



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 April 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.; Philip Dionne; Jean Gulliver; Marilyn Temple Tardy; Justin Chenette; Mabel Desmond; and Honor Wilkinson attended via ATM. Excused: James Carignan

Also present were: Deputy Commissioner Angela Faherty; Scott Brown, AIA, School Facilities; and Mary Becker, Secretary Associate.

CALLED TO ORDER:

The meeting was called to order at 1:00 PM.

APPROVAL OF MINUTES:

MOVED by Jean Gulliver, seconded by Jim Banks, and unanimously voted by those present to approve the March 11, 2009 minutes as written.

Add Item To Agenda (New Business):

Moved by Jean Gulliver, seconded by Jim Banks and unanimously voted by those present to add an item to the agenda under new business (item C) for consideration of Charter Schools and what position the Board will take.

OFFICER'S REPORTS:

Chair, Ann Weisleder:

- That she was the Mistress of Ceremony for the Teacher of the Year Nominees ceremony that was held at the Hall of Flags on Friday, March 13, 2009. Angela Faherty spoke for Commissioner Gendron. The Governor attended the ceremony as well as Gloria Noyes, 2008 Teacher of the Year.
- That she met with Phil Dionne, Jim Banks and Mary Becker to continue the documents review process.
- That she has been invited to serve as a member of the New England Secondary School Consortium Council (NESSC). The first meeting is tonight, March 11, 2009 at the Senator Inn in Augusta. Ann distributed a copy of the letter along with member roles and responsibilities,

implementation steps for the council, and the mission and vision statements.

- That she has been attending various Hearings and Work Sessions at the Education Committee.

Vice Chair, James Banks

- That he testified before the Agricultural Committee on April 8, 2009, representing the Board neither for nor against LD 1133 “An Act to Implement the Recommendations of the Commission to Study the Protection of Farms and Farmland”.
- That he is interested in getting business cards and possibly name tags for Board members when they attend committee meetings.

BOARD MEMBER REPORTS:

Phil Dionne:

- That he attended a luncheon at the Senator Inn with Dr. Chang, Republic of China. Commissioner Gendron and Deputy Commissioner Faherty also attended and the Commissioner has been invited to China in July. We are all very much looking forward to the expansion of the program.

Mabel Desmond:

- No Report

Marilyn Temple Tardy:

- That she is a member of the Review Team for the Teacher of the Year Program. It has been a great experience and she is very grateful to have the opportunity. She has attended four and has two more to attend throughout the State.

Justin Chenette:

- That he was alerted through an email about LD 1297 “An Act to Abolish the State Board of Education.” He is looking forward to how Brenda at the National Association of State Boards of Education (NASBE) will react to this LD.

Jean Gulliver:

- No Report

Honor Wilkinson:

- No Report

CONSENT AGENDA:

No Items on the Consent Agenda

SPECIAL ORDERS (Important business previously designated for consideration)

REQUEST APPROVAL OF STATE OF MAINE YEAR III REVISIONS TO THE FIVE-YEAR PLAN FOR CAREER AND TECHNICAL EDUCATION UNDER THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006 (P.L. 109-270)

STATEMENT OF FACT: As a condition for the receipt of Federal funds to support vocational and technical education, §122 of the recently reauthorized Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) requires a designated “eligible agency” in each State—in Maine’s case, the State Board of Education—to submit a State Plan for Career and Technical Education. The Eligible Agency must send in a revised budget, any revisions to the plan and the agreed upon performance indicators for that grant period each Grant year covered by the plan.

Following the Guidance for the Submission of State Plan Revisions, Budgets, and Performance Levels for FY 2009 IV Grant Awards- issued by the U.S. Office of Vocational and Adult Education on February 6, 2000 (OMB #1830-0029) the Maine Department of Education Career and Technical Education Team has prepared the Year III State plan revisions covering the grant period beginning July1, 2009 and ending June 30, 2010.

The Year III revisions include:

- A Revised budget for the grant period covering July1, 2009 to June 30, 2010
- Section of revised language on the postsecondary section of the grant
- Rational for the secondary and postsecondary performance indicators
- Revised FAUPL with negotiated Consolidated Annual Report (CAR) indicators
- The Maine framework of Occupational Clusters (based on the 16 national Career Clusters)

RECOMMENDATION: The Maine Department of Education Career and Technical Education Team recommends that the State Board of Education approve the *State of Maine Year III revisions, budget and Performance Indicators for the Five-Year Plan for Career and Technical Education Under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) for the grant year July 1, 2009- June 30, 2010.*

MOVED by Phil Dionne, seconded by Marilyn Tardy, and unanimously voted by those present to approve the State of Maine Year III revisions, budget and performance indicators for the Five-Year Plan for Career and Technical Education Under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) for the grant year July 1, 2009 – June 30, 2010.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; CONCEPT APPROVAL CONSIDERATION; JEFFERSON SCHOOL DEPARTMENT, NEW PREK-8 ELEMENTARY SCHOOL CONSTRUCTION PROJECT.

STATEMENT OF FACT: The Jefferson Elementary school project was rated number 14 on the 2004-2005 Approved Projects List. The project will house grades preK-8, will replace the Jefferson Village School, and will house 287 students, grades preK-8.

A complete New vs. Renovation Study is on file with the Department of Education which supports the Department's recommendation to construct a new facility.

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.

The basic building will meet the educational needs of the children in Jefferson. It is organized in a two-story configuration with the younger children on the first level, the older children on the second level, and the core facilities in the center of the school. The town will be asked to vote on a number of enhancements to the building. They include an expanded gymnasium and cafeteria, additional library space, pitched roofs, an emergency generator, and a geothermal heating and cooling system.

The building has been moved around on the site to achieve the best sun orientation and to reduce steep inclines as well as to improve traffic flow.

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

Superintendent Francis N. Boynton has submitted the following statement: "The development of the Jefferson Building Project has been a focus of the administration and School Committee since 1998. The need was seen as the building was reviewed for structural and code deficiencies at that time. Although some immediate concerns were addressed, the electrical and general facility inadequacies remain today. Early in 2000, the Committee determined the need for 4 additional portable reconditioned classrooms to the facility in addition to the 6 stick built portables that were built on site in 1988 and the one classroom portable for music added in 1995. These structures are showing their age.

The community of Jefferson has provided adequate funds to support the maintenance and upkeep of the building; the general structure, heating system, electrical system, and other components are beginning to age past their life expectancy. In general, the building has reached its useful limit and is rapidly becoming a liability as the components for repair are becoming hard to find. Although a recent project has made a significant difference in the air quality and structure, the building still lacks in this vital area for student health and learning. Community support and skill has certainly played a role in advancing the technology and communication components of the school, but the program has needs, which go beyond the cost effectiveness of a major retrofit.

For the school district, the long-term effect will be a reduction of costs for energy use, repairs, and maintenance. The efficiencies of a new building can be translated into program development and educational advancement in an improved educational environment. Students will not longer have to put on coats to go into the building to get a drink of water or use the facilities.

The development of a new school will become a key factor for the community of Jefferson. The school is a community center, which is final to the character of the community. As the centerpiece of the community, the school will serve the education of the children in a warm educational environment and become a center of pride for the community.”

The Jefferson School Department is requesting Concept Approval for an elementary school grades preK-8 qualifying under State statute and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects.

Project Information

Project: Jefferson Elementary School
Superintendent: Francis Boynton
Principal: vacant
Architect: Oak Point Associates
School(s) to be closed: Jefferson Village School

Project Budget Information

Total Project Cost: \$19,157,708
Local Only (no State participation): \$807,320
Approved for State/Local Debt Service Subsidy: \$18,202,573
Anticipated Maine High Performance Schools Energy Grant: \$147,815

CONSTRUCTION COMMITTEE RECOMMENDATION: At its meeting on April 6, 2009, the Construction Committee voted unanimously to recommend that the State Board of Education grant Concept Approval to the Jefferson School Department for a new preK-8 elementary school construction project located in Jefferson, Maine.

DEPARTMENT RECOMMENDATION: The Commissioner recommends that the State Board of Education grant Concept Approval to the Jefferson School Department for a new preK-8 elementary school in Jefferson, 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 Marilyn Tardy, seconded by Jim Banks, and unanimously voted by those present to grant Concept Approval to the Jefferson School Department for a new preK-8 elementary school in Jefferson, Maine, as a Major Capital School Construction Project and approve the concept budget as presented.

MAJOR CAPITAL SCHOOL CONSTRUCTION PROGRAM; PHASE I DESIGN AND FUNDING APPROVAL CONSIDERATION; FALMOUTH SCHOOL DEPARTMENT, NEW ELEMENTARY SCHOOL CONSTRUCTION PROJECT IN FALMOUTH, MAINE.

STATEMENT OF FACT: The Falmouth Elementary School will be constructed in Falmouth, Maine, and house 917 students, grades preK through 5. The project received Concept Approval on August 12, 2008. The subsequent referendum passed with a 70% vote in favor of the project.

The Falmouth Elementary School project has been divided into two phases. This request is for State Board of Education approval of Phase I of the project. Phase I consists of the construction of a wood fired heating plant which will serve both the high school and the new elementary school and the construction of two athletic fields to replace those that will be lost because of the construction of the elementary school on the campus.

By constructing the heating plant at this time, Falmouth will take advantage of reduced energy costs at the high school for the 2009-2010 school year. Also, by constructing the two athletic fields at this time the impact on Falmouth’s athletic program will be lessened.

It should be noted that these projects will be financed through bond anticipation notes. Based upon recent construction bids especially those for Durham and Brewer, and based upon what we have experienced in interest rates on bond anticipation notes, there appears to be significant savings in doing the projects now rather than waiting a year. Because of these factors, the Department of Education will ask for Design and Funding Approval for Phase II later this spring or early summer.

In Phase I of the budget Falmouth has local only funds to pay for part of the heating plant because the plant will service the high school as well as the new elementary school once it is built. There are also local funds to pay for the irrigation of the two new athletic fields.

<u>Phase I</u>	<u>State/Local</u>	<u>Local Only</u>
Boiler Plant (construction)	\$1,327,400	\$280,000
Boiler Plant (site)	\$218,500	\$20,000
Athletic Fields	\$1,320,500	\$200,000
Administrative Costs and Reserves	\$310,129	\$46,341
Fees and Services	\$230,977	\$34,514
Total	\$3,407,506	\$580,855

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

- The Falmouth 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 Town of Falmouth;
- The Falmouth project estimated capital outlay expenditures are reasonable; and
- The Falmouth proposed project is in compliance with MRSA Title 20-A, Chapter 301, as it relates to special education facilities.

Project Information:

Project: Falmouth Elementary School

Superintendent: George Entwhistle

Principal:

Architect: Oak Point Associates, Rob Tillotson

School(s) to be closed: D. W. Lunt School and Plummer-Motz School

Project Budget Information:

Concept Approval Date: August 12, 2008

Phase I - Project Cost: \$3,988,361

Phase I - Local Only (no State participation): \$580,855

Phase I - Approved for State/Local Debt Service Subsidy: \$3,407,506

Phase I - Anticipated Maine High Performance Schools Energy Grant:

None for Phase I

CONSTRUCTION COMMITTEE RECOMMENDATION: At its meeting on April 6, 2009, the Construction Committee voted unanimously to recommend that the State Board of Education grant Phase I Design & Funding Approval to the Falmouth School Department for a new preK-5 elementary school construction project located in Falmouth, Maine.

DEPARTMENT RECOMMENDATION: The Commissioner recommends that the State Board of Education grant Phase I Design and Funding Approval to the Falmouth School Department for construction of a wood fired heating plant and two athletic fields in preparation of construction of a new preK-5 school in Falmouth, 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 Marilyn Tardy, seconded by Jim Banks, and voted with five members in favor and one member abstaining (Jean Gulliver) to grant Phase I Design and Funding Approval to the Falmouth School Department for construction of a wood fired heating plant and two athletic fields in preparation of construction of a new preK-5 school in Falmouth, Maine, as a Major Capital School Construction Project and approve the design and funding budget as presented.

FINAL ADOPTION OF AMENDMENTS TO SECTION 8 AND SECTION 9 OF CHAPTER 61, RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS, REGARDING HISTORIC NEIGHBORHOOD SCHOOLS.

STATEMENT OF FACT: On April 8, 2008, the Maine State Legislature emergency adopted P.L. Chapter 578, An Act to Preserve Successful Historic Neighborhood Schools. In accordance with P.L. 578, amendments to Section 8 and Section 9 of Chapter 61 were proposed to outline the criteria under which a waiver of the requirements of 20-A MRSA §15908-A, School energy efficiency standards rules, may be granted. P.L. 578 established these changes as *routine technical* and have been processed as such in accordance with the Administrative Procedure Act.

Construction Committee Recommendation: The Construction Committee voted unanimously on April 6, 2009, to present the amendments to Section 8 and Section 9 of Chapter 61 to the State Board of Education with a recommendation to adopt the changes in accordance with the Administrative Procedure Act.

Commissioner's Recommendation: The Commissioner of Education recommends that the State Board of Education adopt the amendments to Section 8 and Section 9 of Chapter 61, Rules for Major Capital School Construction Projects in accordance with the Administrative Procedure Act.

MOVED by Jean Gulliver, seconded by Marilyn Tardy and unanimously voted by those present to adopt the amendments to Section 8 and 9 of Chapter 61, Rules for Major Capital School Construction Projects in accordance with the Administrative Procedure Act.

NEW BUSINESS:

Nominating Committee:

The Nominating Committee will be convened, and Jean Gulliver has agreed to serve as chair of the committee with Phil Dionne and Marilyn Tardy serving as members. Nomination Forms for Chair and Vice Chair are due to Mary Becker by Friday, May 1, 2009.

Student Member Selection Committee:

Ann Weisleder, Chair of the Board appointed a Committee for the Student Member Selection Process and distributed a screening and selection procedures outline to members. The committee members are as follows: Jean Gulliver, Jim Banks, Justin Chenette, Honor Wilkinson (telephone) and Ann Weisleder. Marilyn Tardy is an alternate.

Consideration of Charter Schools Position:

MOVED by Jean Gulliver and seconded by Phil Dionne for the Board to proceed with developing and drafting a position in support of LD 1438 "An Act to Permit Charter Schools in Maine". 5 in favor, 1 opposed (Mabel Desmond). The motion carries.

UNFINISHED BUSINESS:

2009 Annual Board Retreat:

The Board discussed dates for the Annual Retreat. Mary will meet with Sandra Moreau; Commissioner Gendron's Scheduler for dates the Commissioner is available and also contact Brenda Welburn at NASBE for her available dates.

ANNOUNCEMENTS:

- No Announcements

PUBLIC COMMENTS:

- No Public Comment

ADJOURNMENT:

Moved by Marilyn Tardy, seconded by Phil Dionne, and unanimously voted by those present to adjourn the April 15, 2009, State Board of Education meeting at 3:02 PM.