

Maine Charter School Commission

August 4, 2015, Business Meeting minutes accepted as written by a Commission vote 9-15.

I. Call to Order

Chair, Shelley Reed, called the meeting to order at 9:33 a.m.

II. Roll Call

The following members were present: John Bird, Jana Lapoint, Laurie Pendleton, Mike Wilhelm, Shelley Reed, Chair. Also in attendance were Bob Kautz, Executive Director; Gina Post, Director of Program Management; and Deanne Lavalley, Administrative Assistant.

Members excused: Nichi Farnham and Ande Smith.

III. Adjustments to the Agenda

Baxter additional facility at 561 Congress Street, Portland.

MeANS request for a material amendment to increase enrollment by 10%.

IV. Acceptance of Minutes

- A. Moved by Jana Lapoint; seconded by John Bird and voted unanimously by those present to accept the July 7, 2015, Minutes as written.

V. Officers' Reports

A. Chair

Monitoring visits; End-of-Year Reports with Review Members.

Looking in the file drawers – what are we keeping on each school for future use especially for the five-year renewal with new review team members due to members terming out of the Commission.

Think about what you may have that are in your home files that should be included in the MCSC files in the office. Cornville and MeANS in their 4th year – appropriate information needed for review.

Public Documents subcommittee – researched what other states/organization – What do they think are important elements for the public and how do they present that information.

Nichi (Farnham) and Ande (Smith) have been working on the Contract subcommittee.

We had a potential candidate for the Administrative Assistant position, but that person withdrew before her interview. It is still open and we would like to find a person sooner than later.

B. Vice Chair

VI. Staff Reports

A. Executive Director

Work on End-of-Year Reports.

Yesterday, Mike (Wilhelm) and I met with Beth Lorigan, Principal of Maine Virtual Academy, to review the pre-opening process and to be sure they are ready for the Pre-Opening Review (August 11) at the Ballard Center, Augusta.

B. Director of Program Management

End-of-Year Reports; Cornville, Fiddlehead, Baxter, Maine Connections have been reviewed on a conference call with the Review Teams; second drafts are in process – Harpswell's review of the first draft will be after the business meeting this afternoon.

Second drafts will go out to the review team as soon as they are complete.

MeANS' first draft should be done by the end of next week. I'll get it out to John as soon as it is done. Can we schedule a review team conference call or in-person meeting to review the first draft?

VII. Unfinished Business

A. Updates on End-of-Year Reports

o **Baxter**

Jana Lapoint: Conference call clarifying the information that needs to go in the report.

We were very impressed with the successful flex Fridays.

Teacher, Students, Administration have put together a strong program for snow days. Very well done and documented and now there are other public schools looking into it.

Teachers have taken on more responsibilities they asked for in the administrative part of the school.

o **Cornville**

Mike Wilhelm: Thanks to Gina, we are working from a fantastic draft report. Conference call – Yesterday, Gina sent out a second draft based on that call.

Review Team very pleased with Cornville. Everyone seems to be on board with the mission and vision of the school. Lot of curriculum work being done; instituted the iPad with the kids. Working on mass customized learning; behavior curriculum now; new administrative team, who are working very well together. Invested teachers who have been allowed some autonomy to work the schedule to educate more effectively.

A couple of issues in the first three years that they have worked through, which will have some recommendations; overall a good review.

Shelley Reed: The day I went to do classroom observations, they had two national presenters, who will be spending the summer with the staff; impressive the staff is going through a whole series of summer work for mass customized learning and then with the **proficiency based curriculum.**

- **Fiddlehead**

Shelley Reed: Review Team attended the on-site work; fed our notes into Gina, who entered it into the new “standardized” format. **Reggio Emilia** basis for their program; measuring that with the system of assessment – how does it become a perfect match. They are working through this with subcommittees on the governing board, staff, parent expectations. A 5-year old was asked what he liked best: *“Free exploration of recycled material and sometimes we make pet houses!”*

- **Harpswell**

Laurie Pendleton: An update of where we are: I went in two weeks ago and visited some classrooms prior to the end-of-year visit. Gina has a rough draft and we are meeting today following this business meeting to review this draft and do the commendations and recommendations. The report format is easy to read and informational.

- **Maine Connections**

Mike Wilhelm: The Review Team had a conference call yesterday to walk through the first draft by Gina. We are feeling very comfortable about where they are at and how they are doing. MCA has a couple of concerns – truancy for one – they are trying to deal with. Overall, it is the end of their first year and they are taking stock. MCA has passed the test for the baseline year.

Laurie Pendleton: Most of our schools are going to be delayed waiting for their State Assessment data.

Shelley Reed: Connections had a nice graduation ceremony with six graduating seniors at the Maine Principals’ Association Conference Room. Music produced by the students; Teachers spoke about each individual student and their path.

- **MeANS**

September 1 = MeANS Report Writing (following Business Meeting) – RM 103B.

John Bird: End-of-year Visit on the 28th of July; first draft is still being developed. MeANS school year begins in September and ends in August; consequently, we are planning on an October 6 and hoping Bob will pave the way with the Commissioner (DOE) for a late submission on the Annual Report. Great visit - classrooms, operation of school, wonderful tour through the new facility, which will open in September – like night and day from the current school. Their enrollment continues to grow; innovative thinking of how to grow the school so they continue to have a very strong program with the highest percentage of at-risk students of any Maine public charter school. We need to finish the commendations and recommendations.

Jana Lapoint: Very nice graduation and of the 23 students 17 college courses were taken. KVCC is adjacent to the school and will be a game changer for the region including MeANS. One of the graduates received the Mitchell Scholarship.

B. Update for filling administrative assistant vacancy.

Shelley Reed: We had a candidate withdraw; hopefully, we have some more candidates to interview.

VIII. New Business

A. Fiddlehead Non-material amendment notice -New Board Member - Mary J. O'Connor. No confirmation of her name or resume received from Fiddlehead. Mary Jo O'Connor. Table until we receive the resume.

B. Harpswell Coastal Academy Material Amendment Requests for Commission approval new Brunswick Facility:

By July 24, the Commission did not receive from Harpswell Coastal Academy the following:

- Certificate of occupancy
- Evidence that the facility meets applicable health, safety, and fire code requirements
- Evidence that the facility is of sufficient size
- Disaster response/safety plan **Evacuation Plan Received.**
- Transportation and Food plans to include new location and any changed contracts
- Insurance for the new facility
- A complete budget for FY 15-16 school year demonstrating financial viability for this development as an additional cost in the HCA budget. **Transportation budget only received.**

August 4, 2015, John D'Anieri states:

- All materials will be delivered to the Commission within the next few days or by August 14, 2015.
 - Evidence that the facility meets applicable health, safety, and fire code requirements.
 - Evidence that the facility is of sufficient size.
 - Transportation and Food plans to include new location and any changed contracts.
- Monday, 8-10-15, HCA Budget Committee will approve the Transportation Budget and the 2015-16 HCA Budget.
- The 2015-16 HCA Budget, including Transportation, will be forwarded to the Commission immediately.
- FINAL dated copy of the all-inclusive 10 Month Lease for \$40,000 with TBW,LLC, South Freeport, Maine, with all signatures sanctioned by the HCA Board.
- Occupancy Permit.
- Insurance verification from Cross Insurance.

Moved by John Bird; seconded by Laurie Pendleton and voted unanimously by those present to authorize Shelley Reed, Chair, with the Review Team Chair Pendleton, to approve the opening of Harpswell Coastal Academy's additional facility with the receipt of all appropriate documents by Friday, August 14, 2015.

John D'Anieri: Assistant Head of School for Division 2 is the most significant personnel implication. We are trying to do some "shared services" with *Seeds of Independence*. Not just a landlord relationship but, part of a strategic plan for us.

C. MEANS Requests for Commission Approval:

1. Bob Kautz will determine the designated contact person for MeANS. MeANS may be waiting for an announcement of a new president. Contract Committee is taking a look at setting the contact person by position rather than name.
2. Update on the new facility with a name and address of: Moody School, 13 Easler Road, Hinckley, Maine 04944, receipt of documents required by the MeANS Charter Contract dated July 31, 2012, sections 1.5 Location, 1.6 Facilities and 6.10 Material Amendment as soon as possible and no later than the opening day of school for students.
 - Bob Kautz conversation with Rob Moody impossible for them to receive the certificate of occupancy until the school is finished and has the visit. Opening is September 8 for new students and September 15 for all students; should be received by September 1.
 - Shelley Reed: Should not be received on the first day of school; needs to be prior to that date.
 - Gina Post: Part of last month's discussion is that the new school is on the same campus –no change in transportation, insurance is under GWH, etc.
 - Shelley Reed: No vote today; will be a September vote.
3. MeANS Performance Measures discussion and recommendation by the MCSC Review Team.

Bob Kautz: We received a draft, but this process has not been completed. Review Team has not met to discuss and approve the Performance Measures.

Baxter Review Team has not met on their Performance Measures.

Between now and September 1, have the Review Teams and have further discussion with the schools to complete or make a final determination – recommendation to the Commission for a vote to accept/approve.

Deanne: Questions from Laurie's review for MeANS on the 6-29-15 Draft of the Performance Measures, which have not been answered yet.

Bob: They are not ready. We need to finish these up (Performance Measures). We will, I will, have them completed as the new school year is rolling out.

John: Will use the 6-29-15 Draft to meet with Bob, Laurie and Jana to review while we are here. (Draft copies for each member provided.)

D. Strategic Plan Activity: July 7, 2015, Meeting Updates from:

- Monitoring – Laurie Pendleton
Identified and assigned those tasks to members.

- Contract – Nichi Farnham and Ande Smith – Bob Kautz
Initial meeting was here on July 7, conference call last week with Sarah Forster.
Reviewed entire contract; looked at model contracts from Louisiana, New York, New Jersey, Hawaii, as well as, the NACSA model contract.
Committee was comfortable with the format of the NJ Contract, which is similar in some part to NY; reviewed the terminology and the content. Sarah is going to be working at pulling it together into a draft for them to look at; waiting for Sarah to return and will meet again.
- Public Documents – John Bird
Gina (Post) will not be able to do any drafting of public documents until late fall. We are ensuring we have the material we need. Used MACS' website for the charter school history for the public documents.
Shelley Reed: Explored other dashboards of information that contain student data, school data, facts about schools in other areas of the country.
- Budget - Ande Smith, Mike Wilhelm
We assigned some tasks to Bob in our notes. Developed a timeline for the Commission Budget and once it is created, a timeline for review of the budget throughout the year. We need to learn the government budget process with the legislature, etc.

IX. Other

A. Baxter Additional Facility – All we have received is an unsigned letter from Kelli Pryor, Chair.

Gina Post: Carl Stasio has some documents ready to send; contractor coming for an estimate on renovations – nothing delivered yet.

First day of school is September 8, 2015.

Bob Kautz: Have searched a number of sites and their current facility to use for all of their students. They have had conversations with an architect and the code enforcement office of the City of Portland - content of material between the first and second floors, etc. Doing what they can to move forward and have kept us abreast of this all along the process. They do not have any of the information that we need as yet, because they do not have a lease signed – a proposed lease for three years. They will not have the renovation plan and completed within 10 days or a certificate of occupancy; has been used as an educational facility before.

At the Commission Business meeting today, August 4, 2015, the Commission members decided that Baxter Academies needs to present to the Commission by **August 14, 2015**,

- A timeline for providing the documentation listed below and
- If the necessary documents are not available by 8/14/15 as stated below and/or an occupancy permit, is not available to you by your first day of school, September 2, 2015, a Plan B for Baxter beginning school without the use of 561 Congress Street, Portland.

Documentation:

- Signed Lease.
- Any renovations needed; completion date.
- Certificate of occupancy.
- Evidence that the facility meets applicable health, safety, and fire code requirements.
- Evidence that the facility is of sufficient size.
- Equipment plus IT hardware and software.
- Classroom Assignments and set up for 54 York Street Suite 1 and 561 Congress Street first floor.
- Disaster response/safety plan.
- Transportation and Food plans to include satellite location and any changed contracts.
- Insurance for the satellite facility 561 Congress Street, Portland, First Floor.
- A complete budget for FY 15-16 school year demonstrating financial viability for this development as an additional cost in your budget.

B. MeANS – Request to increase their enrollment with a 10% margin above, which is contained in some of the later contracts. MeANS' contract only sets a 10% under enrollment criteria. This 10% would mitigate the change of students at the start of school so they would have a final count of at least 122 – the current cap.

Motion by Laurie Pendleton; seconded by Mike Wilhelm and voted unanimously by those present to approve the 10% over the enrollment cap.

C. For the September 1 Agenda, the Commission to consider temporary contract positions for services – Educational Research – academic results of each of the charter schools, developing reports to consider the performance of the charter schools recognizing the change in assessments makes it difficult to form conclusions based on the State testing. This would provide more verifiable determinations for the Commission when it comes to contract renewals. Another would be for the public charter school finances in relation to their financial viability.

This would be a contract with someone to provide these services on occasion when we need them – project based.

Shelley Reed: Concerned we know how the public charter schools are performing in comparison to the area district public schools. We do not have the capacity to do this type of data collection and neither do the schools – from time of origination throughout their 5-year commitment.

Bob Kautz: We will need to find out how we do it as a sole-source provider; state government requires that it is an open and fair process; very strong reasons to grant it to a specific person/organization. Contract with David Silvernail is an ongoing contract with the Department.

X. Announcements

A. Turn in Expense Account Vouchers at the end of the meeting.

B. Reminders of important dates for your calendar:

- Maine Virtual Review Team –
 - August 11 = Pre-Opening.
 - December 2 = 90-Day Visit.
- Next MCSC Business Meeting: September 1, 2015.
- Applications available for Review – on or before September 10.
- September 30 and October 1 = Review Team Interviews with Applicants.
- October 13 = Vote on Applications moving to Phase 2 of the process.
- October 19 – 22 = NASCA Conference, Omni Interlocken Resort, Broomfield, Colorado.
- October 26 - 29 = Commission Interviews – Public Hearings.
- November 17 = Applicant vote to contract negotiations.

XI. Public Comment

John D'Anieri, Harpswell Coastal Academy Head of School: For consideration at a later date, HCA and MSAD 75 have a differing opinion of how extracurricular activities ought to play out and what the various responsibilities are.

HCA Board believes it is within the Charter Commission's interest to work this issue out as opposed to an individual school and school district. This probably will have to be resolved with statute as opposed to individual agreement with every district.

If there is a way to do this collaboratively with the stakeholders at the table, including all the stakeholders and the Charter Commission would be representing all the charter schools.

The original law and the amended law, a year or two later, may be in conflict with each other; the intent versus the actual language. The DOE and the district lawyer have a different interpretation of the word "capacity."

The Commissioner sent a letter to MSAD 75, which SAD 75's Superintendent disagreed with in a response. Since that time the MSAD 75 Board has since passed a policy that would exclude our students in a way that we believe is not fair; and more importantly, not the intent of the law.

Issue will be in the winter season; so trying to keep communication open, we have sent a list of our seven athletes this fall and it does not look like any of those athletes will be excluded from fall sports – they are not try-out sports.

Capacity – if they have a 15 member sport and they have 15 students from the public district school, all students pass try-outs, there would be no space for any charter school students who reside in that district.

The cost-sharing is not the issue. New law allows the Superintendent to assess a reasonable cost. Rather than the charter schools spend time, money and community relations rustling this for the next year or so. I think the Commission should discuss maybe at a September meeting; we would be happy to come back in September.

Mike Wilhelm: How does Brunswick interpret the law?

John D'Anieri: Have not had any challenge from any other school district. There is disagreement within the school committee on *whether to allow them to play*.

Roger Brainerd: Federal Charter School Office has announced that the Non-SEA Grants are going out after MCSC application cycle. Question about someone submitting part of an application early is a moot point.

Governor has expressed interest in changing the cap on *charter schools*. Need to pay attention to the Legislative Council in September if you want some legislation put forward. Commission should look at process early in September – i.e. the cap and how that might play out. Next session everything has to come through the Legislative Council or the Governor.

Judith Jones: Changes in the way Catholic Schools are running themselves. Several Catholic Elementary schools converted themselves into one charter school with 7 campuses and very successful. Catholic Charter network in New York City where the Diocese is saying we need to learn from public charter schools about autonomy, monitoring, governance, results, etc. The ripple effect is quite remarkable.

We are hearing from five applicants, but we don't really know how many applications you will get on September 1.

Do you want to give us any ideas for possible workshops? We could try to recruit other national experts to come in.

Education Research and the possibility of contracts is good. We have been in touch with Thomas College to enter into a partnership with undergrads and grads to do research on charter schools both from an education and business point of view. We do not have anything firm yet; what we have learned if you want a college student to do an internship or study, you have to pay them. RFP for a particular project you want done as a way to engage a number of institutions and independent researchers already involved with charter school research.

Next "Heads of School" meeting – sometime in September; no date set. Discuss MACS offer for a workshop.

Vicki Wallack: There is a lot of cooperation going on out there right now that you need to be aware of – there are kids playing. The issue has been and always will be – do you knock a kid off from the school and say they cannot play or force the school to increase the size of the team. The Superintendents are really trying to accommodate kids. It is more complicated than – is it right to say to a kid that is actually attending that facility that they cannot play on that team. It is not easy. I do not want to leave the impression and the intent of the sponsor of the law was very clear that it should not knock an attending student off. Cooperation is happening all over the state right now. You should hear from the Superintendent involved in this particular discussion. There are two sides to every coin and it really is about every kid.

Bob Kautz: I will confer with Sarah (Forster) in regard to the appropriateness of the Commission entering into this discussion. Facilitated communication and organize to have an open discussion that might contribute to resolution. But going forward with outside legal costs – does it fit with the Commission's use of funds.

XII. Adjourn

Motion by Jana Lapoint; seconded by Laurie Pendleton and voted unanimously by those present to adjourn at 12:45 p.m.