

Maine Charter School Commission Meeting - March 3, 2014

Minutes

The Maine Charter School Commission held a meeting on March 3, 2014, at the DHHS Office Building, 35 Anthony Avenue, Augusta, ME.

I. CALLED TO ORDER:

Chair, Jana Lapoint, called the meeting to order at 9:17 a.m.

II. ROLL CALL:

The following Members were present: Jana Lapoint, Laurie Pendleton, Mike Wilhelm, John Bird, Heidi Sampson, and Shelley Reed. Ande Smith was delayed and arrived at 9:47 a.m. Also present: Bob Kautz, Executive Director; Deanne Lavalley, Administrative Assistant; Sarah Forster, Assistant Attorney General.

III. ADJUSTMENTS TO THE AGENDA:

Moved by John Bird; seconded by Mike Wilhelm and voted unanimously by those present to change the order of the agenda and take Number 7 New Business first.

Moved by Heidi Sampson; seconded by John Bird and voted unanimously by those present to readjust the agenda back to Number 6 Unfinished Business.

IV. APPROVAL OF MINUTES:

Moved by Shelley Reed; seconded by John Bird and unanimously voted by those present to accept the Minutes of the last meeting.

V. OFFICERS' REPORTS:

A. Chair, Jana Lapoint:

We have all been working incredibly hard on all the applications and I think they have taken all of the time for us to work on them. Hopefully, today we will have recommendations. I cannot thank you all for all the work you have done on the recommendations.

B. Vice Chair, Shelley Reed:

Working on Chapter 3 with Bob.

C. Executive Director:

Update on L.D. 1736 and 1617.

LD 1736 is designed to set up an exchange and a virtual school program operated by the state and it also had another portion, which is a moratorium. It is in the legislature; been approved by both houses and waiting for the final action to approve it and if approved, then to the governor for the governor's action to strip the emergency provision out of it. That results in it not requiring a 2/3 vote of the legislature to have it move forward. If that is the way it passes, it would become effective July 16, 2014. We testified neither for nor against.

LD 1617 is about the funding of virtual schools and different provisions that was amended considerably by the sponsor Representative MacDonald. It hasn't had its work session yet. It has been heard by the Education and Cultural Affairs Committee. We are not aware of its schedule for a work session; we will be staying in tune with that. We testified in opposition.

VI: UNFINISHED BUSINESS:

A. Chapter 3

Moved by Mike Wilhelm; seconded by John Bird and unanimously voted by those present to accept Chapter 3 as a first reading.

B. Administrative Support Position

Two six-hour days per week.

Moved by Shelley Reed; seconded by Heidi Sampson and unanimously voted by those present to go forward with administrative assistant position.

VII: NEW BUSINESS:

A. Consideration of application for Commission denial or approval to contract negotiations:

- o Consideration of the number of virtual charter schools that might be approved.

Moved by Shelley Reed; seconded by John Bird and rejected unanimously by those present that we put forward that today we move to accept up to one of the two virtual charter schools.

Moved by John Bird; seconded by Heidi Sampson and voted unanimously by those present to consider each of the applicants and go forward as we had originally established.

B. Maine Connections Academy

Moved by Mike Wilhelm; seconded by Heidi Sampson and voted unanimously to adopt the Findings of Fact as written.

Moved by Ande Smith; seconded by Shelley Reed to approve the application of Maine Connections Academy subject to the required contract terms 1-13 as written and modified in our discussion.

Wilhelm: yes; Bird: yes; Reed: yes; Pendleton: yes; Sampson: yes; Smith: yes; Lapoint: yes. Motion carried unanimous

**Maine Connections Academy, Inc.
March 3, 2014**

Amended Findings of Fact Approved March 3, 2014.

Findings of Fact

Based upon review of the written proposal of **Maine Connections Academy, Inc.** (the “Applicant”), and other oral and written matter provided to the Commission, including but not limited to, interviews with and testimony of the Applicant, a public hearing and written submissions of the Applicant and the public, the Maine Charter School Commission (the “Commission”) finds the following:

- Based upon the review provided by Commission staff and the Commission’s review team, the Applicant provided a complete application that included material responsive to all the elements identified in the Request for Proposal and Charter School Application issued August 12, 2013;
- The Applicant meets the definition of a Public Charter School, as defined 20-A MRSA §2401(9), as indicated by:
 - The Applicant will have the ability to execute autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum and instruction as evidenced in part by:
 - The Applicant’s Board of Directors (the “Board”) is composed of such individuals with the quality, experience and motivation to effectively meet this requirement;
 - Notwithstanding the outsourcing of certain administrative functions , such as accounting and human resources to Connections Education (the “ESP”) or other providers, the staffing model of the school involving the direct hiring of instructors and a Chief Executive Officer, enables the Board of Directors to exercise direct control over critical areas of the school and thus effectively govern the school; and
 - Draft contract provisions, together with such other contract requirements as may be required as a condition of the charter adopted by the Commission, will provide sufficient opportunity for independent control over the ESP, such that the school will be able

to effectively maintain the autonomy over the matters set forth in this element of the definition.

- The Applicant is governed by a board that is independent of a school administrative unit as evidenced by the organizational documents provided in the Applicant's application submission and supporting materials.
- The Applicant will be established and operated under the terms of a charter contract between the governing Board and the Commission upon acceptance of contract requirements adopted by the Commission.
- The Applicant will operate a school to which parents choose to send their children for grades 7-12 as evidenced by its meeting minimum enrollment levels for students of those grades adopted by the Commission as a condition of its charter contract.
- The Applicant will operate in pursuit of a specific set of educational objectives as defined in its charter contract adopted by the Commission.
- The Applicant will operate under the oversight of the Commission and in accordance with its charter contract.
- The Applicant has provided evidence that it will create a high-quality school with high standards for pupil performance as evidenced in part by:
 - Although the evidence offered dates from 2010-11, comparative data provided in Section II.E of the application indicates that the ESP's program has generated strong results, including strong AP course performance, math/reading scores outpacing state average and SAT results above national averages.
 - A third-party reviewer of the Applicant's application noted similar strengths, including improvement in sub-group performances for disadvantaged students.
 - The Applicant has indicated a diverse course portfolio available to students, which should provide a range of educational opportunities.
 - The Applicant has highlighted specialty programs and extensive CTE offerings, including a program associated with the Juilliard School.
 - The Board's composition includes an experienced school administrator, whose resume and presentation to the review team and at the applicant's public hearing instilled confidence.
 - Each student will be managed through an individual learning plan and the application details the extensive use of metrics and assessments to manage student learning.
- The Applicant has provided evidence that it will close achievement gaps between high-performing and low-performing groups of public school students as evidenced in part by:
 - The program will provide opportunities for instruction to students who experience significant barriers to learning attendant with brick and mortar schools, such as students experiencing bullying or students with special needs exacerbated by proximity to other students.
 - The program will offer independent learning plans to every student, which will be useful in customizing learning to students that are below grade level or otherwise lagging peers in traditional settings.

- The program will leverage extensive metrics and assessments to provide for real-time remediation of students offering the opportunity to enhance the performance of lower performing students.
 - The program offers tutorials and “teachlets” - 24/7, providing increased opportunity for students to close achievement gaps.
- The Applicant has provided evidence that it will increase high-quality educational opportunities within the public education system as evidenced in part by:
 - The Applicant has highlighted specialty programs and extensive CTE offerings, including a program associated with the Juilliard School
 - The Applicant has indicated a diverse course portfolio available to students, which should provide a range of educational opportunities, including AP courses in greater quantity than generally available.
 - The program includes a significant number of field trips and similar events to enhance students’ educational experience.
- The Applicant has provided evidence that it will provide alternative learning environments for students who are not thriving in traditional school settings as evidenced in part by:
 - The program will provide opportunities for instruction to students who experience significant barriers to learning attendant with brick and mortar schools, such as students experiencing bullying or students with special needs exacerbated by proximity to other students.
 - The program is customizable through the individual learning plan, providing opportunities for enhanced learning and performance in cases such as students with credit recovery needs or accelerated learning for students frustrated by lockstep traditional settings.
- The Applicant has provided evidence that it will create new professional opportunities for teachers and other school personnel as evidenced in part by:
 - The virtual delivery model creates new professional experience for teachers and staff.
 - The application details professional training in virtual and computer technology as a platform for instruction.
 - The Applicant’s focus on metrics creates a response-to-intervention oriented and collaborative environment for teachers to learn together.
 - The Applicant’s use of a centralized teaching facility provides for the opportunity of good collaboration and group learning for teachers and staff.
 - The Applicant’s ESP offers robust continuing education and training, as well as access to an on-line master’s program.
- The Applicant has provided evidence that it will encourage the use of different, high-quality models of teaching and other aspects of schooling as evidenced in part by:
 - The Applicant’s program of instruction based on virtual learning is different from the traditional education model.
 - As supported by finding 3 set forth above, the program will be of high quality.

- The Applicant has provided evidence that it will provide students, parents, community members and local entities with expanded opportunities for involvement in public education system as evidenced in part by:
 - The Applicant's description of field trips and similar events, including those described in Section II.B.6 of the application, will provide such expanded opportunities.
 - The Applicant's past and proposed engagement with community organizations, such as those identified in Section II.B.6 of the application, will provide such expanded opportunities.
 - The program's reliance on learning coaches and parents and the Board's stated intention to engage with them for student enrichment, will provide for such expanded opportunities.

Charter Contract Requirements

- The Applicant will be required to conduct any lottery for enrollment as follows: enroll first all Grade 7-9 students and then Grade 10, then 11, then 12, subject to the exceptions provide at law for siblings and other students.
- Beginning in year two, the Board will hire an independent third party to evaluate the ESP and the school's execution of the education program described in the RFP, which report shall be provided to the Commission together with access to raw data and the consultant for questioning.
- The Applicant shall conduct exit interviews with its employees and those of the ESP assigned to the school, together with students. Such interviews shall be summarized annually and provided to the Commission, together with access to raw data. In addition, the Applicant shall provide evidence of Board review and commitment to continuous improvement based on such interviews.
- The Applicant shall have the fiscal capacity to adjust staffing in order to meet its program objectives and student needs.
- The Applicant shall report back on the CEO's effectiveness to serve as HR and business manager, manage the ESP and serve as head-of-school with respect to the students and parents.
- ESP's recruiters cannot be economically incented to recruit students, through such means as a capitation fee or bonus.
- The Applicant shall liquidate the startup-loan of the ESP such that there is no debt-owned to the ESP after end of year three, other than ordinary trade credit.
- Before enrolling greater than 390 students, the Commission must be satisfied as to the execution of the education program performance.
- Opening enrollment of the school shall be 270 +/- 10%, with minimum enrollment thereafter being no less than 243 students at any time.
- The Applicant shall hire an independent third party to annually survey parents and students for satisfaction with the educational program, ESP performance and such other matters determined by the Board or required by the Commission. Such surveys shall be summarized annually and provided to the Commission, together with access to raw data. In addition, the Applicant shall provide evidence of

Board review and commitment to continuous improvement based on such interviews.

- During recruitment, the Applicant must disclose and offer contact information for other virtual or blended school alternatives at the outset of the intake.
- The Applicant will maintain a single cohort class, subject to attrition and un-recruited subsequent individual enrollments.
- The Applicant's contract with its ESP must contain:
 - no exclusivity provision;
 - provision that the contract may be terminated at the sole discretion of the Applicant for any or no reason with reasonable notice to the ESP;
 - provision for pro-rata refund to school from ESP if a student withdraws prior to end of semester.

C. Maine Virtual Academy

Moved by John Bird, seconded by Laurie Pendleton to adopt the Findings of Fact as amended - all of 1, all of 2, 3 A-E, 4 A-D, all of 5, all of 6, 7 A-F, 8 A-B and all of 9 and strike the word proprietary (with Scantron).

Vote:

John Bird: yes; Laurie Pendleton: yes; Shelley Reed: no; Heidi Sampson: no;

Ande Smith: yes; J. Michael Wilhelm: no; Jana Lapoint, Chair: yes.

Does not pass; we needed 5 for that to go forward.

John Bird: Motion to move that the Commission approve the Virtual Academy to open in the Fall of 2014 subject to the charter containing contract requirements attached to the Findings of Fact presented by the review team.

Seconded: Heidi Sampson.

Vote:

Bird: Yes.

Pendleton: Yes.

Reed: No – Concerns; accept more of the negative findings of facts; doesn't give me confidence that the governing board is able to sustain and maintain and give proper oversight of the issues that are stated in the Findings of Fact. I have issues with student recruitment and enrollment being far away, the staff and the whole governing concept of the hiring director of instructions goes to the ESP, professional development for teachers educational practice, as well as online instruction; the ESP being the sole data source. Tab 40 gives us an uneven performance of the ESP across the country. I am not sure that some good and some bad is good enough for me.

Sampson: No – Shelley just say a lot of what I would say. The most paramount concern is my sense of the low involvement of the governing board. With the low involvement as it appears to me that governing board would be a rubber stamp for the ESP

Smith: Yes.

Wilhelm: No – For reasons those stated before. I appreciate the hard work of the review team and I appreciate the fact there were some issues there that couldn't be resolved without putting foot notes, "or not," based on your findings of fact. It reveals for me the fact that there are some questions out there that can't be resolved by the contract provisions. Those go to role of the board vs the role of the provider and that relationship; data that was provided – in terms of the kind of performance that the provider has across the country. My vote relates to the Findings of Fact.

Lapoint: Yes

Vote is 4 to 3. The application is denied as a vote of 5 affirmative votes is required by Commission rule for approval. I would encourage Maine Virtual to consider another opportunity to come back to us with the recommendations that we have submitted to you today.

**Maine Virtual Academy
presented by:**

Maine Learning Innovations, Inc.
March 3, 2014

Amended Findings of Fact Approved March 3, 2014.

Findings of Fact

Based upon review of the written proposal of the **Maine Learning Innovations, Inc.**, the “Applicant” and other oral and written matter provided to the Commission, including but not limited to interviews with and testimony of the Applicant, a public hearing and written submissions of the Applicant and the public, the Maine Charter School Commission (the “Commission”) finds the following:

- Based upon the review provided by Commission staff and the Commission’s review team, the Applicant provided a complete application that included material responsive to all the elements identified in the Request for Proposal and Charter School Application issued August 12, 2013.
- The Applicant meets the definition of a Public Charter School, as defined 20-A MRSA §2401(9), as indicated by:
 - The Applicant will have the ability to execute autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum and instruction as evidenced in part by:
 - The Applicant’s Board of Directors (the “Board”) is composed of individuals with the quality, experience and motivation to effectively meet this requirement;
 - Notwithstanding the outsourcing of certain administrative functions , such as accounting and human resources to K12 Virtual Schools, LLC (the “ESP”) or other providers, the staffing model of the school involving the direct hiring of a Chief Executive Officer and Chief Financial Officer, enables the Board of Directors to exercise direct control over critical areas of the school and thus effectively govern the school; and
 - Draft contract provisions, together with such other contract requirements as may be required as a condition of the charter adopted by the Commission, will provide sufficient opportunity for independent control over the ESP, such that the school will be able to effectively maintain the autonomy over the matters set forth in this element of the definition; including but not limited to, the authority of the board to require removal of ESP staff and the ability of the Board to establish a budget, to which the ESP must adhere for continuation of the Applicant-ESP contract.
 - The Applicant is governed by a board that is independent of a school administrative unit as evidenced by the organizational documents provided in the Applicant’s application submission and supporting materials.
 - The Applicant will be established and operated under the terms of a charter contract between the governing Board and the Commission upon acceptance of contract requirements adopted by the Commission.

- The Applicant will operate a school to which parents choose to send their children for grades 7-12 as evidenced by its meeting minimum enrollment levels adopted by the Commission as a condition of its charter contract;
- The Applicant will operate in pursuit of a specific set of educational objectives as defined in its charter contract adopted by the Commission; and
- The Applicant will operate under the oversight of the Commission and in accordance with its charter contract.
- The Applicant has provided evidence that it has the potential to create a high-quality school with high standards for pupil performance as evidenced in part by:
 - The ESP's performance as provided in Tab 40 of the application, although uneven and primarily based on the ~~ESP's proprietary~~ Scantron system, shows the potential to generate positive results in excess of normative groups, as well as, on comparative proficiency rates in reading for selected states. (See concern in 3.f. below.)
 - The Applicant has indicated a diverse course portfolio available to students, which should provide a range of educational opportunities, including its use of the Math Island program as part of its instruction.
 - The Applicant has highlighted specialty programs and extensive CTE offerings, including a program associated with Middlebury College.
 - The Board's composition includes a parent with experience leading parent groups in the virtual school environment and a former educator, whose resumes and presentations to the review team and at the Applicant's public hearing instilled confidence. (See concern expressed in 3.j. below.)
 - Each student will be managed through an individual learning plan, and the application details the extensive use of metrics and assessments to manage student learning.

OR DOES NOT have the potential

- The ESP's performance as provided in Tab 40 of the application was uneven and did not provide substantial evidence that the ESP will provide a high-quality school with high standards for Maine students.
- Although rebutted by the ESP in submissions, there exist numerous circumstances from other states where there is a record of authorizer dissatisfaction with ESP-operated schools and programs.
- The ESP's performance data often relied upon ~~its proprietary~~ Scantron data and not independent performance standards.
- The ESP could not provide comparative data on SAT and AP test performance of its students.
- Two reports (*Charter School Growth and Replication*, CREDO, January 2012; *Charter School Management Organizations*, Mathematica/CRPE, January 2012) provided to the Commission suggests that externally-managed-operations with low governing board involvement are less successful schools and the hiring model of the Applicant, which effectively relies on two hired staff members to supervise the ESP and all

teaching staff hired by the ESP, will attenuate the ability of the Board to be effectively involved in the school's operations.

- The Applicant has provided evidence that it will close achievement gaps between high-performing and low-performing groups of public school students as evidenced in part by:
 - The program will provide opportunities for instruction to students who experience significant barriers to learning attendant with brick-and-mortar schools, such as students experiencing bullying or students with special needs exacerbated by proximity to other students.
 - The program will offer independent learning plans to every student, which will be useful in customizing learning for students who are below grade level or otherwise lagging peers in traditional settings.
 - The program will leverage extensive metrics and assessments to provide for real-time remediation of students, offering the opportunity to enhance performance of lower performing students;
 - The program offers tutorials and recorded teaching content - 24/7, providing increased opportunity for student to close achievement gaps.

OR DOES NOT BECAUSE

- The ESP's performance as provided in Tab 40 of the application was uneven and did not provide substantial evidence that the ESP will close achievement gaps for Maine students.
- Although rebutted by the ESP in submissions, there exist numerous circumstances where there is authorizer dissatisfaction with ESP-operated schools and programs.
- The ESP's performance data often relied upon its ~~proprietary~~ Scantron data and not independent performance standards.
- The Applicant has provided evidence that it will increase high-quality educational opportunities within the public education system as evidenced in part by:
 - The Applicant has highlighted specialty programs and extensive CTE offerings through the description of its proposed Career Pathways program.
 - The Applicant has indicated a diverse course portfolio available to students as detailed in Tab 44 of the application and a range of educational opportunities, including AP courses in greater quantity than generally available.
 - The program includes a significant number of field trips and similar events to enhance students' educational experience.
- The Applicant has provided evidence that it will provide alternative learning environments for students who are not thriving in traditional school settings as evidenced in part by:
 - The program will provide opportunities for instruction to students who experience significant barriers to learning attendant with brick and mortar schools, such as students experiencing bullying or students with special needs exacerbated by proximity to other students.

- The program is customizable through the individual learning plan, providing opportunities for enhanced learning and performance in cases such as students with credit recovery needs or accelerated learning for students frustrated by lockstep traditional settings.
- The Applicant emphasized the offering of differentiated instruction for students who are at risk based upon the metrics used in the program.
- The Applicant's use of the ESP's Career Pathways program will provide alternatives to career-oriented students.
- The Applicant has provided evidence that it will create new professional opportunities for teachers and other school personnel as evidenced in part by:
 - The virtual delivery model creates new professional experience for teachers and staff.
 - The application details professional training in virtual and computer technology as a platform for instruction.
 - The Applicant's focus on metrics creates a response-to-intervention oriented and collaborative environment for teachers to learn together.
 - The Applicant's model for instruction, especially with respect to special needs populations, provides the opportunity for good collaboration and group learning for teachers and staff.
 - The Applicant's ESP offers robust continuing education and training related to the ESP instructional materials and model.
 - The ESP will rely on a Charlotte Danielson-based system for teacher evaluations.

OR DOES NOT BECAUSE

- The professional development of staff will be exceptionally limited by the proposed model of an all-virtual team with no regular, on-going, in-person contact and collaboration; on-going collaboration, supervision and mentorship opportunities has been found to be an important element in successful charter schools (see the CREDO and Mathematica/CRPE studies cited above).
- The professional development program proposed is largely limited to training on the execution of the ESP's instructional model.
- The Applicant has provided evidence that it will encourage the use of different, high-quality models of teaching and other aspects of schooling as evidenced in part by:
 - The Applicant's program of instruction based on virtual learning is different from the traditional education model.
 - As supported by finding 3 set forth above, the program has the potential to be of high quality.

OR DOES NOT BECAUSE

- As supported by finding 3 set forth above, the program as described does not provide adequate assurances that it will be of high quality.

- The Applicant has provided evidence that it will provide students, parents, community members and local entities with expanded opportunities for involvement in public education system as evidenced in part by:
 - The Applicant's description of field trips and similar events will provide such expanded opportunities.
 - The program's reliance on learning coaches and parents and the Board's stated intention to engage with them for student enrichment, will provide for such expanded opportunities.

Proposed Charter Contract Requirements

- The Applicant will be required to conduct any lottery for enrollment as follows: enroll first all grade 7-9 students and then grade 10, then 11, then 12, subject to the exceptions provide at law for siblings and other students.
- Beginning in year two, the Board will hire an independent third-party to evaluate the ESP and the school's execution of the education program described in the RFP, which report shall be provided to the Commission together with access to raw data and the consultant for questioning.
- The Applicant shall conduct exit interviews with its employees and those of the ESP assigned to the school, together with students. Such interviews shall be summarized annually and provided to the Commission, together with access to raw data. In addition, the Applicant shall provide evidence of Board review and commitment to continuous improvement based on such interviews.
- The Applicant shall maintain an annual budget reserve, line of credit, or similar credit facility to hire additional staff or necessary resources at the Commission's reasonable discretion.
- The Applicant shall report back on the effectiveness of the CEO to supervise the CFO and the Director of Instruction, manage the ESP and serve as head-of-school with respect to the students and parents.
- The ESP's recruiters cannot be economically incited to recruit students, through such means as a capitation fee or bonus.
- The Applicant shall liquidate the startup-loan of the ESP such that there is no debt owed to the ESP after end of year three, other than ordinary trade credit.
- Before enrolling greater than 400 students, the Commission must be satisfied as to the execution of the education program performance.
- Opening enrollment of the school shall be 300 +/- 10%, with minimum enrollment thereafter being no less than 270 students at any time.
- The Applicant shall hire an independent third-party to annually survey parents and students for satisfaction with the educational program, ESP performance and such other matters determined by the Board or required by the Commission. Such surveys shall be summarized annually and provided to the Commission, together with access to raw data. In addition, the Applicant shall provide evidence of Board review and commitment to continuous improvement based on such interviews.
- The Applicant shall maintain an anonymous reporting line or similar system for use by ESP staff for providing feedback to the Applicant regarding any matter,

including but not limited to, HR practices of the ESP, effectiveness of professional development programs and student teaching load.

- During recruitment, the Applicant must disclose and offer contact information for, other virtual or blended schools at the outset of the intake.
- The Applicant will maintain a single cohort class, subject to attrition and subsequent un-recruited individual enrollments.
- The Applicant's contract with its ESP must contain:
 - no exclusivity provision;
 - provision that the contract may be terminated at the sole discretion of the Applicant for any or no reason with reasonable notice to the ESP;
 - provision for a pro-rata refund to the school from the ESP if a student withdraws prior to the end of the semester;
 - provision for access by ESP employees to the Applicant's Board or staff under an "open door" policy;
 - provision that the Director of Instruction shall work full-time in Maine and must dedicate substantially all of her/his work to the Applicant-ESP contract, subject only to activities as professional development, incidental corporate meetings, occasional peer mentoring, etc;
 - provision that ESP employees shall be removed from servicing the Applicant-ESP contract at the request of the Applicant for any or no reason within sixty (60) days of request.

D. Lewiston-Auburn Academy Charter School

Moved by Shelley Reed, seconded by Heidi Sampson and unanimously voted that Ande Smith has demonstrated adequate preparation to be included in today's work.

The full Commission engaged in discussion of the approval or denial of the application.

A prepared position paper was presented by Heidi Sampson. The full prepared position paper is attached at the end of these minutes, as Appendix A.

Moved by John Bird; seconded by Heidi Sampson to deny the application. Several members requested that the references encouraging them to reapply be removed.

John and Heidi accepted that as an amendment to the original motion.

Motion by Ande Smith to amend the motion to add to the Findings Report:

- The Commission finds that the applicant provided materially false and misleading information to the Commission in its application, which while later corrected by the applicant, was only done so in response to the falsity being revealed by opponents, including:

- Representing that it had received letters of support from a former mayor of Lewiston, a city of Lewiston's economic development coordinator and a leading faculty member of Bates College.

Seconded by Heidi Sampson.

Ande Smith: I will withdraw the "b" section and the Romanette ii of my 3/3/14 email.

Second the amendment by Heidi Sampson.

Bob Kautz: Adjusted motion – no need to amend.

Include in the Finding Report – Last paragraph of C (Page 4) replace with Smith 3/3/14 email: 3. a. Romanette i

Vote on Lewiston-Auburn Academy Charter School

2nd amendment is to replace the paragraph with 3 a. i.

Vote unanimous

1st amendment to strike references to reapplying.

Vote unanimous

The original motion is to deny the application for the reasons stated in the review committee report with the references to reapply struck and the replacement of the last paragraph in 3 by the offering of Ande in 3. a. i.

Bird: Yes

Pendleton: Yes

Reed: Yes

Sampson: Yes

Smith: Yes

Wilhelm: Yes

Lapoint: Yes

Lewiston-Auburn Academy Charter School Findings Report March 3, 2014

Amended Findings Approved March 3, 2014.

The Lewiston-Auburn Academy Charter School is to be a replication of the Pioneer Charter School of Science in Everett, Massachusetts. The application presented a clear, focused, compelling mission statement that defined the purpose of the school. There was a strong emphasis on STEM education balanced with the humanities. The applicant demonstrated knowledge of the diverse cultural background of the community it would serve. They presented a viable plan for curriculum development of the core academic areas consistent with the school's mission, values and educational program design and clearly demonstrated why there is a need for

a STEM program in the Lewiston-Auburn area. They presented a strong desire for high quality education leading to college. Furthermore, a strong discipline and anti-bullying policy was presented to provide a safe and welcoming environment for structured learning.

Current students from the Pioneer School Charter School of Science were present at two separate hearings and unanimously extolled the virtues of the school and the difference it had made in their lives. They all have received acceptance letters from a number of high quality colleges in and around New England.

As with most applications, the Commission has received both letters of support and requests for rejection of the application. Every letter, e-mail and phone message was vetted by as many sources as could be reached. The subcommittee was satisfied with our inquiries.

It is the recommendation of the subcommittee that the application of the Lewiston-Auburn Academy Charter School be denied.

Concerns with the Lewiston/Auburn Academy Charter School Application

- **Educational Program**
- **Lack of Alignment to Maine Learning Results**

The application states the school will “use the curriculum and instructional methods developed and implemented at PCSS (the model school).” The model school is based in Massachusetts and therefore the curriculum used at that school is aligned to the Massachusetts Curriculum Frameworks as opposed to the Maine Learning Results. Although the Charter School’s Board has given assurances to the Commission that the work of aligning the curriculum be completed prior to opening it is difficult to approve a school based on work to be completed in the future.

- **Graduation Standards do not support Maine’s Proficiency-Based Diploma**

Maine Statute 4722-A. Proficiency-based diploma standards that states: Beginning January 1, 2017, a diploma indicating graduation from a secondary school must be based on student demonstration of proficiency as described in this section. The commissioner may permit a school administrative unit to award diplomas under this section prior to January 1, 2017 if the commissioner finds that the unit’s plan for awarding diplomas meets the criteria for proficiency-based graduation under this section (2011, c. 669, 7 (NEW)).

The school’s method of determining promotion and therefore graduation is based on the earning of “marks” or grades as opposed to demonstrating proficiency in a subject area. When questioned, the Board members appeared to be unaware of this requirement.

- **Lack of Alignment to Maine’s Assessment System**

The application states “the MeCAS will be administered according to the DOE schedule: MeCAS Math: Grades 7, 8 and 10; MeCAS Science: Grades 8 and 10; MeCAS ELA grades 7, 8, and 10”. This assessment schedule does not align with the Maine Comprehensive Assessment System. This oversight brings into question the applicant’s understanding of the Maine Assessment educational system.

- **Meeting the Needs of Diverse Learners**

The school’s budget calls for two FTE Special Education Teachers throughout the first three years of operation. Based on the school’s estimation of 15% of their population requiring Special Education services, this would result in a student to teacher ratio of 14 to 1 in year one; 18 to 1 in year two and 22.5 to 1 in year three.

In Tab 3 the school provides a sample English Language Education Parental Waiver Policy based on Massachusetts General Laws. However, Maine law requires that parent refusal of ELL services be documented, however, it “does not release the school or School Administrative Unit from its responsibility for providing meaningful education to the English Learner.

- **Organizational Plan**

Although the plan to ensure parental involvement was well documented in the application, there is a need to demonstrate how Lewiston-Auburn Academy Charter School will involve the greater community.

- **Governance**

- **Board Capacity**

Although the application does not clearly state the total number of board members the school intends to have when operating, there are currently only seven members, one being a paid employee of Pioneer Charter School and who does not reside in the state of Maine. (p. 91). The committee is not confident that the board has the capacity to create, open, and operate a high performing school.

- **Board Diversity**

Although there appears a good understanding of diverse roles needed on board, there is currently a lack of expertise in the areas of law and finance. Additionally, based on the resumes shared behind Tab 30, only two of the current board members, Fatuma Hussein and Christine Richards, live within the Lewiston-Auburn catchment area.

The Commission finds that the applicant provided materially false and misleading information to the Commission in its application, which while later corrected by the applicant, was only done so in response to the falsity being revealed by opponents; including: representing that it had received letters of support from a former mayor of Lewiston, a city of Lewiston's economic development coordinator and a leading faculty member of Bates College.

- **Business and Financial**

- **Facilities Preparation**

The Commission lacks confidence that the school will be able to execute a lease with the Charter School Development Corporation which will provide sufficient time to purchase land, secure all necessary permits, and erect a building in time for the opening of school.

The following documents are samples from the Pioneer Charter School of Science in Everett, Massachusetts. These documents may or may not represent Maine statutes and requirements and need to be carefully reviewed.

Tab 2: Notice of Procedural Safeguards

Tab 6: Child Study Team Referral Form

Tab 7: Draft Complaint Procedures

Tab 11: Student Handbook

Tab 15: Multi-Hazard Evacuation Plan

Tab 16: Bullying Prevention and Intervention Plan

Tab 18: Student Weekly Schedules

Tab 22: Staff Handbook

VIII: OTHER:

- Update on visit to Harpswell Coastal Academy

Heidi distributed her report and went over the follow-up on the 90-day Review.

**Report on the Follow-up of the 90 day Review
for Harpswell Coastal Academy
March 3, 2014**

Approved as written by Commission 3/3/14.

- Update of 90 Day Review Report
 - Visiting Charter Commission Team: Heidi Sampson, Shelley Reed, John Bird, Jana LaPoint, Bob Kautz
 - Measure of Assessment
 - Compiled measurement assessments from NECAP on all students from last year 5th, 8th and 9th grade to determine baseline status
 - Will implement the Accuplacer – a skills based assessment – a different version from the College placement exam (March)
 - This test will not provide a baseline for comparison with NECAP, but will be the beginning of an annual baseline of skill levels.
 - SBAC – starting next year – will determine the time of year, but know they have option of 6x's a year
 - Explored idea of NWEA testing: cost prohibitive - \$1750 start up cost plus additional \$15 per student

Action Plan: This will be a Material Change for HCA's plan – by April 1 we will receive a written proposal not only including the testing change but also the details for the school wide rubric for assessment with respect to the Maine Learning Results

- Parent Concerns/Issues:
 - Communication: Weekly 'Newsletter to parents includes upcoming events, board meetings, links to e-backpack; Jump Rope to see what students are missing, calendar, Parenting teens, classroom updates, etc.
 - Can identify the number of parents reading these emails; initially up to 65% were, now 55% are NOT reading them – March parents meeting will ask the question 'why?'
 - Parents who are not looking at the link are NOT the ones the school is having issues with however.
 - Redesigned website – with clear Parent Portal which contains similar information as in the Newsletter
 - Afternoon workshops (M,W,F w/ 5 offerings to choose from) have increase with more parental help; cooking, music, textile art, great books, tinkers, industrial arts, journal, equine studies, sailing, sustainability, Year Book, Robotics w/ Bowdoin intern...
 - Academic support meets T/TH on weekly basis
 - Safety procedures – in place; entrance is always monitored
- Parent partnership was initially less than successful, but with a new approach there is hope for more involvement. Sharon Whitney (board member) will assist in this process to all parents can become involved.
- Governing Board:
 - All meetings dates, minutes are on website
 - Generally have one parent and one student (not related) attend
 - New Members:
 - Dick Mayo – retired Navy Adm

- Ed Harris – Governance/Assessments – will be helping to hold feet to the fire with regard to the assessments (along with Sally McKenzie will work to strengthen function of board) Ed is the Vice Chair of the board
 - Additional potential member who has finance experience
- Administrative changes
 - Great increase in quality with humanities teacher with background in experiential learning
 - Administration has more time for development and future planning
 - Have identified 22 tasks that will help determine next year's effective staff expansion
 - Student record management a huge task and very time consuming; maintaining files (that will be one area for new staffing)
 - Developing a set of practices for John to deal with discipline issues, with plan to develop others to do the same; Trevor (the lead SpEd teacher) has been stepping in that role well
 - Need more fiscal and data management assistance going forward. Looking ahead to next year they will be looking at hiring a part time business manager.
 - New prospective board member will be assisting with school finance guidance
 - The school is financially sound
- Future Plans for Site
 - 3 person site committee to consider 3 options at this point:
 - Expand current location,
 - have 2 sites with current location as one,
 - build a new site
 - Move to new site will take longer than previously expected
 - Currently – negotiating the lease
 - Putting purchase & sale off 1 year
 - Have enough space for next year
 - If they need to – will look into modular space.
- Staff/Teacher Development
 - Professional Development Plan – SAD 75 3 days
 - Looking to get into classroom & coaching – not able to get to yet and recognize need to work on this
 - Have very capable teachers that are not very needy – students are engaged, but this is on the list to focus on starting next year
 - Sally McKenzie – faithful bi-weekly leadership training has been fruitful
- Facility
 - Town of Harpswell – lease payment to put into maintenance and repairs
 - \$10,000 in fuel
 - Seam sealing windows and other spaces
 - Plowing services
 - Custodial – Look forward to hire facilities/custodial individual
 - This year – core set of parents come to clean

- Students continue to maintain their daily cleaning chores
- Budget
 - Received enlarged printed version
 - Electronically sent to MCSC office as of Friday Feb 28th
 - Cash Flow actuals
 - Each quarter up to March 1st
- Billing
 - Invoices – timely sent out – return 7-8 weeks later
 - Invoicing for students no longer attending – one student left within days of opening, still invoicing per DOE instruction
 - Discussion of what is permissible/ what is ethical?
 - Request for workshop for Charter schools on this issue
- Enrollment
 - This year
 - 1 student left after just a couple of days – case of parent wanting something, student did not
 - 2 students moved to far away – (do not invoice for them)
 - After mid-year break;
 - 2 – 9th graders left (social interests)
 - 1 – 6th grader left (social/sports interests)
 - Next year
 - 54 Intent to enroll; 29 girls, 25 boys
 - Two more open houses scheduled

Action Plan: Get letters of enrollment for current students to determine lottery

- Transportation
 - SAD 75 – board mtg determined transportation agreement based on add on cost as if a field trip. This worked well for HCA as bus was already traveling to their area
 - Now SAD 75 board is looking at funding formula which will increase cost significantly not considering additional cost HCA has for additional transportation. The increase in cost will be the full transportation cost.
 - This does not consider ALL Harpswell students who are picked up by HCA vans and do not get bus transportation
 - Considering other options; bus companies/private org.

Heidi Sampson, Chair, Harpswell Review Team

Moved by Mike Wilhelm; seconded by John Bird and unanimously voted to accept the Harpswell Coast Academy report.

IX. ANNOUNCEMENTS:

- A. Turn in Expense Account Vouchers at the end of the meeting.
- B. Next regularly scheduled meeting: April 1, 2014

X. PUBLIC COMMENT:

None

XI. ADJOURNMENT:

Moved by Shelley Reed; seconded by Laurie Pendleton and voted unanimously by those present to adjourn the meeting at 2:45 p.m.

APPENDIX A

Prepared position paper by Heidi Sampson

In response to the subcommittee's recommendation, I do not 'strongly recommend this school reapply.' I have much deeper concerns and suggest they do not re-apply.

I will base my comments on the Request for Proposal as a template and include some of the many findings I have discovered since the hearing. Although the application was quite lengthy, the public hearing was the beginning of a journey of substantial fact finding.

The Educational Plan:

I do have to commend this prospective school for its model's apparent success rates with students in Massachusetts. Not to dismiss the accomplishments of the youngsters who testified to us, their testimonials were highly repetitive and appeared to be orchestrated.

There are ample accusations that data and test scores have been altered by Massachusetts schools. The lines of conflict of interest are very blurry as the ones who hold the data are in fact part of the same administration through a tightly spun and non-transparent network.

The graduation rate in the application is misleading. A cohort is considered to be the group of students beginning in 9th grade and the ones remaining to graduate in 12th grade. Even the MA DoE's website has 3 different versions of this as it pertains to PCSS, so the raw numbers speak for themselves revealing the misleading claim of Pioneer's graduation rates. In a clarifying note from Mr. Kara he agreed there were 58 9th graders with a remaining 35 at graduation. This is not 100% graduation rate, but rather 59%.

With regard to special education, this application is lacking in depth, content and understanding of Maine requirements and law.

Understanding Maine Learning Results and being prepared to implement Proficiency based learning is very weak and underdeveloped.

Academically, the Pioneer school may well produce fine results for the children who graduate and do not drop out. But as anyone well versed in the art of schooling and running a school knows, academics are only a portion of the whole picture. We as a commission must look at the entire working structure of the school not just the academic plan. Although there are still unanswered questions about the curriculum, they pale in comparison to my other concerns.

The emphasis on Turkish culture:

The applicants speak at great length about their instruction in the Turkish Culture, which is certainly fascinating, rich and eclectic. Unfortunately it appears that other rich cultures will be neglected. Why in a Maine public school should

Turkish culture takes precedence over that of the Irish who settled in Nova Scotia. Or of the Blacks who drove the musical renaissance of the roaring twenties in our country?

Exposing students to other cultures is one of the more important aspects of education. However, upon examination of some recurring examples used by countless other carbon copies of this school, I am very much concerned. One particular example is with the Whirling Dervishes; a mesmerizing dance troop. However, this is where the lines of church and state get very, very fuzzy and need to be considered. Dance is a powerful medium to reach the heart and soul of an audience. This particular dance with its many parts is a religious ritual with very, very precise meaning for everything that is performed.

It's more than just a cultural experience, The Whirling Dervishes from their very beginnings have existed to promote obedience to Allah, using dance to create feelings of spirituality amongst both dancers and audience. After watching video footage of students emulating the dancers on stage and being instructed I have to ask, "**Is this not creating in them feelings of reverence for Allah?**"

http://scdialogue.org/index.php?option=com_content&view=article&id=184&Itemid=303

Mustafa Emanet, a former teacher for the Horizon Science Academy in Cleveland, wrote that in 2008, Mr. Kara who was the President of Concept Schools and manager of Horizon, directly authorized payment out of school funds for an **all-expense paid trip from Turkey** for the Whirling Dervishes. Emanet, was responsible for their transportation to and from Chicago. Any additional expenses for food and lodging were either picked up by the school or the Niagara Foundation. This clearly crosses the line of church and state.

In addition to the questionable use of school funds is the fact that both emails attested to the religious nature of the Dervish dance. In fact, Mr. Kara was an officer of the local Rumi Forum. The Rumi Forum and the Gulen schools are separate entities in the Gulen Movement. Rumi is very active in promoting the Turkish culture and interfaith events, both for the purpose of furthering Orthodox Islam. A visit to the Rumi Forum online, simply www.rumiforum.org, shows the connection. It appears that Mr. Kara is not only influenced by the Gulen movement but also a part of it.

The Organizational Plan:

I am deeply concerned with this school's attempt to exploit one specific population in Lewiston-Auburn at the expense of all the other students in the catchment area. If they had a genuine

effort to reach a wide array of students it would have been reflected in the application and the surveys. It is troubling that they have only reached out to the local mosque and through the Catholic Charities who deal specifically with the immigrant population. This is a public school and with that said, must reach out to any and all students. This has not happened.

Because of failing to include the demographics of the service area the applicants are in effect **discriminating against the indigenous population and creating a segregated school**. Isn't this against Maine Charter School Law?

Staffing issues are another concern. There is no need for hb-1 visas to recruit teachers. There is an abundance of qualified teachers in the state of Maine and New England alone to meet the need. One charter school in MA had 4000 applications for individuals looking for jobs in Science and Math fields.

Community Support

Due to their selective outreach, it's no wonder there is virtually no community support. Additionally, community support must be built upon principles of trust and honor. Deception or false representation of individuals and specific details about the school is the best way to destroy any sense of good will or trust.

This school has effectively destroyed any potential for building trust with the false representation of individuals such as the city's Mayor. Mayor MacDonald has since made it very clear that he and many of his city councilors are not pleased with the false representation of their position on the application. **Is that not an illegal offense?**

Contrary to local support many local residents and parents strongly opposed this school. They have taken the time to voice their concerns either in person or via email to the commission. Speaking for myself, their voices have been heard.

It is very significant that there was not one single individual in the Lewiston-Auburn area who expressed support for this school at the public hearing. **It begs the question, 'why'?**

Not one of the many individuals signing surveys in the application cared enough to attend the hearing. And there is no way to confirm the vast majority of these surveys. Furthermore, there have been no individuals from the LA area who have written letters of support. These are the individuals and families we need to hear from as they are the ones directly impacted by this school. In fact, I find this issue very troubling. Parent and community support for a school is one of the performance indicators with which we as a commission judge a school. When they have none to begin with...there should be no further discussion. **This is obviously not a community supported venture, plain and simple!**

Governance:

The Governing Board is clearly run by one man, Mr. Kara. It was abundantly clear to me that he was and is the only one who can speak to the vast issues pertaining to the school. This is wholly inadequate. Without a strong, diverse and well-prepared board, a school will not be

successful. That must be step one in preparing a school. **In my mind, that alone could dismiss this application.** The board lacks depth and breadth.

Financial Management:

A first concern is the use of Maine tax dollars being spent on teachers imported from overseas. This is unacceptable, unnecessary and destructive of the local economy.

An even greater concern is evidence that some schools run by Mr. Kara have had financial problems. Mr. Kara was also involved in a labor department dispute in Ohio. His Concept Schools management organization and Horizon Charter School were forced to pay one employee back wages that had been garnered without consent. **Is this the kind of business dealings we want in our Maine charter schools, especially when we are tasked with wise management of tax dollars?**

http://charterschoolscandals.blogspot.com/search/label/**Managed%20by%20Concept%20Schools

Conclusion:

To sum up the evidence, we have an application for a public Charter school that was advertised to one small segment of the community and is designed to meet a special need for math/science that does not broadly serve the interests of the student population of the area. Special needs learners are essentially ignored.

One foreign culture is emphasized to the exclusion of others. Also the apparent effort by Mr Kara to distance the school from the Turkish political Gulen movement, does not hold water because of his personal affiliation with the Rumi Forum.

That he would be the lead administrator of the school is even more troubling because of the financial problems connected with his administration of the Ohio school. Here the school would contribute to financial problems of another kind by importing foreign hb-1 teachers when we have good local math/science teachers.

In addition the local Maine population does not support the school at all! The Mayor and Council are disgusted by the applicants' misrepresentation of their support, and there is vocal community opposition to this type of segregated school.

It has become abundantly clear that there is a tightly knit, well-orchestrated network within this Movement. It is unified and highly coordinated. They have complete control over the finances of not only this prospective school, but every school this one is a carbon copy of. These are all publicly-funded charter schools. These folks and this movement have few if any obstacles to overcome as they seek to orchestrate and direct nearly every aspect of school business to their own network. This is a blaring conflict of interest at best. **How is this not collusion?**

<http://gulencharterschools.weebly.com/charter-schools-offer-numerous-business-opportunities.html>

How can these applicants say they are ‘Gulen inspired but not Gulen influenced?’ Isn’t that mere semantic deception? Why this illusion? If it walks like a duck, talks like a duck, you can call it any sort of aquatic, avian creature, but it still has the DNA of a duck coursing through its entire body.

Why is there such a lack of transparency? Maybe Fethullah Gulen’s own words in Pearls of Wisdom p. 83 will shed light on these questions. “The details of many important affairs can be protected only if they are kept secret. Often enough, when the involved parties do not keep certain matters secret, no progress is achieved.” This approach to school planting flies in the face of three fundamental tenants of the Maine Charter School initiative: openness, transparency and local support.

This application, fails to meet the purposes and requirements of a charter school. I strongly urge you reject it.