

State of Maine
STATE BOARD OF EDUCATION

Testimony of Fern Desjardins, Chair of the Maine State Board of Education

In Support of: L.D. 1018

An Act to Increase the Membership of the State Board of Education and Review the Board's Responsibilities, Functions and Staffing

Before the Joint Standing Committee on Education and Cultural Affairs

Introduced by: Representative Brennan

Date: March 22, 2023, 10:30 AM

Senator Rafferty, Representative Brennan, and Honorable Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Fern Desjardins, Chair of the Maine State Board of Education. In my absence today I have asked Paulette Bonneau, Vice Chair of the State Board, to appear before the Committee to read this testimony on my behalf in support of L.D. 1018 An Act to Increase the Membership of the State Board of Education and Review the Board's Responsibilities, Functions and Staffing.

As stated in L.D. 1018, The State Board of Education is established by Title 5, section 12004-C subsection 1. Boards identified in that section of Title 5 have primary responsibilities that include the formulation of educational policy; review and evaluation of educational policy; and the administration of educational institutions. The statutory reference for the State Board can be found in Title 20-A MRSA §401 and the powers and duties are in §405.

The statutes refer to the State Board as an autonomous body with certain policy-making, administrative and advisory functions. In those capacities, the board has the primary responsibility for formulating policy, advising the commissioner, and enforcing regulatory requirements. In the specific duties section of §405 *Powers and duties*, the statutes identify 20 duties of the board (e.g., approve the formation of school administrative districts; establish standards for the certification of teachers, adopt or amend rules on standards for school construction, etc.). There is also a section on *Recommendations to Legislature; Federal career and technical education aid; Contract for services; and Comprehensive school budget approval procedure*.

All responsibilities and duties of the board listed in the statutes are very appropriately placed in the hands of the State Board. There are some areas in which the board is heavily involved and others in which we could assume more responsibility. The board consists of nine members (appointed volunteers) and two non-voting student members. Some of the members have full time jobs. There is a full time secretary specialist to assist the board but no one is employed in a leadership capacity. The board annually elects a chair and vice chair to lead the work of the board. The elected officers and other members of the board receive per diems of \$55.00 on days they attend meetings or participate in official business of the board required by law or by rule of the board or a procedure which is necessary to fulfill the statutory responsibilities of the board.

The board accomplishes most of its work through its standing and ad hoc committees and though the statutes refer to the board as an autonomous body, they couldn't accomplish many of their duties without the help of DOE staff.

The work done by committees can be very time consuming as they prepare to move recommendations to the full board. Not having a professional staff member to assist with research and policy operations, keep

up to date with legislative bills and provide testimony at hearings, develop and implement the boards' strategic plan, collect data for evidence-based decision making, and work with stakeholders in the policy process results in board members dedicating a good amount of time to board duties. Members need to be active on two or more committees.

Some of the consequences of the above have led to the following:

1. Inconsistency in the implementation of the board's own rules, policies and procedures.
2. Inconsistency in the implementation of DOE and other rules.
3. Postponements of the major work needed to update certain chapters.
4. Three board members resigning in the last 1.5 years because of the time commitment.
5. Lack of continuity as members of the State Board and committee chairs change.
6. The Government Evaluation Act Program Evaluation Report of 11-1-2021 and 11-1-2013 both mentioning that the board would benefit from the guidance of an Executive Director.

The timing is ripe for a review of the board's responsibilities, functions and staffing. Whether the review and subsequent report should be undertaken by an impartial entity or by stakeholders and other interested parties is a matter that should be discussed in work sessions of the Education and Cultural Affairs (ECA) Committee. No changes in staffing of the State Board should take place until the report is received and discussed by the ECA Committee.

L.D. 1018 also adds a current or former Maine Teacher of the Year to the State Board for a 3-year term. The teacher would be nominated and appointed by the board.

Title 20-A MRSA §401 was amended in 2019 to include a teacher and administrator on the State Board. Since then, there is a teacher and an administrator on the board. There is no need to amend the law again for a Maine Teacher of the Year to serve on the board. The Governor should appoint a Teacher of the Year if they wish to do so and the teacher would serve like all other members of the board, just like the current teacher and administrator on the board.

The following are suggested for consideration in work sessions of the ECA Committee:

1. There is currently a teacher representative on the State Board. See L.D. 176 "An Act to Enhance Participation on the State Board of Education" sponsored by Rep. Dodge that became Public Law, Chapter 421 on June 20, 2019. It changed 20-A MRSA §401, sub-§2 and sub-§6.
2. Increasing the number of members on the board from 11 to 12 increases the chances for a tie vote.
3. The board feels it is important to acknowledge the impact on classroom coverage when a teacher attends SBE workshops, monthly business meetings, and committee meetings. The board is mindful of the recurring absences such a position would require of an active teacher and the impacts that could have on staffing at a time when finding substitute teachers can be challenging for many schools across our state.
4. Increasing SBE membership would require an increase in the budget to cover the expenses and per diems associated with adding a 12th member to the board.

The State Board of Education supports a review and report back to the ECA Committee of the board's responsibilities, functions and staffing, and that no changes in those three areas be made until the report is received and discussed by the Committee. If the ECA Committee desires to have a Maine Teacher of the Year on the State Board, they should advise the governor to consider or make such an appointment.

Thank you for this opportunity to comment.

I would be happy to answer questions the Committee may have. The State Board will be available for work sessions on this bill.