

STATE CHARTER SCHOOL COMMISSION

Chapter 1: PROCEDURES

SUMMARY: This Chapter describes the nature and operation of the State Charter School Commission, and establishes procedures by which the Commission's actions will be governed.

SECTION 1. DEFINITIONS

In addition to the definitions provided in Title 20-A, chapter 112, the following definitions shall apply to the rules of the State Charter School Commission, unless the context otherwise requires:

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. At-risk pupil. "At-risk pupil" means a pupil who has an economic or academic disadvantage that requires special services and assistance to enable the student to succeed in educational programs. "At-risk pupil" includes, but is not limited to, pupils who are members of economically disadvantaged families, pupils who are identified as having special educational needs, pupils who are limited in English proficiency, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency.

2. Authorizer. "Authorizer" means an entity empowered under this chapter to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee and monitor public charter schools and decide whether to renew, not renew or revoke charter contracts.

3. Charter contract. "Charter contract" means a performance-based contract for a fixed term between a public charter school and an authorizer that describes performance expectations, defines operational responsibilities and outlines the autonomy and accountability for each party to the contract.

4. Conversion public charter school. "Conversion public charter school" means a public charter school that existed as a non-charter public school before becoming a public charter school.

5. Education service provider. "Education service provider" means an education management organization, charter management organization, school design provider or any other partner entity with whom a public charter school intends to contract for a

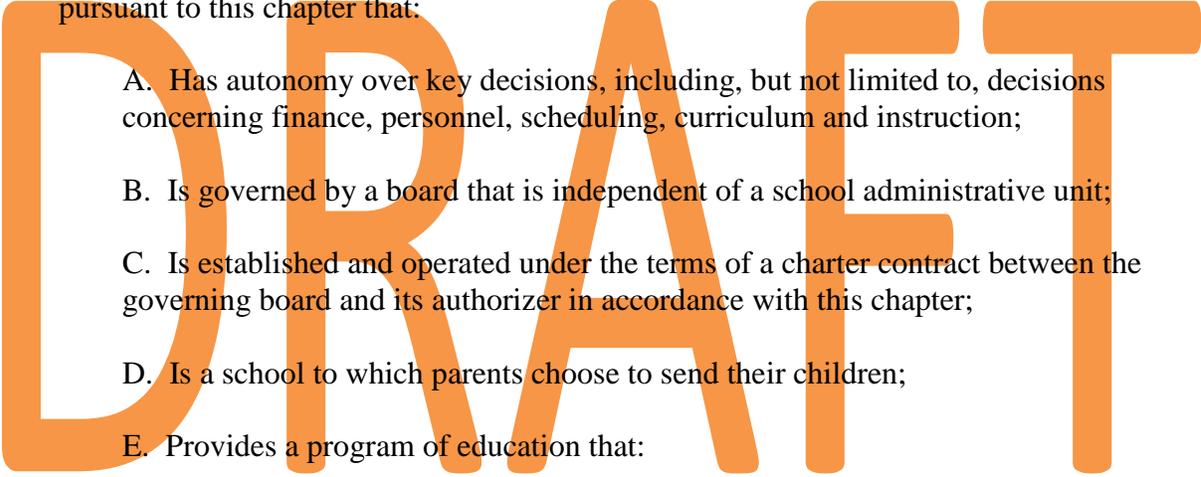
limited scope of education services and resources, including education design, implementation or management.

6. Governing board. "Governing board" means the independent board of a public charter school that is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school's application.

7. Local school board. "Local school board" means a school board exercising management and control of a school administrative unit other than a public charter school formed under this chapter.

8. Non-charter public school. "Non-charter public school" means a public school other than a school formed pursuant to this chapter.

9. Public charter school. "Public charter school" means a public school formed pursuant to this chapter that:

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- A. Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum and instruction;
 - B. Is governed by a board that is independent of a school administrative unit;
 - C. Is established and operated under the terms of a charter contract between the governing board and its authorizer in accordance with this chapter;
 - D. Is a school to which parents choose to send their children;
 - E. Provides a program of education that:
 - i. Includes one or more of the following: preschool, prekindergarten and any grade or grades from kindergarten to grade 12;
 - ii. May include a focus on students with special needs, such as at-risk pupils, English language learners or students involved with the juvenile justice system;
 - iii. May include a specific academic approach or theme, such as:
 - a. Vocational and technical training;
 - b. Natural resources and the environment;
 - c. Farming, fishing and forestry;

- d. Foreign language and culture;
- e. Visual and performing arts;
- f. Science, mathematics and technology; and
- g. Project-based learning, experiential learning or online instruction;

F. Operates in pursuit of a specific set of educational objectives as defined in its charter contract; and

G. Operates under the oversight of the authorizer from which its charter contract is granted and in accordance with its charter contract.

10. Start-up public charter school. "Start-up public charter school" means a public charter school that did not exist as a non-charter public school prior to becoming a public charter school.

11. State charter school commission. The State Charter School Commission, established under Title 5, section 12004-G, subsection 10-D, is referred to in this chapter as "the Commission."

12. Virtual public charter school. "Virtual public charter school" means a public charter school that offers education services predominantly through an online program.

SECTION 2. ORGANIZATION

1. Commission. The State Charter School Commission is an independent agency of the State, consisting of seven (7) members appointed by the State Board of Education for 3-year terms, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and confirmation by the State Board of Education. The Commission members will elect one member to serve as Chair and one as Vice-Chair. Except for the Chair, the members of the Commission have no individual authority.

A. Three members must be members of the state board, and those 3 members shall nominate the other 4 members who must be approved by a majority vote of the state board.

- i. Nominations

The nomination and election of officers of the Commission will be conducted under the oversight of the Nomination and Election Committee.

At the January Commission meeting, the Chair will appoint a two-member Nomination and Election Committee, name a Chair for the Committee and appoint an Election Clerk.

The nominee(s) for Chair and for Vice-Chair must be a voting member of the Commission.

No member of the Nomination and Election Committee may be a candidate for Chair or Vice-Chair of the Commission. A member wishing to become a candidate must resign from the Nomination and Election Committee, and the Chair of the Commission shall appoint a replacement.

- a. The Chair of the Nomination and Election Committee will send a letter to all voting members requesting nominations for each office.
- b. The Committee will review each nomination submitted and submit a single slate of officers to the Commission at its regular business meeting in May.
- c. Other members who wish their names to be placed on the ballot must obtain two supporting nominations from Commission members and present them to the Nomination and Election Committee Chair at least two weeks prior to the May meeting.
- d. In the event that the Commission Chair is unable to find at least two qualified Commission members to serve on the Nomination and Election Committee, the nominating process shall be conducted by the Commission during the regular May meeting. The Chair of the Commission shall appoint a Nomination Chair to conduct that portion of the meeting.
- e. In either nomination situation, any voting member of the Commission may nominate him/herself or any other voting member of the Commission as a candidate for the office of Chair or Vice-Chair.
- f. Filling Vacancies – Whenever a vacancy among Commission officers occurs, the Nomination and Election Committee will request nominations from all members of the Commission. Any individual seeking the vacant position should present two supporting nominations to the Chair in writing within ten days of the time that the request for nominations is issued. The Nomination and Election Committee Chair will present the name of a nominee to fill the vacancy at the next regularly scheduled Commission meeting following the issuance of the request.

- ii. Elections
 - a. The Chair of the Nomination and Election Committee shall preside over the election. Should a secret ballot be required, the Chair of the Nomination and Election Committee and the Election Clerk shall count the ballots.
 - b. If more than one name is placed in nomination, elections shall be by secret written ballot.
 - c. For election to office, a nominee must receive a majority vote of the voting members of the Commission.
 - d. The same procedure shall be followed for the election of a Vice-Chair and for any other elected office the Commission may establish.

2. Office

- A. The Commission employs such staff as may be authorized by the Legislature. An Executive Director supervises the staff and is responsible for all day-to-day operations. In the interim between Commission meetings, the Executive Director reports to the Chair, who acts on behalf of the Commission on certain administrative matters. The Commission's offices are located at XXXXXX, where any filing or written submission may be made between the hours of 8 a.m. and 5 p.m. on any day when state government offices are open, except that filings by facsimile or electronic means, where otherwise permitted by statute or rule, may be transmitted at any time. The office has a mailing address of XXXXXX.
- B. 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 Commission documents is set by the Executive Director of the Commission, subject to reasonable limitations and approval of the Commission.
- C. During any period when the position of Executive Director is vacant, the members of the Commission will appoint an acting Director by majority vote.

SECTION 3. MEETINGS

1. **Regular Meetings.** The Commission shall meet at least once each month in every year. The Commission Chair, or if a Chair has not yet been selected, the Senior Commissioner in terms of service on the Commission, shall set a date for a meeting in July of the year. The dates for monthly meetings for each month of the year shall be

selected at that meeting and shall be adhered to unless changed at a properly called meeting. (tentative – 2nd Tuesday of the month)

2. Special Meetings. The Commission may meet at any time at the call of the Chair of the Commission, or a majority of its members. Each member of the Commission must have at least 24 hours notice of the time, place and purpose of the meeting in writing unless written notice is not possible. In such case, notice must be given by the staff by phone, fax, email or other means available. Each Commissioner may notify the staff of his or her preference for notification and the staff shall prepare a log of its actions in notifying Commissioners.

3. Agenda. The Chair, in collaboration with the Executive Director, will prepare a written agenda for each meeting of the Commission. The agenda will contain items of business to be considered, staff findings and recommendations, and will include the date, time and location of the meeting. The agenda must be mailed to each Commissioner at least 7 days before the meeting unless a different schedule is approved by the Chair who shall provide notice to the Commissioners of the change and the reasons therefore.

A. Agenda Review Procedures of the State Charter School Commission

- i. Agenda Review is held to examine exhibits as well as to plan workshop presentation(s), regular meeting agendas and Commission matters that require action. Attendees include: Commission Chair, Executive Director, the Commission's administrative assistant, and others as appropriate.
- ii. A notice is issued at least a week in advance of the agenda review meeting to members of the State Charter School Commission requesting a copy of exhibits for the next regular meeting. The exhibits are to be forwarded to the State Charter School Commission office by Friday before the Monday Agenda Review meeting.

B. A draft agenda is developed for review and adjusted at the Agenda Review meeting.

C. Upon completion of the State Charter School Commission Agenda Review meeting:

- i. The Executive Director prepares and sends updated memo and agenda.
- ii. Meeting materials are emailed to Commission members by the Thursday prior to the Commission meeting. At that time, interested parties are also notified that materials are posted on the State Charter School Commission web site. Hard copies of materials are mailed to all Commission members the Thursday prior to the Commission meeting.

- iii. Draft Minutes are sent to the Commission members only, for approval at regular Commission meetings.

4. Notice.

A. Contents of Notice

- i. The notice will include the date, time, and location of the Commission meeting. If mail notice of a meeting is not feasible, the staff will make best efforts to give oral notice to Commission members or to those entitled to notice under this provision

5. **Public Meetings.** All meetings, hearings or sessions of the Commission will be open to the general public unless, by an affirmative vote of at least 5 members, the Commission requires the exclusion of the public, pursuant to MRS Title 1 §405.

6. **Quorum.** Every decision of the Commission must be made at a meeting which at least 4 members of the Commission are present and voting. When it is impossible or impractical for a member of the Commission to travel to Augusta to attend a meeting in person, the member may participate in the meeting by telephone. That member will be considered present at the meeting and part of the quorum.

At least 3 members must be present in person for the conduct of a meeting or public hearing before the Commission. If fewer than 4 members are present in person for a hearing, however, objections to rulings of the presiding officer concerning the conduct of the hearing must be preserved until a meeting of the Commission at which a quorum is present in person. The presiding officer at a meeting or public hearing must be present in person.

7. Minutes.

- A. The Executive Director will prepare minutes of each business meeting of the Commission. These minutes will be the official record of Commission meetings, and will accurately record all matters considered.
 - i. Minutes shall record all actions of the Commission. If votes are not unanimous, the names of those voting in the minority should be recorded.
 - ii. Draft Minutes are distributed to Commission members for review.
 - iii. Approved Minutes are to be posted on the State Charter School Commission web site.
- B. 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,

minutes will not be taken of any public hearing held by the Commission, since hearings are separately recorded.

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