

Maine Charter School Commission Meeting - April 1, 2014

Minutes

The Maine Charter School Commission held a meeting on April 1, 2014, at the Burton Cross Office Building, 111 Sewall Street, Augusta, ME.

I. CALLED TO ORDER:

Chair, Jana Lapoint, called the meeting to order at 9:00 a.m.

II. ROLL CALL:

The following members were present: Jana Lapoint, John Bird, Laurie Pendleton, Shelley Reed and Ande Smith.

Mike Wilhelm is excused and Heidi Sampson resigned as of March 28, 2014.

III. ADJUSTMENTS TO THE AGENDA:

None.

IV. APPROVAL OF MINUTES:

A. Moved by John Bird; seconded by Shelley Reed and unanimously voted by those present to accept the Minutes as written.

V. OFFICERS' REPORTS:

A. Chair

You have all received a copy of the resignation of Heidi Sampson. We understand that family comes first and have accepted her resignation. We thank her for the time that she has given to the Commission.

I attended, along with Bob Kautz, the Education and Cultural Affairs Committee meeting on Thursday that dealt with LD 1617, Rep. MacDonald's bill and SR 995, which is Senator Alford's bill – on both of these there was a minority report, but also a majority report that said "ought to pass."

Chairperson Lapoint addressed the audience regarding the reconsideration of the Maine Virtual Academy application with a reminder to the general public: " We appreciate receiving letters of support and denial on an application. We take all information into consideration before making

our final decisions. We request that you do not try to address or influence any member of the Commission and if you do, do not be offended if they refuse to engage in a conversation with you. We are an independent Commission and guard our responsibility to be objective and impartial to all applicants.”

B. Vice Chair

Shelley Reed: We have been working on Proposed Chapter 3 Procedures for Public Charter School Renewal and received some input from Deb Friedman and those are the new pieces that will come up today in Unfinished Business.

C. Executive Director

1. LD 1617 Rep. MacDonald on funding of virtual schools was approved at a work session.
2. LD 995 Senator Alford’s bill to impose a moratorium on virtual charter schools was passed along.
3. I have been in touch with each of the Charter Schools in regard to Health Services. They are filling vacancies, sent me contracts or initiating the process.
4. Cornville ran into a problem with their tax exempt status. Cornville was technically in existence as a non-profit prior to their having a charter contract. According to the IRS, they are in year 2 and had forms to complete. Justin has gone to the tax office and has sent in an appeal.
5. Harpswell – I received an email from them regarding their report they received in February regarding to their lack of assessments. They are working with Sue Fossett, who is in charge of school assessment for DOE. Moving ahead and making progress.
6. Questions and Discussions:
What happens to Maine Connections Academy if the funding for virtual schools is changed by the passage of LD 1617? It would change their budget, their program; immediately this coming school year. They are going to have to keep a budget that is in their control not in control of the EMO. They are going to have to set up the budget and work with the EMO as to what they will be purchasing from them. EMO and CMO are management organizations. ESP is Education Service Provider – technically, they are an ESP not an EMO. Do we know any other states that do different state funding for virtual as opposed to using the same? NH is a flat rate per student, per courses completed –which, appears to be different than the per-pupil amount. In other states, they set funding levels that are different, but I haven’t seen anything about how they calculate it. It seems more random than scientific. Rep. MacDonald did present a paper on the funding of virtual schools. That was more a model that two professors were putting forward on the basis of what they looked at as the funding levels around the country, made some assumptions and put a model together; but not so much a research determination as it was a survey or good practices.

VI: UNFINISHED BUSINESS:

Proposed Chapter 3 Procedures for Charter School Renewal

Moved by Shelley Reed; seconded by Laurie Pendleton and voted unanimously by those present to move forward to the APA process on Chapter 3 as amended.

Consideration of further Action in regard to Lewiston-Auburn Academy Charter School.

No further action taken.

VII: NEW BUSINESS:

Consideration of a Request for Reconsideration by Maine Virtual Academy of Charter Commission action.

Sarah Forster was present to advise the Commission. Due to the resignation of Heidi Sampson on Friday and a second reconsideration request from MeVA dated March 27 which the Commission MEVA Review Team reviewed on March 28 and sent to the Commission on March 29 a report to consider as they prepared for the Commission meeting. Also, Sarah informed the Commission of portions of Robert's Rules of Order that needed to be considered.

Robert's Rules in regard to reconsideration states that a motion to reconsider can only be made by a party (member) who prevailed in the prior vote. Robert's Rules specifically deals with a situation like this one when it says that in a super-majority situation, a prevailing party may actually be a member of the minority. Normally, you think the vote is 4 to 3, the prevailing party are the 4. In this case, the prevailing party was the 3; because by Commission rule you need 5 votes. Because of that, the motion to reconsider has to come from one of the people who voted no on the motion. As we sit here today, the only person that meets that criterion is Shelley, because the other two no votes are not present— one of them is absent and one of them has resigned. That is what brings us under Robert's Rules to this question and, more specifically, to the question of whether Shelley at this moment is prepared to make that motion.

The Chair stated that the Commission did not want Shelley Reed to feel pressured to take a position today and suggested it might be appropriate to schedule it for the next meeting of the Commission when Mike Wilhelm would be present and either Mike or Shelley could take appropriate action.

Shelley Reed stated at this point in time she did not feel comfortable in moving forward a motion for reconsideration, she would like to have the opportunity to look closely at the information and she wanted to be fair.

Sarah Forster advised that since no one was present who is willing to make the motion that the Commission re-schedule a meeting when both Shelley and Mike who are in the majority—minority can make the motion. If neither of them makes the motion, Sarah advised that at that point the Commission has nowhere else to go. There would be no motion for reconsideration and no one else who would be eligible to make the motion.

Jana Lapoint said that the request for reconsideration would be put on the May 6 Commission meeting agenda.

The Chair also made the following statement:

May I just request to everyone sitting out here, please, do not under any circumstances make a phone call to either Shelley or Mike. Leave them alone and let them read the information themselves and let them come to their own conclusions about what has to be done. Please.

With Approval of VII. A., Commission discussion and action on reconsideration of Maine Virtual Academy.

Due to no action on agenda item VII. A. this was not acted upon.

Consideration in regard to the next round of Requests for Proposals:

Dates for the RFP process.

Members expressed their preference that the next process be completed before the busy holiday seasons of late November and December.

RFP is in good shape and does not need significant changes. An RFP could be available at a date as early as June 14, which could get result in getting student enrollment information out to the resident districts earlier. The RFP can be approved on May 6. The Commission was asked to review the past RFP process and RFP documents and to send to Deanne or Bob suggestions of areas in the RFP to be changed and considered for inclusion in the documents.

General RFP or limited to specific topics or combination and limits to the number to be awarded.

The Commission discussed the concept of an RFP being limited to specific topic and or number of charters to be awarded. The Commission did not feel there was a need to change the focus of an RFP as to topic or number.

VIII: OTHER:

Update on Maine Connections Academy.

Attorney John LaRouche and Sarah (Forster) met yesterday to start going over the contract. There is a meeting scheduled tomorrow, including Commission Members, to go over the contract, pre-opening schedule, performance framework to be sure we are all in agreement with the monitoring and all other portions of the contract. The full Commission will, hopefully, have it for approval in the near future.

Maine Connections has asked that the April 1 date for the enrollment process to be completed be moved until June 1. The reasons are there is no contract signed yet and the technical aspects of getting engaged with the enrollment process - getting the information out, getting the applicants.

The issue of waiting to June 1 for student enrollment and the possible effect that could occur with the sending districts' budgets was discussed.

Maine Connections can get the letters of intent, but not actual student applications until they have a contract. They cannot do applications until they know if they need to run a lottery.

MCA representatives said that they can notify the sending districts electronically as soon as we receive a letter of intent.

Maine Connections would like to reduce the minimum number of students.

The reason for the plus or minus 10% is that the entire budget if you go under that has to be all reexamined so we have pretty much stuck to that – we give you the leeway of the 10% under or the 10% over without having to do anything.

MCA asked the Commission to give them leeway to actually enroll students within a reasonable amount of time and that June 1 would be enough.

Moved by John Bird; seconded by Ande Smith and voted unanimously by those present to extend the enrollment date to June 1, 2014, for Maine Connections Academy.

IX. ANNOUNCEMENTS:

- A. Turn in Expense Account Vouchers at the end of the meeting.
- B. Next regularly scheduled meeting: May 6, 2014.

X. PUBLIC COMMENT:

Judith Jones, MACS –

Suggestion: RFP for groups opening in 2015 and 2016 – More time to do contract, garner a facility; perhaps with a conditional approval. There is a barrier to Superintendents/Districts authorizing to create a charter school. The district students do not have a preference for admission. Federal Charter School Grants have been suspended; should begin January 2015 with a due date of late winter or early spring. State DOE dispenses the grant and keeps 5 percent for operating funds. Money for facilities would help Maine Charter Schools. We (MACS) want Maine to apply for the federal grants.

Shelley Reed, MCSC –

Smarter Balance is being piloted by some schools. Charter schools need to get training, experience with the test, software and broadband for district. Smarterbalance.org – you can take a sample test. Materials are available by self-funding or being part of the pilot.

XI. Adjourn

Moved by John Bird, seconded by Shelley Reed and voted unanimously by those present to adjourn at 12:20 p.m.

Please bring to the meeting all documents relating to the Many Hands application, the Lewiston Auburn application, the Maine Virtual Academy application and the Maine Connections Academy application so that they can be officially archived. Thank you for your cooperation.

4-10-14 Edited by BK