



## **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 10, 2024, at the Burton Cross State Office Building and virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Paulette Bonneau; Wendy Ault; Kristin Bishop; James Ford; Victoria Kornfield; Edmond Morin; Denham Ward; Ryan Hafener; and Phat Thai.

Absent with Excuse: Thomas Keller

Others Present: Deputy Commissioner Chuhta; Scott Brown, Director of School Construction Programs; Courtney Belolan, Director of Policy and Government Affairs; Erin Frazier, Director of Office of Special Services Birth-22; Assistant Attorney General Sarah Forster; Valerie Chiang, School Construction Coordinator; Chris Mallett, Roux Institute at Northeastern University; Kristin Smith, Roux Institute at Northeastern University; Norm Lemire; Jonah DeWaters; Jeremy Ray; Meg Parkhurst; Rose Marie Angell; Holly Blair; Gerry Durgin; MK. Jurovcik; Eileen King; Gay Ann McDonald; Jonathan Moody; Gert Nesin; and Sandra Bourget, State Board of Education Office Specialist.

### **CALLED TO ORDER:**

Chair Fern Desjardins called the meeting to order at 1:01 PM.

Roll call was taken by Sandra Bourget. Chair Desjardins declared a quorum present.

### **VISION STATEMENT:**

Read by student member, Phat Thai: The vision of the Maine State Board of Education is that all students will receive a high-quality education leading to graduation with the skills, knowledge, and principles to be prepared for future learning, careers, and life.

**ADJUSTMENTS TO THE AGENDA:**

Whereas the morning workshop was canceled due to weather conditions, two items were moved from the workshop to the Business Meeting Agenda. Courtney Belolan will make a presentation on the legislative process and Sarah Forster, Assistant Attorney General, will speak about the Roux Institute. In addition, New Business will be taken up before Unfinished Business.

**APPROVAL OF MINUTES:**

MOTION by Edmond Morin, seconded by Victoria Kornfield and unanimously voted to accept the December 13, 2023, minutes as presented. The motion was adopted.

MOTION by Victoria Kornfield, seconded by Edmond Morin and unanimously voted to accept the December 18, 2023, minutes as presented. The motion was adopted.

**PUBLIC COMMENT:**

No Public Comment

**STUDENT TRANSFER APPEAL:**

**PROCEDURE FOR HANDLING REQUESTS FOR REVIEW OF 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 Superintendents' decisions on student transfer requests.

The Board will be considering requests for Board review of the Superintendents' decisions 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 requests 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 one transfer request.

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 Superintendents' decisions based on the record that was before them at the time they 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 Superintendents' 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 James Ford, 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 LD to review the Superintendents' decisions to approve or disapprove a request for a student transfer, pursuant to Title 20-A, section 5205, subsection 6, paragraph F at 1:12 PM.

The Board returned to the regular business meeting at 1:34 PM.

MOTION by Victoria Kornfield, seconded by Edmond Morin, and voted unanimously that given the information the Board received, it was in LD's best interest to approve a transfer. The transfer was approved.

#### **OFFICER'S REPORTS:**

##### **Chair, Fern Desjardins**

- Fern attended the December 18 and January 8 special meetings of the State Board for the report on L.D. 485, Resolve, 2023, Chapter 54 – Chapter 115: The Credentialing of Education Personnel. There has been a lot of interest expressed through public attendance at meetings and emails with comments for consideration in the study requested by the Education and Cultural Affairs Committee.

- Phone calls and emails in the last month have resulted in action to be taken during the Business Meeting under X.B. New Business regarding the Roux Institute and preparations for the Education and Cultural Affairs Committee's work session for L.D. 19 *An Act to Authorize the National Institute of Funeral Service to Grant Associate Degrees* on January 24, 2024.

**Vice Chair, Paulette Bonneau**

- Paulette attended the agenda review meeting with Fern and Deputy Commissioner Chuhta on January 2.
- She attended and enjoyed the State Board meeting at Bangor High School. The tour was great, and it was nice to meet some of the staff.
- She attended the monthly CTE Committee meeting.
- Paulette and Fern completed Sandra Bourget's personnel evaluation.
- In addition, Paulette has attended meetings for the draft L.D. 485 report.

**COMMITTEE REPORTS:**

***School Construction Committee (Fern Desjardins):***

The School Construction Committee met on December 29.

- The committee recommended the exhibit that will be taken up under New Business for Site Approval consideration of a grades 1-5 Saco Elementary School construction project.
- The date of the next Committee meeting is under consideration as there has been a request to change the date.

***Certification and Higher Education (Thomas Keller):***

The Certification and Higher Education (C&HE) Committee did not hold a regular meeting in December.

- The next meeting is scheduled for January 24.

***Career and Technical Education (Edmond Morin):***

The Career and Technical Education (CTE) Committee met on December 21.

- MDOE CTE Director, Dwight Littlefield, reported that Maine has seen its highest CTE enrollment ever, with the largest growth being in exploratory programs that allow younger high school students to get a taste of various CTE areas to help them decide in which programs they want to concentrate. MDOE is working on another round of Maine Jobs and Recovery Plan equipment grants totaling a little more than \$500,000 and will have a \$20 million dollar Request for Applications focused on equipment, which allows for some infrastructure related to equipment.

- Maine Administrators of Career and Technical Education Executive Director, Dave Keaton, reported that the L.D. 1283 Task Force, of which James was a member, has concluded. That was looking into the Creation of a Comprehensive Career and Technical Education System in Maine. Dave said there were four recommendations voted on at the final meeting. The first was in support of L.D. 436 *An Act to Provide Career and Technical Education Students with Credit Toward High School Graduation for Work Completed in CTE's*. The second was in support of CTE centers and regions increasing their capacity. The third, which did not pass, was to create a pilot project for a 4-year comprehensive high school. And the fourth was in support of creating opportunities for a third session for CTE's, for example from 3:00 p.m to 6:00 p.m.
- Researcher and author Rachael Mann presented her report: *Innovation and Future Readiness, Career and Technical Education in the State of Maine*, which was commissioned by MACTE and funded through the Briggs Trust that is overseen by the State Board of Education.
- The next meeting is scheduled for January 25.

***Legislative Action (Paulette Bonneau):***

The Legislative Action Committee has not met.

- The next meeting is scheduled for January 19.

**WORKSHOP DISCUSSION:**

Courtney Belolan, MDOE Director of Policy and Government Affairs, met with the Board to review the legislative process. They reviewed the different options that may transpire regarding the revision of a major substantive rule. This includes doing nothing at all, being directed by the Education and Cultural Affairs Committee to enter in rulemaking, entering into the rulemaking process on our own, and having it changed directly in statute by the Education and Cultural Affairs Committee.

Assistant Attorney General Sarah Forster spoke to the Board about the Roux Institute at Northeastern University and the vote taken in 2022. She broke down what the issues were and steps needed to correct the error. In today's meeting under New Business, the Board will vote on an improved version of the Roux Institute vote taken in October 2022. The improved version eliminates the pieces that the State Board of Education did not have the authority for and tweaks the language of the part the State Board does have authority to do. This improved version of the vote makes it very clear legally what the State Board of Education is granting.

**UNFINISHED (OLD) BUSINESS:**

**L.D. 485, RESOLVE, 2023, CHAPTER 54**

The State Board of Education did not make any changes to the draft report during today's meeting. The Board will have a special meeting on January 17 at 3:00 PM to continue their work on the draft report and invited Erin Frazier, Director of Office of Special Services Birth-22, and Gay Anne McDonald, Executive Director of MADSEC, to attend the meeting.

**NEW BUSINESS:**

**MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; SITE APPROVAL CONSIDERATION FOR THE SACO ELEMENTARY SCHOOL CONSTRUCTION PROJECT**

STATEMENT OF FACT: Superintendent Jeremy Ray requests that the State Board of Education approve a site in Saco for a new 1,100 student elementary school. The existing Young School rated 4th on the Final Priority List of the 2017-2018 Rating Cycle.

The Saco School Department hired Oak Point Associates to complete an analysis of the existing Young School and conduct further studies of the other elementary and middle school buildings in the district. This analysis resulted in a recommendation for new construction of a grades 1-5 Elementary School which would include students from the Young School (grades K-2), CK Burns School (grades 3-5), and Governor John Fairfield School (grades K-2). The Saco School Department is pursuing local funding for a new PK-K school to be constructed on the same site.

Oak Point Associates evaluated the current Young School site and concluded that the site would not support the new school project. A comprehensive search was conducted to find a site that could support the needs of the new elementary schools. The process evaluated over twenty sites that exceeded 35 acres. The evaluation identified three potential sites which were then reduced to two as one site was no longer available. The 76.9-acre selected site for the two schools consists of a 57.6-acre parcel owned by the city and a 19.3-acre privately owned parcel to be purchased.

No significant issues have been identified after extensive on-site studies. However, because of the site's location close to Route 1 complex traffic issues will need to be resolved. The Maine Department of Transportation has recommended several

significant off-site improvements that are being further analyzed and will impact the project budget.

Three appraisals for the privately owned parcel were completed as the first two were more than the 25% variance allowed by Chapter 61 State Board of Education Rules for Major Capital School Construction Projects.

In a public meeting on December 14, 2023, constructing a new elementary school on this site was endorsed by a straw poll vote of 34 in favor, 5 opposed, and 4 abstentions.

The completed Site Application is on file with the Department of Education, all the appropriate state agencies have been involved, and an option to purchase the property has been signed.

***Project Information:***

Project: Saco School Department New Elementary School Construction Project

Superintendent: Jeremy Ray

Architect/Engineer: Oak Point Associates

Schools to be closed: Young School, CK Burns School, and Governor John Fairfield School

Total number of acres: 76.9±

Total number of acres Eligible for State Support: 19.3

Purchase cost: \$1,500,000

Averaged Appraised Value: \$1,023,629

Amount Eligible for State Support: \$1,023,629

Local Only Amount: \$476,371

COMMISSIONER'S RECOMMENDATION: The Commissioner of the Department of Education recommends that the State Board of Education grant Site Approval to the Saco School Department for the new Elementary School construction project as presented.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION: On December 29, 2023, the School Construction Committee recommended that pursuant to Title 20-A M.R.S. §15905(1) and State Board of Education Rule Chapter 61, Rules for Major Capital School Construction Projects, that this exhibit be placed on the January 10, 2024 State Board meeting agenda and that the State Board grant Site Approval to the Saco School Department for the new Elementary School construction project as presented.

MOTION by Kristin Bishop, seconded by Paulette Bonneau, and unanimously voted that pursuant to Title 20-A M.R.S. §15905(1) and State Board of Education Rule Chapter 61, Rules for Major Capital School Construction Projects, that the State Board grant Site Approval to the Saco School Department for the new Elementary School construction project as presented. The motion was adopted.

**CONSIDERATION TO RESCIND AND ADOPT STATE BOARD VOTE ON ROUX INSTITUTE AT NORTHEASTERN UNIVERSITY**

BACKGROUND: As stated in the approved Minutes of its regular meeting on October 12, 2022, the State Board of Education took the following action: “MOTION by Wendy Ault, seconded by Thomas Keller and unanimously voted by those present that the State Board of Education approve the Roux Institute of Portland for the following subjects:

- Master of Science in Real World Evidence in Healthcare and Life Science
- PhD in Population Health
- Graduate Certificate in Information Design and Visualization
- PhD in Interdisciplinary Design and Media
- PhD in Chemical Engineering
- PhD in Civil and Environmental Engineering
- PhD in Computer Engineering
- PhD in Electrical Engineering
- PhD in Industrial Engineering
- PhD in Interdisciplinary Engineering
- PhD in Mechanical Engineering
- Master of Science in Management
- PhD in Network Science
- PhD in Computer Science
- PhD in Cybersecurity
- Graduate Certificate in Healthcare Compliance
- Graduate Certificate in Intellectual Property

Also, that the Roux Institute at Northeastern University be provided an opportunity to expand its program offerings at the graduate and graduate certificate levels only, without full review of alignment with Chapter 170, and instead with annual reporting to MDOE about any such expansion.”

In the months that followed, questions arose over what exactly the Roux Institute had been authorized to do and whether the State Board of Education had the



authority to exempt the Roux Institute from the requirements of Chapter 170. State Board leadership worked closely with representatives of the Department of Education and with the Board's legal counsel reviewing all of the actions that had taken place with respect to the Roux Institute since it initially approached the Department and the State Board in 2020 and determined that Northeastern University, acting through the Roux Institute, sought and received State Board approval to offer course/program offerings in Maine by an out-of-state institution pursuant to Section 2(C) of Chapter 149 of the rules of the State Board of Education. With respect to Chapter 170, counsel advised leadership that neither Chapter 149 nor Chapter 170 contained the authority for the State Board to grant exemptions for future course/program offerings, and no provision that authorized annual reporting to the MDOE.

RECOMMENDATION: In order to provide clarity and remove language that exceeds the Board's legal authority, the State Board of Education vote to RESCIND the vote taken on October 12, 2022, and vote to ADOPT the following decision with respect to the Roux Institute at Northeastern University:

Pursuant to Section 2(C) of Chapter 149 of the rules of the State Board of Education, the State Board of Education approves the Roux Institute at Northeastern University to offer the following course/program offerings in Maine by an out-of-state institution:

- Master of Science in Real World Evidence in Healthcare and Life Science
- PhD in Population Health
- Graduate Certificate in Information Design and Visualization
- PhD in Interdisciplinary Design and Media
- PhD in Chemical Engineering
- PhD in Civil and Environmental Engineering
- PhD in Computer Engineering
- PhD in Electrical Engineering
- PhD in Industrial Engineering
- PhD in Interdisciplinary Engineering
- PhD in Mechanical Engineering
- Master of Science in Management
- PhD in Network Science
- PhD in Computer Science
- PhD in Cybersecurity
- Graduate Certificate in Healthcare Compliance
- Graduate Certificate in Intellectual Property

For purposes of clarity and transparency, the differences between the October 12, 2022, language and the proposed language are laid out in legislative format below:

Pursuant to Section 2(C) of Chapter 149 of the rules of the State Board of Education, the State Board of Education approve the Roux Institute at Northeastern University to offer the following course/program offerings in Maine by an out-of-state institution of Portland for the following subjects:

- Master of Science in Real World Evidence in Healthcare and Life Science
- PhD in Population Health
- Graduate Certificate in Information Design and Visualization
- PhD in Interdisciplinary Design and Media
- PhD in Chemical Engineering
- PhD in Civil and Environmental Engineering
- PhD in Computer Engineering
- PhD in Electrical Engineering
- PhD in Industrial Engineering
- PhD in Interdisciplinary Engineering
- PhD in Mechanical Engineering
- Master of Science in Management
- PhD in Network Science
- PhD in Computer Science
- PhD in Cybersecurity
- Graduate Certificate in Healthcare Compliance
- Graduate Certificate in Intellectual Property

~~Also, that the Roux Institute at Northeastern University be provided an opportunity to expand its program offerings at the graduate and graduate certificate levels only, without full review of alignment with Chapter 170, and instead with annual reporting to MDOE about any such expansion.~~

MOTION by Paulette Bonneau, seconded by Denham Ward and unanimously voted by those present that the State Board of Education rescind the vote taken at the October 12, 2022, meeting with respect to the approval of the Roux Institute of Portland for the following subjects:

- Master of Science in Real World Evidence in Healthcare and Life Science
- PhD in Population Health
- Graduate Certificate in Information Design and Visualization

- PhD in Interdisciplinary Design and Media
- PhD in Chemical Engineering
- PhD in Civil and Environmental Engineering
- PhD in Computer Engineering
- PhD in Electrical Engineering
- PhD in Industrial Engineering
- PhD in Interdisciplinary Engineering
- PhD in Mechanical Engineering
- Master of Science in Management
- PhD in Network Science
- PhD in Computer Science
- PhD in Cybersecurity
- Graduate Certificate in Healthcare Compliance
- Graduate Certificate in Intellectual Property

And also include in rescinding the vote that the Roux Institute at Northeastern University be provided an opportunity to expand its program offerings at the graduate and graduate certificate levels only, without full review of alignment with Chapter 170, and instead with annual reporting to MDOE about any such expansion. The motion was adopted.

Discussion occurred with representatives of Roux Institute at Northeastern University, and they acknowledged the State Board of Education's actions.

MOTION by Paulette Bonneau, seconded by Edmond Morin and unanimously voted by those present that the State Board of Education, pursuant to Section 2(C) of Chapter 149 of the rules of the State Board of Education, approve the Roux Institute at Northeastern University to offer the following course/program offerings in Maine by an out-of-state institution:

- Master of Science in Real World Evidence in Healthcare and Life Science
- PhD in Population Health
- Graduate Certificate in Information Design and Visualization
- PhD in Interdisciplinary Design and Media
- PhD in Chemical Engineering

- PhD in Civil and Environmental Engineering
- PhD in Computer Engineering
- PhD in Electrical Engineering
- PhD in Industrial Engineering
- PhD in Interdisciplinary Engineering
- PhD in Mechanical Engineering
- Master of Science in Management
- PhD in Network Science
- PhD in Computer Science
- PhD in Cybersecurity
- Graduate Certificate in Healthcare Compliance
- Graduate Certificate in Intellectual Property

The motion was adopted.

**ANNOUNCEMENTS:**

- Submit expense account vouchers to Sandra Bourget by the 15<sup>th</sup> day following the month of the expenses incurred.
- The next special State Board meeting will be held on Wednesday, January 17, 2024, 3:00 PM at the Burton Cross State Office Building and virtually via Zoom.
- The next regular State Board meeting will be held on Wednesday, February 14, 2024, 1:00 PM at the Burton Cross State Office Building and virtually via Zoom.

**ADJOURNMENT:**

The meeting adjourned at 4:18 PM.

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