



## 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 September 9, 2020 at the Burton Cross State Office Building, 111 Sewall Street, Augusta, Maine and virtually via Zoom. The following members were present: Chair Wilson Hess; John Bird; Peter Geiger; and Jana Lapoint. Vice Chair Jane Sexton; Wendy Ault; Fern Desjardins; Martha Harris; and Casey Maddock attended virtually via Zoom.

Excused: Jaylee Rice

Vacant: One Member

Others Present: Mary Becker, State Board Secretary Specialist.

### **CALLED TO ORDER:**

Chair, Wilson Hess called the meeting to order at 1:00 PM.

The meeting was conducted in accordance with Sec. G-1. 1 MRSA §403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. Whereas the meeting is open to the public, all votes will be taken by roll call. Five Board members attended virtually.

Roll call was taken by Mary Becker, Secretary Specialist. The chair declared a quorum present.

### **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 Jana Lapoint, seconded by John Bird, and unanimously voted by those present to accept the August 11, 2020 minutes as written.

MOVED by Jana Lapoint, seconded by John Bird, and unanimously voted by those present to accept the August 21, 2020 minutes as written.

## **PUBLIC COMMENT:**

Ms. Rachel Dilorenzo expressed to Board members her concerns with students being required to wear masks (face coverings) when outside at school. Ms. Dilorenzo is requesting that guidelines be reconsidered in regards to masks being required when children are outdoors at school.

Wilson Hess informed Ms. Dilorenzo that this is not within the State Board of Education's purview. Wilson suggested she speak with her local school Board regarding her concerns.

## **OFFICER'S REPORTS:**

### **Chair, Wilson Hess**

- Wilson spoke to the Board about the 10% curtailment ordered by the Governor. The 10% curtailment needs to be re-submitted for the entire upcoming biennial budget for FY 2022 and FY 2023 in addition to FY 2021, which has already been submitted. This will include work the SBE will be doing with the Professional Standards Board and the significant work coming up on Chapter 115 consensus-based rulemaking, which will result in more Committee meetings than just our regular monthly meetings. In recent years the Board has come in under budget with sufficient resources. The Board will need to be more mindful of the budget than in previous years.
- Wilson spoke to the Board regarding the Valley Unified project. The School Construction Committee will be meeting later in the month for a conversation regarding Ben Sirois' letter that Deputy Commissioner Chuhta circulated earlier in the day. The school board in SAD 27 has indicated at this time that they want to take steps to withdraw from the Valley Unified Group. Mr. Sirois indicated that the case is not closed as they still have some things to sort out. It would be very sad if the Valley were to lose this opportunity, but it looks like it is at risk.
- During the business meeting, the Board will be electing a voting delegate for the National Association of State Boards of Education Annual Conference to be held in October.
- The Action Agenda for 2021 is listed under new business on the agenda. The Board will hold dialogue to move the action agenda along.

**Vice Chair, Jane Sexton**

- No report.

**COMMITTEE REPORTS:**

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

The School Construction Committee did not meet on August 28, 2020 as scheduled.

- The School Construction Committee members have had conversation to advocate for more funds for school ventilation. The Committee would like to add this item to the SBE Action Agenda. The Committee will discuss further at the September 25<sup>th</sup> meeting.

The next School Construction Committee meeting is scheduled for Friday, September 25, 2020. The meeting 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 met on August 26, 2020 as scheduled.

- The Committee welcomed, enthusiastically, their new member Fern Desjardins.
- Received an update from the Certification Office at the DOE on how things are going with their on-line system.
- Jason Libby reported that he sent an email, approved by the Committee, to all institutions with a scheduled fall 2020 site review stating that the review will not be conducted this fall. The Committee will re-visit this in January of 2021.
- The Committee reviewed 4 annual reports for education prep programs that had not yet been reviewed. To date, all reports have been reviewed by the Committee except for two reports that are outstanding. Jason will send a reminder to the two.
- Chair Hess updated the Committee on a conversation he had with Commissioner Makin regarding an executive order received by the Governor that has an impact on the Certification and Higher Education Committee.

The next Certification and Higher Education Committee meeting is scheduled for Wednesday, September 23, 2020. The meeting will be held virtually via Zoom. 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 August 27, 2020 as scheduled.

- The Committee continues to have four representatives, CTE Directors, who join the Committee monthly as observers. Three of the four CTE Directors were not in attendance and the Committee understood as they are very busy getting ready for the beginning of this unusual school year after the unusual spring and summer.
- Received updates concerning unfinished business for Directors with credentialing for their students.
- The workshop involved the strategic plan – updating of the Action Plan for Appendix B.

The next Career and Technical Education (CTE) Committee meeting is scheduled for Thursday, September 24, 2020. The meeting will be held virtually via Zoom. The approved minutes will be posted on the State Board website.

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

The Legislative Action Committee last met on Friday March 6, 2020. There has been no action since that meeting.

- Peter had a conversation with Wilson Hess regarding the Board’s advisory role with the Legislature and sincerely appreciates the work Wilson put into the Board’s Action Agenda (2021) document.

***Student Voices (Jaylee Rice, Casey Maddock and Wendy Ault):***

- Casey Maddock spoke to her school staff and gave a presentation on virtual learning from a student’s perspective. Wendy believes Casey’s presentation would be interesting for the Board to hear during a future workshop session.
- Casey is very interested in joining an SBE Committee. Casey’s greatest interest would be the Certification and Higher Education Committee.
- Casey expressed an interest in sitting in on the SBE Legislative Action Committee meetings to learn more about the legislative process.
- Wilson Hess appointed Casey Maddock to the Certification and Higher Education Committee and asked her to join the Legislative Action Committee as a liaison.
- Casey expressed concern with students’ knowledge of Board work and requested that the Board have a mentor program for student members.

***Student Membership (Fern Desjardins):***

- Wendy Ault, Fern Desjardins and Jaylee Rice were previously appointed by Chair Hess to serve on the ad-hoc committee reviewing student

applications, to select six semi-finalists for interviews and following the interviews sending the names of three finalists to the Governor for an appointment to the Board.

- Six semi-finalists were interviewed on Monday, June 15th. A letter has been sent to Governor Mills with the three finalists names and the Governor will make a nomination of a new student representative to serve on the State Board for a two- year term. The Committee's work is complete. There has been no word from the Governor regarding a nomination of a new student appointment to the Board.
- It was suggested that Chair Hess and Fern Desjardins draft a letter to the Governor requesting that a student be selected so as the selected student could sit in on Board meetings prior to being confirmed by the Legislature.

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

The Charter School Commission met on September 8, 2020 as scheduled.

- The Commission met with Sarah Forster, their legal counsel. Sarah reviewed the laws which govern the Commission and a discussion continued on the specific role and responsibilities of the Commission as they began the process of looking for a new executive director. The Commission members are the only authorizers in the state except for a public school district (or multiple districts) that would like to form a charter school. Sarah clarified the Commission's role which included advocating for or against any bills that would impact Charter schools. Sarah emphasized the importance of the Commission's careful watch over the budget and how the Commission uses its money to benefit the schools.
- The Commission approved Maine Connection Academy's request for an enrollment increase. The Charter Schools currently have over 1,000 children on wait lists.
- The Commission approved Harpswell Coastal Academy's 5<sup>th</sup> grade pre-opening report and Fiddlehead School of Arts and Sciences' 7<sup>th</sup> grade pre-opening report. Fiddlehead received a \$1.5M loan at 2.25% interest for a period of 30 years from USDA Rural Development for the purchase of their building.
- A discussion concerning an exit interview with parents and students of all schools was held. There were 2,497 students enrolled in 2019-2020, with 341 graduating and 348 or 13% unenrolled. More than half of the 348 students had left before the October count since charter schools are a school of choice for parents and their children. Most of those parents said they would still recommend their school to others.

Fern Desjardins spoke about the search committee's work for an executive director. The process is moving forward, and the Committee has finished the needs assessment and will be advertising for an executive director in the next few weeks to replace Bob Kautz when he retires October 31, 2020.

Bob Kautz, Executive Director, Maine Charter Schools shared a few words with the Board. Bob expressed appreciation to the support the State Board has given to the creation of Charter Schools through membership on the Charter Commission and support overall. The Board applauded Bob's service to the Charter Schools over the years and wished him the best on his upcoming retirement.

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

The Professional Standards Board (PSB) held its first meeting on August 12, 2020.

- The meeting was held virtually via Zoom. It was a challenge to get enough people to be available for a date/time that worked for most members.
- The October 12 meeting was basic orientation for members of the PSB.
- The Board elected a chair (Kristen Levesque) and vice chair (Nikole Seeger).
- 22 members and 2 ex-officio members serve on the Board.
- The Board is charged by statute to meet five times a year.

**UNFINISHED (OLD) BUSINESS:**

2020 ACTION AGENDA

Wilson Hess distributed the State Board of Education Action Agenda for 2021 – Discussion Starters.

Each Committee chair reviewed with the Board their section of the action agenda. Following conversation, the Board voted to table the action agenda for 2021 for consideration at the next meeting on October 14, 2020.

MOTION by Peter Geiger, seconded by Fern Desjardins, and unanimously voted by those present to table the 2020 action agenda for consideration at the October 14, 2020 Board meeting.

**NEW BUSINESS:**

ELECT VOTING DELEGATE FOR THE NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) ANNUAL MEETING

MOTION by Martha Harris, seconded by Peter Geiger, and unanimously voted by those present to elect Fern Desjardins as the voting delegate for the National Association of State Boards of Education (NASBE) Annual Meeting in October 2020.

**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 requests for Board review of the 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 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 requests 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 Wilson Hess, seconded by John Bird, 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 AG 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 2:33 PM.

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

MOTION by Martha Harris, seconded by John Bird, and voted seven in favor with one member opposed (Martha Harris) to overturn the Deputy Commissioner's decision in the denial of a transfer for BM. The motion carries and the transfer is granted.

**ANNOUNCEMENTS:**

- Submit travel and expense account vouchers to Mary Becker at the end of this meeting.
- Fern Desjardins announced the dates for the virtual 2020 National Association of State Boards of Education (NASBE) fall conference. The conference will be held on Tuesday, October 20<sup>th</sup> through Friday, October 23<sup>rd</sup>. Registration fee for the virtual conference is \$125.00 per member. Sessions will be held each afternoon and awards will be presented on October 21<sup>st</sup>.
- The next Board meeting will be held at the Cross State Office Building and virtually via Zoom on Wednesday, October 14, 2020, at 1:00 PM.

**ADJOURNMENT:**

The September 9, 2020 State Board of Education meeting adjourned at 3:05 PM.