and he would like to thank the Board members for allowing him to serve on the group.
- That he attended the Math and Science Presidential Awards Banquet.
- That he attended the Review Team for Southern New Hampshire University and it is the first one he has done.
- That he attended the Maine Coalition for Excellence meeting. The group is planning an initiation of a major campaign for education in the State. There will be more meetings scheduled and Jim will keep all members updated.

Connie Goldman:

- No Report

Honor Wilkinson:

- No Report

Mabel Desmond:

- That she attended the Student Voices Committee meeting on January 14, 2009.
- That she held a Student Voices Committee conference call on December 8, 2008.

Certification Committee Report:

- No Report

Student Voices Committee Report:

- The Student Voices Committee met via conference call on December 8, 2008. Glen Nerbak from the Department of Education joined the conference call meeting.

Motion: To move ahead with setting up an online access to the Student Council Network through the State Board website.

Moved by Jim Carignan, seconded by Marilyn Tardy and unanimously voted by those present to move forward with setting up an online access to the Student Council Network through the State Board website.

Motion: To explore and implement an interview process and check references of candidates submitting student applications to be appointed to the State Board.

Moved by Jean, seconded by Mabel and unanimously voted by those present to explore and implement an interview process and check references of candidates submitting student applications to be appointed to the State Board.

Motion: To continue to explore and establish an Adult/Student partnership training for experienced and new Board members.

Moved by Jim Carignan, seconded by Jean Gulliver to continue to explore and establish an Adult/Student partnership training for experienced and new Board members. 6 in favor, 1 opposed (Marilyn Tardy). The motion carries.

PUBLIC COMMENTS:

Elizabeth “Beth” Fisher, Director of Mid-Coast School of Technology, Region Eight; Bryan Dench, Attorney for the Town of Sanford; Elizabeth St. Cyr, Sanford Superintendent; and Ethan Davidson (shadowing Brian Vashon) were present for public comment.

- Beth Fisher and Bryan Dench commented briefly on the Administrative Review of the Sanford and Many Flags applications for Consolidated and Integrated School Facility.

ADJOURNMENT:

Moved by Connie Goldman, seconded by Jim Carignan, and unanimously voted by those present to adjourn the January 14, 2009, State Board of Education meeting at 4:10 PM.