



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 June 15, 2005, at the Augusta Armory, Augusta with the following members present: Chair James Carignan; Vice Chair Philip Dionne, Joyce McPhetres, Wes Bonney, Ann Weisleder, Jack Norris, Ellie Multer, and Janet Tockman. Excused: Jean Gulliver.

Also present were: Commissioner Susan Gendron; Scott Brown, AIA, School Construction; Judith Malcolm, Team Leader, Support Systems Team; and Rhonda Casey, Clerk.

CALLED TO ORDER:

The meeting was called to order at 1:30 p.m.

APPROVAL OF MINUTES:

MOVED by Phil Dionne, seconded by Wes Bonney, and unanimously voted to approve the April 13, 2005, minutes as written and approve the May 11, 2005, with the following amendments: correct page 9, second paragraph, to record Jim Carignan as moving the motion and remove Janet Tockman.

REGULAR BUSINESS:

MAJOR CAPITAL IMPROVEMENT PROGRAM AMENDMENT OF SCHOOL FACILITIES PRIORITY LIST – RATING CYCLE 2004-2005

Statement of Fact: On March 9, 2005, the State Board of Education received the School Facilities Priority List for Rating Cycle 2004-2005. Following the release of the Priority List, ten school districts asked to meet with the Department's Rating Team to review their scores. Following these review meetings, the Commissioner received four requests for an administrative review. One school system (SAD #22) withdrew its appeal prior to the administrative review hearing. Of the three remaining in the review process, one (Durham School Department) chose not to attend the administrative review hearing due to the fact that the Department's Rating Team found a factual error on enrollment projections during the informational meeting. Durham's point total was thus corrected. The two remaining school districts (SAD #48 and SAD #75) presented to the three

members of the Review Committee at the administrative hearing held on May 10, 2005. The Review Committee did not amend the scores for either SAD #48 or SAD #75. The new score for the Durham School Department has resulted in an amended Priority List.

As previously determined by the State Board of Education, the amended School Facilities Priority List will be used to determine which projects will be placed on the Special Priority List.

Recommendation: It is recommended that the State Board of Education receive the amended School Facilities Priority List for the 2004-2005 Rating Cycle.

MOVED by Ellie Multer, seconded by Joyce McPhetres, and unanimously voted by those present to receive the amended School Facilities Priority List for the 2004-2005 Rating Cycle.

FINAL ADOPTION OF AMENDMENTS TO MAINE STATE BOARD OF EDUCATION, MAINE DEPARTMENT OF EDUCATION RULE CHAPTER 115 CERTIFICATION, AUTHORIZATION, AND APPROVAL OF EDUCATIONAL PERSONNEL (ONLY THOSE SECTIONS WHICH ARE MAJOR SUBSTANTIVE)

Statement of Facts: This rule contains the requirements for certification, authorization, and approval of educational personnel who serve in the public and in certain approved private schools in the State of Maine. Standards and procedures for certification, authorization, and approval are included and are intended to provide the highest quality of personnel to help students meet the standards of the system of *Learning Results*.

The Department of Education and the State Board of Education have reviewed the current rule Chapter 115 and issued recommendations for changes to the Board. On October 13, 2004, the proposed rule was presented to the State Board and the Board voted to authorize promulgation of the proposed in accordance with the Maine Administrative Procedure Act (APA).

A public hearing was held on November 19, 2004, to receive oral comments regarding the proposed rule changes. The deadline for submission of written comments was Friday, December 3, 2004.

Oral and written comments were reviewed by Department staff and the Certification/Higher Education Committee of the Board and responses prepared.

The State Board of Education provisionally adopted the rule and a copy of the provisionally adopted rule was filed with the Secretary of the State and the Legislative Council. The Education Committee held its public hearing on May 4, 2005, and a work session on May 6, 2005, for LD 1530, Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education.

The Governor signed LD 1530 as Chapter 41 on the 20th of May, thus making it immediately effective.

Recommendation: It is recommended that the State Board of Education adopt the amendments to the major substantive sections of Maine State Board of Education rule Chapter 115 Certification, Authorization, and Approval of Educational Personnel.

MOVED by Ellie Multer, seconded Ann Weisleder, and unanimously voted by those present to adopt the amendments to the major substantive sections of Maine State Board of Education rule Chapter 115, Certification, Authorization, and Approval of Educational Personnel.

DRAFT
ADEQUATE EDUCATION PROGRAM CRITERIA
RE: RULES FOR CHAPTER 61

IN MAKING A DETERMINATION UNDER MRSA 20-A 15905, 2 AS TO WHETHER A PROPOSED HIGH SCHOOL DESIGNED FOR LESS THAN 300 PUPILS WILL HAVE AN “ADEQUATE EDUCATION PROGRAM,” THE STATE BOARD OF EDUCATION SHALL CONSIDER CRITERIA LISTED BELOW. THE BOARD WILL OBTAIN INFORMATION FROM THE DEPARTMENT OF EDUCATION WHEN AVAILABLE. OTHER DATA SHALL BE PROVIDED BY THE APPLICANT SCHOOL ADMINISTRATIVE UNIT. THE STATE BOARD MAY CONSIDER SUCH OTHER INFORMATION AS IT CONSIDERS RELEVANT TO A GIVEN APPLICATION. SIMILARLY, THE APPLYING SCHOOL ADMINISTRATIVE DISTRICTS MAY SUBMIT TO THE STATE BOARD ANY ADDITIONAL RELEVANT INFORMATION IT DEEMS APPROPRIATE.

AFTER REVIEWING THESE MATERIALS, THE STATE BOARD OF EDUCATION WILL DETERMINE WHETHER THE SCHOOL ADMINISTRATIVE UNIT HAS THE WILL AND THE CAPACITY TO PROVIDE AN ADEQUATE EDUCATION PROGRAM. THE STATE BOARD WILL HAVE 30 DAYS FROM THE RECEIPT OF THE COMPLETED APPLICATION TO ISSUE ITS DECISION AND THE RATIONALE FOR THAT DECISION.

I. QUANTITATIVE DATA

- A. Faculty quality: Number or percent of faculty meeting the “Highly Qualified” federal standard in the content area in which they teach and the number or percent of faculty holding provisional or professional certification shall be no more than one standard deviation below the State average in each category.
- B. Graduation Rate: Graduation rates for each of the most recent five years prior to the submission of the application and the average of those years shall be no more than one standard deviation below the State average for secondary schools of four hundred or fewer for the same five years.

- C. MEA: For the preceding five years, the percentage of students who fall within the “Does not Meet the Standard” category shall be no more than one standard deviation greater than the State average for this category for schools of 400 or less.
- D. Fiscal Sustainability: The applicant school administrative unit must demonstrate fiscal capacity to maintain both its facilities and an adequate education program based on data in the following areas:
 - 1. Enrollment data: History for the last ten years (DOE data) and a projection for the next ten years (State Planning Office Data).
 - 2. Budget history: Proposed budgets for the previous five years and information as to how well these budgets were accepted by the community or municipal governing body. Projected budgets for the next five years based on EPS, mill rate, number of students, etc.
 - 3. Income data and trends: Household income data for the most recent five year period for which they are available for all the communities to be served.
 - 4. Valuation: Current and previous five year valuation for the community and any expected changes in the near future (e.g. New industrial complex planned, etc.).
 - 5. Operational costs: Projected operational costs for the new building for each of the next five years using the DOE model.
 - 6. Financial obligations: Report any projected increase/decrease in major financial obligations and the capacity of the community to absorb them as anticipated for the next five years.

II. QUALITATIVE DATA

- A. Comprehensive Education Plan: The applicant district must demonstrate that it has a Comprehensive Education Plan that meets the criteria and standards established by the DOE as set forth in joint rule of the State Board of Education and the Department of Education Chapter 125 and also relevant sections of Chapter 127.
- B. Critical Areas: The State Board is particularly interested in the PROGRAMS and RESULTS in the following aspects of the Comprehensive Education Plan:
 - 1. Access for all students to a curriculum that is fully aligned with the Maine Learning Results (Opportunity to Learn).
 - 2. A comprehensive program with adequate resources and an outreach

component that assists all students in planning for post-secondary education.

3. A local assessment program that is fully aligned with the Maine Learning Results.
4. A comprehensive student support program designed to assist all students in meeting the Maine Learning Results.
5. A technology program that is fully integrated into the curriculum and provides all students with access to computing and other relevant technologies as they emerge over time.

MOVED by Joyce McPhetres, seconded by Wes Bonney, and unanimously voted to approve the draft Adequate Education Program contingent upon the addition of the following changes being incorporated and a review of the revised document by the Attorney General:

- 2nd paragraph change 30 days to 60 days
- A. Faculty Quality to read: The number or percent of faculty meeting the “Highly Qualified” federal standards in the content area in which they teach shall be no more than one standard deviation below the State average. The number or percent of faculty holding provisional or professional certification shall be no more than one standard deviation below the State average.
- B. Graduation Rate to read: The State Board of Education graduation rates . . . recent five years prior to the submission. The average of those years shall be no more than one standard deviation . . .
- C. Delete MEA and insert Maine State Evaluation System...
- 2nd Page #2 to read: Budget History: Proposed and actual budgets . . .
- Under Qualitative Data, Critical Area: Delete the letter “B” and move to the end of “A” and reword the sentence as follows: The State Board is particularly interested in the current and future programs and current results in the following aspects. . .

ELECTION OF OFFICERS:

MOVED by Joyce McPhetres, seconded by Janet Tockman, and unanimously voted by those present to elect Jim Carignan to serve as chair and Phil Dionne to serve as vice chair for the period beginning July 1, 2005, through June 30, 2006.

COMMISSIONER’S REPORT:

Commissioner Gendron Reported on the following:

- That the Appropriations Committee took the following action Tuesday evening, June 14:
 - Delayed for one year the capital construction school construction projects.
 - Captured \$5.9 million in capital project audits. This money was deposited in the revolving renovation fund and will be applied toward reducing the state debt.
 - Captured \$3.2 million, which is the state's portion of funding for school bus purchases for the upcoming school year. School districts can still move forward and purchase a bus or busses, but the total cost of the bus will be the responsibility of the district.
 - An adjustment was made to the State Ward State Agency Client Program.
 - Administrative fees charged to school administrative districts (SAUs) for MaineCARE willing services exceeds \$2 million annually. Communication with billing services providers has been initiated along with a review of what capacity would be necessary for the Department to participate.
 - Increased fees for initial teacher, education specialist, and administrator certificates, and for the renewal of inactive teacher, education specialist and administrator certificates.
 - Renewal fees for active teacher, education specialist and administrator certificates. Assessed a \$35 fee for each additional evaluation of teacher endorsements beyond the initial endorsement. In addition a fee of \$15 for each duplicate certificate will be charged; a \$300 fee for administrative portfolios; \$25 for initial and renewal fee for each five-year educational technician authorization; a \$15 fee for the initial approval and for renewal of the approval for individuals paid to work in a school or at a Child Development Services System site in positions that do not require certification or authorization.
 - Eliminated general fund appropriations to the Department of Public Safety for the cost of conducting background checks and fingerprinting for certain school employees. The \$55 fee is to be paid by the applicant.
 - Established a Professional Standards Board to advise the State Board of Education regarding professional growth, certification and governance of the education profession in this State.
- The Democratic Party put forth a proposal that is roughly \$125 million in reductions across the biennium. The proposal includes a cigarette tax of \$1 per pack as well as other adjustments. The Republican Party also submitted a proposal totaling \$256 million in reductions. The difference between the two is that the republican plan has far more reductions in health care and the Dirigo Health plan.

- LD 1424, which is being dubbed the Learning Results mid-course adjustment, is being considered by the Appropriations Committee. She had spoken to both chairs and if LD 1424 is considered this evening, she anticipates that in order for it to be enacted the fiscal note must be removed. If LD 1424 is enacted, the Department's obligation will be to visit every school district between September and December of 2005. In order to accomplish this task, the Department is working to establish a uniform process/plan for each site visit. If board members would like participate as an observer, please contact her office.
- That she has received repeated inquiries regarding agreement between the Community College system and the University of Maine system. The inquiries relate to introductory courses that are taken at the community college level and the acceptance of these introductory courses by the university system but not by Department of Education when the individual seeks certification.
- That Judy Malcolm will be filling in for her during the Board's July 13 meeting as she will be away.

CHAIR'S REPORT:

Chair James Carignan reported on the following:

- That he spoke with Rob Walker, Maine Education Association, to indicate his concerns about the proposed legislation to establish a professional standards board.
- That the Select Panel is scheduled to meet on July 20. The group is making good progress towards drafting a report.
- That he has been asked to be a keynote speaker for the Great Maine Schools Project Summer Symposium at the end of June. He is also speaking at the Kids Consortium program in July.
- In regards to the Board's annual retreat a thought of his is to invite the chairs of the Education Committee to dialogue with them about the Board's relationship with them and the Department of Education.
- That the Education Committee has asked the State Board of Education to be partners in being the first to go through the functional review process where agencies in the State go through a review and create a report and submit the report to the appropriate committee.
- That plans for the Higher Education Symposium are under way and Linda Darling-Hammond is interested in being the keynote speaker.

BOARD MEMBER REPORTS:

Janet Tockman:

- Jean expressed a concern to her that at the college level federal scholarship money is being cut and a number of students who are preparing for the fall semester are receiving their financial aid packages back with thousands and thousands of dollars less than expected. Jean volunteered to work with another board member to draft a letter and then circulate the draft to the entire board for further input. Does the Board want to take a position on this issue and send a letter to Maine's national delegation expressing the Board's concern?

The board agreed that this issue warranted a letter from the Board. Jim Carignan agreed to contact Jean to work out the details of the letter.

- That she attended the Eligibility Task Force meeting. The task force is in the process of "tightening up" definitions to ensure that the qualifications for special education standards are clear. The group has begun working to define the birth to age five component as well.
- That the Certification Committee met with and will continue to meet with the staff from the Governor Baxter School for the Deaf in order to seek a solution to the testing issue.
- Chapter 118, which is the rule that governs the support teams for beginning teachers, is being revised to incorporate a mentoring system a.k.a. the AARBEC model.
- That the Dick Barnes and Jane Andrews met with the Certification Committee to discuss the Maine Alternative Route to Certification (MARC) program, which is a pilot a program to assist individuals with seeking certification. This program was developed as an alternative pathway to certification.

Ann Weisleder:

- That she has been officially sworn in as a member of the State Board.
- That on June 13 she participated as an official board member in her first ATM hearing involving Chapter 13.

Wes Bonney:

- That he continues to serve on the Learning Results Steering Committee.

Joyce McPhetres:

- That the properties owned by MBNA have been sold. To her knowledge, the timing of the sale will not affect the Board's retreat in September.

Phil Dionne:

- That on May 24 he attended the Making the Grade Award ceremony in Lewiston at the Lewiston Regional Technical Center with Jim Carignan. The presentation occurred at the school's honor society ceremony.
- That the CTE Strategic Implementation Committee met for a full day.
- That he has read the report dated May 20, 2005, prepared by Janet McLaughlin, Director of School Construction, Bureau of General Services (BGS). This new report is a result of a recommendation in last year's report, L.D. 149, An Act to Transfer the Bureau of General Services School Construction Functions to the Maine Department of Education, which was presented to the Joint Standing Committee on Education and Cultural Affairs on January 15, 2004. He found that upon reviewing Janet's report it leads one to believe that BGS will be gaining more authority over the school construction process and this is a concern to him.

Jack Norris:

- That he presented the Making the Grade Award to Caribou High School on June 10 during an awards banquet for teachers.
- That he contacted Staples to ask the organization if they would be willing to make a donation that would accompany the Making the Grade Award plaque, but they declined. Thus, he is in the process of making a list of possible organizations who may be interested in making a donation, and if any board members have a suggestion, to please contact him.

ADJOURNMENT:

State Board of Education unanimously agreed to adjourn the Wednesday, June 15, 2005, meeting at 3:30 p.m.