



## 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 July 15, 2009, at the Cross State Office Building, ATM Room 103, Augusta, Maine. The following members were present: Chair Ann Weisleder; Vice Chair James Banks, Sr.; Marilyn Temple Tardy; Mabel Desmond; Steven Pound; Lynda Doyle; Honor Wilkinson; and Andrea Levinsky. Excused: James Carignan; Nancy Perkins; and Jeffrey Vermette

Also present were: Commissioner Susan Gendron; Scott Brown, AIA, School Facilities; Harry Osgood, Higher Education Specialist; Jim Rier, Director of Finance and Operations; and Mary Becker, Secretary Associate.

### **CALLED TO ORDER:**

Chair Ann Weisleder called the meeting to order at 1:01 PM.

### **APPROVAL OF MINUTES:**

MOVED by James Banks, Sr., seconded by Marilyn Temple Tardy, and unanimously voted by those present to approve the May 13, 2009 and the June 23, 2009 minutes as written.

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

#### **Chair, Ann Weisleder:**

- That the Board has been invited to participate in the Maine School Management Association (MSMA) conference again this year. A decision will be made at the August Board meeting.
- That she attended the 2009 Superintendent's conference in Bar Harbor.
- That she is a member of the New England Secondary School Consortium Council (NESSC) and will be attending the inaugural meeting on August 3, 2009 at the Grappone Conference Center in Concord, New Hampshire. (Commissioner Gendron gave a brief explanation of the August 3, 2009 meeting).

- That she participated on a conference call with other Board members and the Great Schools Partnership regarding the NESSC.
- That Mary will copy and send to all Board members the NASBE Policy Update “State Strategies for Turning Around Low-Performing Schools and Districts”.
- That she wanted to share a calendar that Karen Bossie created showing (color coded) all Board and Committee meetings, holidays and State shutdown days.

**Vice Chair, James Banks, Sr.**

- That the Board Retreat is scheduled for August 17 and 18, 2009 and will be held at the McKernan Center at Southern Maine Community College in South Portland. There will be a brief Board meeting in the afternoon of Tuesday, August 18, 2009.
- That the Board will be conducting regular monthly meetings at various locations this fall. Tentative locations will be Nokomis High School in Newport, Portland High School and Searsport High School. The dates and locations will be confirmed and announced at the August Board Retreat.
- That he appreciates the support of Board members in his election of Vice Chair for the 2009 – 2010 fiscal year.

**BOARD MEMBER REPORTS:**

**Marilyn Temple Tardy:**

- No Report

**Honor Wilkinson:**

- No Report

**Andrea Levinsky:**

- No Report

**Lynda Doyle:**

- No Report

**Steven Pound:**

- That he has agreed to serve on the Career and Technical Education Committee.

**Mabel Desmond:**

- No Report

MOTION made by James Banks, Sr., seconded by Marilyn Temple Tardy, and unanimously voted by those present to add an exhibit to the agenda under New Business. Exhibit #IX.H - Title of exhibit – “State Board of Education Final Adoption of Chapter 61, Rules for Major Capital School Construction Projects”.

**CONSENT AGENDA:**

RECEIPT OF THE REVIEW TEAM REPORT OF FINDINGS CONCERNING THE APPLICATION FOR DEGREE-GRANTING AUTHORIZATION AS SUBMITTED BY THE LANDING SCHOOL TO AWARD THE ASSOCIATE OF APPLIED SCIENCE IN MARINE INDUSTRY TECHNOLOGY DEGREE

RECEIPT OF THE REVIEW TEAM REPORT OF FINDINGS CONCERNING THE APPLICATION FROM EMBRY-RIDDLE AERONAUTICAL UNIVERSITY FOR RENEWAL OF AUTHORIZATION TO OFFER ACADEMIC CREDIT PROGRAMS IN MAINE

MOVED by Steven Pound, seconded by Mabel Desmond, and unanimously voted by those present to approve the consent agenda.

**SPECIAL ORDERS (Important business previously designated for consideration)**

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; *CONCEPT APPROVAL CONSIDERATION*; RSU 9/MT. BLUE REGIONAL SCHOOL DISTRICT RENOVATION/ADDITION MT. BLUE HIGH SCHOOL/FOSTER REGIONAL APPLIED TECHNOLOGY CENTER SCHOOL CONSTRUCTION PROJECT.

**STATEMENT OF FACT:** The RSU 9 Mt. Blue High School/Foster Regional Applied Technology Center school project was rated number 18 on the 2004-2005 Approved Projects List. The project will house grades 9 through 12 from the nine communities in the district as well as some students from the sending schools in RSU 36, RSU 58, Jay, and Rangeley.

A complete New vs. Renovation Study is on file with the Department that supports the recommendation to remain on site and to renovate and add on rather than construct a new facility.

A major decision relating to the project was to bring both public water and public sewer to the site. The district is presently working with the Town of Farmington

and the water district to coordinate the projects and to apply for grants to modify the financial impact on the school district.

The district is also working on potential sites that can house technical programs in order to free space for renovations and additions. The architect is finalizing the phasing plan for classroom space for the academic program. Renovating and constructing spaces while students are on site is probably the most difficult aspects of the project.

State Department of Education personnel have had numerous meetings with the principal, the director, the superintendent and the architect on the program, the educational spaces, the site amenities, and the building configuration. The Department believes that the end product will meet the educational needs of the area for the foreseeable future.

All appropriate State and local agencies have been contacted; and where necessary, documented approvals are on file. The building has been designed to High Performance standards and may be LEED certified.

SUPERINTENDENT'S STATEMENT: The renovation/addition to Mt Blue High School and Foster Regional Applied Technology Center will provide the students within RSU #9 (d.b.a. Mt. Blue Regional School District) and area school systems with a state-of-the-art "high tech" learning campus. This campus is being designed in a manner that will encourage the cross pollination between the traditional academic faculty and the vocational instructors. The Visioning Process that began the building project expressed to the need to take the best qualities from career and technical education (hands-on-real-world-work experiences) and blend it with the more traditional high school courses. The visioning also recommended a life long learning "campus" that would offer post-secondary opportunities.

This learning campus will provide an "incubator" space for new programs and new businesses within the school and Franklin County area. There will be the presence of the Franklin County Community College Network and Franklin County Adult Education programming at this site.

Faculty from both schools will share common office space in four faculty planning and office areas. The district has begun providing, with the help of the Department of Education, staff development training focused on project based education, the use of technology as a tool to support instructional practices, and curriculum integration.

As a district, we continue to look for ways to collaborate and provide students from area school systems (Jay, MSAD #36 & #58, and Rangeley) with access to program opportunities (traditional as well as CTE) within this learning campus.

This Concept Approval is being requested pursuant to M.R.S.A. Title 20-A, Section 15905(1).

SAD #9 is requesting Concept Approval for a new Mt. Blue High School/Foster Regional Applied Technology Center qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects.

**Project Information:**

Project: Renovation/Addition of Mt. Blue High School/Foster Regional Applied Technology Center  
Superintendent: Michael Cormier, Ed.D.  
High School Principal: Monique Poulin  
Technology Center Director: Glenn Kapiloff  
Architect: Lyndon Keck, PDT Architects  
School(s) to be closed: None

**Project Budget Information:**

Total Project Cost: \$64,215,432  
Local Only (no State participation): \$3,515,950  
Approved for State/Local Debt Service Subsidy: \$60,016,482  
Anticipated Maine High Performance Schools Energy Grant and Local Fund Raising: \$683,000

**CONSTRUCTION COMMITTEE RECOMMENDATION:** The Construction Committee voted unanimously on July 7, 2009, to recommend that the State Board of Education grant Concept Approval to RSU 9/Mt. Blue Regional School District for renovation of and addition to Mt. Blue High School/Foster Regional Applied Technology Center.

**DEPARTMENT RECOMMENDATION:** The Commissioner recommends that the State Board of Education grant Concept Approval to RSU 9/Mt. Blue Regional School District for renovation of and addition to Mt. Blue High School/Foster Regional Applied Technology Center in Farmington, Maine, as a Major Capital School Construction Project and approve the concept budget as presented.\*\*

\*\*This approval constitutes Concept Approval. Final Funding Approval may be subject to adjustment under Section 10, Subsection 1, of the State Board of Education Rules for School Construction Projects, which states:

*“Final Funding Approval by the Commissioner establishes the Project Budget and takes place after construction bids have been received. At that time, the Commissioner may reduce the budget to finance the project, thus providing additional funds for other projects.”*

MOVED by James Banks, Sr., seconded by Marilyn Tardy, and unanimously voted by those present to grant Concept approval to RSU 9/Mt. Blue Regional School District for renovation of and addition to Mt. Blue High School/Foster Regional Applied Technology Center in Farmington, Maine, as a Major Capital School Construction Project and approve the concept budget as presented.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; *DESIGN AND FUNDING APPROVAL CONSIDERATION*; BRUNSWICK SCHOOL DEPARTMENT, NEW ELEMENTARY SCHOOL CONSTRUCTION PROJECT.

**STATEMENT OF FACT:** The new elementary school will be constructed in Brunswick, Maine, and house 600 students, grades 3 through 5. The project received Concept Approval on April 9, 2008. The subsequent referendum passed with a 60% vote in favor of the project.

The project has been broken into components to simplify and expedite the process. Construction will start as soon as demolition of the old Brunswick High School and Armory is complete.

The Design and Funding Approval is being requested pursuant to MRSA Title 20-A, Section 15905(1).

The basic design of the project and budget have not changed since Concept Approval, and it has met the needed criteria to move forward which will allow it to be bonded and constructed on schedule.

The Brunswick School Department is requesting Design and Funding Approval for a new elementary school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects, and

- The proposed Brunswick elementary school construction project is eligible for school construction under MRSA Title 20-A, Chapter 609;
- The proposed project and authorized method of financing are in the best interest of the State of Maine and the town of Brunswick.
- The Brunswick elementary school estimated capital outlay expenditures are reasonable; and
- The proposed Brunswick elementary school project is in compliance with MRSA Title 20-A, Chapter 301, as it relates to special education facilities.

**Project Information**

Project: New Brunswick 3-5 elementary school  
Superintendent: Paul Perzanoski  
Principal: vacant  
Architect: Lyndon Keck, PDT Architects  
School(s) to be closed: Hawthorne School and Longfellow School

**Project Budget Information**

Concept Approval Date: April 9, 2008  
Total Project Cost: \$28,560,000  
Local Only (no State participation): \$3,379,200  
Approved for State/Local Debt Service Subsidy: \$24,939,360  
Anticipated Maine High Performance Schools Energy Grant and local fund raising: \$241,440

**CONSTRUCTION COMMITTEE RECOMMENDATION:** The Construction Committee voted unanimously on July 7, 2009, to recommend that the State Board of Education grant Design and Funding Approval to the Brunswick School Department for a new grade 3-5 elementary school in Brunswick, Maine.

**DEPARTMENT RECOMMENDATION:** The Commissioner recommends that the State Board of Education grant Design and Funding Approval to the Brunswick School Department for a new grades 3-5 elementary school in Brunswick, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.\*\*

\*\*This approval constitutes Design & Funding Approval. Final Funding Approval may be subject to adjustment under Section 10, Subsection 1, of the State Board of Education Rules for School Construction Projects, which states:

*“Final Funding Approval by the Commissioner establishes the Project Budget and takes place after construction bids have been received. At that time, the Commissioner may reduce the budget to finance the project, thus providing additional funds for other projects.”*

MOVED by James Banks, Sr., seconded by Lynda Doyle, and unanimously voted by those present to grant Design and Funding Approval to the Brunswick School Department for a new grades 3 – 5 elementary school in Brunswick, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; *PHASE 1 DESIGN AND FUNDING APPROVAL CONSIDERATION*; SAD 22/RSU 22 NEW HAMPDEN ACADEMY SCHOOL CONSTRUCTION PROJECT.

**STATEMENT OF FACT:** Hampden Academy will be constructed in Hampden, Maine, and house 800 students, grades 9 through 12. The project received Concept Approval on August 12, 2008. The subsequent referendum passed with a 71% vote in favor of the project.

**Phase 1:** The project has been broken down into two phases. Phase 1 will complete the site work for the project and will permit the project to move more quickly than waiting for approval on the site and building. The earlier approval will take advantage of summer weather, a very positive bidding environment, and will allow students to occupy the school six months earlier than they would have had the work on the site waited for Design and Funding Approval of the building. In order to control costs and assure adequate funds for the building, the bidders will be asked to hold prices on a number of alternates.

Phase 1 Design and Funding Approval is being requested pursuant to MRSA Title 20-A, §15905(1).

The basic design of the project and budget have not changed since Concept Approval, and it has met the needed criteria to move forward which will allow it to be bonded and constructed on schedule.

SAD 22/RSU 22 School Department is requesting Phase 1 Design and Funding Approval for a new high school qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects, and

- The new Hampden Academy proposed school construction project is eligible for school construction under MRSA Title 20-A, Chapter 609;
- The proposed project and authorized method of financing are in the best interest of the State of Maine and the communities of the district.
- The SAD 22/RSU 22 estimated capital outlay expenditures are reasonable; and
- The new Hampden Academy proposed project is in compliance with MRSA Title 20-A, Chapter 301, as it relates to special education facilities.

**Project Information**

Project: New Hampden Academy

Superintendent: Richard A. Lyons

Building Committee Chair: Martha Harris, Esq.

Principal: Ruey Yehle

Architect: WBRC Architects

School(s) to be closed: Hampden Academy (original building and additions)

**Project Budget Information**

Concept Approval Date: July 23, 2008

Total Project Cost: \$51,762,741

Local Only (no State participation): \$6,175,000

Approved for State/Local Debt Service Subsidy: \$45,382,741

Anticipated Maine High Performance Schools Energy Grant: \$205,000

Phase 1 Site Only: \$10,032,928

**CONSTRUCTION COMMITTEE RECOMMENDATION:** The Construction Committee voted unanimously on July 7, 2009, to recommend that the State Board of Education grant Phase 1 Design and Funding Approval to SAD 22/RSU 22 for a new high school in Hampden, Maine.

**DEPARTMENT RECOMMENDATION:** The Commissioner recommends that the State Board of Education grant Phase 1 Design and Funding Approval to SAD 22/RSU 22 for a new high school in Hampden, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.\*\*

\*\*This approval constitutes Design & Funding Approval. Final Funding Approval may be subject to adjustment under Section 10, Subsection 1, of the State Board of Education Rules for School Construction Projects, which states:

*“Final Funding Approval by the Commissioner establishes the Project Budget and takes place after construction bids have been received. At that time, the Commissioner may reduce the budget to finance the project, thus providing additional funds for other projects.”*

MOVED by James Banks, Sr., seconded by Marilyn Tardy, and unanimously voted by those present to grant Design and Funding Approval to SAD 22/RSU 22 for a new high school in Hampden, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.

**NEW BUSINESS:**

FEDERAL QUALIFIED ZONE ACADEMY BOND PROGRAM

**STATEMENT OF FACT:** The Department of Education coordinates the Federal Qualified Zone Academy Bond (QZAB) program. QZABs are bonds issued by state or local governments which the Federal government subsidizes by providing tax credits to the bondholders. The credits are approximately equal to the interest that the issuers would pay to the bondholders. Issuers are generally responsible for repayment of only the bond principal. Maine has an available QZAB allocation balance of \$6,935,000 for 2008 and 2009 and will receive an additional allocation for 2010. Six SAUs submitted QZAB applications to the Department requesting bonding authority. The Department has completed its review of the applications and verified that the school districts on the accompanying lists and their proposed

projects meet the eligibility criteria which includes having a 35% free and reduced lunch rate, receiving a private contribution worth 10% of the bond proceeds, and using bond proceeds for rehabilitation or repair of school buildings, purchasing equipment, developing course materials, and/or training teachers and other school personnel.

**DEPARTMENT RECOMMENDATION:** The Department of Education recommends that the State Board of Education approve the QZAB applications for projects in Auburn, Jay, AOS 92/Waterville, RSU 22/SAD 22, and RSU 38/Mt. Vernon and authorize issuance of QZABs for up to the amounts shown on the accompanying list “2009 QZAB Recommended Approvals.” The total QZAB authorization amount for 2009 is \$6,935,000.

The Department also recommends that the remaining 2009 QZAB requests for projects in Lewiston and AOS 92/Waterville shown on the accompanying “Recommended Priority List for 2010 QZAB Approvals” be designated for priority approval in 2010 when Maine expects to receive its additional Federal QZAB allocation.

**COMMISSIONER’S PROPOSAL FOR AN AMENDMENT TO HER RECOMMENDATION:** Commissioner Gendron proposed an amendment to her recommendation. She is recommending that the State Board of Education approve the QZAB applications for the 2009 projects, but not create the priority list for 2010.

MOVED by James Banks, Sr., seconded by Mabel Desmond, and unanimously voted by those present to approve the QZAB applications for projects in Auburn, Jay, AOS 92/Waterville, RSU 22/SAD 22, and RSU 38/Mt. Vernon and authorize issuance of QZABs for up to the amounts shown on the accompanying list “2009 QZAB Recommended Approvals.” The total QZAB authorization amount for 2009 is \$6,935,000. The Board will not take action on allocations for 2010.

#### FEDERAL QUALIFIED SCHOOL CONSTRUCTION BOND PROGRAM

**STATEMENT OF FACT:** The Department of Education coordinates the Federal Qualified School Construction Bond (QSCB) program. QSCBs are bonds issued by state or local governments which the Federal government subsidizes by providing tax credits to the bondholders. The credits are approximately equal to the interest that the issuers would pay to the bondholders. Issuers are generally responsible for repayment of only the bond principal. Maine has an available QSCB allocation balance of \$42,074,000 for 2009 and will receive an additional allocation for 2010. Fifteen SAUs and one technology region submitted QSCB applications to the Department requesting bonding authority. The Department has completed its review of the applications and verified that the school units on the accompanying lists and their proposed projects meet the criteria of using bond

proceeds for construction, rehabilitation, or repair of a public school facility or for acquisition of land on which such a facility is to be constructed.

**DEPARTMENT RECOMMENDATION:** The Department of Education recommends that the State Board of Education approve the QSCB applications for projects in Lewiston, Portland, RSU 79/SAD 1, RSU 80/SAD 4, RSU 6/SAD 6, RSU 22/SAD 22, RSU 88/SAD 24, RSU 35/SAD 35, RSU 44/SAD 44, RSU 57/SAD 57, RSU 60/SAD 60, RSU 75/SAD 75 and Northern Penobscot Tech Region #3 and authorize issuance of QSCBs by these school units for up to the amounts shown on the accompanying list “2009 QSCB Recommended Approvals. The total recommended QSCB authorization amount for 2009 is \$39,192,381.

The Department also recommends that the remaining 2009 QSCB requests for projects in Greenville, AOS 92/Waterville, and RSU 61/SAD 61 as shown on the accompanying “Recommended Priority List for 2010 QSCB Approvals” be designated for priority approval in 2010 when Maine expects to receive its additional Federal QSCB allocation.

MOVED by Steven Pound, seconded by James Banks, Sr., and unanimously voted by those present to approve the QSCB applications for projects in Lewiston, Portland, RSU 79/SAD 1, RSU 80/SAD 4, RSU 6/SAD 6, RSU 22/SAD 22, RSU 88/SAD 24, RSU 35/SAD 35, RSU 44/SAD 44, RSU 57/SAD 57, RSU 60/SAD 60, RSU 75/SAD 75 and Northern Penobscot Tech Region #3 and authorize issuance of QSCBs by these school units for up to the amounts shown on the accompanying list “2009 QSCB Recommended Approvals. The total recommended QSCB authorization amount for 2009 is \$39,192,381. Also, approve the remaining 2009 QSCB requests for projects in Greenville, AOS 92/Waterville, and RSU 61/SAD 61 as shown on the accompanying “Recommended Priority List for 2010 QSCB Approvals” be designated for priority approval in 2010 when Maine expects to receive its additional Federal QSCB allocation.

APPROVAL OF THE PROPOSED REVIEW TEAM MEMBERS TO ASSESS THE REQUEST FROM ANTIOCH UNIVERSITY NEW ENGLAND FOR RENEWAL OF CURRENT AUTHORIZATION TO OFFER ACADEMIC CREDIT PROGRAMS IN MAINE.

**Background:** 20-A MRSA, Chapter 409 provides that the State Board of Education may approve an application from a postsecondary educational institution located outside the State of Maine to offer within the State courses or programs for academic credit. Officials from Antioch University New England, located in Keene, New Hampshire, have made application for renewal of prior approval to offer programs leading to completion of requirements for the degree of Master of Education in Foundations of Education (Professional Development and Critical Skills/Education by Design concentrations) and Critical Skills/Education by Design Institutes. The Master of Education in Foundations of Education has been

delivered by Keene-based core faculty to centralized regional clusters of experienced educators in Maine. Operational since 1978, this program has aimed at countering some of the professional isolation and lack of access for educators in northern New England. Since 1994, Maine-based clusters have operated in Presque Isle, Belfast, Bridgton and Saco.

The Antioch University New England application will be reviewed in accordance with the rules established by the Board and evaluated through the use of standards adopted by the Board. A meeting with the applicant here in Maine will occur in August 2009.

**Recommendation:** It is recommended that the State Board of Education accept the roster of proposed Review Team members to assess the Antioch University New England request for renewal to offer its aforementioned program offerings in Maine.

MOVED by Steven Pound, seconded by Marilyn Tardy, and unanimously voted by those present to accept the roster of proposed Review Team members to assess the Antioch University New England request for renewal to offer its aforementioned program offerings in Maine.

APPROVAL OF THE PROPOSED REVIEW TEAM TO ASSESS THE APPLICATION FROM TUFTS UNIVERSITY, IN COLLABORATION WITH THE MAINE MEDICAL CENTER, TO OFFER COURSES LEADING TO THE DEGREE OF DOCTOR OF MEDICINE.

BACKGROUND: 20-A MRSA, Chapter 409 provides that the State Board of Education may approve an application from a postsecondary educational institution located outside the State of Maine to offer within the State courses or programs for academic credit. Tufts University, located in Medford/Somerville, Massachusetts, in collaboration with the Maine Medical Center, located in Portland, Maine, has submitted an application for approval to offer within an educational partnership within the State of Maine. Tufts University School of Medicine [TUSM] has partnered with Maine Medical Center [MMC], Maine's largest tertiary care and teaching hospital, to provide a unique Medical School Program to enhance access to medical education for Maine students, to address Maine physician workforce needs, and to develop innovative curricula for future physicians. It is proposed that students will spend the majority of the first and second years of preparation at TUSM, having specific experiences in Maine, and then, during the third and fourth years, they will be predominantly within the State of Maine.

Under the formal Agreement, signed by MMC and TUSM, on February 5, 2008, up to 36 students per-year will be admitted to the "Maine-Track." It is proposed that a Maine-based Admissions Subcommittee will actively participate in the selection of students for the "Maine-Track." A Maine-based Curriculum

Subcommittee has been formed to develop the MMC-TUSM Medical School Program curriculum. TUSM and MMC are jointly developing a component of the Medical School Program that will prepare students for the unique challenges they will face when practicing in an underserved, rural location. This is a need that both MMC and TUSM feel strongly needs to be met.

RECOMMENDATION: That the State Board of Education accept the roster of proposed Review Team members to evaluate the application from Tufts University School of Medicine, in collaboration with Maine Medical Center, to offer academic courses leading to the degree of Doctor of Medicine.

MOVED by Marilyn Tardy, seconded by Steven Pound, and unanimously voted by those present to accept the roster of proposed Review Team members to evaluate the application from Tufts University School of Medicine, in collaboration with Maine Medical Center, to offer academic courses leading to the degree of Doctor of Medicine.

APPROVAL OF THE PROPOSED REVIEW TEAM MEMBERS TO ASSESS THE APPLICATION FOR ADDITIONAL DEGREE-GRANTING AUTHORITY AS SUBMITTED BY ANDOVER COLLEGE TO AWARD CERTAIN BACCALAUREATE AND ASSOCIATE DEGREES.

BACKGROUND: 20-A MRSA, § 10704 provides that any educational institution may confer additional degrees if it has initially been granted authority by an Act of the Legislature. Under Chapter 149 CMR, additional degree-granting authority must be sought from and approval granted by the Maine State Board of Education.

Officials from Andover College, located in South Portland, Maine, have submitted an application seeking degree-granting authority to confer ten (10) degrees at the baccalaureate level as well as three (3) degrees at the associate level. Specifically, the College is proposing to offer the Bachelor of Science in: Business Administration; Accounting; Criminal Justice; Health Sciences; Legal Studies; Communication; Health and Wellness; Nutrition Science; Early Childhood Education; Interdisciplinary Studies and to offer the Associate of Applied Science in: Computer Information Systems; Mental Health Technician; and Nursing. The College's application contains detailed descriptions for each of these programs and notes that most of the baccalaureate programs are natural extensions current Andover College associate level programming.

In February 2005, Kaplan Higher Education Corporation (KHEC) acquired the common stock of Andover College. This acquisition involved the transfer of all of the College's voting stock to KHEC-Maine, Inc. Articles of Incorporation were secured through the Office of the Secretary of State and the new owners retained Andover College's name, programming, faculty/staff, and facilities. Andover College is accredited by the New England Association of Schools and Colleges

(NEASC). NEASC has been advised that the College is seeking additional degree-granting authority through the Maine State Board of Education and that Board appointed Review Team will assess the application during an on-site visit to be scheduled in September, 2009.

RECOMMENDATION: That the State Board of Education accept the roster of proposed Review Team members to assess the application from Andover College for additional degree-granting authority to confer the aforementioned degrees at the baccalaureate and associate degree levels.

MOVED by Mabel Desmond, seconded by Steven Pound, and unanimously voted by those present to accept the roster of proposed Review Team members to assess the application from Andover College for additional degree-granting authority to confer the aforementioned degrees at the baccalaureate and associate degree levels.

APPROVAL OF REVIEW TEAM MEMBERS FOR THE APPLICATION FROM MAINE MEDIA COLLEGE FOR REAFFIRMATION OF ITS AUTHORITY TO CONFER THE MASTER OF FINE ARTS DEGREE AS REQUIRED BY ENACTMENT OF LD 318 DURING THE 124<sup>TH</sup> LEGISLATURE, FIRST REGULAR SESSION.

BACKGROUND: With enactment P&SL 1995, Chapter 68, S.P. 682 – L.D. 1747, *An Act to Authorize the Maine Photographic Workshops to Grant Degrees* authorized Rockport College, formerly known as Maine Photographic Workshops, located in the Town of Rockport, County of Knox to confer the Associate in Arts and the Master of Fine Arts degrees. Legislative authorization was granted during the 117<sup>th</sup> Maine Legislature, second regular session, 1996 with such authorization becoming effective July 4, 1996.

20-A MRSA, Chapter 409, §10712, requires that the State Board of Education terminate the authority of an educational institution to confer degrees when any of the following has occurred: 1) discontinuance of instruction; 2) sale of stock; 3) sale or lease of assets; and/or 4) merger, consolidation, or reorganization. The Department of Education was advised, March 6, 2007, that, on March 3, 2007, the Maine Media Workshops (MMW), a not-for-profit corporation, acquired from Mr. David Lyman the working assets of the Maine Photographic Workshops (MPW), the International Film and Television Workshops, and Rockport College. This acquisition involved the transfer of all of the College's voting stock.

Given the transfer of the College's voting stock, during its April 11, 2007 meeting, the Maine State Board of Education voted to terminate the degree-granting authority of Rockport College to confer degrees under the ownership of the Maine Photographic Workshops. The new owner secured Articles of Incorporation through the Office of the Secretary of State, retained the Rockport College name,

programming, and facilities and sought temporary approval from the State Board to confer degrees under the name of Rockport College.

Title 20-A MRSA, Chapter 409, § 10703 provides that the State Board may grant an applicant use of the term “college” in its name until the earlier of: the expiration of the academic year; or the applicant is authorized by the Legislature to grant degrees in accordance with §10704. §10703 also provides the State Board may extend or renew temporary approval for not more than two years.

Through the vehicle of a letter to Commissioner Gendron, dated March 6, 2007, the owners of the Maine Media Workshops, d.b.a. as the Maine Photographic Workshops requested that the State Board of Education grant temporary approval, permitting the use of the name Rockport College. Because the Maine Media Workshops would need to be granted authority to confer degrees under an Act of the

Legislature, the period of temporary approval being sought was for the next six months of the academic year 2006-2007 and for the academic year 2007-2008. It was felt that this action would permit the acquisition of Legislative authority, during the second session of the 123<sup>rd</sup> Legislature, to confer the Associate of Arts and the Master of Fine Arts degrees as Rockport College, under the ownership of the Maine Media Workshops.

Legislative authority was not sought during the second session of the 123<sup>rd</sup> Legislature and the State Board’s grant of temporary approval lapsed in June, 2008. In June and July 2008 the Department was informed that the Rockport College Board of Trustees was exploring the feasibility of a name change; the name Rockport College was not seen as reflecting the primary mission and work of the institution. The College’s Board subsequently voted to change the name from Rockport College to Maine Media College. College administration was advised that the authority to confer academic degrees had been voided and that it is necessary to seek and secure Legislative degree-granting authority, under new ownership and under a new name, as soon as possible.

LD 318, *An Act Regarding Rockport College (Emergency)*, was introduced and enacted during the 124<sup>th</sup> Legislature, first regular session. With emergency designation, the act became effective on the date of its signing. The act acknowledges the name change from Rockport College to Maine Media College and authorizes Maine Media College to confer the degree of Master of Fine Arts through June 30, 2010. Prior to June 30, 2010, the College is required to undergo an assessment of the Master of Fine Arts degree through the vehicle of a program review team utilizing the State Board’s degree-granting standards as found in 20-A, Chapter 170, *Standards For Evaluating Requests For Degree-Granting Authorizations And For Out-Of-State Postsecondary Institutions Seeking To Offer Academic Credit Courses/Programs In Maine*. The Review Team’s report of findings will be submitted to the State Board of Education for

consideration and, with favorable Board action, transmittal to the Joint Standing Committee on Education and Cultural Affairs for Committee deliberation and eventual Legislative action during the 124<sup>th</sup> Legislature, second regular session.

RECOMMENDATION: That the State Board of Education accept the roster of proposed Review Team members to assess the Maine Media College application for reaffirmation of its Master of Fine Arts degree.

MOVED by Marilyn Tardy, seconded by James Banks, Sr., and unanimously voted by those present to accept the roster of proposed Review Team members to assess the Maine Media College application for reaffirmation of its Master of Fine Arts Degree.

TERMINATION OF AUTHORITY FOR THE MAINE MEDIA COLLEGE TO CONFER THE ASSOCIATE IN ARTS DEGREE.

BACKGROUND: With enactment P&SL 1995, Chapter 68, S.P. 682 – L.D. 1747, *An Act to Authorize the Maine Photographic Workshops to Grant Degrees* authorized Rockport College, formerly known as Maine Photographic Workshops, located in the Town of Rockport, County of Knox to confer the Associate in Arts and the Master of Fine Arts degrees. Legislative authorization was granted during the 117<sup>th</sup> Maine Legislature, second regular session, 1996 with such authorization becoming effective July 4, 1996.

20-A MRSA, Chapter 409, §10712, provides that the State Board of Education terminates the authority of an educational institution to confer degrees when any of the following has occurred: discontinuance of instruction; sale of stock; sale or lease of assets; and/or merger, consolidation, or reorganization. The Department has been advised by Maine Media College (MMC) administration that there have been no students enrolled in the Associate in Arts degree program during the past academic year. The MMC Board of Trustees has decided that the College will no longer offer the Associate in Arts degree program.

RECOMMENDATION: That, given the discontinuance of instruction and the decision made by the College's Board of Trustees, the State Board of Education terminate the authority of Maine Media College to confer the Associate in Arts degree.

MOVED by Marilyn Tardy, seconded by Mabel Desmond, and unanimously voted by those present to terminate the authority of Maine Media College to confer the Associate of Arts Degree.

STATE BOARD OF EDUCATION FINAL ADOPTION OF CHAPTER 61 RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS

**STATEMENT OF FACT:** The State Board of Education has made the required revisions to Chapter 61 pursuant to Resolve 2009, Chapter 142, Section 1, as follows:

**“Sec. 1 Adoption. Resolved:** That final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, but only if the rule is amended as follows:

1. In Section 1, subsection 34, the definition of "One Campus" is amended by striking out the reference to a physical or virtual presence and specifying that the term "One Campus" refers to a campus that contains the elements of an integrated, consolidated 9-16 educational facility promoting the development of a design where all facilities are located on one site and provide a streamlined and integrated learning experience for students of all ages.

2. Section 15, subsection 1 is amended to clearly specify that:

A. The regional high school, the career and technical education center, the higher education center and the industry training center, the 4 components of the one campus, must each have a physical presence on the campus and use facilities on that campus to deliver courses;

B. Each of the 4 components must offer teacher and student interaction that is not separated in space or space and time as characterizes distance learning. The Internet, videoconferencing and other technology employed in distance learning may be used to complement or expand offerings; and

C. Courses may be provided using the Internet, videoconferencing and other technology employed in distance learning to complement real-time, shared-space learning.

3. Section 15, subsection 2, paragraph C, subparagraph 4 is amended by removing the following: "Where will these courses be offered? On same campus? Virtually? At another site?"

4. Section 15, subsection 2, paragraph C, subparagraph 4 is also amended to remove language that indicates ratings must be based, in part, on a listing of courses and programs to be offered by a higher education unit and instead include language that indicates that ratings must be based, in part, on a list of strategies and approaches to be used to ensure that the higher education courses and programs are offered in facilities located on one site, providing a streamlined and integrated learning experience for students of all ages.

The State Board of Education is not required to hold further hearings or conduct other formal proceedings prior to final adoption of the rule as amended in accordance with this resolve; and be it further..."

**DEPARTMENT RECOMMENDATION:** The Department of Education recommends that the State Board of Education finally adopt the amendments to Chapter 61 as amended by and under the authority of Resolve 2009, Chapter 142.

MOVED by James Banks, Sr., seconded by Lynda Doyle, and unanimously voted by those present to adopt the amendments to Chapter 61 as amended by and under the authority of Resolve 2009, Chapter 142.

**ANNOUNCEMENTS:**

- No Announcements

**PUBLIC COMMENTS:**

- No Public Comment

**ADJOURNMENT:**

Moved by James Banks, Sr., seconded by Marilyn Tardy, and unanimously voted by those present to adjourn the July 15, 2009, State Board of Education meeting at 3:15 PM.