



## MAINE STATE BOARD OF EDUCATION

23 State House Station  
AUGUSTA, MAINE 04333

### STATE OF MAINE

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The State Board of Education held a regular monthly meeting on May 15, 2019 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; Martha Harris; Liberty Ladd; Jana Lapoint; and Jaylee Rice.

Vacant: Two Members

Others Present: Mary Becker, State Board Secretary Associate.

### **CALLED TO ORDER:**

Chair, Wilson Hess called the meeting to order at 1:03 PM.

### **VISION STATEMENT:**

Read by student member, Liberty Ladd: 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.

Chair Hess thanked Liberty for helping all Board members realize the importance of the Board's vision statement.

The Board conveyed tokens of appreciation to Liberty Ladd along with a certificate recognizing her for her service to the State Board of Education over the past two years.

### **APPROVAL OF MINUTES:**

MOVED by Fern Desjardins, seconded by Wendy Ault, and unanimously voted by those present to approve the April 10, 2019 minutes as written.

## **PUBLIC COMMENT:**

No public comment

## **OFFICER'S REPORTS:**

### **Chair, Wilson Hess**

- Wilson shared an amended certificate of organization of regional school unit #44. This is part of Board authority. Wilson passed the certificate around for members to review.
- He announced the student that will be replacing Liberty Ladd on the State Board. Governor Mills nominated Casey Maddock from Scarborough High School to serve for two years on the State Board.
- He attended a MEPRI Steering Committee meeting on May 13. A series of prospective research topics were discussed but decisions were not made - just input gathered.
- He attended and assisted with handing out certificates at the Arts Ceremony in the Hall of Flags. Both the performing and visual arts. Art work is displayed at the Department of Education.
- He attended and spoke at the Presidential Awards Ceremony for Math and Science. The event was held at Maple Hill Farm in Hallowell.
- He attended the MACTE Annual Dinner in Lewiston that the Briggs money helps to fund. The CTE student of the year was honored at the dinner.
- An Exhibit will come before the board as an action item to recognize Mr. Briggs when funds are used at various functions.
- He met with leadership of the Charter Commission at Jana's request. Bob Kautz, Executive Director of Charter Schools and Michael Wilhelm, Member of the Charter Commission.
- Wilson spoke about a bill that would create a task force on what the Board thought was a comprehensive look at Career and Technical Education across the state but the sponsor wanted it to be comprehensive schools like Oxford or what we see going on in the Valley with integrated consolidated funding. A recommendation has come out - ought to pass. The State Board would have two representatives on the task force – one appointed by the Majority Leader of the House and one appointed by the President of the Senate. The charge of the task force would be to look at the value of consolidated schools. In the language of the bill it looks like it wants to open-up everything to talk about CTEs. We will know as it goes forward in the legislature.
- Wilson had a conference call meeting with Sarah Forster and Commissioner Makin regarding Tufts University situation. Since 2009, Tufts has been providing a medical program jointly with Maine Medical Center. It is an out of state institution and needs to be approved by the Board. Tufts was approved in January 2010 for Fall 2009 to Fall 2014. In the spring of 2014, Tufts submitted their application to the Department of Education for their renewal. They were never reviewed and five years later in 2019 they approached the Department of Education saying they were up for review. They have been operating in a gray area since 2014.

- Tufts should be held harmless and their authorization should remain in force.
- The Board should direct the DOE to expedite Tufts current application for renewal so it will go to the Certification and Higher Education Committee by August 2019, then go before the full Board in the fall of 2019.
- This item is on the May agenda for action.

**Vice Chair, Jane Sexton**

- On May 3, she attended the English Language Arts (ELA) stakeholder group meeting.
- On May 8, she attended the “Welcome Back” lunch in the Hall of Flags with the Legislature. This event takes place every two years and it is nice to catch up with people you served with in the Legislature.
- On May 10, she attended the STEM summit that was scheduled to be held last fall but postponed to the spring. There were four presenters in attendance and Jane briefed the Board on the sessions held.
- She attended the agenda review meeting with Wilson Hess and Commissioner Makin.
- She chaired the Certification and Higher Education Committee meeting.

**COMMITTEE REPORTS:**

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

The School Construction Committee did not meet May 7, 2019, as scheduled.

The next School Construction Committee meeting is scheduled for Tuesday, June 4, 2019. 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 May 1, 2019, as scheduled.

- The Committee received an update from Angel Loredó regarding the on-line certification process:
  - 28% of this year’s renewals are complete
  - Processing time is now at 3 weeks
- Jaci Holmes gave an update on Chapter 115 – presently at Education Committee
- Emily Gribben reported on the research she has done on Praxis and Qualifying Exams
- Jason Libby gave an update on Higher Education:
  - Tufts University is on the May SBE agenda as an action item – Jane

briefed the Board on the potential issue that came forward at the March meeting.

- Husson University team report is on the May 29th agenda for the Committee to review and discuss
- No date for the Eastern Maine Community College review
- Discussion on Saint Joseph's report – Standard one and Standard two.
- Annual review from Colleges were available for the Committee to review. Chapter 114 states that Colleges complete the report annually. This is the first year that a letter was sent out requesting completion of the report by April 7.

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, May 29, 2019. 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 May 3, 2019, as scheduled.

- Dwight Littlefield and Donna Tiner gave a presentation during the workshop session on the Perkins V Transition Plan
  - Dwight and Donna held Regional Stakeholder meetings throughout the State. John attended one at UTC in Bangor and Jana Lapoint attended in Westbrook. Very well attended meetings and good conversations.
  - Wilson Hess attended a banquet where a CTE student of the year was honored.
- For the last several months the Committee has been working on the Briggs and Perkins funds and how the money will be spent.
  - Strategic Plan with four priority goals
  - The one priority goal the Committee is addressing this year is CTE for grades 9 and 10
  - For CTE enrollment to grow, we need to start young and the CTE middle school work is continuing.
- Briggs Funds
  - MACTE has been receiving Briggs funds for several years. The Committee invited MACTE to renew its annual request for support, with the stipulation that its proposal demonstrates how use of the funds will help achieve one or more of the Board's priorities in the strategic plan. Following a few meetings, the Committee voted to approve funding for MACTE in the amount of \$30,000 with set terms and conditions as set forth in the award letter to MACTE. This will go before the Board as an action item on May 15.
  - Educate ME - \$50,000 to act as a fiscal agent to develop best practices

for CTE teachers submitting plans for grades 9 and 10 programs in the next year and a half. With assistance from Hart Consulting, workshops will be conducted over the summer to prepare teachers on how to submit applications in the fall. Decisions will be made on which ones will be selected. The Committee asked Educate ME to drive the process. MACTE staff would like to be involved in the summer workshop sessions.

- Perkins Funds will then kick in and there should be up to \$300,000.00 to allocate over several programs that are approved to go forward.
- Hoping to see progress in grades 9 and 10 enrollment.

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, May 23, 2019. 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 (Jana Lapoint):***

The Legislative Action Committee has met most Fridays at noon.

This month Wilson Hess has followed, testified or submitted testimony on Career and Technical Education (CTE) bills, including:

- LD 358: An Act To Fully Fund Career and Technical Education for the Fiscal Year 2018-19
- LD 1036: Resolve, Establishing a Task Force to Study the Creation of a Comprehensive Career and Technical Education System to Support Workforce Development
- LD 1606: An Act To Increase Funding for Career and Technical Education Programs

LDs that have not been scheduled for Public Hearing are:

- LD 504: An Act To Enhance the Development of Innovative Career and Technical Education Programs
- LD 859: An Act To Authorize a General Fund Bond Issue to Fund Equipment for Career and Technical Education Centers and Regions
- LD 1267: An Act To Allow the Awarding of Graduation Credits by Career and Technical Education Centers and Regions

Testimony previously provided:

- LD 103: An Act to Ensure the Integrity of For-profit Colleges – neither for nor against
- LD 148: An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund and Give Priority Status to Certain School

- Facility Upgrades – in support of
- LD 469: An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund – in support of
- LD 176: An Act To Enhance Participation on the State Board of Education – Neither for nor against
- Supported the Nomination of A. Pender Makin for Commissioner of the Department of Education

The Board has provided testimony on four bills related to charter schools

- LD 307: An Act To Limit the Number of Charter Schools in Maine – neither for nor against
- LD 513: An Act To Limit the Number of Students and Prevent the Addition of Grade Levels at Virtual Public Charter Schools – Sponsor is Representative Brennan – neither for nor against
- LD 714: An Act To Prohibit Public Charter Schools from Expending Funds for Advertising – neither for nor against
- LD 1638: An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission – neither for nor against

The work session for LD 1638 has not been scheduled.

The recommendation on all the bills for charter schools has been the same: For the Education and Cultural Affairs Committee to pause, take a breather and defer action by supporting an independent third-party evaluation of the role of the Charter Commission, the Charter Schools and the relationship to the Department of Education. With a final report being issued by January 2020 in order to provide time to take any action, they might feel it is needed in the next session of the 129<sup>th</sup> Legislature.

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

Martha Harris, Chair of the Nomination and Election Committee reported that she, Wendy Ault and Fern Desjardins met on May 9 and will announce a slate of officers for nomination of chair and vice chair for the 2019-2020 year on May 15, 2019 and the Board will vote at the June 12, 2019 meeting.

Chair Hess appointed Fern Desjardins as the election clerk.

***Student Voices (Wilson Hess for Martha Harris):***

The Committee has not met. In the morning work session, the Commissioner spoke about Think Tanks that will be happening in the next couple of months and has invited student Board members to be a part of. Liberty has emailed Deputy Commissioner Chuhta regarding participation.

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

The Charter School Commission met on May 7, 2019.

Although there is an official contract for every charter school, a proposed draft was provided of an official intervention plan when a school may be having difficulties and how it would operate.

An exit interview is being requested to be performed with any student that leaves the school.

A site visit manual is being provided to all participants.

Monitoring visit schedules set for all schools.

Panorama survey currently being completed by all schools which includes parents, students, administration and faculty.

New website will be up and running by the end of May.

Graduation dates established for all schools.

**NEW BUSINESS:**

CONSIDERATION OF THE QUARTERLY REPORT OF THE MAINE CARL D. PERKINS GRANT AS AUTHORIZED UNDER THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006 (P.L. 109-270)

As a condition for the receipt of Federal funds to support vocational and technical education, §122 of the recently reauthorized Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) 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. This plan was approved by the State Board on March 12, 2008. 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 third report for FY2019.

RECOMMENDATION: The State Board approve the Quarterly report for the period of January 1, 2019 through March 31, 2019, of the State of Maine Plan for Career and Technical Education under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L.109-270)

MOVED by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve the Quarterly report for the period of January 1, 2019 through March 31, 2019, of the State of Maine Plan for Career and Technical Education under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L.109-270)

REQUEST APPROVAL OF THE STATE OF MAINE 1-YEAR TRANSITION 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 21ST CENTURY ACT (P.L. 115-224) AND THE ASSOCIATED ONE-YEAR TRANSITION PLAN BUDGET.

As a condition for the receipt of Federal funds to support career and technical education, §122 of the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (P.L. 115-224), requires each eligible agency desiring assistance under this title to prepare a State Plan in consultation with key stakeholders, the Governor, and other State agencies responsible for career and technical education, and submit the plan to the U. S. Secretary of Education. To fulfil this obligation the state may submit a transition plan the first fiscal year following the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act and a full 4-year State plan the second fiscal year following the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act. In additions the Eligible Agency must prepare and submit revisions to the budget, revisions to the State plan, and revisions to the State determined performance indicators for any fiscal year covered by the plan.

Following the Guidance for the Submission of Perkins V State Plans – OMB Approval Number: 1830-0029 sent in April 2019, the Maine Department of Education Career and Technical Education Team has prepared:

- a one-year Transition State Plan covering the grant period July 1, 2019 to June 30, 2020; and
- a budget for the grant period covering July 1, 2019 to June 30, 2020.

RECOMMENDATION: The State Board approve the State of Maine Perkins V 1-year Transition 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 the associated 1-year budget covering the grant period July 1, 2019 – June 30, 2020.

MOVED by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve the State of Maine Perkins V 1-year Transition 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 the associated 1-year budget covering the grant period July 1, 2019 – June 30, 2020, with clarification on item #8 on page #4.

Note from Donna Tiner with an explanation: Page #4 - The check boxes were formatted as bullets, so when Donna changed one to have a check mark, all of the lines in the list became checked. A correction has been made to the original copy.

#### CONSIDERATION OF THE MAINE ADMINISTRATORS OF CAREER AND TECHNICAL EDUCATION FY20 GEORGE BRIGGS GRANT AWARD

The State Board of Education’s Career and Technical Education Committee recommends to the State Board of Education any and all pertinent materials so that the State Board may perform its duties, including its fiduciary responsibilities, as the agency responsible for the administration and oversight of the state career and technical education (CTE) program.

The committee oversees the George M. Briggs Award. It reviews proposals to make recommendations for the approval of programs to enhance career and technical education to the State Board of Education.

Recommendation: The State Board approve the \$30,000.00 George Briggs grant for the period of July 1, 2019 through June 30, 2020 awarded to Maine Administrators of Career and Technical Education for support of middle and secondary school CTE in Maine, with such terms and conditions as set forth in the award letter.

MOVED by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve the \$30,000.00 George Briggs grant for the period of July 1, 2019 through June 30, 2020 awarded to Maine Administrators of Career and Technical Education for support of middle and secondary school CTE in Maine, with such terms and conditions as set forth in the award letter.

#### REQUEST APPROVAL OF THE EDUCATE ME FY20 GEORGE BRIGGS GRANT AWARD

The State Board of Education’s Career and Technical Education Committee recommends to the State Board of Education any and all pertinent materials so that the State Board may perform its duties, including its fiduciary responsibilities, as the agency responsible for the administration and oversight of the state career and technical education (CTE) program.

The committee oversees the George M. Briggs Award. It reviews proposals to make recommendations for the approval of programs to enhance career and technical education to the State Board of Education.

Recommendation: The State Board of Education approve a FY20 George Briggs grant award, in the amount of no more than \$50,000.00, to the Educate ME foundation. Grant will be used to establish proposals for 9<sup>th</sup> and 10<sup>th</sup> grade career and technical education opportunities to be offered to Maine students via the secondary career and technical education centers and regions. Acting as the Board’s fiscal agent, Educate Maine will be responsible for overseeing all aspects of this initiative, with such terms and conditions as set forth in the award letter.

MOVED by John Bird, seconded by Jana Lapoint, and unanimously voted by those present to approve a FY20 George Briggs grant award, in the amount of no more than \$50,000.00, to the Educate ME foundation. Grant will be used to establish proposals for 9<sup>th</sup> and 10<sup>th</sup> grade career and technical education opportunities to be offered to Maine students via the secondary career and technical education centers and regions. Acting as the Board’s fiscal agent, Educate Maine will be responsible for overseeing all aspects of this initiative, with such terms and conditions as set forth in the award letter.

#### CONSIDERATION OF THE PROPOSED TEAM MEMBERS FOR TUFTS UNIVERSITY “MAINE TRACK” PROGRAM DEGREE-GRANTING AUTHORITY APPLICATION REVIEW

BACKGROUND: Tufts University in partnership with Maine Medical Center has filed a degree-granting authority application for the “Maine Track” medical program. According to Chapter 149, review team members must be approved by the State Board of Education.

The following individuals are proposed to serve on the review team:  
Rafael Grossman of Northern Lite Eastern Maine Medical Center, Monika Bissell of the Maine College of Health Professions, Jody Capuletti of the University of Southern Maine, and retired physician Roy Miller. State Board Observer: Jane Sexton and Wendy Ault

RECOMMENDATION: That the State Board of Education approve the proposed Tufts University review team.

MOVED by Jane Sexton, seconded by Jana Lapoint, and unanimously voted by those present to approve the proposed Tufts University review team authorizing both Jane Sexton and Wendy Ault as Board Observer.

#### TUFTS UNIVERSITY SCHOOL OF MEDICINE STATUS AND RENEWAL TIMELINE

BACKGROUND: Since 2010 Tufts University School of Medicine [TUSM] has partnered with Maine Medical Center [MMC], Maine’s largest tertiary care and teaching hospital, to provide a unique Medical School Program to enhance access to medical education for Maine students, to address Maine physician workforce needs, and to develop innovative curricula for future physicians. The TUSM program

provides a great public good, preparing students for the unique challenges they will face when practicing in medically underserved, rural locations such as exist in much of our state.

Tufts University School of Medicine was initially duly authorized under MRSA 20-A, Chapter 409 to offer academic courses in Maine leading to the degree of Doctor of Medicine in collaboration with the Maine Medical Center for a five-year cycle from fall 2009 through fall 2014.

During the spring and summer of 2014 Tufts University School of Medicine made inquiry with MDOE for a cycle of renewal, received appropriate application instructions, and submitted the required report in a timely fashion for renewal consideration. After September 2014 there is no extent record of MDOE processing the application, nor communication with SBE regarding the pending application. As a result, Tufts University School of Medicine, through no fault of its own, never received consideration for renewal of its authorization.

STATE BOARD CHAIR RECOMMENDATION:

The Board Chair recommends, after consultation with the Chair of the Certification & Higher Education Committee, the Commissioner of Education, and the Assistant Attorney General – and after due consideration of the records and facts in the matter -- that the Board adopt the following RESOLVE: 1) the initial Tufts University School of Medicine authorization remains in force through the fall of 2019 and 2) the department shall proceed expeditiously with a team review of the Tufts University School of Medicine renewal application, whose report will be ready for State Board's Certification and Higher Education Committee to review no later than its August 2019 meeting and subsequently for full Board action in the fall of 2019.

MOVED by Jane Sexton, seconded by Jana Lapoint, and unanimously voted by those present to adopt the following RESOLVE: 1) the initial Tufts University School of Medicine authorization remains in force through the fall of 2019 and 2) the department shall proceed expeditiously with a team review of the Tufts University School of Medicine renewal application, whose report will be ready for State Board's Certification and Higher Education Committee to review no later than its August 2019 meeting and subsequently for full Board action in the fall of 2019.

GEORGE M. BRIGGS TRUST TESTIMONIAL LANGUAGE

BACKGROUND: The George M. Briggs Trust Fund was established in 1948 under Article 4 of the will of George Millett Briggs of Turner, Maine. Under the terms set forth in his will the net income of the funds is to be disbursed for special purposes in the field of career and technical education. Such special purposes must first meet the approval of the majority of the State Board of Education. The Fund must be used "with a view of enabling the young people of Maine to be qualified to become self-supporting and useful citizens of the State."

Out of respect for Mr. Briggs it is fitting and proper that he and his legacy should be appropriately recognized by organizations and initiatives that benefit from his generosity and foresight.

STATE BOARD CHAIR RECOMMENDATION: The Board Chair recommends, after consultation with the Chair of the Career and Technical Education Committee, that it be RESOLVED that, as a condition of the award of funds, the following testimonial statement shall be read at such events and displayed in printed materials associated with such events, activities, programs as may be sponsored by Briggs Trust funding.

“The George M. Briggs Trust was established in February 1948 through the generosity of the late George Millett Briggs of Turner for the purposes of supporting the field of career and technical education and thereby enabling the young people of Maine to become self-supporting and useful citizens of the State. The State Board of Education is pleased that Mr. Briggs’ memory and purposes can be furthered through activities such as [this event] for the advancement of career and technical education in Maine.”

MOVED by Jana Lapoint, seconded by John Bird, and unanimously voted by those present to have the testimonial statement above read at such events and displayed in printed materials associated with such events, activities, programs as may be sponsored by Briggs Trust funding.

*Note: Liberty Ladd left the meeting at 2:00 PM.*

STATE PUBLIC CHARTER SCHOOL COMMISSION – APPROVAL OF FERN DESJARDINS, STATE BOARD MEMBER, FOR RE-APPOINTMENT TO SERVE ON THE CHARTER COMMISSION FOR A THREE-YEAR TERM

MOVED by Jana Lapoint, seconded by John Bird, and voted six in favor with one abstention (Fern Desjardins) to re-appoint Fern Desjardins to serve on the Maine Charter School Commission for a three-year term.

Fern Desjardins took a moment to express what a great opportunity it has been for her to learn about Charter Schools. She has served one year and the Commission has been holding meetings at the charter schools. They went to Acadia in Lewiston and next month will be holding their meeting at Snow Pond in Sidney. She has enjoyed the work tremendously. It is not something she aspired to when Jana first approached her to serve. She is now so glad she agreed to serve because it has opened the world of charter schools to her. She has become a supporter for kids that need this kind of environment.

NOMINATION COMMITTEE REPORT – SLATE OF OFFICERS FOR NOMINATION OF CHAIR AND VICE CHAIR OF THE BOARD FOR THE 2019-2020 YEAR

At the April 10, 2019 Board meeting, Chair Wilson Hess appointed Martha Harris as Chair along with Wendy Ault and Fern Desjardins to serve as the Nomination and

Election Committee. They were tasked with presenting a slate of officers for the 2019 – 2020 year.

MOVED by Martha Harris, seconded by John Bird, and voted five in favor with one abstention (Wilson Hess) to put forward the following slate of officers:

Wilson Hess - Chair  
Jane Sexton – Vice Chair

The Board’s procedure indicates that other members who wish to be placed on the ballot must obtain two supporting nominations from Board members and present them to the Nomination and Election committee chair at least two weeks prior to the annual meeting on June 12, 2019. Officers will be elected at the June 12, 2019 Board meeting.

*Note: Jaylee Rice left the meeting at 2:10 PM.*

*Note: Wendy Ault returned to the meeting at 2:25 PM*

**EXECUTIVE SESSION:**

MOTION by John Bird, seconded by Martha Harris, and voted unanimously by those present for the Board to go into executive session to discuss student transfer appeals at 2:12 PM.

The Board returned to the regular business meeting at 3:08 PM.

MOTION by Martha Harris, seconded by Jana Lapoint, and voted six in favor with one member opposed (Fern Desjardins) to uphold the Commissioner’s decision in the denial of a transfer for HN. The transfer is denied.

MOTION by Martha Harris, seconded by Jane Sexton, and unanimously voted by those present to overturn the Commissioner’s decision in the denial of a transfer for MH. The transfer is granted.

MOTION by Martha Harris, seconded by Jana Lapoint, and voted five in favor with one member opposed (Fern Desjardins) and one member recused himself (Wilson Hess) to uphold the Commissioner’s decision in the denial of a transfer for JT. The transfer is denied.

MOTION by Fern Desjardins, seconded by Martha Harris, and unanimously voted by those present to uphold the Deputy Commissioner’s decision in the designated placement of DN. The placement is approved.

MOTION by Jana Lapoint, seconded by John Bird, and voted six in favor with one member opposed (Fern Desjardins) to uphold the Commissioner’s decision in the denial of a transfer for JF. The transfer is denied.

MOTION by Jane Sexton, seconded by Jana Lapoint, and voted three in favor with three members opposed (Wendy Ault, John Bird and Fern Desjardins) to uphold the Commissioner's decision in the denial of a transfer for NS. One member recused herself (Martha Harris).

Under Robert's Rules of Order, the Chair announced that the Commissioner's decision was not upheld and therefore reversed. In discussion following the ruling, several Board members encouraged the Chair to reach out to Assistant Attorney General Sarah Forster for advice.

On the basis of concurring advice from Assistant Attorney General Sarah Forster and Assistant Attorney General William Laubenstein, Chair Hess reversed his ruling from the May 15, 2019 Board meeting, communicated his decision to the Board, and instructed the Secretary to include the following statement in the Minutes of the May 15, 2019 meeting.

The Chair's revised ruling is based upon the Board acting in its appellate capacity. In that role counsel advises that a tie vote means that there was "no opinion". Thus the previous ruling of the Commissioner stands. The transfer of NS is denied.

**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 in Augusta on June 12, 2019.

**ADJOURNMENT:**

The May 15, 2019 State Board of Education meeting adjourned at 3:16 PM.

Submitted by: Mary J. Becker, State Board Secretary Associate