



## 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 October 6, 2011, at the W.G. Mallett School, 113 Quebec Street, Farmington, Maine. The following members were present: Chair James Banks, Sr.; Vice Chair Steven Pound; Marilyn Temple Tardy; Nancy Perkins; Lynda Doyle; Dottie Martin; Jana Lapoint; Martha Harris; Angela Bechard; and Chelsey Whynot.

Also present were:

Greg Scott, Legislative Liaison; Scott Brown, Director of School Facilities; and Mary Becker, Secretary Associate, State Board of Education.

### **CALLED TO ORDER:**

Chair James Banks, Sr., called the meeting to order at 1:02 PM.

### **APPROVAL OF MINUTES:**

MOVED by Steven Pound, seconded by Nancy Perkins, and unanimously voted by those present to approve the August 17, 2011 minutes as corrected.

MOVED by Martha Harris, seconded by Lynda Doyle, and unanimously voted by those present to approve the September 14, 2011 minutes as written.

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

#### **Chair, James Banks, Sr.:**

- He attended the Maine Association for Charter Schools (MACS) Conference on Saturday, September 17, 2011. It was a very interesting presentation and there were 65 to 70 people in attendance with various questions regarding Charter Schools.
- He attended the New Chelsea School Dedication Ceremony on September 22, 2011.
- He attended and spoke at the New W.G. Mallett School Dedication Ceremony in Farmington on Saturday, October 1, 2011.
- He will be attending the Maine School Management Association (MSMA) Conference on October 27 and 28, 2011. The SBE will have a clinic on Friday morning, October 28th. The Committee Chairs will make presentations in the hour allotted for the clinic, and there will be time for questions and answers.

- He attended a Charter School Sub-committee meeting.

### **Vice Chair, Steven Pound:**

- Some of the work that has been done through his employment in respective learning and portfolio are as follows:
- Many of the Educational Institutions, such as the University of Maine at Augusta and Kennebec Valley Community College, are increasing their online learning degree offerings. The 18 to 24 year old cohort that are in unemployment lines right now may not have the qualifications needed to gain employment. Therefore, customized training opportunities need to be offered. These types of things are being done by our Higher Educational Institutions to assist businesses and assist the Career Centers.
- He attended a Science, Technology, Engineering and Mathematics (STEM) Collaborative meeting. This is the group that supported having a STEM Council. They are looking ahead to holding a summit sometime in the next year to bring businesses and educators together.
- He attended the Department of Education (DOE) Rulemaking Training session on September 22, 2011, and found it to be very informative.
- He participated in the National Association of State Boards of Education (NASBE) Waiver Guidance - Proposed Action for Waivers for States from Requirements under Elementary and Secondary Education Act (ESEA). Mary will forward the email to all SBE members.
- He attended a Maine Employers Initiative Career Development Presentation. The group is looking at engaging businesses with Educational Institutions to promote career development with their employees. There will be a presentation at the Higher Education Symposium on October 13, 2011.
- He attended the Career and Technical Education (CTE) Committee meeting on October 3, 2011.
- He attended the Local Workforce Investment Board meeting in Region 2. A letter about "Work Ready" was submitted to the State in support of a consistently delivered standardized program.
- He attended the Maine Mature Workforce summit at Point Lookout in Northport on October 5, 2011.
- He presented the SBE Budget at the morning workshop session. The remaining dollars of the first quarter will be moved forward as needed.
- The November 9, 2011 State Board meeting will be held in room 103 of the Cross State Office Building in Augusta.

### **BOARD MEMBER REPORTS:**

#### **Marilyn Temple Tardy:**

- The Construction Committee met on Monday, October 3, 2011, to review Chapter 61 Rules and to discuss possible action on draft language for changes to bring before the Board. The Committee met with Scott Brown, Director of School Facilities; Paul Johnson, Site Assessment Consultant; Dale Doughty, Technical Consultant; Suzan Beaudoin, School Finance Supervisor; Heather Neal, Audit Supervisor; and Karen Bossie, Secretary Associate. Scott will go over the proposed changes that the Committee will bring to the Board today.

Because of time constraints in the Administrative Procedures Act (APA) Process, the Committee felt that a more comprehensive review including grammar and punctuation will be conducted in 2012. This afternoon in the business meeting the Board will be asked to approve the proposed amendment to Chapter 61 Rules for Major Capital School Construction Projects.

- She attended the Chelsea School Dedication Ceremony on September 22, 2011. The community is very supportive and it was a very positive evening.
- She attended the Celebration of Arts Education Reception at the Blaine House on September 27, 2011, on behalf of James Banks, Sr, Chair, representing the State Board of Education. The student art work being exhibited was created by students from Bucksport Schools, RSU 25. Following student recognition at the Blaine House all guest were invited to visit the art exhibits at the Department of Education (DOE). The art work is amazing and all Board members should take a moment to look at some of the art work next time they are at the DOE.
- She attended a Charter School Sub-committee meeting.

#### **Angela Bechard:**

- Her school (Monmouth Academy) is now doing the 1 to 4 Grading System. It is a bit of a shock, as students are use to the 1 to 100 grading system. Students are adjusting well to it and kids are starting to realize what they need to do to be proficient.

#### **Chelsey Whynot:**

- Her school (Cape Elizabeth) is really excited as they will be getting I-Pads in March of 2012. There is an I-Pad committee and a couple of student members are participating on it.
- Her school also has a Debate Team now and Chelsey is on the team. She is on Mock Trials, as well.

#### **Martha Harris:**

- She represented the State Board at the Maine Development Foundation Summit on September 16, 2011.
- She attended the Rulemaking Training with the Department of Education on September 22, 2011.
- She attended her local Board Retreat and utilized the grid that Brad Hull from the National Association of State Boards of Education (NASBE) used at the Board's retreat in August.
- She attended a Penobscot River Education Partnership (PREP) Seminar on legal aspects of Boards. It was a very good overview that Speaker Rob Nadeau presented.
- She would like to invite Board members to attend a new Hampden Academy walk through to be held on October 18, 2011 at 4:30 pm.
- She will be attending the Maine School Management Association (MSMA) Conference in Augusta on October 27 and 28, 2011.
- She has a copy of the 2011 – 2012 Proposed Maine School Boards Association (MSBA) Resolutions and will forward them to Mary to send out to all Board members.

**Dorothy Martin:**

- She attended the Teacher of the Year Announcement in Caribou on September 15, 2011, on behalf of James Banks, Sr., Chair, representing the State Board of Education.
- She participated in the Certification and Higher Education Committee meeting on September 26, 2011
- She participated in the Career and Technical Education Committee meeting on October 3, 2011.

**Lynda Doyle:**

- She attended the National Association of State Boards of Education 2011 Leadership for Healthy Communities - Childhood Obesity Prevention Summit in Washington, DC on September 8 and 9, 2011. There were policy makers, and childhood obesity experts in attendance, along with lawmakers, politicians, senators, city mayors and dieticians. The group discussed urban ways to deal with obesity, and concerns about junk food in vending machines. Colorado is a lot like Maine because of the rural and urban set ups and Maine should be looking at their ideas.

**Jana Lapoint:**

- She attended the Rulemaking Training with the Department of Education on September 22, 2011.
- She attended the Certification and Higher Education Committee meeting on September 26, 2011.
- She met with the Charter School Sub-Committee.
- She attended the Chapter 114 Stakeholders Group meeting on September 30, 2011.

**Nancy Perkins:**

- The Certification and Higher Education Committee met on Monday, September 26, 2011. Highlights of the meeting are as follows: Harry Osgood discussed the next round of Review Teams that will be needed. Harry will be contacting Board members for Board participation. Cathy Owens-Oliver from ETS provided a crosswalk of the New England States scores. Massachusetts was the only state not using ETS. The object of the crosswalk was to assist the committee in discussions concerning the interstate reciprocity for educators. Much work needs to be done as we interpret the scores. For instance, if the Maine set score for a test has a 100% passing rate and our set score is lower than the other states, should we raise the bar. The reciprocity discussions with the other New England States will be continuing and we did agree to be part of this process. All expenses will be paid by ETS. Section 17 of Chapter 115 Part I was reviewed. This contains the process for new endorsements or certificates. This section was passed out to Board members. Mark Cyr discussed the status of the changes in Chapter 115 around LD 129 and LD1094. The Board will be voting on the new language as soon as the final draft has been prepared. The changes in Chapter 13 will be voted on this afternoon.

- She attended the Rulemaking Training session with the Department of Education on September 22, 2011.
- She attended a Chapter 114 Stakeholders Group meeting on September 30, 2011.
- She attended a State Consortium on Educator Effectiveness (SCEE) meeting in Freeport on October 5, 2011.
- She has listened to several webinars and shared information with Board members.

## **NEW BUSINESS:**

### **APPROVAL TO ADOPT PROPOSED CHANGES TO CHAPTER 13, “QUALIFYING EXAMINATIONS FOR TEACHERS, EDUCATIONAL SPECIALISTS, AND ADMINISTRATORS”**

**BACKGROUND:** On August 17, 2011, the Board voted to proceed with rulemaking on Chapter 13. On August 23, 2011, a proposal to make amendments to Chapter 13 was filed with the Secretary of State’s Office. The amendments reflect changes made to examination test codes and qualifying scores as a result of a regular revision process made by the Educational Testing Service (ETS). The proposed changes were previously reviewed and approved by both the Certification and Higher Education Sub-Committee and the full State Board of Education. The newspaper advertisements appeared on August 31, 2011, indicating that there would be a comment period only (no public hearing), and that the comment period would run until Friday, September 30, 2011, at 5:00 PM. Given that no public comments were received, I am seeking the approval of the Maine State Board of Education to proceed with the final adoption of the proposed amendments.

**RECOMMENDATION:** The Certification and Higher Education Sub-Committee recommends approval of the amended Chapter 13.

Moved by Nancy Perkins, seconded by Steven Pound, and unanimously voted by those present to approve the amended Chapter 13.

### **REQUEST FOR APPROVAL TO PROCEED WITH RULEMAKING CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS.**

**STATEMENT OF FACTS:** Chapter 61 Rules for Major Capital School Construction Projects governs the expenditure of millions of Maine taxpayers’ dollars in support of safe and effective schools that support the demands of 21<sup>st</sup> 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. 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:

- An on-site representative for each construction project who will represent the State’s best interest and be funded as a project expense;

- Refining the Rating System;
- Strengthening the Design and Funding Approval language; and
- Strengthening the Finance and Audit section of the rule.

**RECOMMENDATIONS:** It is recommended by the Department of Education that the State Board of Education approve the attached proposed amendment to Chapter 61, Rules for Major Capital School Construction Projects, as major substantive rules. It is further recommended by the Department of Education that the State Board of Education authorize proceeding with rulemaking in accordance with the State of Maine Administrative Procedure Act.

Chair, James Banks, Sr, requested that the Proposed Changes to Chapter 61 (14 points) be added to the minutes for official record (Handout from Scott Brown).

## **PROPOSED CHANGES TO CHAPTER 61**

### **CHAPTER 61 STATE BOARD OF EDUCATION RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS**

1. An on-site representative for each construction project who will represent the State's interest and be funded as a project expense
2. Refines the Rating System based on the Team's most recent visitations.
  - a. Takes 5 points from School Population section and adds it to Buildings and Grounds
  - b. Eliminated "Other" in each section
3. Revises the Administrative Review section based on recommendations from the Department of Education's attorney.
4. State Board to consider Design and Funding Approval only when the drawings are 100% complete rather than 95% complete.
5. Strengthens wording on owner initiated change orders.
6. Strengthens the language dealing with financial record keeping at the local level.
7. Strengthens language on investing project funds at the local level.
8. Local unit is responsible for temporary borrowing costs that exceed interest income from bonds.
9. Eliminates language on districts starting projects prior to the date established by the Department of Education.

10. Revises language on “close out” costs of the projects.
11. Updates the language regarding the length of bonding of projects.
12. Changes the language concerning what bidders must state concerning rates of interest per annum as requested by Bond Counsel.
13. Specifies that the number of principal payments will not exceed twenty.
14. No further purchases from the construction account will be allowed once the project is determined to be complete and the construction audit is initiated by the School Facilities Services Team.

**Please note that a comprehensive review is planned for 2012.**

Moved by Marilyn Temple Tardy, seconded by James Banks, Sr., and unanimously voted by those present to approve the attached proposed amendment dated October 6, 2011 to Chapter 61, Rules for Major Capital School Construction Projects, as major substantive rules, and that the State Board of Education authorize proceeding with rulemaking in accordance with the State of Maine Administrative Procedure Act.

STATE PUBLIC CHARTER SCHOOL COMMISSION – APPROVAL OF THE 3 STATE BOARD MEMBERS TO SERVE ON THE COMMISSION (MARILYN TEMPLE TARDY, JANA LAPOINT, AND JAMES BANKS, SR.)

Moved by Nancy Perkins, seconded by Dottie Martin, and unanimously voted by those present to approve Marilyn Temple Tardy, Jana Lapoint, and James Banks, Sr to be the three State Board members on the State Public Charter School Commission.

### **ANNOUNCEMENTS:**

There will be a special Board meeting held on Tuesday, October 11, 2011, at 8:30 am. The meeting will be in room 538 of the Cross State Office Building. The purpose of the special meeting is for consideration of LD 129 and LD 1094.

Submit Expense Account Vouchers to Mary at the end of the meeting.

### **PUBLIC COMMENTS:**

No Public Comment

### **ADJOURNMENT:**

Moved by Marilyn Temple Tardy, seconded by Steven Pound, and unanimously voted by those present to adjourn the October 6, 2011, State Board of Education meeting at 1:42 PM.