



## **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 January 12, 2022 virtually via Zoom. The following members were present: Chair Fern Desjardins; Vice Chair Peter Geiger; Wendy Ault; Paulette Bonneau; James Ford; Wilson Hess; Victoria Kornfield; Joshua Leinwand; and Greyson Orne.

Others Present: Deputy Commissioner Daniel Chuhta; (Department of Education) and Mary Becker, State Board of Education Secretary Specialist.

### **CALLED TO ORDER:**

Chair Fern Desjardins called the meeting to order at 1:00 PM.

### **VISION STATEMENT:**

Read by student member, Joshua Leinwand: 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.

### **POEM READING:**

Poem Read by Victoria Kornfield – “The Rules of the New Car” by Wes McNair, a Maine poet.

### **APPROVAL OF MINUTES:**

MOTION by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present to accept the December 15, 2021 minutes as presented.

### **PUBLIC COMMENT:**

No Public Comment

## **OFFICER'S REPORTS:**

### **Chair, Fern Desjardins**

- Fern Desjardins reviewed the business agenda for the January 12 meeting.
- She attended a Career and Technical Education Committee meeting, a Legislative Action Committee meeting, Maine Charter School Commission meeting, and a Maine Arts Academy Board of Directors meeting.
- Fern attended two National Association of State Boards of Education (NASBE) meetings – the Government Affairs Committee meeting on January 4 and a planning meeting with President Paolo DeMaria on January 7.

The GAC committee discussed:

- Build Back Better Act: Senate Negotiations
- Congressional Outlook, including Appropriations for FY 2022
- U.S. Department of Education
  - Accountability Guidance
  - Civil Rights Data Collection
  - COVID and Staying in School Guidance
- FCC E-rate Notice of Proposed Rulemaking regarding new Central Competitive Bidding Portal and Requirements

The planning meeting with President DeMaria included topics for consideration for NASBE's Office Hours, meetings with chairs and vice chairs, how to attract new members to NASBE, and financial matters.

- Fern reminded members that if anyone has questions or would be interested in representing Maine on NASBE's Public Education Positions (PEP) Committee or the Government Affairs Committee (GAC) to contact her or Mary Becker.
- Today's agenda includes a report from the Board Effectiveness Ad Hoc Committee. Paulette Bonneau has agreed to continue to chair that committee and both Tori Kornfield and Wendy Ault will continue to serve on it. They will be leading us in the implementation of the Board Effectiveness section of the Board's strategic plan. Fern thanked Paulette, Tori, and Wendy for their willingness to serve.
- Lastly, Mary emailed the FY 22 Year-to-Date Expenditures as of December 31, 2021. Fern noted that 54% of the budget allocation has been expended but a few of the expenses already paid are annual fees. She reminded members that the SBE budget was cut \$5,284 from last year so we need to keep an eye on expenses.

### **Vice Chair, Peter Geiger**

- Holidays put a hold on most meetings. Two meetings requiring Peter's attendance included; (1) the agenda review meeting with Chair Desjardins, Commissioner Makin and Deputy Commissioner Chuhta, and; (2) the Legislative Committee meeting capably chaired by Mr. Hess.

- Peter called the Board's attention to an announcement received from the Department of Education (DOE) and Educate Maine announcing that nominations are now open for the 2022 County Teachers of the Year and 2023 Teacher of the Year, Nominations are being accepted through 5:00 pm on February 4, 2022.

## **COMMITTEE REPORTS:**

### ***School Construction Committee (Peter Geiger):***

The School Construction Committee has not met since the December 15, 2021 State Board meeting.

The next regular School Construction Committee monthly meeting is scheduled for Friday, January 28, 2022 and will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

### ***Certification and Higher Education (Wendy Ault):***

The Certification and Higher Education Committee (CHE) did not meet in December as scheduled.

The January 26, 2022 regular meeting is rescheduled to Wednesday, February 2, 2022 and will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

### ***Career and Technical Education (Wilson Hess):***

The Career and Technical Education (CTE) Committee held the December regular monthly meeting on January 6, 2022. The meeting was held virtually via Zoom under the Board's remote meeting policy due to COVID-19.

- The Committee discussed the Perkins fund balance. There is approximately \$450,000.00 in carry-over funds and YTD administrative funds that the State Board has discretion on how the money is awarded.
- Reviewed the Strategic Plan milestones.
- Received an update from CTE Director Dwight Littlefield.
  - LD 313 work group is doing a great job. Wilson has attended meetings, the last one being this morning; however, he needed to leave to attend the SBE meeting at 9:00 AM. Both the State Director's work and the Board's work are being somewhat held up by a report anticipated from MEPRI.
- Mercedes Pour reported on the draft Memorandum of Understanding (MOU) between the Maine Community College System (MCCS) and the Department of Education (DOE) as it relates to alignment of secondary and post-secondary institutions. The Committee will receive a draft of the MOU at the January 27, 2022 meeting.

- Received an update from Educate Maine on the research they are doing on data collection for CTE around the state. They are waiting for MEPRI's report.
- The Maine Administrators of Career and Technical Education (MACTE) retreat has been moved from February to March 31, 2022 and will be held at the Samoset in Rockland.
- Other items discussed were:
  - Emergency COVID related funding and ESSER funding
  - Extended Learning Opportunities (ELOs)
  - Workforce opportunities
  - Tremendous increase in material costs that centers and regions are experiencing
  - All possibilities for dispersal of Perkins funds that will need approval by the full SBE

The next regular CTE Committee monthly meeting is scheduled for Thursday, January 27, 2021. The approved minutes will be posted on the State Board website.

***Legislative Action (Wilson Hess):***

The Legislative Action Committee (LAC) met on January 6, 2022 virtually via Zoom under the Board's remote meeting policy due to COVID-19 surge.

- Wilson thanked Jaci Holmes, Federal State Legislative Liaison, Maine Department of Education, for joining the meeting and her continuation of attending the LAC weekly Committee meetings.
- He thanked Chair Desjardins for her clarification of the filing of Chapters, 60, 61, 125, and 115.
- The Committee reviewed carry-over legislation from the first session of the 130<sup>th</sup>.
- Will continue to monitor LD 313 – Legislation around CTE in the State as well as many other LDs.
- Reviewed planning initiatives from the Board's Strategic Plan as they relate to Legislation.
- The Committee will continue to watch for upcoming public hearings and work sessions.

The next Legislative Action Committee meeting will be held on Friday, January 21, 2022 at 12:00 PM.

***Student Voices (Wendy Ault, James Ford, Greyson Orne and Joshua Leinwand):***

The Student Voices Committee met on January 11, 2022.

- Wendy Ault reported that her charge as a result of the meeting is to be in touch with the person at the DOE that oversees the Commissioner's

Student Cabinet. Students that serve on the State Board are very interested in interfacing and/or integrating in some way with the Student Cabinet. Students on the State Board were intimately involved in the past. DOE has chosen a different model this year. The Student Voices Committee is trying to figure out ways that students on the State Board can contribute and benefit from the work of the Commissioner's Student Cabinet. The highlight of Wendy's work on the SBE is working with Greyson Orne and Joshua Leinwand. Wendy's understanding is that the Student Cabinet has held two meetings and she is not in the loop with receiving emails this year, whereas, she received emails last year. Wendy supports any effort to include SBE students with the Commissioner's Student Cabinet. Following much discussion, Wendy will reach out to the DOE for an explanation as to why SBE student members are not involved with the Commissioner's Student Cabinet this year.

- Greyson Orne reported that when he attended Student Cabinet meetings last year, he was delegated to one of the breakout rooms. He helped the adults moderate and provide input to try to spark input from other students. Breakout rooms were by age - elementary school students, middle school students and high school students. This opportunity was beneficial for Greyson to hear perspectives not only from around the state but perspectives from middle school students as young as sixth grade. Going to a high school in northern Maine, Greyson doesn't get the middle school perspective which he feels is very important, especially with remote learning.
- James Ford asked Joshua Leinwand to speak about his and other students' concerns about how COVID has a rising impact and how it is affecting students' mental health. Joshua reported that he has had conversation with friends at his school and in other schools and there is a consensus that they want to be remote for a little bit longer. Students are really worried about having less school and extracurricular along with other parts of life due to COVID. Schools are a big area to make contact with a lot of people. If schools went remote for a week or so, it could cancel out the massive reflux of positive cases of COVID. It would be a time to reset.

The next regular Student Voices Committee monthly meeting is scheduled for Tuesday, February 8, 2022.

***Board Effectiveness (Paulette Bonneau):***

The Board Effectiveness Committee has not met.

- Paulette will schedule a meeting by the end of January for Wendy Ault, Victoria Kornfield and herself to look at goals and how they will proceed.
- At today's meeting, the Maine Teacher of the Year presented to the Board during the workshop session.

- Paulette is reaching out to the Maine Principal of the Year and the Maine Superintendent of the Year to join the Board for presentations at a future workshop.

***Charter Commission Representatives (Wilson Hess):***

The Charter School Commission met on January 11, 2022 as scheduled.

- The Commission reviewed the Strategic Plan that is currently in place and received updates on several items related to the Strategic Plan.
- Reviewed upcoming Legislative matters.
- Looking at FY 21 graduation rates – focus on some schools that have challenging graduation rates.
- Agreed to move forward in developing a committee structure of the Commission’s work.
- Received an update on Charter School renewals.
- Reviewed spending reports and welcomed several new Board members to Charter Schools.

***Professional Standards Board (Peter Geiger):***

The Professional Standards Board (PSB) last met on December 3, 2021 virtually via Zoom, with the intent to meet again in February 2022. No specific date has been set.

**UNFINISHED (OLD) BUSINESS:**

No Unfinished Business

**NEW BUSINESS:**

**COMMISSIONER’S RECOMMENDED FUNDING LEVEL FOR FY 2022-2023**

Pursuant to the provisions of 20-A M.R.S.A., Section 15689-C, the Commissioner, with the approval of the State Board of Education, shall certify to the Governor and the Bureau of the Budget recommended funding levels for the total cost of funding public education from kindergarten to grade twelve. The funding levels recommended herein were developed based on proposed amendments to the Essential Programs and Service Funding Act, 20-A M.R.S.A. Chapter 606-B.

**RECOMMENDATION:** The Commissioner of Education recommends that the State Board of Education approve the following motion:

**MOTION** by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present to approve the certified funding level for FY 2022-2023 for the total cost of funding public education from kindergarten to grade twelve (including total operating allocation, total debt service allocation, total

adjustments, total targeted education funds, total enhancing student performance and opportunity costs) at \$2,462,763,560 a local contribution amount of \$1,108,243,602 and a state contribution amount of \$1,354,519,958 to be distributed as General Purpose Aid for Local Schools. These amounts shall be distributed per the parameters of the Essential Programs & Services Funding Act, 20-A M.R.S.A. Chapter 606-B, as amended.

#### APPROVAL OF AMENDMENT TO THE REMOTE PARTICIPATION POLICY

MOTION by Peter Geiger, seconded by Wendy Ault, and voted six in favor with one member opposed (Wilson Hess) to approve the amendment to the Remote Participation Policy.

#### **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 two 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 requests 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 Peter Geiger, seconded by James Ford, and voted six in favor with one member abstained (Wilson Hess) 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 BAS and AAS 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 2:20 PM.

The Board returned to the regular business meeting at 2:42 PM.

MOTION by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for BAS. The transfer is granted.

MOTION by Peter Geiger, seconded by Victoria Kornfield, and unanimously voted by those present to overturn the Deputy Commissioner's decision in the denial of a transfer for AAS. The transfer is granted.

**ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- The next regular Board meeting is scheduled to be held on February 9, 2022. If held in person, the Board will meet at the Burton Cross State Office Building in Augusta.

**ADJOURNMENT:**

The January 12, 2022 State Board of Education meeting adjourned at 2:50 PM.

Respectfully Submitted by  
Mary Johnson Becker, Secretary Specialist  
State Board of Education