

Maine Charter School Commission Meeting - January 8, 2013

Minutes

The State Charter School Commission held a meeting on January 8, 2013, at the Cross State Office Building, 111 Sewall Street, Augusta, Maine. The following members were present: James Banks; Richard (Dick) Barnes; John Bird; Jana Lapoint; Shelley Reed; Heidi Sampson; and William Shuttleworth.

Also present: Bob Kautz, executive director, and Deanne Lavallee, administrative assistant

CALLED TO ORDER:

Chair, Jana Lapoint called the meeting to order at 1:18 PM.

Jana Lapoint, Chair: I would like to take a moment to recognize Newtown, Connecticut, young people, teachers, adults working in the school that lost their lives a short while ago. I found something that I thought was appropriate: No farewell words were spoken. No time to say goodbye. You were gone before we knew it. And only God truly knows why.

ADJUSTMENTS TO THE AGENDA:

Letter from Drummond and Woodsum, Richard Spencer, representing the Maine School Board Association, with Connie Brown, Executive Director of Maine School Management Association. Mr. Spencer asked to speak and said: 'This could be put to the end of the agenda and if the four schools are not approved to go forward; then we will withdraw the petition to intervene in the charter school proceedings concerning the virtual schools.'

Commission Members: No comment.

APPROVAL OF MINUTES:

MOVED by Shelley Reed, seconded by John Bird, and unanimously voted by those present to approve the meeting minutes from December 4, 2012.

OFFICER'S REPORTS:

Chair, Jana Lapoint

Fall 2012 RFP - Review of five charter school applications – evaluate: Education Plan, Organizational and Operational Plan, Governance, Business and Financial Services, Education Service Providers; assess the budget for sound financial infrastructure in order to support the proposed plan; determine the sovereignty of the governing board as related to the legal, fiscal and functional authority for the operation of the school.

Vice-chair, Richard Barnes

- None

Executive Director, Bob Kautz

I would like to thank the charter commission members for all the time you have put in reviewing the applications, meetings, deliberating, writing. Also the time you put in on Chapters 1 and 2 and the pre-opening plan. I applaud you for all of those contributions of time you have given. I would also like to thank Deanne Lavalley, who has made tremendous contributions as the commission's administrative assistant in getting us to this point.

NEW BUSINESS:

Motion James Banks, Sr: I move to approve Chapter 1 to the rulemaking process.

Seconded by John Bird

And unanimously voted by those present to approve.

90-668: MAINE CHARTER SCHOOL COMMISSION

Proposed Rule 1-8-13

Chapter 001: COMMISSION ORGANIZATION AND OPERATION

SUMMARY: This rule describes the organization and operation of the Maine Charter School Commission.

SECTION 1: ORGANIZATION

1. Commission. The Maine Charter School Commission consists of seven (7) members who are appointed by the State Board of Education for 3-year terms. Three (3) members must be members of the State Board of Education; the other four (4) members must be nominated by the three (3) State Board members and approved by a majority vote of the State Board of Education. Members must satisfy the experience requirements, and the State Board must satisfy the appointment process, set forth in 20-A MRSA Section 2405(8). Any employee, trustee, agent, or representative of the Commission may not simultaneously serve as an employee, trustee, agent, representative, vendor or contractor of a public charter school authorized by the Commission

Members may not serve more than three (3) consecutive terms, but may serve again after not serving on the Commission for at least one term. A Commission member who is a member of the State Board of Education serves on the Commission only during that person's membership on the State Board of Education; upon expiration of that person's State Board membership, the position on the Commission becomes vacant and must be filled in the manner provided for filling vacancies.

A vacancy on the Commission must be filled in the same manner as the same position was filled, and must meet any applicable requirements of the appointment process set forth in 20-A MRSA Section 2405(8). A vacancy is filled for the remainder of the unexpired term. If a member serves more than one and one-half (1.5) of an unexpired term, that service counts as one term for purposes of the term limitations described above. A member who vacates by means of resignation must provide written notice to the Commission within thirty (30) days of the effective date of the resignation.

A member of the Commission may be removed, by a majority vote of the State Board of Education, for failure to perform the duties of office. The Commission may recommend to the State Board of Education the removal of a Commission member for failure to attend three (3) consecutive Commission meetings either in person or by telephone or electronic means, unless the absences are excused by the Commission. Attendance by telephone or by electronic means counts as attendance only for purposes of this section. In addition, public behavior by a Commission member that diminishes the integrity of the Commission may warrant a recommendation of removal to the State Board of Education. Recommendations of removal require a majority vote of the Commission members.

2. Officers. The Commission shall elect a chair and such other officers as may be necessary to conduct its business. Officers must include a Chair and a Vice-Chair. The Commission may create additional officer positions by majority vote. Officers must be elected by a majority vote of the Commission members annually at the first meeting in July.

The Chair shall: preside over all Commission meetings; prepare, in consultation with the members, the agenda for each meeting; sign all Commission correspondence, reports and other communications; and shall be generally responsible for coordinating and directing the work of the Commission, in collaboration with the other Commission members, including the oversight of an Executive Director of the Commission or the administration of an agreement for the services of an Executive Director, should the Commission secure such services.

The Vice-Chair, in the absence of the Chair, shall have all the powers and duties of the Chair, and may assume other responsibilities at the direction of the Chair. In addition, if no Secretary is elected, the Vice-Chair shall ensure that proper notice of Commission meetings is provided, and that meetings are accurately recorded and meeting minutes are made available to the Commission for review, approval and public posting. The Vice-Chair shall also serve as facilitator of Commission meetings.

Each officer's term is one (1) year. Officers may not serve more than two (2) terms, but may serve again after not serving in that office for at least one (1) term. Upon expiration of an

officer's term, the position becomes vacant and must be filled in the manner provided for election of officers.

A vacancy in an officer's position must be filled in the same manner as the same position was filled, and it is filled for the remainder of the unexpired term. If an officer serves more than one half of an unexpired term, that service counts as one (1) term for purposes of the term limitations described above. An officer who vacates by means of resignation must provide written notice to the Commission within thirty (30) days of the effective date of the resignation.

3. Commission Work Groups. The Commission may establish work groups for the purpose of conducting the work of the Commission. All work performed by the work groups is subject to the review and approval of the Commission. A work product of a work group must be adopted by the Commission pursuant to a vote at a Commission meeting in order to be considered the work of the Commission.

4. Representing the Commission. The chairperson is authorized to represent and speak on behalf of the Commission. The Commission chair may also authorize other Commission members to represent and speak on behalf of the Commission. When a Commission member is authorized to speak on behalf of the Commission, the member must clearly state that the communication being provided is representative of the Commission.

5. Office and Staff. The Commission shall, in keeping with its authorizing responsibilities, engage experts, professional and administrative staff separate from the Department of Education.

The Executive Director supervises the staff and is responsible for all day-to-day operations and to implement the goals and objectives of the Commission. In the interim between Commission meetings, the Executive Director reports to the Chair.

The Commission's office is located at the Burton Cross State Office Building, 5th Floor, 111 Sewell Street, Augusta, Maine, where any filing or written submission may be made by hand delivery between the hours of 8 AM and 5 PM on any day when State government offices are open. The address for all correspondence by mail is 182 State House Station, Augusta, Maine 04333-0182. Filings by telephone facsimile to 207-287-2109 or by electronic mail to mesc@maine.gov may be transmitted at any time if otherwise permitted by statute, rule or application requirements.

All records of the Commission are maintained in these offices, where they are available for inspection or copying, except as particular records are made confidential by law. The cost of copying is set by the Executive Director, subject to reasonable limitations and approval of the Commission

SECTION 2: MEETINGS

1. Frequency. The Commission shall hold regularly scheduled meetings. Special meetings of the Commission may be called by the Chair or by a majority of the Commission

members. Commission members must be given at least twenty-four (24) hours written notice of the time, place and purpose of a special meeting; if such written notice is not possible, notice must be provided by telephone, telephone facsimile or email with confirmation of receipt required.

2. Public Notice. Notice of, and the agenda for, all regular meeting of the Commission shall be posted on the Commission's website (www.maine.gov/csc) at least seven (7) days before the meeting. Notice of any special meeting of the Commission shall be provided in the same manner as notice of regular meetings is provided to Commission members.

3. Public Participation. All meetings of the Commission are open to the public except that an executive session may be called, in accordance with 1 MRSA Section 405, by a public, recorded vote of 3/5 of the members of the Commission present and voting.

4. Agenda and Rules of Conduct. The Chair shall provide a written agenda for each regular meeting of the Commission. The agenda must set forth the items to be considered, including any scheduled upcoming appearances of Commission members, as well as the date, time and location of the meeting. The agenda must be mailed, or sent by either telephone facsimile or email to each Commission member at least seven (7) days before the meeting. The agenda is subject to amendment by Commission members at the opening of the Commission meeting. Commission meetings shall be governed by Robert's Rules of Order.

5. Quorum and Voting. Decisions made by the Commission must be made at a meeting at which a quorum is present. Four Commission members constitute a quorum. Commission members are entitled to one (1) vote on each issue or motion to come before the Commission at all regular and special meetings held. When it is impossible or impractical for a Commission member to travel to attend a Commission meeting in person, the Commission member may participate in the meeting by telephone; that member will not be counted in the quorum. Neither proxy nor absentee voting is permitted.

For the approval of an application to authorize a public charter school a roll call vote with five (5) affirmative votes or two-thirds (2/3) of the current Commission membership is required. The Chair will call the roll alphabetically and will vote last. The Vice Chair of the Commission will call the roll when the Commission Chair served as Chair of the application review committee.

No Commission member shall cast a vote on any matter that would provide direct financial benefit to that member or the member's spouse, family member, or business partner or otherwise give the appearance of a conflict of interest under State law.

6. Minutes. The Vice-Chair shall ensure that minutes of each meeting of the Commission are prepared and are provided to the Commission members for their review and approval as the official record of the meeting.

The staff will prepare minutes of each business meeting of the Commission. Minutes shall record all actions of the Commission. If votes are not unanimous, the names of those voting in the minority should be recorded. Approved minutes are to be posted on the State Charter School Commission web site.

The minutes will record any executive session of the Commission and its subject matter, but will not report the proceedings of the executive session. Likewise, the minutes will not be taken of any public hearing held by the Commission, since hearings are separately recorded.

SECTION 3: REPORTS AND RECORDS

1. Reports. The Commission shall submit such reports as are required under applicable State or federal law, or as requested by the Commissioner of the Department of Education, including an annual report to the Commissioner within sixty (60) days of the end of each school fiscal year in accordance with the requirements set forth in 20-A MRSA Section 2405(4).

2. Records. The Commission shall maintain, at its Augusta office, all records related to its work.

SECTION 4: FUNDING AND EXPENDITURES

1. Funding. The Commission shall, in keeping with its authorizing responsibilities, seek and receive state, federal and private funds.

2. Reimbursement. A Commission member may not receive compensation, but may be reimbursed for travel expenses, in accordance with State policy except as otherwise provided in law.

Motion James Banks, Sr: Move to approve Chapter 2 – Procedures for Commission Authorization of Public Charter Schools as amended.
Shelley Reed: Seconded.

William Shuttleworth: Amend Language Section 2, Item 3, Page 2 –

After receiving application by the Commission, all correspondence or clarifying questions between applicant and Commission will be directed to the executive director. A Commission Members may not discuss any potential or actual application ...

Seconded by Shelley Reed.
And unanimously voted by those present to add this to the original amendment.

William Shuttleworth: Amend Section 8, Item 2, Page 6 Second Sentence – proposed addition: If the Commission votes to give conditional approval, the Commission must at a regular or special Commission meeting vote to approve or deny that conditions have been met. no later than March 15.

Seconded by Shelley Reed.
Unanimously voted to accept by those present.

Call for vote: On the original motion to approve Chapter 2 as amended, the Commission unanimously voted to accept.

Legislative Revision 1-8-13

STATUTORY AUTHORITY: Title 20-A §2405 sub-§8 ¶B

EFFECTIVE DATE:

May 1, 2012 – filing 2012-133

90-668 STATE CHARTER SCHOOL COMMISSION

Chapter 002: PROCEDURES FOR COMMISSION AUTHORIZATION OF PUBLIC CHARTER SCHOOLS

SUMMARY: This rule sets forth the process by which the State Charter School Commission solicits, accepts and reviews applications for the formation of public charter schools. The rule also sets forth the performance indicators that will be used as the performance framework for any approved application, and minimum requirements for a charter contract.

SECTION 1. DEFINITIONS

1. Commission

“Commission” means the State Charter School Commission formed pursuant to Title 20-A of the Maine Revised Statutes, Chapter 112.

2. Department

“Department” means the Maine Department of Education.

SECTION 2. ISSUANCE OF REQUEST for PROPOSALS; INFORMATION

1. Issuance; notice

Before accepting public charter school applications, the Commission must issue a Request for Proposals (RFP) that complies with Maine law, Title 20-A, Maine Revised Statutes, chapter 112 and with relevant rules adopted by the Commission or the Department of Education.

In addition to statutorily-required elements, the RFP must state whether the Commission intends to limit the number of applications it will approve in response to that RFP. The decision to issue a RFP, and the timing of RFP issuance, are matters of Commission discretion.

The Commission must provide notice of RFP issuance to the general public and to interested parties, in accordance with statute, department rule and Commission rule.

2. Informational meeting; written responses

The Commission may conduct one or more public informational meetings to answer questions about the RFP, following the issuance of the RFP. Notice of the meeting must be provided on the Commission's

Website, to the department and to any person who has asked the Commission for notice of Commission activities. The Commission may provide written responses on the Commission's Website to written questions submitted to the Commission in addition to or in lieu of conducting an informational meeting.

3. Limit on discussion of applications

After receipt of the application by the Commission, all correspondence or clarifying questions between applicant and Commission will be directed to the Executive Director. A Commission members may not discuss any potential or actual application with a proposed or actual applicant during the period between the issuance of the RFP and the final Commission vote on all the applications submitted in response to that RFP, except during an interview held pursuant to section 6.

SECTION 3. LETTER OF INTENT

1. Timing and content of letter

An entity that intends to submit an application in response to an RFP must file a Letter of Intent with the Commission not later than 15 days after the RFP is issued. The Letter of Intent must specify:

Name of the entity that intends to apply;

Location of the intended school;

Grade levels to be served by the school;

School program design (150 words or less) - attach a brief description including any anticipated contracts with an education service provider;

Target population;

Anticipated first year enrollment and projected total enrollment;

Anticipated opening date of the school; and

Contact person information.

2. Significance of letter

A Letter of Intent does not obligate the entity to file an application, but failure to file a Letter of Intent makes an entity ineligible to file an application. The Letter of Intent is part of the record of any application filed pursuant to the Letter of Intent, although submission of the letter does not constitute the filing of an application. Any variance between the Letter of Intent and the application must be explained in the application.

3. Acknowledgement and posting of letters

The Commission shall acknowledge receipt of properly-filed Letters of Intent and shall post all such letters on the Commission's Website.

SECTION 4. APPLICATION FILING

1. Review for completeness

Each application received by the Commission by the application deadline must be reviewed for completeness. The completeness review must be completed by the Commission or its staff within 5 business days of receipt of the application 7 business days of the deadline for submission of the

application. The Commission shall notify each applicant of the results of the completeness review in a timely fashion.

2. Standard for completeness; grounds for rejection

To be considered a complete application, the application must include all information requested in the Application and must be filed by an entity eligible to submit an application pursuant to Title 20-A section 2407, subsection 2 or 3. The Commission shall notify the applicant of the specific errors or omissions that prevent the application from being considered complete, and shall allow the applicant to file corrections of the error or omission, as long as the corrections are filed with the Commission within 5 business days after the applicant's receipt of the notice of errors or omissions. An application is considered to be filed on the date on which the corrections are filed with the commission. If the application is filed by an entity that is not eligible to apply or the application, after an opportunity to correct, does not contain all required information, the Commission shall reject the application.

3. Notice to applicants

If the application is complete, the Commission shall notify the applicant that the application has been accepted and will be reviewed in accordance with this rule.

SECTION 5. REVIEW TEAM and REVIEW PROCESS

1. Review team

Each application must be evaluated by a Review Team composed of not more than 3 Commission members. If needed to comply with Title 20-A, section 2407, subsection 4, paragraph A, the Commission may also appoint to the Review Team non-Commission members with necessary expertise in matters not present among Commission members on the Review Team.

The Commission shall name one member to serve as chair of the Review Team.

2. Evaluation by members

Each team member shall separately:

Read each application assigned to the team;

Rate each application section using the evaluation criteria set forth in the application, and provide written comment explaining the basis for each rating; and

If appropriate, provide recommendations for conditions that must be met in order to receive full approval for a charter.

3. Assistance by technical experts

If needed in the review process, the Review Team may request assistance of technical experts, including department staff and others, in the fields of curriculum and instruction, business and financial management, school governance, law, special education, family and community participation, and assessment and accountability. The technical experts shall read and comment on the relevant parts of the application and identify in writing to the Review Team any issues or problems related to their area of expertise that may affect the integrity of the application or the eventual ability of the applicant to perform.

4. Limit on discussion of applications

A person participating in the review process, including but not limited to technical experts, may not discuss with an applicant any application filed with the Commission during the review cycle in which the person is participating in the review process, from the time the person is asked to participate in the review process and the time the Commission takes a final vote on all applications submitted in that review cycle.

5. Team recommendation

The Review Team shall meet as a group to craft a recommendation to the full Commission regarding each application. The Review Team chair shall conduct the meeting. The chair of the Review Team shall report the team's recommendation and the basis for the recommendation, in writing, to the full Commission. If the Review Team's vote on a recommendation is not unanimous, the chair shall report both viewpoints to the full Commission and describe the basis for each.

SECTION 6. COMMISSION REVIEW OF APPLICATION

1. Criteria for continued review

Following receipt of the Review Team's recommendation, the Commission shall meet as a whole to discuss the applications. For each application, the Commission shall determine whether the application appears to demonstrate the applicant's competence in each element of the Commission's published approval criteria and appears to demonstrate that the applicant is likely to open and operate a successful public charter school as required in Title 20-A, section 2407(4)(C)(1), based on analysis by the Review Team and the Commission and any relevant comments from the technical experts.

2. Outcome of Commission determination

If the Commission determines that the application does not meet the criteria set forth in subsection 1, the Commission shall deny the application without further Commission review and notify the applicant of the denial. Otherwise, the Commission shall arrange for an in-person interview and a public hearing on the application before taking a final vote on the application.

SECTION 7. INTERVIEW and PUBLIC HEARING

1. In-person interview

The Commission shall arrange for an in-person interview of applicants whose applications meet the criteria set forth in section 6, subsection 1. Included in the interview must be board members representing the governing board of the applicant, including the chair of the board, the proposed school leadership team and the leaders of any education service provider with which the applicant proposes to contract for educational or management services.

The interview is used by the Commission to ask questions in order to clarify information provided in the application, to seek additional information, to determine whether members of the Board and school leaders understand their obligations for academic and operational accountability, and to gauge the applicant's capacity to effectively launch and oversee the proposed charter school.

2. Public hearing on application

After conducting an in-person interview, the Commission shall hold a hearing to receive comments from the public on applications that the Commission is considering. In addition to providing notice in the manner it provides notice for Commission meetings, the Commission must provide notice by a method designed to ensure that residents of the geographic area most likely to be impacted by the proposed school receive notice of the hearing.

The purpose of the hearing is to elicit public comment on the expected impact of the proposed charter school on students, parents, the geographic community to be served by the school, and public education in the State.

SECTION 8. COMMISSION DECISION ON APPLICATION

1. Commission vote on applications

Following the in-person interview and the public hearing on an application, within 90 days of receipt of the application, the Commission shall vote on each application pending before the Commission.

The Commission vote must be to approve the application, conditionally approve the application or deny the application.

2. Information required for conditional approval or denial

A decision to conditionally approve the application must set forth the specific changes that must occur in order for the application to be fully approved, and the deadline by which the changes must occur. If the Commission votes to give conditional approval, the Commission must at a regular or special meeting vote to approve or deny that conditions have been met. A decision to deny the application must state the reason(s) for denial specific to the RFP.

SECTION 9. CHARTER CONTRACT

1. Contract requirement

Once an application is approved, the Commission will negotiate a contract with the applicant. The contract must be finalized and signed by authorized representatives of the applicant and the Commission not less than 60 days prior to the opening of the public charter school.

2. Contract contents

The contract must set forth the rights and responsibilities of the applicant and the Commission, including but not limited to the following elements:

The charter school's commitment to comply with applicable federal and state laws and rules;

The rights of the commission with regard to monitoring and oversight of the charter school, including but not limited to the ability to conduct site visits and inspect records, and any limitations on oversight that may interfere with the independence of the charter school;

The percentage of per-pupil allocations that the Commission will charge for oversight of the charter school;

The Commission's school-specific expectations for academic and operational performance, based on the performance framework set forth in rule, the RFP and the application;

The obligation of the Commission to provide prompt notice to the charter school of any perceived deficiencies in performance, operations or legal compliance of the charter school, and a reasonable opportunity for the charter school to contest and/or correct any such deficiencies;

The standards and processes under which the Commission may pursue revocation of the charter contract;

Requirements for the Charter School to notify the Commission of specific events including school closures, student or staff injury, financial crises and other significant events that affect the ability of the charter school to comply with laws, rules or the contract; and

If the applicant is proposing a virtual charter school, the contract provisions required in Title 20-A, section 2408 (2).

SECTION 10. PERFORMANCE FRAMEWORK

1. Performance indicators

The Commission's performance framework for each public charter school it authorizes must be based on the following indicators:

Student Academic Proficiency

Student Academic Growth

Achievement Gaps, in proficiency and growth and between major student subgroups

Student Attendance

Recurrent enrollment from Year to Year

With respect to high school, postsecondary readiness

Financial Performance and Sustainability

Governing Board Performance and Stewardship

Adequacy of Facilities Maintenance in Support of Program

School Social and Academic Climate

Parent and Community Engagement

2. Measures, metrics and targets

Measures and metrics for each indicator in the performance framework must be included in the RFP and Application form provided to applicants. Performance targets for each indicator in the framework must be negotiated and agreed upon by the Commission and the governing body of the public charter and included in the charter contract, and must be reviewed annually.

STATUTORY AUTHORITY: Title 20-A §2405 sub-§8 ¶B

EFFECTIVE DATE:

May 1, 2012 – filing 2012-133

Changes approved unanimously 1-8-13 by MCSC.

P/Charter School Commission/Laws, Policies, Procedures/1-8-13 Legislative Revision for APA 90-668
Rule Chapter 2

Pre-opening Plan – As drafted December 12, 2012, - Page 2 Change: Principal and other Key Administrators: Recruitment procedure must be contained in Application; Hiring completed by Contract Date.

Motion by Richard Barnes: Adopt Exhibit C Pre-Opening Plan as drafted.
 Shelley Reed: Seconded.
 Unanimously voted by those present to accept.

Required Elements Pre-Opening Plan Exhibit C

Contract Dimension	Task Element	Responsible Party	Required Completion Date	Date Complete	
Governance	Board Recruitment	Founders	In application		
	Articles of Incorporation and Nonprofit filings	Founders and Governing Board	In application		
	By-laws	Founders and Governing Board	In application		
	Organizational Chart	Founders and Governing Board	In application		
	Organizational Policies and Procedures	Founders and Governing Board	In application		
	Staff Handbook	Governing Board Executive Director	In application		
	Enrollment	Enrollment Policy and Enrollment Plan	Governing Board	In application	
		Required min/max enrollments	Governing Board	On contract date	
Application process for admission		Governing Board/ Executive Director	In application		
Enrollment (Continued)	Assessment of student interest	Executive Director /Director of Admissions	Ongoing		
	Admissions and Lottery procedures	Executive Director /Director of Admissions	In application		
	Admissions Notification and/or	Executive Director / Director of	Prior to April 1 st of school year		

	Lottery Deadline	Admissions
	Admissions	Executive Director Prior to April 1 st of the
	Acceptance Decisions	/ Director of school year
		Admissions
	File Pre-enrollment	Executive Director April 1 of the school
	Report to SAU's	year
Staff	Recruitment	Governing Board / In application
Recruitment and	Procedures for	Executive Director
Hiring	Principal and Key	
	Admin. (Chief Finance	
	Officer, Special	
	Services Director,	
	others)	
	Hiring of Principal and	Governing Board/ On contract date
	Key Admin.	Executive Director
	(CFO, S.S. Director,	
	others)	

Staff	Professional	Executive Director 30 days prior to start of
Recruitment and	Instructional	/ Head of School school year
Hiring	Staff (FT and PT	
(Continued)	Regular Teachers,	
	Special Ed., ELL	
	Teachers); background	
	checks completed	

	Paraprofessionals	Executive Director 20 days prior to start of
		/ Head of School school year
	Clerical Staff	Executive Director 20 days prior to start of
		/ Head of School school year
	Substitute Teachers	Executive Director At start of school year
		/ Head of School
	Initial Professional	Executive Director 5 days prior to start of
	Development and	/ Head of School school year
	Staff Orientation	

Facilities and	Signed lease for all	Governing Board/ On contract date
Safety	space as listed in	Executive Director
	application	

	All required	Governing Board / 90 days prior to start of
	renovations to meet	Executive Director school year
	approved school	
	inspections	

	Certificate of	Executive Director 60 days prior to start of
	Occupancy	/ Head of School school year
Facilities and	Fire and Asbestos	Executive Director 60 days prior to start of
Safety	Inspections, Lead-	/ Head of School school year
(Continued)	paint Assessment	

Student Learning	Insurance Policies in place	Executive Director / Head of School	10 days after contract date
	Utilities (water and air quality, plumbing, electricity)	Executive Director / Head of School	60 days prior to start of school year
	Capital Equipment and Installation	Executive Director / Head of School	30 days prior to start of school year
	Office and Classroom Equipment and Installations	Executive Director / Head of School	20 days prior to start of school year
	Emergency Contact Sheet and Safety Plan	Executive Director / Head of School	15 days prior to start of school year
	School Calendar and Student Schedule	Executive Director / Head of School	On contract date
	Code of Conduct	Executive Director / Head of School	On contract date
	Special Services and Special Education Policy	Executive Director / Head of School / Special Services Coordinator	In application

Student Learning (Continued)

Approved Special Education Plan	Executive Director / Head of School / Special Services Coordinator	On contract date
Curriculum Accommodation Plan	Executive Director / Head of School	30 days prior to start of school year
Title I, Special Education and ELL approved plans	Executive Director / Head of School / Special Services Coordinator	30 days prior to start of school year

Finance and Financial Services

Operating Budget - final pre-opening revisions	Governing Board / Executive Director	45 days prior to school opening
Cash-flow Projections	Executive Director / CFO	On approval of application
Fiscal Policies and Procedures Manual	Executive Director / CFO	In application
Financial accounting system compatible with MEDMS	Governing Board / Executive Director	On signing of contract
Grants / Entitlements	Executive Director	Ongoing

	(State and Federal)	/CFO /Director of Dev.	
Finance and Financial Services (Continued)	Other Grants	Executive Director /CFO /Director of Dev.	Ongoing
	Misc. Funds / Fund-raising Plan	Executive Director /CFO /Director of Dev.	Ongoing
	Audit Timeline	Governing Board / Executive Director	On signing of contract
Technology	Hardware installed and set-up	Director of IT	30 days before opening of school
	Software installed and set-up	Director of IT	20 days before opening of school
	Student/Staff IT Policy and Procedures in place	Executive Director /Director of IT	On signing contract
	Curriculum Plan	Executive Director / Head of School	In application
Curriculum and Instruction	Instructional Materials purchasing plan	Executive Director / Head of School	On signing contract
	Classroom assignments and set- up	Executive Director / Head of School	15 days before opening of school
	Attendance, Student Retention Records System	Executive Director / Head of School	On signing contract
Student Services, Records and Reporting System	Academic Performance Information	Executive Director / Head of School	On signing contract
	Student information system compatible with MEDMS	Executive Director / Head of School	On signing contract
Student Services, Records and Reporting System (Continued)	Student academic assessment and reporting plan compatible with	Executive Director / Head of School	On signing contract

**Staff
Information and
Records System**

MEDMS
Transportation Plan and Contract Executive Director / Head of School 60 days prior to school opening
Nutrition/Food Service Plan and Contract Executive Director / Head of School 60 days prior to school opening
Health and Wellness Plan Executive Director / Head of School On signing contract
Employment Policies, including performance evaluation criteria and procedures for professional and support staff, compatible with MEDMS Governing Board / On signing contract
Professional Development Plan Executive Director Head of School On signing contract

P/Charter Schools/Preopening Plan/Required Elements Pre-Opening Plan Exhibit C Approved 1-8-13

RB

Harpwell Coastal Academy – Heidi Sampson, John Bird, Shelley Reed.

Based upon analysis, it has been determined by the Charter Commission's Review Team for Harpswell Coastal Academy that their application is complete; clearly demonstrating merit in each element of the Commission's published approval criteria. Therefore, it is the recommendation of this review team for Harpswell to go forward with a public hearing allowing the Charter Commission to gather more information for the purpose of making a final decision.

Seconded by Shelley Reed and unanimously voted by those present.

Maine Connections

The review team for the application from Maine Connections Academy consisted of Commission members James Banks, William Shuttleworth and myself, Richard Barnes as chair. The team also received outside expert consultant review from members of the Division of Special Education at MDOE on those sections of the application that relate to special education regulations and provisions for students with special needs who may enroll in the proposed school.

The proposal contains many ideas and promising practices that online learning may offer to Maine's elementary and secondary age learners, regardless as to where they might live in the state. However, the Team members were unanimous in their belief that the Maine Connections Academy application failed to demonstrate a compliance with the criteria required in Section C, Governance of the RFP. This section, like all other sections of the RFP, is based on the Charter School law, section 2406, sub-section 2 para. F, as amended. The RFP clearly states that the "Governing Board must be independent and have legal, fiscal and functional authority for the operation of the charter school." One of the evaluation criteria for this section states that the applicant "provides evidence that the Governing Board is an independent functioning entity."

In this section, in several of the other sections of the application and in attached exhibits that relate to board oversight and management, we did not find evidence that the governing board would be able to

serve as an independent, functioning entity for the proposed charter school. Therefore, we will recommend that the application be denied without further consideration.

Seconded by James Banks, Sr. and unanimously voted by those present.

Heartwood

Though the Heartwood Charter School application presents a visionary, quality model and one that surely appears to meet a need in the catchment area, the governance plan breeches the expectations set forth in the Charter Commission's RFP. For example, the applicant instructions state: "The governing board must be independent and have legal, fiscal and functional authority for the operation of the charter school." In Heartwood's case the leader of the school is also the leader of the board. In addition, several of the school's staff members are also named as board members. Charter school authorizers may only grant charters to applicants who "follow charter-granting policies and practices that... avoid conflicts of interest or any appearance of a conflict of interest." The proposed board composition clearly creates the "appearance of a conflict of interest." Regrettably, we recommend that the Commission not move this application forward to the interview phase of the process but urge the applicant to resubmit the application in another year.

Seconded by William Shuttleworth and unanimously voted by those present.

Maine Virtual Academy

Though the Maine Virtual Academy Application provides a cutting edge vision for delivering education for digital aged learners, it is the unanimous recommendation of the subcommittee (Shuttleworth, Sampson and Barnes) to deny this application. A contract for a charter school exists between the governing board of directors and the Maine Charter School Commission. Our RFP states that an applicant's "Governing Board must be independent and have legal, fiscal and functional authority for the operation of the charter school." In the same section, our evaluation criteria also state that the applicant must "provide evidence that the Governing Board is an independent functioning entity." The Review Team has no confidence that the governing board of the Maine Virtual Academy can functionally manage the daily educational and fiscal responsibilities without any staff. The board of directors has delegated all responsibility for the daily operations to the ESP. Without having staff that reports daily and dutifully to the board of directors, the essential elements of the contract cannot be effectively implemented with due diligence to the contract. We urge the Maine Virtual Academy to review the governing board expectations and resubmit their application for next RFP cycle. Respectfully submitted William Shuttleworth, Chair of the subcommittee consisting of Heidi Sampson and Richard Barnes

Seconded by Shelley Reed and unanimously voted by those present.

Queen City Academy Charter School

. Upon a full review of the Queen City Academy Charter School application, it is the recommendation of the review committee that the application be denied. The greatest concern is that the Queen City assumes the federal government will approved a three year grant at \$150,000 per year. If this grant should not be approved, the applicant would run a deficit for the preopening year plus the first two years of operation. This would be about \$100,000 in year one, and \$77,500 in year two. Also, they did include the 1% that must be retained by the school district but did not include the 3% that must be received by the commission. Based on their figures with the 1%, the 3% figure would add another \$46,136 to your yearly expenses. Although as was stated in the proposal, conservative fundraising goals were given, with this potential deficit this goal would have to be at a much higher level than has been previously stated and the review team did not seen anything in the proposal that would indicate the ability to do so. Section D of the application "Business and Financial Services" states that "applicants will be expected to pay attention to the need to manage the business carefully and that "Reviewers of the Application will want to be convinced that there is a sound plan and a sound financial infrastructure to support the plan." The Review Team feels it is not a sound plan to balance a budget on grant funds that have not been awarded and are not in hand.

The mission of serving Grade 6-8 students STEM education through problem solving and collaborative learning is not reflected in the budget where only textbooks are budgeted for rather than onsite and materials with which to conduct research or hands on exploration. There is countless research on the processes necessary for appropriate middle school education however none was cited in the application. Content was given showing in the schedule double math and science periods but the process of learning was not demonstrated.

The Queen City application did not show a clear understanding of the philosophy of education in Maine when it indicated that tracking in Math and Science classes would be used and in their student handbook that they would follow the practice of non-tolerance of certain behaviors. Maine in a thorough study of discipline and attendance threw out the practice of zero tolerance for a more supportive role in student's lives than just dismissing them from education.

Recruitment of teachers section stressed having good teachers but did not specify how teachers specializing in math and science with certification in Maine in particular would be recruited.

The Governing Board composition with members from Kentucky and Massachusetts looked more like an advisory board than a board made up of local people who could run the school of a more hands on, daily basis.

Based on the above evaluation, the review team recommends that the Queen City Academy Charter School be denied going forward.

Seconded by Heidi Sampson and unanimously voted by those present.

Baxter

William Shuttleworth: Vote to rescind motion from 11/16/12:

I would like to move to rescind the motion approved on November 16, 2012, made in consideration of the Baxter Academy application.

Seconded by Shelley Reed and unanimously voted by those present.

Heidi Sampson: I have a motion that we move that Baxter Academy is approved. The contract to be negotiated must include a provision that on or before March 15, 2013, Baxter Academy provide the commission with a letter of assurance that they have received at least 150 letters of intent to enroll. Declarations of Intent to Enroll. The contract must provide that failure to provide the letter of assurance described above will render the contract null and void.

Seconded by: Shelley Reed

Jana Lapoint: Hearing no other comments I will take a vote.

Sarah Forster – I have a technical comment you might want to consider. I looked at Chapter 140, the technical language of what a student might give is a written declaration of intent to enroll – so you might want to incorporate that as you move this along so that you are not asking for something inconsistent with what the regulation suggests.

I think without speaking to Baxter that is probably what they have already done because you can't just say "I am interested in going to this school." We do the letter of intent. Declaration of intent.

Dick – So we all understand if they have more than 160 applicants, they will conduct a lottery and Mr. Jaques has assured me that they will conduct a lottery; following the lottery, there has to be another letter of intent to enroll signed by the parents because if they don't, then he is allowed to go to his waiting list to get to his 160. So that is why we set that March 15 deadline.

John – Motion as worded with the change that Sarah gave us.

Jana Lapoint: Hearing no other comments I will take a vote.

All votes in favor of the motion that has been presented; six in the affirmative

Opposed: one - James Banks, Sr.

OTHER:

- John Bird distributing article from Pen Bay Pilot by William Shuttleworth for all to read.
- Richard Spencer – On behalf of Maine School Boards Association, based on the Commission vote earlier in this meeting, we would like to withdraw our petition for intervention. I would like the minutes to show that we are withdrawing it without prejudice for the right to resubmit it if either as a result of an appeal or reconsideration any of these four charter school applications denied going forward were to come back before the Commission. Reserving that right, we would like to withdraw our petition for intervention at this time.

ANNOUNCEMENTS:

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

PUBLIC COMMENT:

Peter Mills – Representing Amy Carlise and the Maine Virtual Board spoke about the process and commented:

Trying to abide by very awkward rules ...

Was looking forward to dialogue next Monday (tentatively scheduled interview and hearing with Maine Virtual 1-14)

Need constraints on virtual curriculum

Corporate enterprises resources

Compelled to produce results for Maine students

There has to be close oversight

This is the way of the world

Space for this

I don't know where to go

What you found wrong?

Lack of independence from corporate entity control?

How to demonstrate that independence?

Not questioning your judgment

Hard to look into when no opportunity to have a conversation and give you the confidence we are going to do the right thing.

Virtual Academies are coming in a competitive environment and we need to deal with it in a responsible way.

The Commission Members discussed Mr. Mills comments:

Jana Lapoint – Your concerns are heard and they are some of our own. We went to New Hampshire to see their virtuals.

Peter Mills – Does this require legislation?

Commission – No.

Jim Banks – New Hampshire – you can take one or six courses. Purchased what they need -course by course.

Dick Barnes – All employees are hired by the board. Own the curriculum.
Would like to see a give and take dialogue – forum. What is the best way to offer virtual charter schools for Maine students.

William Shuttleworth – What role can the Commission serve for applicants that have been denied? What assistance can we give them?

John Bird – We really can't. Resources like MACS. We aren't able to do that according to the rules.

Sarah Forster – Many charter commissions – systems, out of cycle, provide feedback to unsuccessful applicants for the next time. You have to be careful – “we fixed our application this way because that is what you told us...” Models out there that Commission can look at. Evaluators providing feedback without becoming consultants, other resources that do that role.

John Bird – Access to evaluation of their application. Where application went wrong.

William Shuttleworth – Subcommittee to determine way.

Peter Mills - Some examples of what you are looking for ...

Heidi Sampson – Virtuals are in the future – we are in the future. Board is the CEO; Board hires the Head of School; Vendor – contracted with. Local people involved with fee on the ground; that was not there.

ADJOURNMENT:

MOVED by James Banks, Sr., seconded by Shelley Reed, and unanimously voted by those present to adjourn the January 8, 2013 Maine Charter School Commission meeting at 2:27 PM.

Respectfully submitted by Deanne Lavallee.

Approved by Bob Kautz.