

Maine Charter School Commission Meeting - July 1, 2014

Minutes

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

I. CALLED TO ORDER:

Vice Chair, Shelley Reed, called the meeting to order at 9:38 a.m.

II. ROLL CALL:

The following members were present: John Bird, Laurie Pendleton, Niche Farnham, Ande Smith, Michael Wilhelm, and Shelley Reed. Jana Lapoint was in attendance at the National Association of Charter School Conference in Las Vegas, Nevada.

Bob Kautz, Executive Director, and Deanne Lavalley, Administrative Assistant were also in attendance.

III. ADJUSTMENTS TO THE AGENDA:

A. Following the receipt of the Maine Connection Academy's Enrollment status, I would like to ask the Commission to take some action to approve it. The numbers that we received earlier this week were a few under the 243. Of course, that is the declaration of intent; that is the one we generally use to say move ahead; with a report to us before the school opens. If you are not going to have the required numbers in the application, provide the Commission with a material amendment (to change the budget to reflect the lower number of enrolled students).

B. Assignments of Review Teams for the potential six charter school applicants for school opening 2015.

IV. APPROVAL OF MINUTES:

A. Moved by Mike Wilhelm; seconded by John Bird and unanimously voted by those present to accept the June 3, 2014, Minutes as written.

V. OFFICERS' REPORTS:

A. Chair

Jana is attending the National Charter School Association convention in Las Vegas, Nevada.

B. Vice Chair

Information Session – we had five schools that came to listen to attend the session. All of Me Academy, Inspire Me Academy, Maine Virtual Academy, Maine International Charter School and Snow Pond Academy. We received six intent-to-apply, which includes: Compass Academy of Science & Exploration, Kennebunk. We went through each section trying to do a really good job whether you were a virtual or a bricks-and-mortar school. Directing the applicants to look at the applicant instructions, the criteria and make sure you have covered the topic thoroughly. Hopefully, we will have some really good applications.

C. Executive Director

1. Charter Commission Retention Policy Update.

Deanne is developing a document that is detailing the different items that need a retention timeline. We discovered yesterday, we have a new one that we have to put in. Under the law, if anyone of the charter schools were to close and has graduated any of their students, the records of those graduated students come to the Charter Commission. That becomes a new set of documents that we have to start making provisions for. We are not hoping that any of them would close, but in the event that they would, under the law it says it comes here. For private schools, if they were to close, the students' records go to the school district of residence or residence at the time of graduation and are retained by them. The Department doesn't retain any graduation records. It is something we might want to look into as to whether the law should be changed. Only records kept in DOE are those that have a DOE diploma. How do other states handle diplomas? It (retention of records) is a laborious process that gets fit in when there is some time.

2. Information in regard to charter school eligibility and enrollment question from Maine Connections.

Sarah and Deb say: "They understand the whole issue of the signed documents, but that is what the law says or indicates that it should be."

Why is an electronic signature not acceptable? It is a common practice in government and in the commercial sector.

Deb Friedman and Sarah Forster were both very much involved with representing the Department in the development of the charter law. A hand-written, original signature is what they are saying is required.

VI: UNFINISHED BUSINESS:

A. Update on Chapter 3 APA Process Status. Adopted; effective June 23, 2014.

B. Update on Maine Connections Academy Enrollment Status - due July 1.
Introduction of Karl Francis, MeCA newly hired principal.

Update on Maine Connections Academy Enrollment Status - due July 1 – continued:

It has been suggested we have a motion; Ande is thinking that we just establish a new deadline; knowing that if they don't get that range, it will be a material amendment to adjust the budget. The enrollment affects the viability of the school in terms of economics, not in terms of instructional nature of the program.

Sentiment of the Commission is by July 31, 2014, if they don't have 243 students signed up, they (MeCA) submits, at that time, to the Commission for our consideration, at the next meeting that follows (August 5, 2014), a new budget and any other amendment documents that are appropriate.

For public assurance – we (Commission) are not saying that if you do not get 243, you cannot operate.

At the time, the Commission sentiments that are worth reiterating for the record:

The approval cycle we created for these virtuals was too compressed and we did it mindfully, but it was way compressed in the back end so rather than give the school months in which to do the enrollments, they got weeks.

You (MeCA) proposed this is the number (243); we are going to go with. If it is going to be lower, there is no reason that we wouldn't be able to look at the budget and find an accommodation. Model is not affected by it.

If you have a physical infrastructure and you have set a floor for a certain number of students that would allow you to be able to afford that infrastructure, it is different than a virtual school that doesn't have to deal with those kinds of economic issues.

In the contract, it says: if in fact the charter school is not able to meet the number that has been established, the charter school is obligated to report that to the charter commission and request a material amendment and have the supporting information for their proposal as a material amendment. So it is all consistent with every other charter and has been used in the past with those who didn't have the numbers.

For public assurance – we (Commission) are not saying that if you do not get 243, you cannot operate. Show them your (enrollment) chart.

C. Baxter Academy will be fulfilling the 175th day of the school year on June 19th per letter received June 9, 2014, from Carl Stasio.

VII: NEW BUSINESS:

A. Election of Chair and Vice Chair.

Meeting turned over to John Bird, as the next most senior member of the Commission.

Open for nominations for election of Chair and Vice Chair.

I, Ande Smith, nominate Shelley Reed to be the Chair of the Maine Charter School Commission; seconded by Laurie Pendleton. No further nominations. Shelley Reed as Chair was voted unanimously by those present.

Open for nominations for vice chair.

I, Shelley Reed, nominate Ande Smith to be the Vice Chair of the Maine Charter School Commission; seconded by Mike Wilhelm. No further nominations. Ande Smith as Vice Chair was voted unanimously by those present.

B. D. E. Governing Board and Senior Leadership action required by the Commission.
Charter Governance Provisions graph by Charter School Contract – provided by Bob Kautz.

B. Approval of Cornville new Governing Board members.

D. Approval of new Cornville Principal.

E. Approval of new Maine Connections Academy Head of School.

Cornville holds an annual meeting; receive nominations for people to serve on the governing board and they are elected by those in attendance at the meeting. Others - the governing board has the responsibility for taking action in regard to it.

What conditions would the Commission not approve an elected person?

Looking at the resume and the composition of the governing board – if the governing board seems to be trending to an unhealthy position for the organization or operation of that charter school, this would be a reason for not being in agreement.

A material amendment – both parties have to agree to it.

Boards need: Financial, development, fundraising, members.

NASCA Standards and Practices (by law we are supposed to meet) – one of their areas is dealing with governance. Without an effective governing board, the charter school's chances of really performing as well as it should or could are limited. This is a serious decision – looking at it and seeing if it is consistent with the kinds of discussions we have had with the applicants and operating schools.

The RFP asks for the composition of the governing board, background of the proposed members. You are being consistent with this – and the contract provision gives you the right to act in regard to accepting a person(s) in that role. Are they providing the strength to that governing board that it needs?

One never knows how good or bad a board member will be before the board member is a member.

“Material amendment” is used from budget to change your school model to 6 pencils in my pencil holder. Used for informational purposes – we (Commission) may need to hear it, but it does not require action of the Commission.

Renewal process or annual review – effective governance? It is written the way it is written and maybe do better going forward. How a board member executes is more important.

Mystic Valley Charter School in Malden, Massachusetts, was cited for their governance issues, which included, who was on the board, no terms of service on the board. History in other states where governance has become an issue and be sure that what we do both in practice and in contract negotiations gives you the ability to have the oversight and decision making that you need to be sure that good governance is occurring.

Review team to look at resumes and give the Commission any information needed and otherwise it is a pro forma approval.

But we approve them and then on the ground, we go in and the governing board is not functioning; could come back on MCSC.

Bylaws in the application that deal with the governance is critical.

Moved by Mike Wilhelm; seconded by Ande Smith and voted unanimously by those present to approve Cornville's new governing members and principal and approve the Maine Connections Academy Head of School.

C. Acceptance of new MeANS Governing Board members.

6/5/14 emailed list of MeANS Board of Directors (Bob Moody)

6/28/14 email from Bob Moody –

Need to elect one more GWH member to serve on both Boards.

Pat Zlotin is no longer MeANS chair and has retired from the Board effective July 1, 2014.

MeANS - Rich Abramson, new Chair and Bill Brown, new Vice Chair.

Moved by Ande Smith; seconded by Mike Wilhelm and voted unanimously by those present to table MeANS acceptance until more information is available prior to the next meeting (August 5, 2014).

VIII: OTHER:

A. Discussion of use of oversight fees from public charter schools.

1. Possible Services or Additional Positions.

Position to assist the review teams with the reporting and review of data as it relates to the 90-day visits, end-of-year visits/reporting, pre-opening, other areas based on how well is the charter school performing. Pre-work needed by the Commission.

How much can the Commission actually do?

Large increase in amount of "stuff" associated with the oversight of charter schools as we went from 2 to 5 and now to 6 charter schools.

One FTE – Program analyst or compliance person – primary responsibility is the oversight. Collateral duty would be applications since that will go away (when we hit 10 schools).

Perhaps Program Specialist is savvy enough to review the budgets.

Help – Focus on work that the Commission has been doing and support that with an employee.

So we can do our job of authorization and on-going compliance.

This body needs to be in the chair as soon as possible.

Contract the service of a person as a financial analyst for budget proposals, quarterly and end-of-year reports.

DOE looks at the Auditor's recommendation and sends a letter to school requiring an action plan for recommendations.

Commission has responsibility of forecasting whether the financial assumptions they are on, is different than just what a fiscal audit each year might constitute.

Many other charter authorizers have a process of financial review with standard to determine whether that charter school projecting out has the potential of running into financial problems. Review (budgets) to remove problems before hand.

Not in our purview unless we see there is something that is actually a problem. Then we raise the compliance issue and you need to bring someone in to check this out. We would not want to do this on a regular basis; this is the responsibility of the school. We assume that the school is functioning and spending their money appropriately.

Perhaps a job share – but not an FTE.

Office Associate Approved – permanent 12 hours per week to assist Administrative Assistant – this may have to have expanded hours.

Temporary Office Assistant Approved - for approximately 33 weeks to do the filing – all applications, training materials (2011, 2012, 2013, 2014).

Training of Charter School Leaders/Boards –

S. Forster is most comfortable with the Commission not providing direct training.

The Commission not saying: “This is the one way to do it.”

Put the “need” out for bid and select from the bidders – not to sole source for a trainer.

Any of the 3% fund for oversight could be used to contract for that service where school performance would be enhanced.

Who carries the burden of educating the public?

Commission has to be very careful as authorizers. Providing specialized training should be coming from MACS for charter schools – like MSMA is to the regular school sector.

Advocate is not our role and work load does not allow the Commission to do those things.

Commission is the authorizer and the one who regulates and makes sure the charter schools are compliant.

Not become a training body; but if schools are struggling with something – perhaps support training for them.

Commission has to help with MACS to figure out how to help facilitate training – not provide, but if something being asked for ... how do we send that over to MACS?

Nothing regularly scheduled or an FTE.

How we help is the question. Flagging the issue and here is the place to get help.

For example: support to explain how to fill out a form; result is making the Commission and Staff's jobs easier.

Ie. Board Governance training – could help with level of compliance. We would pay for it; not planning or doing the training.

Help - Person with background and experience to do a thorough reading and executive summary of applications according to Commission criteria to present to the Commission. Short-term – we are going to hit 10.

If it is not adequate, the Budget will be flagged in the application.

The formation of review teams - people will be chair for multiple, as well as, sitting on 2-3 other teams.

With 10 schools, the commission will not be able to regulate effectively the way we are doing it.

Help for the 90-day and end-of-year visits:

- Pre-information

- On-site information

 - Does it meet or not meet the benchmark.

- Day of visit.

- Writing the report.

 - Write reporting targets – Laurie is going to work with the current framework to make it easier to assess.

Help - We need to have someone we develop a relationship with and this is his/her role.

Help – Commission going to national conferences or bringing people here to be sure we are on top of what is happening in the charter world. MACs, Roger and Judith, provided – Joe Nathan, NASCA, Evergreen people a couple years ago; it was very helpful.

Help – Focus on work that the Commission has been doing and support that with an employee. Our job: Commission is the authorizer and the one who regulates and makes sure the charter schools are compliant

Other Tasks – Share person with DOE.

For August 5 Retreat:

Job Description – Laurie – Sent out prior to the meeting for review of the entire Commission.

Similarly situated states and their staff - Bob

Tasks List – Bob and Deanne

Hands-on was ok in the beginning; was sufficient size and involvement so you could do it;

Hands-on allows the Commission to be intimately aware of the decision making.

When using and trusting staff recommendations to determine approvals the “Commission” becomes a policy-making body versus direct engagement at varying levels.

Maine Commission, since the 10 is the test for charter schools in the state, you are still in a position to have personal involvement and commitment to the application process and to the monitoring of the schools. As you have articulated, it needs to be brought down to a level of engagement that is possible and reasonable for you.

VIII. A. 2. Review funds received and anticipated.

As of May 22, 2014, cash balance from the 3% of \$105,561.75.
Forecast - \$150,000 in this coming year received from the 3% with the addition of MeCA.
Any fund balance is carried over from year-to-year.

VIII. A. 3. Budget for such services.

Budget of \$150,000 is possible; fairly comfortable it will be sustainable.

VIII. A. 4. Other ideas.

Next step is a job description with the deliverables we are looking for in the position; from there determine a level of pay.
Contract Person, State Employee, Grant Person, discussion with the Department to contract a service with a current employee.

VIII. B. 1. Retreat - DRAFT job description "Program Analyst" Position and Role of Commission

Date: Minimize the August 5 Business Agenda 9 a.m. – 10:30 a.m. and use the majority of the day for the Retreat. 10:30 a.m. – 4:00 p.m.

Laurie – Job Description - Program Analyst

Ande and Shelley – Work Shop Agenda

Bob and Deanne – List of tasks

Bob – Synopsis of other states' staffing

VIII. B. 2. Procedure for waiver of school year could be taken up at another meeting.
Already, one proposal, which is based upon the DOE ruling.

VIII. B. 3. Internal Business Practices – i.e. Maine.gov email addresses, soft tokens.
Could be for a regular meeting.

VIII. B. 4. (addition) Assignments of Review Teams for the potential six charter school applicants for school opening 2015. – Review Teams' Spreadsheet attached.

VIII. B. 5. (addition) NASCA Convention in Miami Florida October 20-23, 2014
Mike and wife, Shelley, Ande, Bob.
Deanne will make reservations.

Need: Full name as it appears on your identification – any special flights, arrangements.
\$500/person for early registration; Room: \$199./night plus 13% tax; and airfare.

IX. ANNOUNCEMENTS:

- A. Turn in Expense Vouchers at the end of the meeting.
- B. Review Team Meeting for End-of-Year Report Writing.
Electronic template for the end-of-year monitoring visits.

Bob and Shelley will provide a blank template for each of the schools.
Beginning: Introduction, process of monitoring; Ending: commendations and recommendations.

July 9: 9:30-12:00 Harpswell
July 10: 9:30 – 12:00 Cornville
July 25: 9:30-12:00 Baxter
July 25: 1:30 – 4:00 Fiddlehead

C. July 22, 2014, MeAN's End-of-Year Visit. MeANS Report writing 8/18/14 9:30 a.m.

D. Next regularly scheduled meeting: August 5, 2014. 9 a.m. – 4 p.m.

X. PUBLIC COMMENT:

MEA Person: Requested and received a copy of the enrollment chart from Maine Connections Academy.

Vicki Wallack: Are the letters-of-intent actually going to be posted? Yes.

XI. Adjourn

Moved by John Bird; seconded by Laurie Pendleton and unanimously voted by those present to adjourn the meeting at 12:31 p.m.

BK/SR 7-24-14