



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 9, 2008, at the Cross State Office Building, ATM Room 103, Augusta the following members present: Chair James Carignan, Vice Chair Philip Dionne Jean Gulliver, Marilyn Tardy; Connie Goldman; James Banks; Ann Weisleder; Jack Norris; and Mabel Desmond.

Also present were: Deputy Commissioner Angela Faherty; Scott Brown, AIA, School Facilities; Harry Osgood, Higher Education Specialist; and Rhonda Casey, Clerk.

CALLED TO ORDER:

The meeting was called to order at 1:15 PM

CONSENT AGENDA:

SITE APPROVAL CONSIDERATION; PORTLAND SCHOOL DEPARTMENT –
NEW K-5 ELEMENTARY SCHOOL CONSTRUCTION PROJECT

The above exhibit was removed from the consent agenda and placed under Regular Business as Exhibit IV.B. for further discussion.

REVISED DRAFT OF A PROPOSED STATE PARTNERSHIP PROTOCOL WITH
THE TEACHER EDUCATION ACCREDITATION COUNCIL (TEAC) FOR THE
JOINT CONDUCT OF NATIONAL ACCREDITATION AND STATE PROGRAM
APPROVAL OF MAINE EDUCATOR PREPARATION PROGRAMS

MOVED by Jean Gulliver, seconded by Ann Weisleder, and unanimously voted by those present to approve the remaining consent agenda item.

REGULAR BUSINESS:

CONSIDERATION OF REVISIONS TO MAINE STATE BOARD OF EDUCATION
RULES AND THE OPPORTUNITY CONTRACT AS ARE REQUIRED FOR
IMPLEMENTATION OF CHAPTER 469, “AN ACT TO ALLOW TAX CREDITS
FOR COLLEGE LOAN REPAYMENTS.

Background: The First Session of the 123rd Legislature enacted LD 1856 – “An Act to Allow Tax Credits for College Loan Repayments.” This act specifies that the State Board of Education “. . . shall, in accordance with section 3, adopt rules, which are routine and technical rules pursuant to Title 5, chapter 375, subchapter 2-A, as necessary

to carry out the purposes of this chapter.” This chapter also requires that the State Board “. . . shall draft an opportunity contract for use in enrolling individuals in the program” and specifies what the opportunity contract must contain. This chapter creates the Opportunity Maine program and requires this educational opportunity initiative to be in place by January 1, 2008.

The following documents, had been distributed earlier to Board members electronically, were provided in hard copy for the Board’s consideration during the December 12, 2007, meeting. These documents included: 1) SBE-1 – a copy of Chapter 469; 2) SBE-2 – a copy of the Proposed Rules that were endorsed by the Board during its September 12, 2007, meeting; 3) SBE-3 – Opportunity Maine’s Comments/Recommendations concerning the Board’s proposed rules, following the public hearing 10/31/07; 4) SBE-4 – Summary of Comments and Responses; 5) SBE-5 – Final Draft of Board rules; and 6) SBE-6 – Final Draft of the Opportunity Contract.

The Board acted to adopt the final rules and the Opportunity Contract on December 12, 2007. When these rules were passed by the Office of the Attorney General for final sign off, it was determined that three provisions in the final rules exceeded the intent of the initial filing for rulemaking. These items were subsequently deleted from the text of the adopted rules. On advice of the Attorney General’s Office, it is proposed that the Board provisionally adopt two revisions to the earlier adopted rules as they pertain to the establishment of time limits for commencing program participation.

Recommendation: That the State Board of Education provisionally adopt the proposed revisions to rules and the Opportunity Contract.

MOVED by Ann Weisleder, seconded by Jean Gulliver, and unanimously voted by those present to provisionally adopt the proposed amendments to Chapter 469 and initiate the APA process.

Before considering Site Approval for the Portland School Department New K-5 Elementary School, public comments were taken. The Board also stressed that consideration of today’s exhibit was for site approval only, and this but only one step in the lengthy school approval process.

SITE APPROVAL CONSIDERATION; PORTLAND SCHOOL DEPARTMENT – NEW K-5 ELEMENTARY SCHOOL CONSTRUCTION PROJECT

Statement of Fact: Interim Superintendent Jeanne Whynot-Vickers requests that the State Board of Education approve a site in Portland, Maine, for a new elementary school. The new school will replace the Nathan Clifford School and also serve students from other schools in the area.

The proposed site, the Baxter School site, is an 11.96 acre parcel of which 4.8 acres are cleared for instructional purposes. The remainder of the site is wooded. The Baxter Elementary School, which has been closed, is presently on the site. The Baxter School

will be removed prior to the construction of the new facility. The site will accommodate an appropriately sited building, adequate traffic flow and parking, as well as outdoor play and recreation areas.

In selecting Baxter three potential sites were extensively evaluated. They were the present Nathan Clifford School site, the Dougherty Field site and the Baxter School site. The Dougherty Field site is currently the location of the West School. The Baxter site scored much higher than the other two sites.

The Baxter School site has public water, public sewer, and three-phase power. The water and sewer lines are large enough to accommodate a school without further construction. Student residences within the city and the location of other elementary schools were taken into consideration in the site selection process. Traffic flow in the city was also a consideration.

All State and local agencies that have an interest or involvement in the proposed school have been contacted. Their responses are on file in the Department of Education. The architect has completed the Site Application form as well as the New vs. Renovation Study of the affected schools.

Project Information:

Project: Portland School Department – New K-5 Elementary School

Interim Superintendent: Jeanne Whynot-Vickers

Architect: Richard Groves, WBRC Architects

Total number of acres: 11.96

Total number of acres eligible for State support: N/A

Purchase cost: None, city owned

Appraised value: None, city owned

Amount eligible for State support: None, city owned

Construction Committee Recommendation: At its meeting on January 7, 2008, the Construction Committee voted unanimously to recommend that the State Board of Education grant Design and Funding Approval to Portland School Department for a new K-5 school construction project located in Portland, Maine.

Commissioner Recommendation: The Commissioner recommends that the State Board of Education grant Site Approval to the Portland School Department for construction of a new K-5 school in Portland, Maine, under the provisions of Chapter 61, Rules for Major Capital School Construction Projects.

Note: Several citizens from the City of Portland attended the January 9, 2008, Board meeting. These individuals provided written comments, which are on file with the State Board of Education. To summarize the numerous concerns, comments, and thoughts expressed by those in attendance, these interested parties have a strong interest and desire to keep the Nathan Clifford School open and would like an opportunity to pursue

“a dual track process,” which would allow time to further seek the possibility of renovating and preserving a historic building instead of closing the Nathan Clifford School and building a new school.

MOVED by Jean Gulliver, seconded by Marilyn Tardy, and voted with five (5) members in favor, three members (3) opposing (Phil Dionne, Mabel Desmond, and Jack Norris), and one member abstaining (Jim Banks) to grant site approval to the Portland School Department.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; DESIGN & FUNDING APPROVAL CONSIDERATION; ELLSWORTH SCHOOL DEPARTMENT PRE K-8 RENOVATION/ADDITION SCHOOL CONSTRUCTION PROJECT

Statement of Fact: The renovation/addition will be constructed in Ellsworth, Maine, and house 905 students, pre-K through eighth grade. The project received Concept Approval on June 26, 2007. The subsequent referendum passed with 81% voting in favor of the project.

The Design and Funding Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

The basic design of the project and budget have not changed since Concept Approval, and it has met the needed criteria to move forward, which will allow it to be bonded and constructed on schedule.

Ellsworth School Department is requesting Design and Funding Approval for a new elementary school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects, and

- The Ellsworth School Department proposed school construction project is eligible for school construction under M.R.S.A. Title 20-A, Chapter 609;
- The proposed project and authorized method of financing are in the best interest of the State of Maine and Ellsworth School Department;
- The Ellsworth School Department estimated capital outlay expenditures are reasonable; and
- The Ellsworth School Department proposed project is in compliance with M.R.S.A. Title 20-A, Chapter 301, as it relates to special education facilities.

Project Information

Project: Ellsworth Elementary/Middle School
Superintendent: S. Wayne Enman, Interim Superintendent
Principal: Amy Peterson-Roper and James Newett
Architect: Rob Tillotson, AIA, Oak Point Associates

School Closures

Dr. Charles C. Knowlton School
General Bryant E. Moore School

Project Budget Information

Concept Approval Date and Total Project Cost: May 9, 2007, \$36,443,847
Local Only (no State participation): \$1,367,724
Approved for State/Local Debt Service Subsidy: \$34,956,123
Anticipated Maine High Performance Schools Energy Grant: \$120,000

Construction Committee Recommendation: At its meeting on January 7, 2008, the Construction Committee voted unanimously to recommend that the State Board of Education grant Design and Funding Approval to Ellsworth School Department for a preK-8 renovation/addition school construction project located in Ellsworth, Maine.

Department Recommendation: The Commissioner recommends that the State Board of Education grant Design and Funding Approval to Ellsworth School Department for a new elementary school in Ellsworth, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.**

**This approval constitutes Design & Funding 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 Marilyn Tardy, and unanimously voted by those present to grant design and funding approval to the Ellsworth School Department Pre K-8 Renovation/addition School Construction Project.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; DESIGN & FUNDING APPROVAL CONSIDERATION; SAD #46, DEXTER, NEW PRE K-8 SCHOOL CONSTRUCTION PROJECT

Statement of Fact: The SAD #46 school will be constructed in Dexter, Maine, and house 794 students, pre-K through eighth grade. The project received Concept Approval on March 27, 2007. The subsequent referendum passed with 73% voting to approve the project.

On September 13, 2007, the project received Phase I Design and Funding Approval for the site work. This was done to expedite the project, possibly save money, and keep the schedule for a spring 2008 bonding date.

The Design and Funding Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

The basic design of the project and budget have not changed since Concept Approval, and it has met the needed criteria to move forward which will allow it to be bonded and constructed on schedule.

SAD #46 is requesting Design and Funding Approval for a new elementary school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects, and

- The SAD #46 proposed school construction project is eligible for school construction under M.R.S.A. Title 20-A, Chapter 609;
- The proposed project and authorized method of financing are in the best interest of the State of Maine and SAD #46;
- The SAD #46 estimated capital outlay expenditures are reasonable; and
- The SAD #46 proposed project is in compliance with M.R.S.A. Title 20-A, Chapter 301, as it relates to special education facilities.

Project Information:

Project: Dexter Elementary School
Superintendent: Kevin Jordan, Superintendent
Principal: Julianna Richard and Timothy McCuskey
Architect: Steve Blatt, AIA, Stephen Blatt Architects

School Closures:

Dexter Middle School
Dexter Primary School
Exeter Consolidated School
Garland Elementary School

Project Budget Information:

Concept Approval Date and Total Project Cost: February 14, 2007, \$30,587,000

Local Only (no State participation): \$562,000
Approved for State/Local Debt Service Subsidy: \$29,905,000
Anticipated Maine High Performance Schools Energy Grant: \$120,000

Construction Committee Recommendation: At its meeting on January 7, 2008, the Construction Committee voted unanimously to recommend that the State Board of Education grant Design and Funding Approval to SAD #46 for a new preK-8 School construction project located in Dexter, Maine.

Department Recommendation: The Commissioner recommends that the State Board of Education grant Design and Funding Approval to SAD #46 for a new elementary school in Dexter, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.**

**This approval constitutes Design & Funding 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 Marilyn Tardy, and unanimously voted by those present to grant Design and Funding Approval to SAD #46, Dexter, New Pre K-8 School Construction Project.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; DESIGN & FUNDING APPROVAL CONSIDERATION; WESTBROOK SCHOOL DEPARTMENT, NEW GRADES 6-8 SCHOOL CONSTRUCTION PROJECT

Statement of Fact: The new middle school will be constructed in Westbrook, Maine, and house 600 students, grades 6 through 8. The project received Concept Approval on May 22, 2007. The subsequent referendum passed with a 75% vote in favor of the project.

The Design and Funding Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

The basic design of the project and budget have not changed since Concept Approval, and it has met the needed criteria to move forward which will allow it to be bonded and constructed on schedule.

Westbrook School Department is requesting Design and Funding Approval for a new elementary school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects, and

- The Westbrook School Department proposed school construction project is eligible for school construction under M.R.S.A. Title 20-A, Chapter 609;
- The proposed project and authorized method of financing are in the best interest of the State of Maine and Westbrook School Department;
- The Westbrook School Department estimated capital outlay expenditures are reasonable; and
- The Westbrook School Department proposed project is in compliance with M.R.S.A. Title 20-A, Chapter 301, as it relates to special education facilities.

Project Information:

Project: Westbrook Middle School
 Superintendent: Stan Sawyer, Superintendent
 Principal: Brian Mazjanis
 Architect: Dan Cecil, AIA, Harriman

School Closures:

Wescott Middle School

Project Budget Information:

Concept Approval Date and Total Project Cost: April 11, 2007, \$33,673,796
 Local Only (no State participation): \$7,598,109
 Approved for State/Local Debt Service Subsidy: \$25,955,687
 Anticipated Maine High Performance Schools Energy Grant: \$120,000

Construction Committee Recommendation: At its meeting on January 7, 2008, the Construction Committee voted unanimously to recommend that the State Board of Education grant Design and Funding Approval to the Westbrook School Department for a new grade 6-8 school construction project located in Westbrook, Maine.

Department Recommendation: The Commissioner recommends that the State Board of Education grant Design and Funding Approval to Westbrook School Department for a new middle school in Westbrook, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.**

**This approval constitutes Design & Funding 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 Connie Goldman, and unanimously voted by those present to grant Design and Funding Approval to Westbrook School Department for a new middle school in Westbrook, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; DESIGN & FUNDING APPROVAL CONSIDERATION; PENINSULA CSD, PRE K-8 SCHOOL CONSTRUCTION PROJECT

Statement of Fact: The new Peninsula CSD elementary school will be constructed in Prospect Harbor in the town of Gouldsboro, Maine, and house 180 students pre-K through eighth grade. The project received Concept Approval on March 14, 2007, and was approved at referendum on May 15, 2007. The subsequent referendum passed with 86% voting in favor of the project.

The Design and Funding Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

The basic design of the project and budget have not changed since Concept Approval, and it has met the needed criteria to move forward which will allow it to be bonded and constructed on schedule.

Peninsula CSD is requesting Design and Funding Approval for a new elementary school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects, and

- The Peninsula CSD proposed school construction project is eligible for school construction under M.R.S.A. Title 20-A, Chapter 609;
- The proposed project and authorized method of financing are in the best interest of the State of Maine and Peninsula CSD;
- The Peninsula CSD estimated capital outlay expenditures are reasonable; and
- The Peninsula CSD proposed project is in compliance with M.R.S.A. Title 20-A, Chapter 301, as it relates to special education facilities.

Project Information

Project: Winter Harbor Grammar School
Superintendent: William Webster
Principal: Marielle Edgecomb
Architect: Richard Graves, AIA, WBRC Architects - Engineers

School Closures:

Winter Harbor Grammar School

Project Budget Information:

Concept Approval Date and Total Project Cost: March 14, 2007, \$12,400,000
Local Only (no State participation): \$400,000
Approved for State/Local Debt Service Subsidy: \$11,880,000
Anticipated Maine High Performance Schools Energy Grant: \$120,000

Construction Committee Recommendation: At its meeting on January 7, 2008, the Construction Committee voted unanimously to recommend that the State Board of Education grant Design and Funding Approval to Peninsula CSD for a new pre-K through 8 school construction project located in Winter Harbor, Maine.

Department Recommendation: The Commissioner recommends that the State Board of Education grant Design and Funding Approval to Peninsula CSD for a new elementary school in Winter Harbor, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.**

**This approval constitutes Design & Funding 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 Connie Goldman, and unanimously voted by those presented to grant Design and Funding Approval consideration; Peninsula CSD for a new elementary school in Winter Harbor, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.

CONSIDERATION OF POSSIBLE CONCEPT LANGUAGE FOR CHAPTER 61

The following is draft language that might be added at the start of the Priority C on the rating section (page 8)

This section covers deficiencies in the facilities relevant to a school’s current/and/or planned educational program. It applies to deficiencies manifest in facilities that fail to appropriately accommodate innovate teaching and learning formats that are either currently in use at the school or to which the school administrative unit has made a carefully considered commitment.

Definitions, new #7

“Carefully Considered Commitment” – A commitment that is embodied in a plan for innovation, which plan shall have been approved by the SAU governing body.

The plan shall provide for thorough consideration by faculty, staff, and where appropriate, students and community members. The plan shall consider evidence of educational effectiveness of the innovation, and its feasibility, including on-going budgetary implications and the level of parent and community support for the innovation.

Ann Weisleder suggested adding the following additional language after the word “innovation” in paragraph 2. “and the means, resources and time, and capacity building to accomplish this innovation of teaching and learning formats.”

After a long discussion the Board decided it best to suspend its conversations and hold a special meeting to review and further discuss the need for the above language

TABLED for further discussion to occur at a Special Board meeting to be scheduled on January 23, 2008, with the location and time to be determined.

ADJOURNMENT:

State Board of Education unanimously agreed to adjourn the January 9, 2008, meeting at 4:30 PM.