



## 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 February 12, 2020 at the Burton Cross State Office Building, 111 Sewall Street, Augusta, Maine. The following members were present: Chair Wilson Hess; Vice Chair Jane Sexton; Wendy Ault; John Bird; Fern Desjardins; Peter Geiger; Martha Harris; Jana Lapoint; Casey Maddock; and Jaylee Rice

Vacant: One Member

Others Present: Dwight Littlefield, State Director for CTE; Jason Libby, Postsecondary and Educator Preparation Coordinator; Angel Loredo, Director of Higher Education and Educator Support Services; and Mary Becker, State Board Secretary Specialist.

### **CALLED TO ORDER:**

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

### **VISION STATEMENT:**

Read by student member, Casey Maddock: The Vision of the State Board is to ensure Maine public school students graduate with the skills, knowledge, and principles to be responsible American citizens; self-directed and dedicated to making contributions to society by pursuing further education and employment.

### **APPROVAL OF MINUTES:**

MOVED by Wendy Ault, seconded by John Bird, and voted six in favor with two members abstaining (Fern Desjardins and Peter Geiger) to accept the January 15, 2020 minutes as written.

### **PUBLIC COMMENT:**

No Public Comment

## **OFFICER'S REPORTS:**

### **Chair, Wilson Hess**

- Wilson thanked the Legislative Action Committee members who meet every Friday for their work. He thanked Peter Geiger for his leadership and thanked Fern Desjardins for her recent testimony on LD 2071, Chapter 125.
- He has been asked to serve on the P-20 workforce team that will be attending the James Hunt Institute later in February. There is a team of four that will be making recommendations to the Governor's Innovative Task Force on P-20 workforce. The theme is rural and remote workforce development for the State of Maine.
- Wilson is hoping to receive names of nominees for appointments to the State Board by the March meeting.
- He thanked everyone involved, especially Deputy Commissioner Dan Chuhta, in the work on the start-up of the Professional Standards Board.
- The Perkins Five Plan will go before the SBE for approval today after a year of work. Thank you to the folks who worked on the plan.
- The Integrated Consolidated School Construction program issues are heating up according to Commissioner Makin. He thanked Martha Harris and her Committee for following up on the program.

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

- She complimented the Legislative Action Committee for their work. She has called in on Friday's when available.
- On February 5, she met with Commissioner Makin, Deputy Commissioner Chuhta and Wilson Hess for an agenda review meeting and it was a very productive meeting.

## **COMMITTEE REPORTS:**

### ***School Construction Committee (Martha Harris):***

The School Construction Committee did not meet on January 31, 2020 as scheduled.

The next School Construction Committee meeting is scheduled for Friday, February 28, 2020. The meeting will be held in room 500 of the Cross State Office Building. The approved minutes will be posted on the State Board website.

### ***Certification and Higher Education (Jane Sexton):***

The Certification and Higher Education Committee met on January 22, 2020 as scheduled.

- Certification Update:
  - Received a report from Stephanie Fyfe on Certification
    - 0 to 15 minutes wait time on phones
    - Three-week processing time
  - Higher Education Update:
    - Team Reviews coming up in the spring

- Upcoming February 26 Committee Meeting
  - Chapter 115 - information from the DOE
  - Committee members will continue working on the standards related to Higher Education Reviews and Chapter 114. They will look at each standard in relation to team reports to see that they are consistent within each standard.
    - Jana Lapoint – Standard 3: Field Experiences and Clinical Practice
    - Wendy Ault – Standard 4: Diversity
- The Committee continues to welcome guests and their input to monthly meetings.

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, February 26, 2020. The meeting will be held in room 538 of the Cross State Office Building. The approved minutes will be posted on the State Board website.

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

The Career and Technical Education (CTE) Committee met on January 23, 2020 as scheduled.

- The Committee received and reviewed a mid-year report of grants given to MACTE.
- An update was received from Dwight Littlefield on the process of the MOU with the Community College System. A report was given on the activities that have taken place to meet the three primary goals of the agreement signed in December of 2018.
- Ten grants were given to programs focusing on grades nine and ten. Jana Lapoint served on the screening team and the programs are in process.
- The Committee had discussion on workforce development in Maine
- The quarterly Perkins report was approved by the Committee and goes before the full Board for approval during the business meeting.
- Perkins Five Year Plan was approved and goes before the full Board for final approval during the business meeting. John Bird complemented Dwight Littlefield and Donna Tiner for their work over the past year with the Perkins State Plan.

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, February 27, 2020. The meeting will be held in room 538 of the Cross State Office Building. The approved minutes will be posted on the State Board website.

***Legislative Action (Peter Geiger):***

The Legislative Action Committee meets every Friday and last met on February 7, 2020.

It was an interesting meeting as all State Offices were closed and the Committee

could not meet at the DOE. A conference call was initiated by Peter Geiger and the meeting went well.

The Committee discussed the following bills:

- LD 1947: An Act To Fund Capital Improvements to Career and Technical Education Centers
  - Tabled on February 12, 2020
  - Wilson testified on behalf of the Board on February 6.
- LD 2022: An Act To Provide Funding for Capital Improvements and Equipment for Career and Technical Education Centers and Regions
  - amended the language and limited to equipment
- LD 2021: An Act To Provide Funding for Broadband Internet Infrastructure in Unserved and Underserved Areas
  - Wilson testified on behalf of the Board on January 28 and attended the work session.
- LD 2071: Resolve, Regarding Legislative Review of Portions of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a Major Substantive Rule of the Department of Education
  - Fern Desjardins wrote testimony and the committee reviewed it at the February 7 meeting. On February 10, Fern testified on behalf of the Board.
- LD 2075: Resolve, Regarding Legislative Review of Portions of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education
  - Jaci Holmes will be walking the Education Committee through Chapter 115 at the work session. Wilson Hess will be in attendance.

***Nomination and Election (Martha Harris):***

The Committee has not met to date.

***Student Voices (Casey Maddock and Jaylee Rice):***

- They have asked all the students on the cabinet to pull together some data from their peers.
- Mental health was identified at the first meeting as a major issue.
- Hoping to pull together some things that schools can provide for their students that will directly impact and improve mental health for students.
- Next meeting is scheduled for the end of the month.
- Deputy Commissioner Chuhta added that they are working on having a special guest for the student cabinet meeting.

Note: Wilson Hess announced that Wendy Ault, Fern Desjardins and Jaylee Rice will be the ad-hoc committee reviewing student applications, selecting the six semi-finalists for interviews and following the interviews, sending the names of the three finalists to the Governor for an appointment to the Board.

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

The Charter School Commission met on February 11, 2020.

- The Commission received and approved 2018-19 Annual Monitoring Reports from all of Maine’s public charter schools. The completion of these reports had been delayed for several months waiting for DOE to publicly release MEA Results, Chronic Absenteeism Data and Graduation Rates. A few schools had missing and/or incomplete information due to changes in leadership. These schools will be given an opportunity to provide additional information prior to the data being included in the Annual Report to the Commissioner.
- One commission member commented on the thoroughness of the annual monitoring reports. A comment was made that all public schools should have the same level of oversight.
- Also received and approved was the 2018-19 Annual Report to the Commissioner. This statutorily required report gives an overview of charter school progress and the work done by the Commission and is distributed to the Education and Cultural Affairs Committee. Copies of the report will be distributed to members of the State Board of Education at its March meeting.
- A financial snapshot of all 9 schools was discussed. Handouts including MEA results, Chronic Absenteeism and Graduation data comparing the results from the 2017-18 school year to the 2018-19 school year were distributed. Growth was made in many areas. Of particular interest, Chronic Absenteeism – beginning with the 2019/20 school year – must now be reported as part of each schools Performance Framework.
- Baxter Academy held its enrollment lottery on February 5<sup>th</sup>. 144 students applied for 85 openings. There are approximately 40 students currently on the waiting list. Lotteries (if needed) for other schools will be held in March and results reported at the Commission’s April Business Meeting.

**OLD BUSINESS:**

No Old Business

**NEW BUSINESS:**

RECEIPT OF THE THOMAS COLLEGE EDUCATOR PREPARATION PROGRAM  
REVIEW TEAM REPORT IN ACCORDANCE WITH CHAPTER 114

BACKGROUND: The review team was chaired by Dr. Linda Fuller of the College of Atlantic. The review took place September 29-October 1, 2020. The review team reviewed the institution’s self-study using Chapter 114 standards.

RECOMMENDATION: That the State Board of Education receive the Thomas College Review Team report of findings that the institution’s educator preparation program be granted program renewal by the Maine State Board of Education from Fall 2019 to Fall 2024.

MOTION by Jane Sexton, seconded by John Bird, and unanimously voted by those present to receive the Thomas College Review Team report of findings and to also receive the Colby College Review Team report of findings.

Note: Mary Becker will send an electronic copy of the Colby College Team Report to all Board members on February 12, 2020.

REQUEST APPROVAL OF THE QUARTERLY REPORT OF THE MAINE CARL D. PERKINS GRANT AS AUTHORIZED UNDER THE STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT (P. L. 115-224).

As a condition for the receipt of Federal funds to support vocational and technical education, §122 of the recently reauthorized Strengthening Career and Technical Education for the 21st Century Act (P. L. 115-224) requires a designated eligible agency in each State, in Maine's case the State Board of Education, to submit a State Plan for Career and Technical Education. The Interim State Plan was approved by the Office of Career and Technical and Adult Education on July 1, 2019. Further requirements are as follows:

SEC. 121. STATE ADMINISTRATION.

(a) ELIGIBLE AGENCY RESPONSIBILITIES—The responsibilities of an eligible agency under this title shall include:

(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than 4 times annually;

The State Board Chair has requested, in accordance with Title 20-A, Section 405, 7, that the Career and Technical Education (CTE) team submits a quarterly financial report to the Board and in response to this request we are submitting this report as the second report for FY2020.

RECOMMENDATION: The State Board approve the Quarterly report for the period of October 1, 2019 through December 31, 2019, of the State of Maine Plan for the Strengthening Career and Technical Education for the 21st Century Act (P. L. 115-224).

MOTION by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve the Quarterly report for the period of October 1, 2019 through December 31, 2019, of the State of Maine Plan for the Strengthening Career and Technical Education for the 21st Century Act (P. L. 115-224).

REQUEST APPROVAL OF THE STATE OF MAINE 4-YEAR PERKINS V STATE PLAN OF THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006, AS AMENDED BY THE STRENGTHENING CAREER AND TECHNICAL EDUCATION

FOR THE 21<sup>ST</sup> CENTURY ACT (P.L. 115-224), AND SUBMITTAL OF THE PLAN TO THE GOVERNOR OR MAINE FOR REVIEW

As a condition of §122 of the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (P.L. 115-224), the eligible agency must consult with the Governor and provide the Governor 30 days to review and sign the State Plan prior to the submission of the plan to the US Secretary of Education.

Following this requirement, the Maine Department of Education Career and Technical Education Team has prepared a final draft of the Perkins V four-year State Plan covering the grant period of July 1, 2020 through June 30, 2024 for approval and submittal to the Governor for review.

RECOMMENDATION: The State Board approve the State of Maine Perkins V 4-year State Plan of the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21<sup>st</sup>

Century Act (P.L. 115-224), and submittal of the plan to the Governor of Maine for review.

MOTION by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve the State of Maine Perkins V 4-year State Plan of the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (P.L. 115 224), and submittal of the plan to the Governor of Maine for review.

RECOMMENDATIONS FOR PROFESSIONAL STANDARDS BOARD RULEMAKING

BACKGROUND: Governor Mills has re-activated the Professional Standards Board after a dormancy of some nine years.

The twenty-three voting members (including our own Peter Geiger, a voting *ex-officio* member) are charged by statute with “advising the State Board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State” as the centerpiece of the consensus-based rulemaking process for Chapter 115. The major, substantive rule-making process required for Chapter 115 is a lengthy and detailed one that Commissioner Makin is justifiably eager to begin. Several pertinent provisions of Chapter 502-B, which establish the Professional Standards Board, are:

**§13101. Professional Standards Board**

1. Board established. There is established the Professional Standards Board, referred to in this chapter as "the board," to advise the state board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State. The board consists of the following 22 members and 2 ex officio members:

2. Appointments. The Governor shall appoint the 23 members of the board specified in subsection 1, paragraphs A to M from nominations submitted by the education profession and interested persons. Members representing practitioner groups must be active practitioners and are appointed from a list of nominees presented by the largest organization in the State representing education paraprofessionals, elementary and secondary teachers, university faculty and each administrator specialty.

See attachment for items 3 through 6 which includes powers and duties, and §13102 - Work plan and annual report.

**§13104. Rulemaking**

The state board may adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

RECOMMENDATION: That the Board adopt the Rules dated February 12, 2020 to implement Chapter 502 and re-convene the Professional Standards Board. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

MOTION by Martha Harris seconded by Peter Geiger, and unanimously voted by those present to table the Professional Standards Board Rules until the March 11, 2020 State Board of Education meeting.

**APPROVAL OF THE REVIEW TEAM FOR THE NORTHEASTERN UNIVERSITY TO OFFER CREDIT BEARING COURSES IN THE STATE OF MAINE**

BACKGROUND: Northeastern University will be submitting an application for approval of degree granting authority status in the State of Maine. Approval by the State Board of Education will allow Northeastern University to comply with Chapters 149 and 170. The review team under the direction of Dr. Joan Ferrini-Mundy of the University of Maine. The date and location of the review have not yet been established, but time is of the essence.

RECOMMENDATION: That the State Board of Education approves the list for potential State team members to review the Northeastern University application to offer credit bearing courses in the State of Maine.

MOTION by Jane Sexton seconded by Fern Desjardins, and unanimously voted by those present to table the Northeastern Review Team Approval until the March 11, 2020 State Board of Education meeting.



PROCEDURE FOR HANDLING REQUESTS FOR REVIEW OF COMMISSIONER DECISIONS ON STUDENT TRANSFER REQUESTS

Wilson Hess, Chair of the Board, read a procedure for the Board when going into executive session to review requests for review of the Commissioner's decisions on student transfer requests.

The Board will be considering a request for Board review of the Commissioner's decision regarding a requested transfer of a student to another school district, pursuant to Title 20-A, section 5205(6)(F). The Board will be going into executive session to consider the request because each one involves reviewing and discussing information contained in student records made confidential by the federal law known as FERPA, the Family Educational Rights and Privacy Act. The parents and any attorney representing a parent are welcome to attend the executive session for the discussion of their particular student's transfer, as are the Superintendents of the school districts involved in that requested transfer. The Board will review each of the transfer requests in separate executive sessions.

After the Board comes out of executive session, the Board will entertain a motion and take a vote on the disposition of the request in public session.

The Board's role in these proceedings is to review the Commissioner's decision based on the record that was before her at the time she made the decision. Although the statute directs the Board to "communicate with" the parties involved, which the Board has done, the Board cannot accept any new evidence pertaining to a transfer request that was not considered or not available in the record at the time of the Commissioner's decision.

The Board provides for public comment which was explained earlier in the meeting. In the executive session the same rules apply for public comment and there will be a three-minute time limit for comment. This is not a time for debate or a time to introduce new evidence. It is a time for families to highlight the things they want the Board to consider in the record.

**EXECUTIVE SESSION:**

MOTION by Jane Sexton, seconded by John Bird, and voted unanimously by those present for the Board to go into Executive Session, pursuant to Title 1 of the Maine Revised Statutes, section 405, subsection 6, paragraph F, to discuss information contained in records that are confidential under the Family Educational Rights and Privacy Act, Title 20 of the United States Code, section 1232g relating to a request from LP to review the Commissioner's decision to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 2:41 PM.

The Board returned to the regular business meeting at 2:54 PM.

MOTION by Wendy Ault, seconded by John Bird, and voted seven in favor with one member opposed (Wilson Hess) to overturn the Commissioner's decision in the denial of a transfer for LP. Motion Carries and the transfer is granted.

**ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- The next Board meeting will be held at the Cross State Office Building on Wednesday, March 11, 2020, at 1:00 PM.

**ADJOURNMENT:**

The February 12, 2020 State Board of Education meeting adjourned at 2:59 PM.