



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 December 14, 2011, at the Cross State Office Building, 111 Sewall Street, Augusta, Maine. The following members were present: Chair James Banks, Sr.; Vice Chair Steven Pound; Marilyn Temple Tardy; Nancy Perkins; Lynda Doyle; Dottie Martin; Jana Lapoint; Martha Harris; and Chelsey Whynot.

Excused: Angela Bechard

Also present were:

Commissioner Stephen Bowen; Scott Brown, Director of School Facilities; Mark Cyr, Certification Coordinator; and Mary Becker, Secretary Associate, State Board of Education.

CALLED TO ORDER:

Chair James Banks, Sr., called the meeting to order at 1:00 PM.

APPROVAL OF MINUTES:

MOVED by Marilyn Temple Tardy, seconded by Martha Harris, and unanimously voted by those present to approve the November 9, 2011 minutes as written.

OFFICER'S REPORTS:

Chair, James Banks, Sr.:

- He attended the Public Hearing for Chapter 61 Major Capital School Construction on November 15, 2011.
- He conducted the nine interviews with the Charter School Commission in which four candidates were nominated and are on today's business agenda for approval.
- He attended the Public Hearing for Chapter 115 "Certification, Authorization, and Approval of Education Personnel" on November 22, 2011.
- He met with the Commissioner and Nancy Perkins to discuss the status regarding Chapter 114.
- He attended the Construction Committee meeting on December 5, 2011.
- He met with Commissioner Bowen for Agenda Review on December 6, 2011.

- He attended the Presidential Awards for Excellence in Mathematics and Science Teaching Awards Banquet in Hallowell on December 9, 2012.
- He presented the four Charter School Commission Nominees to the Education and Cultural Affairs Committee on December 12, 2011.

Vice Chair, Steven Pound:

- The Career and Technical (CTE) Committee did not meet this month so there is no news to report.
- On November 10, 2011 he attended an Action Committee of 50 Conference. A presentation was given by Pete Vigue, Cianbro. He noted the need for skilled workforce.
- He attended a Maine Coalition for Excellence in Education meeting (MCEE). MCEE is looking at a plan to combine with Compact Education of Maine and it will be called Educate Maine.
- On November 13, 2011, he participated in the National Association of State Boards of Education (NASBE) search for an Executive Director. They have appointed an individual to take Brenda Welburn's place
- On November 14 – 16, he participated in the US Department of Labor conference for the 18 to 24 year olds to connect them to future Education and Employment.
- He attended the New England Secondary School Consortium (NESSC) meeting in New Hampshire along with Nancy Perkins.
- On November 18th, he attended the Annual Associated Builders and Contractors (ABC) Craft Championships at the Augusta Civic Center. There were over 1,000 students in attendance.
- He participated in the Maine Manufacturing Sector Strategy meeting.
- He attended the Public Hearing for Chapter 115 "Certification, Authorization and Approval of Education Personnel" on November 22, 2011.
- On November 28th, he attended the Eastern Maine Community College's Legislative event.
- On November 30th he attended the University of Maine National Girls Collaborative Project Event.
- On November 30th, he attended the Maine Employers Initiative that is run by the Maine Development Foundation to connect business in education.
- On December 6, 2011, he attended a Science, Technology, Engineering and Mathematics (STEM) Council meeting representing the Board.
- He attended a Tri-County Local Workforce Investment Board meeting in Bangor. The Commissioner of the Department of Education and the Department of Labor were in attendance.
- He attended an Adult Education College Transition Workshop.
- He attended a State Workforce Investment/Maine Jobs Council meeting.
- He distributed the Board's budget and gave a brief description of the expenditures.
- He distributed the revisions to the Strategic Plan and set a deadline of December 21, 2011 for feedback.

BOARD MEMBER REPORTS:

Nancy Perkins:

- The Certification and Higher Education Committee met on November 30, 2011. This was a combination November- December meeting. Cathy Owens - Oliver from Educational Testing Service (ETS) called in to our meeting. Part of the discussion was the changing format of the tests. Instead of all multiple choice questions, constructed response questions are being incorporated into the tests. As an example, right now Maine is using the Language Arts test #41. We should be adopting test # 44 which includes the constructed response. Another aspect of the changing test scene is how Maine's cut scores compare with the other five New England states with whom we are involved in reciprocity discussions. Some of our tests have lower cut scores than the other five states. Therefore, even though the students may pass with our cut score if they wish to teach in one of the other five states, they would have to re-take the test. The reciprocity discussion is on - going and we will be bringing you more information. Jeff Mao and David Patterson joined us in a discussion around distance learning/virtual learning. There are basically three avenues open to Maine's high school students. Virtual High school which had 700 students enrolled in 2011. Academe which is a program sponsored by the University of Maine Orono (UMO). This is free to juniors and seniors. Advanced Placement for All (AP4ALL) is sponsored by the Department of Education (DOE). This program offered 8 courses this year. These are AP courses.
The Maine Online Learning Program has established a list of approved on-line providers for districts. Three are posted at the moment: Apex Learning, Connections Academy, and K12 Inc. We will be inviting Jeff and David back as we ran out of time in our discussion. A good resource for us is the KEEPING PACE with k-12 online learning 2011. There is a specific section on Maine which gives details on our available programs. The meeting adjourned at 12:15.
- She attended the Public Hearing for Chapter 61 Major Capital School Construction on November 15, 2011.
- On November 17, 2011, she attended the New England Secondary School Consortium meeting in New Hampshire along with Steve Pound.
- She attended the Chapter 114 Stakeholders group meeting on November 18, 2011.
- She attended the Public Hearing for Chapter 115 "Certification, Authorization and Approval of Education Personnel" on November 22, 2011.
- On December 9, 2011, she attended the Maine Coalition for Excellence in Education Luncheon in Freeport.
- She attended the Presidential Award for Excellence in Mathematics and Science Recognition Dinner where they recognized candidates for National Secondary Science and Math Teacher of the Year on December 9, 2011.
- She attended a REACH Center Reception at the SEA Center at Southern Maine Community College on November 29, 2011.

Dottie Martin:

- She attended a Certification and Higher Education Committee meeting by phone on November 30, 2011.
- She attended the New England Association of Schools and Colleges Conference in Boston on December 7 – 9, 2011. She attended a session on Prior Learning Assessments.
- She attended a reception and presentation by the Commissioner of Economic and Community Development. He talked about the importance of education in our economy.

Jana Lapoint:

- She has attended meetings for the Charter School Commission.
- She attended the Certification and Higher Education Committee meeting on November 30, 2011.
- She attended the Education Committee meeting on December 12, 2011.

Martha Harris:

- She attended the Public Hearing for Chapter 115 “Certification, Authorization and Approval of Education Personnel” on November 22, 2011.
- She attended the Construction Committee meeting by phone on December 5, 2011.
- On December 16, 2011, Don Siviski, Department of Education presented an overview of Standards Based Education to her local school board. He got everyone excited and there was lots of discussion following the presentation.
- She serves on the Negotiation Committee for her local school board.

Lynda Doyle:

- She attended the Public Hearing on Chapter 115 “Certification, Authorization, and Approval of Education Personnel” on November 22, 2011.

Chelsey Whynot:

- She participated in a National Association of State Boards of Education (NASBE) Conference Call for student members. A new representative from NASBE introduced herself and put together a slide show. She gave participating students the opportunity to talk to other student members at the beginning of the conference. One state has 21 student members on their board.
- Her school won the Mock Trial Championship and will be going to Albuquerque, New Mexico for the national competition

Marilyn Temple Tardy:

- The Construction Committee met on December 5, 2011. James Banks, Sr., Martha Harris by phone and herself were in attendance. Scott Brown and Paul

Johnson as well as staff from the Department of Education. The following is the result of the work done to propose modifications to Chapter 61.

Key aspects of the revisions are as follows:

- A Public Manager for each construction project who would represent the State and Local best interests and be funded as a project expense.
- An improved rating system
- A strengthening in the Design and Funding approval process
- Changes to the Finance and Audit sections that clarify the Rule

The proposed changes to the rule went to a Public Hearing which was held November 15, 2011. No one testified at the hearing. During the public comment period four commentators responded. The comments were considered and included in the rule where appropriate. The Rule has been submitted to the appropriate State entities in accordance with the Administrative Procedure Act. Having had the opportunity to review the proposed changes with Scott this morning it will be presented as Exhibit VII.B at the Business meeting this afternoon. As Provisional Adoption of Amendments to State Board Rule Chapter 61 – Rules for Major Capital School Construction Projects. The Committee is also asking for information from the Commissioner on the Status of the Approval Process for the schools on the Final Priority List. What is the status of the Process at this point?

- She attended the Public Hearing for Chapter 61 Major Capital School Construction on November 15, 2011.
- She attended the Charter School Commission meetings.

CONSENT AGENDA:

APPROVAL OF THE PROPOSED REVIEW TEAM MEMBERS TO ASSESS THE APPLICATION FOR ADDITIONAL DEGREE-GRANTING AUTHORITY AS SUBMITTED BY BEAL COLLEGE TO AWARD THE BACHELOR OF SCIENCE IN CRIMINAL JUSTICE DEGREE

APPROVAL OF THE EDUCATOR PREPARATION PROGRAM REVIEW TEAM FOR SAINT JOSEPH'S COLLEGE

RECEIPT OF THE INTERIM REPORT FROM THE THOMAS COLLEGE TEACHER EDUCATION PROGRAM

PROPOSED REVIEW TEAM MEMBERSHIP FOR THE UNIVERSITY OF MAINE AT PRESQUE ISLE EDUCATOR PREPARATION PROGRAM REVIEW

Moved by Steven Pound, seconded by Nancy Perkins, and unanimously voted by those present to approve the Consent Agenda.

NEW BUSINESS:

STATE PUBLIC CHARTER SCHOOL COMMISSION – APPROVAL OF THE FOUR MEMBERS TO SERVE ON THE COMMISSION (SHELLEY REED, DONALD MORDECAI, WILLIAM SHUTTLEWORTH AND RICHARD BARNES)

SENATE

BRIAN D. LANGLEY, District 28, Chair
GARRETT P. MASON, District 17
JUSTIN L. ALFOND, District 8

PHILLIP MCCARTHY, Legislative Analyst
CAROLYN RUSSO, Legislative Analyst
RYAN BOYD, Committee Clerk



HOUSE

DAVID E. RICHARDSON, Carmel, Chair
PETER E. EDGECOMB, Caribou
HOWARD E. MCFADDEN, Dennysville
PETER B. JOHNSON, Greenville
JOYCE A. MAKER, Calais
MICHAEL D. MCCLELLAN, Raymond
RICHARD V. WAGNER, Lewiston
MARY P. NELSON, Falmouth
STEPHEN D. LOVEJOY, Portland
HELEN RANKIN, Hiram
MADONNA M. SOCTOMAH, Passamaquoddy Tribe

State of Maine
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

December 13, 2011

Mr. James Banks, Sr., Chair
Maine State Board Of Education
23 State House Station
Augusta, Maine 04333

Dear Mr. Banks:

In accordance with 20-A M.R.S.A., §2405, sub-§8, ¶A, the Joint Standing Committee on Education and Cultural Affairs has met with and interviewed the four candidates nominated to the State Charter School Commission by the three State Board of Education members that also serve on the State Charter School Commission.

The Education Committee has had under consideration the nominations of Dr. Richard Barnes, Mr. Donald Mordecai, Ms. Shelley Reed, and Mr. William Shuttleworth. The Education Committee members reviewed the letter of intent, resume and questionnaire responses submitted by each candidate as part of their application for appointment to the State Charter School Commission. The Education Committee's appraisal of each candidate also included an interview conducted during a work session convened on December 12, 2011.

After interviewing the four candidates, the Education Committee proceeded to vote on each nomination with the following results:

Appraisal of Dr. Richard Barnes

Motion: To recommend Dr. Richard Barnes for appointment to the State Charter School Commission.

Vote: YEAS 10 Sen. Langley, Sen. Mason, Sen. Alfond, Rep. D. Richardson,
Rep. Edgcomb, Rep. Johnson, Rep. Wagner, Rep. Nelson,
Rep. Lovejoy, Rep. Rankin

NAYS 0

ABSENT 4 Rep. McFadden, Rep. Maker, Rep. McClellan, Rep. Soctomah

Ten members of the Education Committee having voted in the affirmative and none in the negative, it was the vote of the Education Committee that the appointment of Dr. Richard Barnes to the State Charter School Commission be recommended.

Appraisal of Mr. Donald Mordecai

Motion: To recommend Mr. Donald Mordecai for appointment to the State Charter School Commission.

Vote: YEAS 10 Sen. Langley, Sen. Mason, Sen. Alford, Rep. D. Richardson,
Rep. Edgecomb, Rep. Johnson, Rep. Wagner, Rep. Nelson,
Rep. Lovejoy, Rep. Rankin

NAYS 0

ABSENT 4 Rep. McFadden, Rep. Maker, Rep. McClellan, Rep. Soctomah

Ten members of the Education Committee having voted in the affirmative and none in the negative, it was the vote of the Education Committee that the appointment of Mr. Donald Mordecai to the State Charter School Commission be recommended.

Appraisal of Ms. Shelley Reed

Motion: To recommend Ms. Shelley Reed for appointment to the State Charter School Commission.

Vote: YEAS 10 Sen. Langley, Sen. Mason, Sen. Alford, Rep. D. Richardson,
Rep. Edgecomb, Rep. Johnson, Rep. Wagner, Rep. Nelson,
Rep. Lovejoy, Rep. Rankin

NAYS 0

ABSENT 4 Rep. McFadden, Rep. Maker, Rep. McClellan, Rep. Soctomah

Ten members of the Education Committee having voted in the affirmative and none in the negative, it was the vote of the Education Committee that the appointment of Ms. Shelley Reed to the State Charter School Commission be recommended.

Appraisal of Mr. William Shuttleworth

Motion: To recommend Mr. William Shuttleworth for appointment to the State Charter School Commission.

Vote: YEAS 10 Sen. Langley, Sen. Mason, Sen. Alford, Rep. D. Richardson,
Rep. Edgecomb, Rep. Johnson, Rep. Wagner, Rep. Nelson,
Rep. Lovejoy, Rep. Rankin

NAYS 0

ABSENT 4 Rep. McFadden, Rep. Maker, Rep. McClellan, Rep. Soctomah

Ten members of the Education Committee having voted in the affirmative and none in the negative, it was the vote of the Education Committee that the appointment of Mr. William Shuttleworth to the State Charter School Commission be recommended.

We respectfully request that the State Board of Education accept this letter as our appraisal of the candidates in fulfillment of the provisions of 20-A, M.R.S.A., §2405, sub-§8, ¶A. Please do not hesitate to contact either one of us should you have any questions regarding this matter.

On behalf of the Education Committee, we wish to thank the State Board of Education members for the time and consideration that you have devoted to the review and nomination of members to the State Charter School Commission.

Sincerely,



Brian D. Langley
Senate Chair



David E. Richardson
House Chair

cc: Members. Joint Standing Committee on Education and Cultural Affairs

Moved by Jana Lapoint, seconded by Marilyn Temple Tardy, and unanimously voted by those present to approve the four members to serve on the State Public Charter School Commission.

CHARTER SCHOOL COMMISSION – LETTER OF RESIGNATION:

Marilyn Temple Tardy resigned from her State Board of Education appointment to the Charter School Commission effective December 14, 2011. Marilyn's husband is a Director on the Good Will Hinckley Board, an organization that will be seeking Charter School Status. Mr. Tardy's position on the Board makes it necessary for her to resign from the Commission.

James Banks, Sr. is recruiting another member of the Board to serve on the Charter School Commission.

Note: Lynda Doyle left the meeting at 1:51 PM

PROVISIONAL ADOPTION OF AMENDMENTS TO STATE BOARD RULE CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS.

STATEMENT OF FACT: Chapter 61 Rules for Major Capital School Construction Projects governs the expenditure of millions of Maine taxpayers' dollars for safe and effective schools that support the demands of 21st century education. Extensive needs for improved educational facilities across the state makes it imperative that the rules be kept clear, current and supportive of the state's educational goals. The Department of Education and the Construction Committee of the State Board of Education have worked jointly to propose modifications to Chapter 61.

Key aspects of this revision include:

- A Public Manager for each construction project who will represent the State and Local best interests and be funded as a project expense;
- An improved school rating system;
- A strengthening in the Design and Funding approval process; and
- A number of changes to the Finance and Audit sections that clarify the Rule.

The proposed changes to the Rule have gone to a Public Hearing. The hearing was held on Tuesday, November 15, 2011, and no one testified at the hearing.

During the period reserved for public comments statements were received from four commentators. The comments have been considered and included in the Rule where appropriate. A copy of the Summary of Comments and Responses is attached. In addition to the Public Hearing, the Rule has been submitted to the appropriate State entities in accordance with the Administrative Procedure Act.

CONSTRUCTION COMMITTEE RECOMMENDATION:

The Construction Committee voted unanimously to recommend that the State Board of Education provisionally adopt the changes to Chapter 61, Rules for Major Capital School Construction Projects as presented.

DEPARTMENT RECOMMENDATION:

It is recommended by the Department of Education that the State Board of Education provisionally adopt the attached proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects in accordance with the State of Maine Administrative Procedure Act.

Moved by Marilyn Temple Tardy, seconded by Steven Pound, and unanimously voted by those present to provisionally adopt the attached proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects in accordance with the State of Maine Administrative Procedure Act.

Marilyn Temple Tardy requested that the Commissioner present the status of the approval process for the schools that are on the final priority list by the January 11, 2012 Board meeting.

PROVISIONAL ADOPTION OF CHAPTER 115, “CERTIFICATION, AUTHORIZATION AND APPROVAL OF EDUCATION PERSONNEL”

BACKGROUND: On September 28, 2011, changes made to Title 20-A during the 125th Legislature went into effect. Accordingly, Chapter 115 was opened to revise the corresponding rules. LD 129, “An Act to Eliminate Dual Certification Requirements for Speech-Language Pathologists” now allows professionals who are licensed by the State of Maine to be employed in Maine schools without needing to hold the Department of Education educational specialist certificate. LD 1094, “An Act to Improve the Delivery of School Psychological Services to Children” eliminates references to the title “School Psychological Service Providers” and changes the title to “School Psychologists.” The revised rule reinstates a requirement for supervision during the first year of independent practice in order to renew the initial certificate. It will also reinstate a transcript analysis pathway to certification that was removed during an earlier revision to Chapter 115.

A public hearing was held on Tuesday, November 22, 2011, from 1:00 PM – 3:00 PM during which time several members (4) of the public provided testimony. Several additional comments were received in written form during the comment period which went until December 5, 2011. As a result of the public hearing and comment period, several minor non-substantial changes were made to the proposed drafted changes to Chapter 115 originally presented to the State Board of Education in October.

CERTIFICATION AND HIGHER EDUCATION COMMITTEE RECOMMENDATION:

The Certification and Higher Education Committee recommends that the State Board of Education provisionally adopt the changes to Chapter 115, Part I and Part II, Rules for Certification, Authorization, and Approval of Education Personnel as presented.

Moved by Nancy Perkins, seconded by Martha Harris, and unanimously voted by those present to provisionally adopt the changes to Chapter 115, Part I and Part II, Rules for Certification, Authorization, and Approval of Education Personnel as presented.

ANNOUNCEMENTS:

Submit Expense Account Vouchers to Mary at the end of the meeting.

PUBLIC COMMENTS:

No Public Comment

ADJOURNMENT:

Moved by Marilyn Temple Tardy, seconded by Dottie Martin, and unanimously voted by those present to adjourn the December 14, 2011, State Board of Education meeting at 2:04 PM.