

Maine Charter School Commission Meeting - June 3, 2014

Minutes

The Maine Charter School Commission held a meeting on June 3, 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 9:39 a.m.

II. ROLL CALL:

The following Members were present: Jana Lapoint, Laurie Pendleton, Mike Wilhelm, John Bird, Nichi Farnham, Ande Smith and Shelley Reed.

Also present: Bob Kautz, Executive Director; Deanne Lavallee, Administrative Assistant.

III. ADJUSTMENTS TO THE AGENDA:

Question on the posting of the RFP Timeline: The timeline is posted with the RFP; cannot post the RFP until June 11, 2014, date of issue.

- A. Report on Maine Connections Academy June 1 Enrollment status and any Commission action necessary.

This report was presented by John Larouche, attorney for Maine Connections Academy: MeCA has 127 Commitment to enroll as of this date; 316 in process; have contacted 56 SAUS to be notified of student intent-to-enroll.

Will be a lot of churning in the virtual charter school – transferring students in and out – will be replaced from the waiting list; will stay within statutory and contract requirements.

Issue of the resident districts late notification of students going to MeCA; have to give a final date. Extend date to a reasonable point. Contract not amended – allow for this year only; reverts to contract requirement of April 1 moving forward.

June 1, 2014, original date for enrollment – no waiting list at that time; now no need for a lottery; MeCA can enroll until the school is full.

July 15 – less than 243 – Commission would need a revised budget from MeCA in consideration of the lower student enrollment. And MeCA needs to notify resident districts as soon as they receive a student's letter-of-intent to enroll.

Moved by John Bird; seconded by Ande Smith and unanimously voted to approve an extension to July 15, 2014, to attain minimum student enrollment for Maine Connections Academy with a status report on July 1 and a final report at the August 5th Meeting.

Moved by John Bird; seconded by Nichi Farnham and unanimously voted to approve a material amendment to the contract, the change of location for the Maine Connections Academy facility from Scarborough to 75 Roberts Road, South Portland.

B. Update on Resident District and Charter School Billing, Other.

Meeting with Deb Friedman and Suzan Beaudoin (May 28, 2014)

A new template is needed for the charter schools. Most of the invoices currently being used, the format is confusing to the resident districts. Maine Connections has been asked for their template as a sample.

Changed some of the conditions:

- Category at opening of school – Free and Reduced, Resident District remained for the entire school year – this has changed. Not sure if this is back dated for this current fiscal year.
- The Categories (ELL, Resident District, Free and Reduced) will be effective August 1 list and February 1 list.
- Discrepancies in the 2013-14 invoices – Deb and Suzan want them to be audited in a concise manner – all at the same time – find all issues by school and by resident district.

Deanne did this last year and had a number of overpayments and underpayments to resolve. Bob will ascertain if there isn't some capacity in the department to conduct that versus us doing it.

We are working on getting a temporary person to work at doing the filing and then we will be going to a more permanent position for twelve hours per week as the Commission had authorized at an earlier meeting.

- **MEDMS – related to charter schools.** Charter schools have three categories in regard to teacher certification: Certified, Certified within three years and Expert in their field.

“Expert” is going to bounce off the certified field and will go to an error list.

The error list is reviewed by a DOE employee and the solution is to send it to the Charter Commission to evaluate their expertise for a certificate waiver.

- Highlighting of issues we need to do: Establish Business Practices for: Audit/reconciliation of the 3% oversight fee and vetting of the Expert Instructors hired by charter schools.

IV. APPROVAL OF MINUTES:

A. Sorry for the length of the Minutes, but they are a good review of the meeting. We are a developing entity and the discussions and decisions that are made in these meetings need to be recorded.

Moved by Shelley Reed, seconded by John Bird and unanimously voted to accept the May 6, 2014, Minutes as written.

V. OFFICERS' REPORTS:

A. Chair, Jana Lapoint:

1. The National Convention of the National Association of Charter School Authorizers NASCA – is October 20-23 – in Miami, Florida. Please let us know if you are able to attend that convention. Reminder: October 20-23 is right on the brink of the 2015 application cycle. Shelley, Ande, Mike, Laurie in consideration of attending.
2. I will be attending a conference in Las Vegas June 30 – July 2, 2014, - National Association of Charter Schools. Judith Jones, MACS; Justin Belanger, Cornville; Tom Desjardins, Governor's Office are attending.

Would the Commission be willing to pay my admission into the Conference and I would pay other expenses?

Three percent is to be used to authorize and monitor the charter schools. The training and learning that the Commission members/staff do is appropriate use of those funds. As is, if you have to hire additional positions; that is there and it is accumulating.

Motion by Shelley Reed; seconded by John Bird; with Jana abstaining, six voted to approve Jana Lapoint's full travel expenses in accordance with State guidelines for the NACS Conference in Las Vegas, Nevada.

3. Change the meeting for July 1 to July 15. Not possible to move the July meeting with Member's schedules; remains July 1 with a 9:30 a.m. start time.

B. Vice Chair, Shelley Reed:

1. Chapter 3 Public Hearing – no public comments received. Jana, Bob, myself and Deanne in attendance.
2. Cornville visit done on May 29. The involvement of community, staff and students is impressive and very positive. Questions from the schools: How do we get more board training? Is our school succeeding and how do we know it is succeeding? What do we do if it is not? Governing board members working in the school – roles become blurred. Creating a school is a monumental task. What is our role as the authorizers to help provide and support the governing boards that are trying to identify their roles and carry out their purposes? Issue to think about – when do we micromanage versus when are supplying information through other avenues. We have had discussions of our overall responsibility; where our role begins and ends and another agency, like MACS. Not a new topic. It keeps coming up and we need to do something about it. Item for discussion is July 1st. What role we play as a board in supporting schools that are out there; how we do internal businesses practices – this is for a retreat of some fashion with protected time to talk about it; as opposed to make it a 30-minute agenda item.

C. Executive Director:

1. Charter Commission Records Retention Policy Update.

Questions arise from the Draft Retention Policy – ie who keeps the grades of a closed school.

The Attorney General's Office is going to draft recommendations for achieving improvements in records retention for the Government Oversight Committee consideration. Until this happens, should not put anything in stone.

Questions we need to answer ourselves for our unique documents – so when we fill out the forms and meet with Archives we know what we want.

May have a Committee to work on the MCSC Retention Policy.

2. A Maine.gov address is currently being done for each of you. Next is a secure id for your home computer.

- Sarah Forster has said to us that to do things correctly and avoid any problems with archiving of emails that are related to your role on the Commission – you should all have maine.gov email addresses.
- We need to have some business processes with this. If FOAA, we will still have to do the search of all our personal records, as well as, the Maine.gov address for the scope of the search.
- What is it really doing for us? What value is it?
- The State Board of Education does not do it. The State Board of Ed should be doing it also. You can refuse it. Advice has been to move in this direction.
- OIT person – should not be transferring via email any confidential information in any manner because your computer is not secure.
- Buy the secure ID's and pay for the Maine.gov address
- A resource – discuss how we are using it for the Commission and how it does it work for the Commission.

3. Review of Reasons for receiving resumes, etc. on new charter school governing board members and need for Commission approval.

- Board Members and whether we have to evaluate a new Board Member going on – we do have to do that. Contained in RFP C. Governance; Contract Oversight 5.2 and as we have gone on the reviews we have made it clear to them that they have to do this any time there is a Board Member change – it has to come to us as a material change. Does that person sit like they should for that Board's make-up?
- It should hit what they said in their application. Not what we think is important, but we approve the application. What grounds do we have to turn someone down and it would go back to the application. If they said they needed two educators and then they have no educators – then we would say: *“But in your application*

and your governance rules you said you wanted to have someone with education experience.”

- Have a right to add more to their Boards within a certain parameter. If they have 7 and decide to go to 10 or 11, they would have to come to us and say: *“These are the needs we still feel we have. It is not in our application, but we feel we need more people involved in finance or whatever.”*

- The Governing Board information is pretty skimpy in most of the applications that I read. This is important for them to understand that they need to beef it up because we use that information to make decisions about whether or not people are approved for their Board.

- To explore further, what roles are we looking for on a Governing Board – a Board that has assigned seats. For example: 2 educators, 2 finance and that seat has to be filled by that type of person.

- The information we have is good set up to do this and we don’t need to be any more prescriptive. Call them on it when they seem to be strained.

- Laying out a procedure that the Charter Commission will use in letting the school know this is the actual expectation not just in the RFP, but will be our standard procedure. As a Commission one of the things we need to be doing more of is as we see things identified that we want to be able to say “This is what the Charter Commission has set as its expectations.”

- Changes to a Board sent to Commission office to be vetted and then submitted to the Commission with a recommendation.

4. Friday, June 13, Room 541, 2:00 p.m. Meeting with the charter schools on extracurricular and interscholastic student participation.

To discuss the laws, how they are working, budgeting for those expenses,

a representative from MPA for ideas that the public charter schools can do to facilitate those opportunities for the students. LD 906 revised a portion of 20-A § 2415 - *An Act to Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities.*

VI: UNFINISHED BUSINESS:

A. Chapter 3 APA Process Status – May 19 Public Hearing held – no response. Written comment period expired: May 29, 2014, 5 p.m. – no response. Recommend adoption of Chapter 3 as written.

Moved by Ande Smith; seconded by John Bird and unanimously voted to adopt Chapter 3.

VII: NEW BUSINESS:

A. Harpswell Response to Commission letter of noncompliance.

A material amendment to their contract – Performance Framework and Assessments were not able to be met and this is the alternative they are proposing.

Harpswell Coastal Academy's response to the May 7, 2014, Commission letter of non-compliance, it has been voted on by their Board before being submitted to us. They have adopted the NWEA, conducted the NWEA Assessments and are preparing the reports for the review team to look at on Thursday, June 5. The review team is John, Shelley and Laurie.

I have spoken with Sue Fossett from the Department, who cannot approve – not her role. She raised a question as to whether they would at least be administered twice a year and whether they are assessing students coming in. The answer to twice a year is yes. I do not have answer in regard to students coming in because even with the NECAP it is only administered once a year – so a student coming in wouldn't necessarily be there. This (NWEA) can be administered multiple times, the opportunity is there for them to assess a student coming in after the fall assessment and be able to take the late year assessment.

Moved by Michael Wilhelm; seconded by John Bird to approve HCA's material amendment of new performance framework and assessments.

Further Discussion: I question the passage from Division 1 to Division 2 – the RIT scores are grade level. It reads that a student has to have a RIT level of 219 in order to move from Div. 1 to Div. 2. Is this really their intention? Question the use of the language. This is something we can talk about on Thursday. It is not really a measure that would be in the performance indicators. We are looking for growth.

Motion changed by Michael Wilhem; seconded by John Bird; voted unanimously for preliminary approval of HCA's material amendment of new assessments and performance framework subject to information provided by HCA to the review team on Thursday, June 5.

B. Discussion: MCSC Waiver of Length of School Year using the DOE Chapter 125 criteria.

MCSC does not have a procedure for the Commission to use in making this decision for the school's to be aware of; what I used was the procedure that is in the DOE Chapter 125.

C. RE: Baxter Academy for Technology and Sciences: May 20, 2014, sent an email stating that I need this kind of information in order to look at it.

They end their school day on a Wednesday; if they go to 175, it is a Thursday. Department is fairly rigorous in its waiver provision and not necessarily willing to grant because of snow storms or whatever the reason. I am told by Randy Kassa, School Enrollment Specialist, there are a number of school districts that are going to be going late in June in order to fulfill the 175 days.

Consider how we factor in the uniqueness of charter schools and how they could run a longer day; they may do more things off schedule time in making a decision as to whether this is a bona fide application.

I am personally disinclined to approving a waiver for going to Thursday rather than Wednesday. I could not see in any correspondence any negative implications that might occur.

Uniqueness of time – charter schools should be thinking of that as they go into another year.

In some ways we are and we are not setting precedence; it can be looked at either way. I am concerned that the contract calls for 175; if this was some other material amendment to the contract would the mere fact of what they had proposed be sufficient to approve that material amendment or not. This is up to you to decide.

Concern about how long it took them to get this letter to us. The days they missed - three days in February and then one day in March; we are just getting this now and they had made no attempt to do anything about it. The school schedule – they had opportunities in that school schedule to make some adjustments to that day if they choose to. I don't think they thought about it. Do something like a Ripple Effect is an awesome thing to do and would bring that whole school together. They are willing to do whatever we decide and have been thinking of what possibilities they could have on that final day.

Without any policy or procedure for charter schools to be different than the public schools and until we do, we would want to go with the 175 days; only an extraordinary reason for them not to do the 175 days.

Motion by Ande Smith; seconded by Shelley Reed and unanimously voted to deny Baxter Academy for Technology and Sciences request for a waiver of one day from the contractual requirement of 175 days.

D. Discussion in regard to additional resources for authorizing and monitoring responsibilities; attached job descriptions: Academic Performance Coordinator, Research Associate (Data and Operations Analyst- Charter Schools).

Just a discussion for further action at a retreat or another meeting; the 3% that is received from charter schools is for the Commission to do the jobs of authorizing, monitoring schools.

One of the things that has been in discussion, is the idea of contracting someone or a group to provide services that can assist with the monitoring, the review of all the documentation, the review of the performance results, etc. to assist the review teams in the work that the review teams are doing and assist the Commission in being that much more sure that you have a really thorough process going on.

We need to be taking a look at that accumulated fund. Begin to use it to be best assured that you all have the information you need and you as a Commission do not have to add even more work onto your schedules by having these kinds of resources available to the Commission.

Another one which isn't in here – the area of the financial review – a professional taking a look at how the financial performance of all of these charter schools as they are in operation; taking a look at the budgets that they put together in the applications to be able to give you a recommendation as to whether they seem to be good to go and good going. In many readings that we have had, finances are the reasons for the demise of a charter school.

These are the kinds of services that as a Commission are needed Number 1 and Number 2 - they are not services that necessarily need to be full time, but it might be something that the Charter Commission wants to do. I think it is services that you are going to need at various times and to have those services available when they are needed would make sense.

Whatever we do needs to be sustainable. We have a fund right now and that fund as we go forward, we don't want to just spend it all up and then find that what we are taking in during the year isn't enough to support whatever the commitments have been - balanced between revenues coming in and expenses going out.

Basic budgeting – we don't have a budget. We have a budget because we are doled money out from the State; but we don't have a budget process/plan. We have not hit that point in the maturity curve; but, in Year 3, we are there. We are accumulating money that could be put to use for these kinds of purposes.

I think it would make a lot of sense to have someone look at these budgets for us who understands all of this and the performance coordinator has some merit too; and there may be other things – have a discussion of where we need the help.

We have one thing that you have approved, which is the additional support for Deanne's side of the operation and that I think we need to continue to look at because it might need to be even larger than what it is as the number of schools go on.

A retreat conversation – we have gone from where the bodies in the chairs did everything to having an Executive Director, an administrative assistant and now a part-time person. We need to have a really solid conversation about what are really the

money/funds available and what are the tasks that are not getting done or are taking too much time from one person. Set priorities and a sustainable budget. Maybe make a transition plan to determine how much the Commission wants to give up of the current hands-on duties.

Power and knowledge can be in the staff not in the Commission.

Are we going to do this immediately, in stride with application review or wait until next year?

We need meetings where we have real quality time for these things.

VIII: OTHER:

A. Reminder of End-of-Year Visit Schedules, Materials, Questions, Etc.

Questions that were put together as part of the review; read through material sent to you prior to the meeting.

B. Establish Date(s) for the **Review Team Report Review(s)** for each Charter School.

Harpwell	July 9, 2014	9:30 – 12:00
Cornville	July 10, 2014	9:30 – 12:00
Baxter	July 25, 2014	9:30 – 12:00
Fiddlehead	July 25, 2014	1:30 – 4:00
MeANS	To be determined	July 1 st Meeting

C. Pre-Opening Site Visit with Maine Connections Academy (August)

Maine Connections Pre-opening Meeting for the Review Team
Wed. August 20 – 9:30 a.m.

IX. ANNOUNCEMENTS:

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

B. Next regularly scheduled meeting: July 1, 2014; 9:30 a.m. Room 103B

X. PUBLIC COMMENT:

A. Judith Jones and Roger Brainerd, MACS:

Certification – three categories in the charter school law – certified, certified within three years, expert classification.

Currently, DOE recording of this information is spitting out people in the expert category and calling it an error and you (the Commission) have been asked to do something about that and you all are thinking that you or somebody in the Department should review an application or status of an expert hired by charter schools in order to see if they, in fact, qualify.

I believe that is totally contrary to the charter school law, which says that the autonomy of the public charter schools includes hiring the staff.

The determination as to whether an expert is appropriately qualified for each particular position in a charter school belongs at the school level.

It is fine to keep records on how many certified, in process of being certified and expert teachers there are in each; but that is what it is, it is record keeping. It is not the authority to decide who they hire in the expert category.

It is really important to have in discussion as to how you keep respecting the autonomy of the public charter schools. When you know, from the rest of the country, that departments of education are always trying to re-regulate the schools.

It is not using the word “expert;” it is having “expertise.” There is a difference in labeling someone expert in the field and someone who has practical experience—expertise that could be applied to teaching. That is the root of the law.

It could be that the Department of Education would have to add a new category for its Charters. Commissioner Bowen had been working with the Superintendents’ Association to get the language that is in the charter school bill to allow for local districts, because superintendents had been asking for years to have some flexibility like this around certification. It was never negotiated and I do not want to see it watered down unnecessarily.

Response J. Lapoint: State Board of Education handles the certification and people have to go through so many hoops; it is so cumbersome. That is the way it is so we sit and we do what we can with it – do we have to have guidance counselors in every single school versus a social worker. It drives you crazy.

J. Bird: Judith is saying this “craziness” does not apply to public charter schools under the law as written?

A. Smith: Can we do a look up, Bob, as to what the requirement is? I respect Judith’s opinion, but that is an opinion from a trade group. I do not know what the rule says with respect to what we have to do and what the standards are for the charter school. It may be that they don’t go through the same certification process that you have suffered through; it may be some collateral ownership on us to insure that there is a standard maintained to insure quality and integrity as opposed to Judith’s position, which is kind of like: “Well, it’s up to the charter schools to decide.”

I am not sure I am willing to cede that authority so readily. We need to be super clear what the rules say and what the statute says. With the virtuals, we talked about how important it was that they are Maine certified teachers. We need to be clear about what the rule is and what we want and what the statute requires.

J. Bird: Our chief concern is not having a Maine-certified staff, but rather a Maine-centric staff. While we assume that most, if not all, of the staff will be certified in Maine, some may not be, at least initially; however, from the beginning we want all core administrative and teaching staff to be Maine residents.

B. Rich Abramson: I have recently been elected Chair of the Maine Academy of Natural Sciences. As you make your visit, I will probably be there in the capacity of the new chair. I am also here representing Snow Pond Center for the Arts, which will more than likely be submitting a charter application with the next round; creating the first arts academy within the State of Maine. Snow Pond will be in cooperation with the Maine Music Camp in Sidney, Maine.

C. NOTE: June 18, 2014; 10:00 a.m. RFP Informational Meeting in Room 103B.

XI. Adjourn

Moved by John Bird, seconded by Shelley Reed and unanimously voted to adjourn at 12:15 p.m.

6-24-14 BK