



## **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 August 29, 2022 virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Paulette Bonneau; Wendy Ault; James Ford; Wilson Hess; Thomas Keller; and Victoria Kornfield.

Absent with Excuse: Kristin Bishop, Joshua Leinwand, and Ryan Hafener

Others Present: Sandra Bourget, State Board of Education Office Specialist.

### **CALLED TO ORDER:**

Chair Fern Desjardins called the meeting to order at 2:05 PM.

Roll call was taken by Chair Desjardins. The chair declared a quorum present.

Chair Desjardins welcomed Sandra Bourget to her first day at work as office specialist for the State Board. Ms. Bourget replaces Mary Becker who retired on July 31, 2022.

### **VISION STATEMENT:**

Read by board member, Wendy Ault: 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.

### **PUBLIC COMMENT:**

No Public Comment

## **STUDENT TRANSFER APPEALS:**

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

Fern Desjardins, 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 requests for Board review of the Deputy Commissioner's decision regarding requested transfers of students 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. Today, the Board has five transfer requests.

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 Deputy Commissioner's decision based on the record that was before him at the time he 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 Deputy 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 Paulette Bonneau, seconded by Victoria Kornfield, and unanimously voted 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 MS to review the Deputy 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 2:16 PM.

The Board returned to the regular business meeting at 2:48 PM.

MOTION by Wendy Ault, seconded by Thomas Keller, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for MS. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Victoria Kornfield, and unanimously voted 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 CS and JS to review the Deputy 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 2:52 PM.

The Board returned to the regular business meeting at 3:18 PM.

MOTION by Paulette Bonneau, seconded by Thomas Keller, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for CS. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Thomas Keller, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for JS. The transfer is granted.

MOTION by Paulette Bonneau, seconded by Victoria Kornfield, and unanimously voted 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 EM and GM to review the Deputy 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 3:24 PM.

The Board returned to the regular business meeting at 3:57 PM.

MOTION by Fern Desjardins, seconded by James Ford, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for EM. The transfer is granted.

MOTION by Fern Desjardins, seconded by James Ford, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for GM. The transfer is granted.

**ANNOUNCEMENTS:**

- The next regular Board business meeting is scheduled to be held on Wednesday, September 14, 2022 at 1:00 PM. The meeting will be held at the Burton Cross State Office Building, Room 103.
- The Education and Cultural Affairs Committee is holding a Confirmation Hearing on Wednesday, September 14 at 9:30 AM for the gubernatorial nominations of Thomas E. Keller and Edmund Morin to the State Board of Education.

**ADJOURNMENT:**

The August 29, 2022 State Board of Education meeting adjourned at 4:07 PM.

Respectfully Submitted by  
Sandra Bourget, Office Specialist  
State Board of Education