



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, 2005, at Messalonskee Middle School, Oakland with the following members present: Chair James Carignan; Vice Chair Philip Dionne, Joyce McPhetres, Wes Bonney, Jack Norris, Ellie Multer, Janet Tockman, Ann Weisleder, and Jean Gulliver.

Also present were: Commissioner Susan Gendron; Scott Brown, AIA, School Construction; Judith Malcolm, Team Leader, Support Systems Team; Harry Osgood, Higher Education Specialist; and Rhonda Casey, Clerk.

CALLED TO ORDER:

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES:

MOVED by Jack Norris, seconded by Jean Gulliver, and unanimously voted to add the names of the members of the State Board of Education who vote in the affirmative, negative, and who abstain.

MOVED by Jean Gulliver, seconded by Janet Tockman, and unanimously voted to approve the October 12, 2005, minutes with the following changes incorporated: 1) Page 6, fifth paragraph, delete the word packet and replace with the word packed; 2) Page 8, rewrite motion to read as follows: Chair Carignan called the vote on the standing motion, which was not to move forward with concept approval for the MSAD #31 school construction project. Vote: Seven (7) members in favor of not moving forward with concept approval and two (2) members opposed (Jack Norris, and Phil Dionne), with one member abstaining (Ellie Multer).

REGULAR BUSINESS:

Exhibit IV.F. was taken out of order and considered first under Regular Business due to a scheduling conflict of the Review Team Chair for Bates College.

CONSIDERATION OF THE BATES COLLEGE PROGRAM APPROVAL VISITATION REPORT

Background: A program approval visit to Bates College was conducted October 2-5, 2005, for the purpose of reviewing the following professional educator preparation programs:

Secondary Level (7-12)

- English/Language Arts
- Mathematics
- Life Sciences
- Physical Sciences
- Social Studies

Foreign Languages (K-12)

Following the on-site visitation, a report was prepared which includes findings, commendations, and program recommendations as well as a recommendation for State Board program approval status. The report has been prepared for State Board consideration and action during the December 14, 2005, meeting of the Board.

Recommendation: That the State Board of Education accept the review team report and grant Bates College full, five-year approval for its educator preparation program. The period of approval would be from fall 2005 through fall 2010.

MOVED by Wes Bonney, seconded by Joyce McPhetres, and unanimously voted to accept the review team report and grant Bates College full, five-year approval for its educator preparation program. The period of approval would be from fall 2005 through fall 2010.

MAJOR CAPITAL IMPROVEMENT PROGRAM, DESIGN & FUNDING APPROVAL CONSIDERATION, LEWISTON SCHOOL DEPARTMENT, NEW FARWELL ELEMENTARY SCHOOL, GRADES K THROUGH 6

Statement of Fact: The Lewiston School Department's Farwell Elementary School received Concept Approval at the October 13, 2004, Maine State Board of Education meeting.

The new Farwell Elementary School will house grades K through six in the short term. The long-term educational plan is for a Pre K - grade five facility once a new middle school is built replacing the present junior high school. The new facility is designed for 425 students and will continue to serve the Farwell Street area of the City of Lewiston.

The new facility will be a two-story 53,125 square foot facility. The City of Lewiston has voted to finance 3,295 square feet of additional gymnasium space.

The Lewiston School Department has requested Design and Funding Approval for the new Farwell Elementary School project qualifying under state statutes and State Board of Education Rules for Major Capital School Construction Projects and:

1. The Lewiston School Department proposed project is eligible for school construction under M.R.S.A. Title 20-A, Chapter 609;

2. The proposed project and the authorized method of financing are in the best interest of the State of Maine and the City of Lewiston;
3. The Lewiston School Department estimated capital outlay expenditures are reasonable; and
4. The Lewiston School Department's proposed project is in compliance with M.R.S.A. Title 20-A, Chapter 301, as it relates to the provisions of special education facilities.

Project Information:

Project: Farwell Elementary School, Lewiston
Superintendent: Leon Levesque
Principal: Linda Golding
Architect: Herb Semple, Semple and Drane Architects

Project Budget Information:

1. Concept Approval Date and Total Project Cost: October 13, 2004, \$11,440,749
2. Approved for Inclusion in State/Local Debt Service: \$10,721,062
3. Local Only Amount: \$599,687
4. High Performance School Grant: \$120,000
5. Estimated Project Cost: \$11,440,749

Department Recommendation: The Department of Education recommends that the State Board of Education grant Design and Funding Approval to Lewiston School Department for the new Farwell Elementary School Major Capital Improvement construction project.

This approval constitutes Design Approval. Final Funding Approval may be subject to adjustment under Section 15 of the State Board of Education *Rules for School Construction Projects*, which states:

“When it is determined by the Commissioner, following the opening of school construction bids, that there are surplus funds contained in a project budget, the State Board directs the Department of Education (DOE), with the advice of the Bureau of General Services, to initiate a process to lower the approved budget to the appropriate funding level, thus, providing additional funds for other projects awaiting concept approval.”

MOVED by Jean Gulliver, seconded by Ann Weisleder, and unanimously voted to grant Design and Funding Approval to Lewiston School Department for the new Farwell Elementary School Major Capital Improvement construction project.

MAJOR CAPITAL IMPROVEMENT PROGRAM, DESIGN & FUNDING APPROVAL
CONSIDERATION, PRE K THROUGH GRADE 4 BUILDING ADDITION, SAD #68, DOVER-
FOXCROFT, MAINE

Statement of Fact: The SAD #68 addition and minor renovation project to the Se Do Mo Cha School in Dover-Foxcroft received Concept Approval on December 15, 2004. The project was approved in referendum on March 1, 2005. This Design and Funding Approval is being requested pursuant to M.R.S.A. Title 20-A.

SAD #68 has requested Design and Funding Approval for the Se Do Mo Cha addition and renovation construction project qualifying under state statute and State Board of Education Rules for Major Capital School Construction Projects, and it is therefore, recommended that the State Board approve the following:

1. That SAD #68's proposed project is eligible for school construction aid under M.R.S.A. Title 20-A, Chapter 609;
2. That the proposed project and the authorized method of financing are in the best interest of the State of Maine and the school unit;
3. That the total estimated capital outlay expenditures are reasonable; and
4. That SAD #68's proposed project is in compliance with M.R.S.A. Title 20-A, Chapter 301, as it relates to the provisions of special education facilities.

Project Information:

Project: Pre K-8 Consolidation, MSAD #68
Superintendent: John Dirnbauer
Principal: Marcia Boody and Jay Robinson
Architect: Don Lewis of Lewis & Malm Architects

Project Budget Information:

1. Approved for Inclusion in State/Local Debt Service: \$10,797,500
2. Local Only: \$-0-
3. Maine High Performance School Grant: \$120,000

Total Project Cost (1, 2, and 3 above): \$10,917,500
Increase (Decrease) From Concept and Approval: \$ -0-

Department Recommendation: The Department of Education recommends that the State Board of Education grant Design and Funding Approval to SAD #68 for the Se Do Mo Cha Addition/Renovation Major Capital Improvement construction project.

This approval constitutes Design Approval. Final Funding Approval may be subject to adjustment under Section 15 of the State Board of Education Rules for School Construction Projects, which states:

“When it is determined by the Commissioner, following the opening of school construction bids, that there are surplus funds contained in a project budget, the State Board directs the Department of Education (DOE), with the advice of the Bureau of General Services, to initiate a process to lower the approved budget to the appropriate funding level, thus, providing additional funds for other projects awaiting concept approval.”

MOVED by Ellie Multer, seconded by Jean Gulliver, and unanimously voted to grant Design and Funding Approval to SAD #68 for the Se Do Mo Cha Addition/Renovation Major Capital Improvement construction project.

LEASED SPACE APPEALS FOR FISCAL YEAR 2005-2006

Statement of Fact: Section 15672 of Title 20-A M.R.S.A. charges the State Board of Education with the review of undue burdens on local school units that cannot meet the time limits established in the law for leased space. Units that exceed the time limit may appeal to the State Board of Education for an extension of the time limits. In considering appeals, the State Board of Education must by statute take into consideration the following factors:

- “(i) Fiscal capacity;
- (ii) Enrollment demographics; and
- (iii) Any unforeseen circumstances not within the control of the school administrative unit.”

Until this year, school units that had applied for a Major Capital Construction project or a Revolving Renovation Fund project were by statute eligible to appeal their status to the State Board of Education for lease subsidy approval. This provision was dropped from statute in the last legislative session.

The Department of Education has reviewed the waiver applications from school units listed on the accompanying list. The school units listed have met the provisions in Title 20-A M.R.S.A. Section 15672 which are listed above. All waiver requests have been reviewed considering the administrative unit’s fiscal capacity, enrollments, and for circumstances not within the unit’s control.

Recommendation: That the State Board of Education grant appeals to the school administrative units listed on the attached list for a one-year extension of lease subsidy.

MOVED by Ellie Multer, seconded by Joyce McPhetres, and unanimously voted to grant appeals to the school administrative units listed below a one-year extension of lease subsidy:

- Ellsworth
- Gorham
- Lewiston
- Pembroke
- Perry
- Westbrook
- SAD 17, Norway
- SAD 22, Hampden
- SAD 57, Waterboro
- SAD 61, Bridgton

PROVISIONAL ADOPTION OF PROPOSED AMENDMENTS TO MAINE STATE BOARD OF EDUCATION RULE CHAPTER 115; CERTIFICATION, AUTHORIZATION, AND APPROVAL OF EDUCATIONAL PERSONNEL

Statement of Fact: This rule contains the requirements for certification, authorization, and approval of educational personnel who serve in the public and in certain approved private schools of the State of Maine. Standards and procedures for certification, authorization, and approval are included and are

intended to provide the highest quality personnel to help students meet the standards of the System of Maine's Learning Results.

The Department of Education and the State Board of Education have reviewed the current rule Chapter 115 and have recommended certain amendments to the rule. On October 12, 2005, the proposed rule was presented to the State Board and the Board authorized the promulgation of the rule proposed in accordance with the Maine Administrative Procedures Act (APA).

The State Board held a public hearing on Monday, November 14, 2005, to receive oral comments regarding the proposed amendments to Chapter 115. The deadline for submission for written comments was November 30, 2005.

Oral and written comments received have been reviewed by Department staff and the Certification/Higher Education Committee of the Board and responses prepared. A copy of the final rule, a listing of the amendments, and comments and responses to the comments has been prepared for consideration by the Board.

Recommendation: It is recommended that the State Board of Education provisionally adopt the proposed amendments to Chapter 115, Parts I and II, Certification, Authorization, and Approval of Educational Personnel, a major substantive rule of the State Board of Education.

MOVED by Ann Weisleder, seconded by Jean Gulliver, and unanimously voted to provisionally adopt the proposed amendments to Chapter 115, Parts I and II, Certification, Authorization, and Approval of Educational Personnel, a major substantive rule of the State Board of Education.

INITIATION OF THE MAINE ADMINISTRATIVE PROCEDURES ACT (APA) FOR CHAPTER 114: POLICY, PROCEDURES AND STANDARDS FOR THE REVIEW AND APPROVAL OF EDUCATIONAL PERSONNEL PREPARATION PROGRAMS

Background: The Department and the State Board of Education propose to amend the rules governing educator preparation programs by adopting and adapting additional program approval standards. Among the amendments was the inclusion of required performance standards as regards to administrator, other educational personnel, advanced programs, and alternate route programming. The proposed amendments include revised definitions and procedures in the approval process of higher education programs that prepare professional educators. The proposed changes to rule are the result of the work of a stakeholders group, which has met monthly since June 2005. The proposed changes are presented to the Board for consideration with the concurrence of all stakeholders. This rule is not major and substantive and thus is not subject to time constraints that honor legislative approval.

Recommendation: That the State Board of Education approve proceeding with rulemaking regarding the proposed amendments to Chapter 114 in accordance with the Maine Administrative Procedures Act.

MOVED by Joyce McPhetres, seconded by Janet Tockman, and unanimously voted to approve proceeding with rulemaking regarding the proposed amendments to Chapter 114 in accordance with the Maine Administrative Procedures Act (APA).

CONSIDERATION OF THE STATE BOARD OF EDUCATION GOVERNMENT EVALUATION PROGRAM EVALUATION ACT REPORT

MOVED by Jack Norris, seconded by Ann Weisleder, and unanimously voted to approve the State Board of Education Government Evaluation Act Program Evaluation Act Report, incorporate a few minor changes, and to submit the revised report to the Education Committee for review.

CONSIDERATION OF THE FOREIGN LANGUAGE STUDY GROUP REPORT OF THE STATE BOARD OF EDUCATION

MOVED by Jack Norris, seconded by Ann Weisleder, and voted seven (7) in favor, with two members opposed (Ellie Multer and Jean Gulliver) to approve the report, with the following changes incorporated: move paragraph one, the last sentence of paragraph two, and paragraph four as these paragraphs constitute the introduction.

CONSIDERATION OF THE COMMISSIONER'S RECOMMENDED FUNDING LEVEL FOR FY 2006-2007

MOVED by Jack Norris, seconded by Phil Dionne, and unanimously voted to approve the certified funding level for FY 2007, based on current statute, for the total cost of funding public education from kindergarten to grade twelve (including total operating allocation, total debt service allocation, and total adjustments and miscellaneous costs) at \$1,831,609,769 with the 90% transition amount of \$1,698,674,567, a total contribution amount of \$783,768,445, and a state contribution amount of \$914,906,122 to be distributed as General Purpose Aid for Local Schools. These amounts shall be distributed according to the parameters of the Essential Programs and Services Funding Act, 20-A, M.R.S.A. Chapter 606-B.

COMMISSIONER'S REPORT:

Commissioner Gendron reported on the following:

- That she, Don Reutershan, and Bette Manchester participated in an international symposium, Preparing for the Global Age: States Institute on International Education in the Schools in Washington, D.C. on December 7-9, 2005. This international meeting is a continuation from the delegations trip to China. The delegation would like to build upon what it learned in China, i.e., the gap between the increasing importance of Asia and other world regions to the economic prosperity and national security of the United States and most Americans' lack of knowledge of other world regions and cultures.
- That in an effort to continue with the high school reform initiatives the Department is working to implement the SAT test into the high schools. The Department is planning an information session in January to update members of the legislature about the Department's decision to use the SAT in place of the MEA.
- That on Monday the Department held a public hearing on Chapter 127. During the hearing the Department received minimal testimony, although it does anticipate receiving

numerous written comments by the close of the comment period there seems to be much concern about the Local Assessment System.

CHAIR'S REPORT:

Chair Carignan reported on the following:

- That he has been actively publicizing the report *The Learning State: Maine Schooling for the 21st Century*. Over the last month, he has met with superintendents from Aroostook County to discuss the report and its contents. In addition, a public forum was held at the University of Maine in Presque Isle for the public to express their views and offer comments and suggestions.
- That he and other members of the Select Panel are scheduled to meet with members of the Maine's Legislative Leadership to brief them about the reports as well as listen to their comments. In addition, he and members of the Select Panel are beginning to schedule presentations with organizations such as Maine School Management Association, Maine Education Association, and Maine Coalition for Excellence in Education, etc.
- That he participated in the MEA ceremony honoring the 50 highest scorers in the MEA test, their parents, teacher mentors, and principals, and superintendents of these students.
- That he participated in the Maine Lead program on leadership at the Samoset, which was full of lively and positive discussions.
- That he received a copy of a letter addressed to Governor Baldacci from the Vice Chair of the Richmond School Board. The letter challenges the Board's decision on MSAD #31 and suggests that the Board has "gone down the wrong track," and that the Board had been inappropriate. The letter outlines a particular comment made by Phil Dionne, which was interpreted, as this Board, i.e. State Board, will never approve a small school again. In conclusion, the letter asked that Mr. Dionne to retract his statement. The letter also asked the Governor to reconstitute the Board in a more effective manner. In response to letter, he assured the individual that the decision regarding MSAD #31 was an individualist decision, based on a considerable amount of history, and data that was relevant to that decision and that decision only. It is not an announcement of general policy.
- That he was asked and has agreed to chair one of NASBE's study groups.

BOARD MEMBER REPORTS:

Ellie Multer:

- That in response to an assignment from the Joint Standing Committee on Education and Cultural Affairs a study group was convened to study the issues outlined in LD 1349, An Act to Encourage Neighborhood Schools and to Minimize Sprawl Caused by School Siting. A report has been completed and reviewed by the Education Committee and subsequently voted ought not to pass on December 8, 2005, by the Education Committee.

- That she continues to participate in the Learning Results Review Committee, which met on Tuesday, December 13, 2005. Anita Bernhardt is working hard to negotiate the gap that tends to exist between the panels that are working with the individual learning results areas and the Learning Results Review Committee. The split seems to exist between simplifying, reducing the volume, and keeping the language friendly to what is “really essential,” rather than what you want children to know. There are national experts involved advising each of the individual panels.

Joyce McPhetres:

- That she attended the Chapter 127 hearing that was held on Monday, December 12, 2005.

Jean Gulliver:

- That the Insured Value Factor Study Group is scheduled to meet on Friday, December 15, 2005. The group has held several meetings in an effort to bring consensus around how the insured value factor money is intended to be used. The study group is considering comparisons of state investment in both public and private schools for capital construction. It is the group’s intention to bring a plan to the legislature early in the New Year.

Phil Dionne:

- That he will be participating in an advisory group to develop a process to incorporate Career Technical Education (CTE) into the Essential Programs and Services (EPS) Model. The group anticipates meeting several times over the next eighteen months.

Wes Bonney:

- That effective December 31, 2005, he will no longer be a member of the State Board. He has submitted his resignation to the Governor and that the Governor has accepted his resignation.

ADJOURNMENT:

State Board of Education unanimously agreed to adjourn the December 14, 2005, meeting at 2:30 PM.b