



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 September 10, 2008, at the Gorham Middle School in Gorham. The following members were present: Chair Ann Weisleder; Vice Chair Connie Goldman; James Carignan; Philip Dionne; Jean Gulliver; Mabel Desmond; Marilyn Temple Tardy; James Banks, Sr.; Justin Chenette; and Honor Wilkinson.

Also present were: Commissioner Susan Gendron; Scott Brown, AIA, School Facilities; Harry Osgood, Higher Education Specialist; Jaci Holmes, Federal Liaison; and Mary Becker, Secretary Associate.

CALLED TO ORDER:

The meeting was called to order at 1:02 PM

APPROVAL OF MINUTES

MOVED by Jim Carignan, seconded by Jim Banks, and unanimously voted by those present to approve the August 12, 2008 minutes as written.

CONSENT AGENDA:

RECEIPT OF THE TEAM REPORT FOR THE MAINE COLLEGE OF ART (MECA)
REVIEW OF THE PROPOSED POST-BACCALAUREATE PROGRAM IN ART
EDUCATION K-12.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; *SITE APPROVAL
CONSIDERATION*; REGIONAL SCHOOL UNIT #1 – NEW PREK-8 SCHOOL
CONSTRUCTION PROJECT IN WOOLWICH, MAINE.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; *SITE APPROVAL
CONSIDERATION*; SAD 9, NEW PREK-3 ELEMENTARY SCHOOL
CONSTRUCTION PROJECT IN FARMINGTON, MAINE.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; *SITE APPROVAL
CONSIDERATION*; CHELSEA SCHOOL DEPARTMENT – PREK-8 SCHOOL
CONSTRUCTION PROJECT.

MOVED by Jim Carignan, seconded by Jim Banks, and unanimously voted by those present to approve the consent agenda.

REGULAR BUSINESS:

REQUEST FOR APPROVAL TO PROCEED WITH RULEMAKING OF CHAPTER 13, QUALIFYING EXAMINATIONS FOR TEACHERS, EDUCATION SPECIALIST AND ADMINISTRATORS, IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

Background: The State Board is proposing revisions to Chapter 13 as follows:
Deletion of the transitional 282 Teacher of the Disabled Child B-5 with the Praxis 0353 exam as it is sunsetted.

Addition of a Praxis score for the 292 Deaf/Hearing Impaired.

Addition of a second endorsement for Family and Consumer Science with the new Praxis qualifying score.

Deletion of Section 3.4 on Qualifying Scores not set, as all scores have now been set, and renumbering of all the subsequent sections as a result of the deletion.

Recommendation: It is recommended that the State Board of Education finally initiate rulemaking to make the proposed amendments above to Chapter 13 in accordance with the Maine Administrative Procedures Act.

MOVED by Jean Gulliver, seconded by Connie Goldman, and unanimously voted by those present to approve and proceed with Rulemaking of Chapter 13 in accordance with the Administrative Procedures Act (APA).

INITIATION OF RULEMAKING BY THE MAINE STATE BOARD OF EDUCATION
REVISED RULES FOR 05-071, CMR 149 "PROCEDURES FOR OBTAINING
AUTHORIZATION FOR INSTITUTIONS OF HIGHER EDUCATION TO CONFER
ACADEMIC DEGREES OR TO OFFER DEGREE COURSES/PROGRAMS IN THE
STATE OF MAINE" WHICH SUPPORTS 20-A MRSA, 409 "DEGREE-GRANTING
INSTITUTION" §§ 10701-10714.

BACKGROUND: Rule 05-071, CMR 149 identifies the procedures to be followed by a postsecondary institution which seeks to offer within the boundaries of the State of Maine any course or program for which academic credit is granted or to confer within the boundaries of the State of Maine a degree at the Associate degree level or higher. This rule became effective July 6, 1980; was amended in 1981, 1984, 1988 and 1992; and underwent non-substantive corrections for typos and formatting in 2000. The rule serves to guide both in-state and out-of-state applicant postsecondary institutions as they prepare to seek State Board of Education authorization to operate in Maine. It also serves to inform State Board appointed review teams that are selected to evaluate such applications. Since the rule was last amended it has become apparent that some critical clarification of details is necessary.

It is proposed that the Board amend Chapter 149 to enhance the rule's clarity by adding a definition for "physical presence"; by transferring and aligning language regarding the format for and the depth of topics to be addressed in an application for authorization from Rule 05-071 CMR 170 to Rule 05-071, CMR 149; and by adding three appendices to provide guidance concerning: the meaning and examples of "general education courses"; the topical areas to be addressed under "library and learning resources"; and the specifics to cover when responding to "financial resources" for both initial degree-granting applicants and for applications from existing degree-granting institutions. For the Board's consideration, a copy of the proposed changes to Chapter 149 is being provided – the highlighted areas in yellow contain language to be transferred from Chapter 170 and the areas in blue contain new language. As usual, the strikethroughs represent language to be deleted and the underscored represent new language.

RECOMMENDATION: That the State Board of Education initiate rulemaking for 05-071, CMR 149 "Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine" which supports 20-A MRSA, 409 "Degree-Granting Institution" §§10701-10714.

MOTION by Jean Gulliver, seconded by Jim Carignan to make the following amendments to Chapter 149:

Pg. #4 (2) Decisions will be made on a case-by-case basis for institutions using a non-traditional approach instead of semester hours or quarter hours to determine degree completion.

Pg. #4 (D-2) The admission policies include detailed attention to the standards for academic credit given for experience and the criteria for transfer credit.

Pg. #5 (F-1) The preponderance of faculty members ~~providing~~ provide instruction and possess academic, scholarly, and teaching qualifications appropriate to their respective positions and teaching assignments and are distributed in such a way that all students benefit from these qualifications.

Pg. #5 (H-1) The institution maintains and provides ready access to ~~appropriate print, electronic and other collections of~~ library and learning resources, virtual and/or physical, that are adequate and appropriate for student achievement of stated program goals and objectives.

Pg. #6 (I) ~~Physical~~ Facilities

Pg. #9 (C-2) Decisions will be made on a case-by-case basis for institutions using a non-traditional approach instead of semester hours or quarter hours to determine degree completion.

Pg. #9 (D-2) The admission policies include detailed attention to the standards for academic credit given for experience and the criteria for transfer credit.

Pg. #10 (I) ~~Physical~~ Facilities

Pg. #14 (C-2) Decisions will be made on a case-by-case basis for institutions using a non-traditional approach instead of semester hours or quarter hours to determine degree completion.

Pg. #14 (D-2) The admission policies include detailed attention to the standards for academic credit given for experience and the criteria for transfer credit.

Pg. #15 (I) ~~Physical~~ Facilities

Pg. #20 (I) ~~Physical~~ Facilities

Pg. #23 (Appendix B – Library and Learning Resources) Other areas to be addressed should be added by institution officials in an effort to provide as clear a picture as possible of the institutions library and learning resources, virtual and/or physical.

MOVED by Jim Carignan, seconded by Jim Banks, and unanimously voted by those present to accept Chapter 149 with amendments as read.

INITIATION OF RULEMAKING BY THE MAINE STATE BOARD OF EDUCATION
REVISED RULES FOR 05-071, CMR 170 “STANDARDS FOR EVALUATING
REQUESTS FOR DEGREE AUTHORIZATION AND FOR OUT-OF-STATE
POSTSECONDARY INSTITUTIONS SEEKING TO MAKE ACADEMIC CREDIT
COURSE OFFERINGS IN MAINE” WHICH, ALONG WITH RULE 05-071, CMR 149,
SUPPORTS 20-A MRSA, 409 “DEGREE-GRANTING INSTITUTION” §§ 10701-
10714.

BACKGROUND: This rule establishes the standards to be met when requests are received for degree-granting authorization and for requests from out-of-state postsecondary institutions seeking to make academic credit course offerings in Maine. The purpose of the proposed rule revisions is to clarify and update the standards to be utilized by State Board appointed review teams when evaluating requests for degree authorization, whether from in-state or from out-of-state postsecondary institutions. Chapter 170 became effective October 1, 1986; was amended July 25, 1994; and was converted to electronic format May 19, 1996. Since the rule was last amended it has become apparent that some adjustments and clarifications are necessary.

It is proposed that the Board amend Chapter 170 to enhance the rule’s clarity by transferring and aligning language meant to serve as guidance regarding the format for and the depth of topics to be addressed in an application for degree-granting authority from Rule 05-071, CMR 170 to Rule 05-071, CMR 149 and by retaining and expanding upon language that better clarifies the degree-granting standards to be met. For the Board’s consideration, a copy of the proposed changes to Chapter 170 is being provided – the highlighted areas in yellow contain language to be transferred from Chapter 170 to Chapter 149 and the areas in blue contain new language. As usual, the strikethroughs represent language to be deleted and the underscored represent new language.

RECOMMENDATION: That the State Board of Education initiate rulemaking for 05-071, CMR 170 “Standards for Evaluating Requests for Degree Authorization and for Out-of-State Postsecondary Institutions Seeking to Make Academic Credit Course Offerings in Maine” which, along with Rule 05-071, CMR 149, supports 20-A MRSA, 409 “Degree-Granting Institution” §§10701-10714.

MOTION by Jean Gulliver, seconded by Jim Carignan to make amendments to the wording of Chapter 170 the same as Chapter 149.

MOVED by Jim Carignan, seconded by Jim Banks, and unanimously voted by those present to accept Chapter 170 with the same amendments as in Chapter 149.

A Public Hearing for Chapters 149 and 170 is scheduled to be held on October 20, 2008. The following Board members will be in attendance of the hearing: Chair Ann Weisleder; Construction Committee Chair Jean Gulliver; and Member James Banks.

MOTION FOR THE DEPARTMENT TO PROPOSE REVISIONS TO STATUTE, 20-A, CHAPTER 409, §§10701 – 10714, “DEGREE GRANTING INSTITUTIONS”.

BACKGROUND: Chapter 409 is the statute by which Maine establishes the State’s role in assuring the integrity of academic degrees as well as the oversight of and the parameters for degree-granting authorizations within its boundaries. Chapter 409 outlines the definitions, conditions, means and measures by which such authorizations are to be considered. Chapter 409 is supported by Rule 05-071, CMR 149, “Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine” and by Rule 05-071, CMR 170 “Standards for Evaluating Requests for Degree Authorization and for Out-of-State Postsecondary Institutions Seeking to Make Academic Credit Course Offerings in Maine”. During the 2nd Session of the 123rd Legislature, Chapter 409 was revised imbedding a number of Board approved corrections to both language and content. These revisions were subsequently approved by the Legislature through the vehicle of a Department omnibus bill.

After passage of this bill it became apparent that two additional clarifications are needed. These clarifications are associated with §10708.1 “Exemptions” and §10712.4 “Merger; consolidation; reorganization”. Adopting the proposed changes to §10708 would result in Maine’s private institutions, who had been authorized at specific degree levels (e.g. BS, BA, MA, MS, etc.) prior to September 18, 1981, no longer having to seek additional degree-granting authority to offer a new degree at the same degree level as previously authorized. The proposed changes to Section 10712.4 would clarify that merger, consolidation and/or reorganization, as a reason for termination of degree-granting authority, would not apply when a Maine college or university involves itself with the merging, consolidating, and/or reorganizing of its internal programming or organizing structures. Because the proposed changes are to statute, such changes will need to be approved by the Board so that the Department’s Legislative Liaison, Greg Scott, may forward these to the Legislative Council by October 1st, 2008. To enable this to happen, the Board will need to act on this matter during its September 10, 2008 meeting.

RECOMMENDATION: That the State Board of Education support the Department’s proposed revisions to statute 20-A, Chapter 409, §10708.1 “Exemptions” and §10712.4 “Merger; consolidation; reorganization”.

MOVED by Jean Gulliver, seconded by Connie Goldman, and unanimously voted by those present to accept the proposed revisions to Chapter 409.

PROVISIONAL ADOPTION OF AMENDMENTS TO STATE BOARD RULE
CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION
PROJECTS.

STATEMENT OF FACT: Legislative Resolve #223, Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education, requires that the State Board of Education amend Chapter 61, Rules for Major Capital School Construction Projects. The Resolve requires that the Department of Education shall recommend to the State Board of Education an innovative model of consolidated and integrated secondary and postsecondary education that includes facilities for:

1. A regional high school;
2. A fully integrated career and technical high school;
3. A higher education center that will provide courses and degrees from both the University of Maine System and the Maine Community College System; and
4. Centers of excellence that will provide industry-specific training.

The model selected must:

1. Promote the development of a “one campus” design, where all facilities are located on one site, providing a streamlined and integrated learning experience for students of all ages;
2. Integrate and consolidate administrative responsibilities on the campus wherever possible, thereby reducing costs for overhead and shared functions;
3. Be located in a region with high schools whose consolidation would benefit future generations of students and provide reduced costs to the communities involved;
4. Have an advisory body that is integrated with the local economy, including the community involvement of students, citizens, business leaders, teachers, parents and organizations to promote both employment opportunities for students and citizens and a skilled workforce optimal for economic development; and
5. Serve as an example for other school districts and areas of the State.

In accordance with Sec. 3 of Resolve #223, the Board will also be adopting these major substantive rules on an emergency basis for 90 days to ensure that an innovative model can be implemented as soon as funds are made available.

Construction Committee Recommendation: The Construction Committee voted unanimously to recommend that the State Board of Education provisionally adopt the changes to Chapter 61, Rules for Major Capital School Construction Projects as presented.

Recommendations: It is recommended by the Department of Education that the State Board of Education provisionally adopt the attached proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects in accordance with the State of Maine Administrative Procedure Act.

MOVED by Jean Gulliver, seconded by Jim Carignan, and unanimously voted by those present to provisionally adopt the proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects in accordance with the State of Maine Administrative Procedure Act.

Emergency Adoption of Amendments to State Board Rule
Chapter 61 – Rules for Major Capital School Construction Projects.

STATEMENT OF FACT: Chapter 61, Rules for Major Capital School Construction Projects, govern the expenditure of millions of Maine taxpayers' dollars in support of the provision of schools that support the demands of 21st century education. Extensive needs for improved education facilities across the state make it imperative that the rules be kept clear, current and supportive of the state's education goals. To this end, the Department of Education and the Construction Committee of the State Board of Education have worked jointly to propose modifications to Chapter 61. Key aspects of this revision include:

1. Defining "Non-Conforming School" as a "school in a school administrative unit where that school system has neither joined a Regional School Unit nor has an approved alternative plan as specified under the provisions of 20-A M.R.S.A. Chapter 103-A."
2. Eliminating the definitions of "Learning Technology Equipment" and "Non-Learning Equipment."
3. Adding additional points for inefficient energy building systems.
4. Altering the program points for CTE centers and regions to fairly evaluate CTE programs.
5. Requiring all projects to meet a conservation standard that will be developed by the Department of Education's School Facilities Team.
6. Clarifying the protocol by which the rating team may report schools that appear to be unsafe.
7. Requiring that consideration be given to providing the minimum travel distance for the maximum number of students when considering a new school site.
8. Removing Section 9 subsection 2, A through E, which is the budgetary approach for technology expenditures on projects.
9. Clarifying the language in Section 10 (4) (A) "Budget Requirements;" to increase the allocation for moveable equipment.

10. Requiring that non-conforming schools be penalized 10 points on their rating score and 10% of the total State/Local funding portion of their Major Capital School Construction project budget.

Chapter 61 is a major substantive rule that was provisionally adopted by the State Board of Education on September 10, 2008.

CONSTRUCTION COMMITTEE RECOMMENDATION: The Construction Committee voted unanimously to recommend that the State Board of Education emergency adopt the changes to Chapter 61, Rules for Major Capital School Construction Projects as presented.

DEPARTMENT RECOMMENDATION: It is recommended that the State Board of Education emergency adopt the proposed amendments to Chapter 61, Rules for Major Capital School Construction Projects as presented.

MOVED by Jean Gulliver, seconded by Marilyn Temple Tardy, and unanimously voted by those present to emergency adopt the proposed amendments to Chapter 61, Rules for Major Capital School Construction Projects as presented.

REPORTS

COMMISSIONER'S REPORT:

No Report

CHAIR'S REPORT:

Chair Weisleder presented the following report:

- That the Board has been asked to contribute to the silent auction at the NASBE 2008 Annual Conference and the Board has contributed in the past. Jack Norris, former Board member has taken care of the contribution. The Board agreed to donate to the silent auction at the member's expense.
- That the official voting delegate for NASBE's Annual Conference will be Phil Dionne or Ann should she decide to attend the conference in October.
- That she attended Cianbro's Grand Opening of the Eastern Manufacturing Facility in Brewer.
- That she has attended all of the Stakeholder Group for High School Diploma meetings except for the September 9, 2008 meeting.
- That she attended through the ATM in Bangor the Testimony Rules for Chapter 61.
- That she attended the Certification and Higher Education meeting on Monday, August 25, 2008.
- That she received materials from the August retreat and has selected items where the Board can focus their energies, work efficiently and effectively, and be more visible.

- That the Board needs more workshop time to get caught up.
- That the Teacher of the Year Banquet is scheduled for Thursday, November 6, 2008 at Colby College.
- That the MSMA Conference is October 23rd and 24th.

BOARD MEMBER REPORTS:

Marilyn Temple Tardy:

- That she attended the Teacher of the Year meeting.

Jim Banks:

- No Report

Jean Gulliver:

- No Report

Honor Wilkinson:

- No Report

Justin Chenette:

- That he would like to invite the Board members to attend the Maine Green Expo on September 13 and 14. Saco is being honored as the greenest city in the State of Maine. The Governor will be attending. Justin will email information about the Maine Green Expo to all Board members.

Jim Carignan:

- That he attended the Stakeholder Group for High School Diploma meeting and they are making significant process. Jim summarized the progress. The Board needs to start working on Chapter 111.

Mabel Desmond:

- That she attended the Certification and Higher Education Meeting on Monday, August 25, 2008.

Connie Goldman:

- That she attended the Certification and Higher Education meeting on Monday, August 25, 2008.
- That she and Ann met with Tom Coulombe regarding the budget process and she should have a copy of the budget for the October 15th Board meeting.
- That she has been attending the Stakeholder Group for High School Diploma meetings via the internet, but did not attend the September 9th meeting as she did not know the meeting was being held.
- That she attended the PreK-16 Counsel meeting.

Phil Dionne:

- That he attended Cianbro's Grand Opening of the Eastern Manufacturing Facility in Brewer.
- That he attended the Daggett Presentation at the Augusta Civic Center.

PUBLIC COMMENTS:

No Public Comments

ADJOURNMENT:

Moved by Jean Gulliver, seconded by Jim Banks, and unanimously voted by those present to adjourn the September 10, 2008, State Board of Education meeting at 2:26 PM.