Maine Charter School Commission

Draft for review and acceptance at the April 7, 2015, Commission Business Meeting.

Minutes

The Maine Charter School Commission held a meeting on **Tuesday, February 3, 2015**, at the Burton Cross Office Building, 111 Sewall Street, Augusta, ME.

I. Call to Order

Chair, Shelley Reed, called the meeting to order at 12:57 p.m. Due to inclement weather the meeting time was delayed to allow for better travel conditions.

II. Roll Call

The following members were present: Laurie Pendleton, Ande Smith, Mike Wilhelm and Shelley Reed, Chair.
Excused members: John Bird, Nichi Farnham and Jana Lapoint.
Also in attendance were Bob Kautz, Executive Director, and Deanne Lavallee, Administrative Assistant.

III. Adjustments to the Agenda

None.

IV. Acceptance of Minutes

A. Moved by Mike Wilhelm; seconded by Ande Smith and accepted by all present to accept the December 2, 2014, Business Meeting Minutes as written.

B. January 6, 2015, Business Meeting Minutes – not completed in time to be reviewed by the Commission Members prior to the meeting. Acceptance deferred to March 3, 2015, meeting.

V. Officers' Reports

A. Chair

1. Legislators and Education and Cultural Affairs Committee Briefing.

Bob and I (Shelley Reed, Chair) met with the President of the Senate, Mike Thibodeau, and his staff, Melissa Simones; as well as, a private meeting with the Chair of the Education and Cultural Affairs Committee, Senator Brian Langley.

On January 22, we met with the whole Education Committee. Senator Langley had said he wanted the Commission to give a brief overview for their several new members. Jana and Mike also participated. Ed Committee scheduling visits with MeANS and Baxter.
Monday, February 9, three or four LD's - we will be formulating testimony around and presenting to the Ed Committee.
Public Charter School Law is a good solid law – except for the funding piece.
Per Senator Langley's request provided the Committee with the turn-over rates of public charter schools. Senator Millett interested in the monitoring and how charter schools are held accountable and what they are measured against; all available on our website with the school's contracts.
Questions on administrative staff for the charter schools – with only 855 students; request for a flow chart for each of the schools.
Brian Hubble: what information could be shared from Charter Schools as models – i.e. Proficiency-based diplomas? Explained two schools in year 3; three schools in year 2 – still working it out.
Teachers have to be evaluated in the same way as all Maine public schools.
In as much as governing boards are not elected, *Charter Schools* have very strong boards – people with legal, financial, academic experience to comprise a well-rounded board.

2. Complete Timeline of RFP for School Year 2016 for acceptance by the Commission.
October 14 – scheduled meeting for the first vote on the applicants – date of State Board Meeting – rescheduled MCSC Meeting to Tuesday, October 13.

June 1: Provide advance notice of issue date to interested parties, MCSC website, DOE website.
June 10: Issue Date.
June 13-14 and June 20-21 Published in the Kennebec Journal.
June 17 – Informational Meeting and Maine Connections end-of-year visit: Laurie, Ande, Mike. Shelley, Jana and others to do the informational meeting.

Motion by Mike Wilhelm; seconded by Laurie and voted unanimously by those present to accept the RFP for School Year 2016 Time Line.

Open enrollment for 2015 – Dates/Times/Places enrollment process by school will be sent to the Commission Members.

Concern about Maine Connections who is not going to be asking parents to submit their commitment to enroll until April 1; MCA needs to be telling resident districts by that date. All others are within February or early March; action item for Bob.

B. Vice Chair

I was able to participate on the bid packages for the staffing agencies for the Director of Program Management.
Unfortunately, due to unforeseen family medical issue, the Maine Connections report is still in development.

C. Executive Director

1. Proficiency-based diploma – Meeting/Guidance/Timeline with Diana Doiron.
Diana had to post-pone being at Feb 3 Commission meeting; will reschedule as soon as all her public district school visits are scheduled.
Also, there is still no date for Workshop Meeting for the Charter Schools. Notify Commission of date and time in the event they can attend.
Diana met with Bob and I – expectations for the other public district schools for MCSC to utilize that information for the charter schools.
Need to develop or approve a process of handling the work of our charter schools so they have a timeline. Discussion to use the Department's process, but one of the items there is to meet with Diana. Once we have the meeting with Diana, the Commission will be able to determine what is to be done regarding the process of proficiency-based for the public charter schools.

There is list from Deb Friedman that states the charter school requirements under state statute or what DOE regulations are applicable to charter schools. The original was May 2013 and updated October 2014.

Met with Senator Mike Thibodeau, Senate President, very interested, positive and supportive and asked questions about facilities – adequate for charter schools; when things become more stable that might be legislation to provide more resources. Melissa Simones, Policy person. MCSC is here to help the Committee with anything they need; and if MCSC should feel free to contact them. Senator Brian Langley, Education and Cultural Affairs Committee Chair, he wants to have the Ed. Committee out to visit a charter school to be able to have a better sense of their legislation. Friday, January 30, was scheduled to go to MeANS; postponed due to snow storm; attempting to establish a new date. He wants to approve legislation to go forward that has a chance to pass.

January 26 – Maine Assoc. of Charter Schools Day in the Hall of Flags was fantastic.
Five of the seven Charter Schools were there (Baxter, Cornville, MeANS, MCA, MVA).
MCA made a presentation to the Education Committee during the day by a student, teacher and Karl Francis, the principal. Brian Langley led the discussion and questions. Student gave her reasons why a virtual is the choice for her.
Congratulations to Roger, Judith, Carol and Karen – all very helpful; connecting and introducing people.

VI. Unfinished Business

A. Contract Award for Director of Program Management Temporary Position Recruiting and Staffing Agency.

Three vendors – Tri-State Staffing, Atlantic Staffing and Maine Staffing Group submitted proposals; scored by Ande Smith, Deb Friedman and me. Bob was present. Tri-State was selected to be awarded the contract. It now continues the process of finalizing the contract and then to recruiting. If you know someone, please have them submit to Bob/Deanne; as soon as we can, will be advertising. We will send you the job description to spread the word.

Motion by Ande Smith; seconded by Mike Wilhelm and voted unanimously voted by those present to authorize Shelley Reed to sign all DAFS forms and the contract for the staffing service.

Side note: Evaluation of staff with the evaluation tool discussed in December – part of the work of the Evaluation Team (Mike, Jana, Laurie, Shelley) to establish criteria.

B. Update on Contract Negotiations with **Maine Virtual Academy (MVA)** Public Virtual Charter School to open School Year Fall 2015.

Original team was Mike, John and Ande; while John was recovering Shelley sat in on the discussions to help. Laurie did the Performance Measures and Metrics with MVA.
You have received the MCSC Contract with MVC, Pre-Opening Plan, Performance Measures and Metrics, Monitoring Plan, Closure Plan, Educational Products and Services Agreement with Maine Learning Innovations with Maine Virtual Schools, LLC. Not included in the packet is the Application, which is Exhibit A of this Contract.

Maine Virtual Academy has added a new board member, Virginia Smith; her resume is in your folder. Long-time educator in the Skowhegan area; worked with Beth Lorigan, Laurie, Mike and Shelley with the Performance Indicators.

Motion by Ande Smith; seconded by Laurie Pendleton and voted unanimously by those present to accept Virginia Smith as an addition to the Maine Virtual Academy Board.

Motion by Mike Wilhem; seconded by Ande Smith to approve the Maine Virtual Contract with the Maine Charter School Commission.

Discussion:

Mike: One outstanding issue – NWEA and the proctoring of. Concern is that the data from the NWEA that comes from virtual charter schools is not part of the data that is used by NWEA to create their statistics.

1. Provide a place with live proctors.
2. Webcam approach.

Amy Carlisle: Plan A – Pilot that prior to school opening with the webcam, locking the computer down – see what software works. Is it a good process for students would be the first step.

Plan B – Students would have to find a proctor, which is what my students have to do. All their exams are proctored by a third party, who cannot be a close family friend. Typically is someone who is a librarian, music teacher, clergy member – someone who falls in a professional category. Fill out and submit a form of who your proctor is and that person administers the test. Test is not handled by the family – only by the proctor.
We might be able to arrange for proctors where we have high density numbers, but in low density areas, it would be great if students could arrange for a proctor. We have three proctors, because if your proctor is not available, that is not an excuse – it does take a little doing of the families to find proctors.

Written exams do not work so well with the webcam – they cannot see what you are working on.

We would be willing to have Plan B, if Plan A – the technology, is not sufficient, does not allow the level of security that you are comfortable with, then we can do Plan B, which is more burdensome on the families to come up with proctors. Often they need to be compensated for proctoring; a cumbersome process for families.

We want all students to be taking the NWEA; it is critical to their individual learning plan and critical to our assessments. Try first the least restrictive method, we can get the most number of students able to take the test without hurdles. And, if this doesn't work, would clearly move to Plan B.

Laurie: How are they doing the State test?

Amy Carlisle: They are going to be coming to proctored facilities.

Laurie Pendleton: I would not be in favor of putting the burden on families, especially if they have to be compensated – that is undue burden.

Ande Smith: Why is it more burdensome for MVA than for MCA?

Bob Kautz: There is a difference between the two contracts. Maine Connections is not required to do a proctored NWEA. Maine Virtual has to administer the NWEA twice a year. Two additional proctored tests with the costs associated.

Shelley Reed: With Smarter Balance coming in, the NWEA is the only balanced, on-going method we have of an honest assessment of where kids are. It needs to be as sure data as we can get. If the national organization doesn't utilize the date from virtual schools, then it means they are not confident about the data even under the web-based system. Maine Connections ought to be doing NWEA. I don't know how MCA escaped using a proctored environment; got to go back and revisit that.

Four or five years down the road this is how you are going to be renewed or not renewed; this is important data. This is the critical piece of data that we have in looking at the academic portion; it needs to be pure and accurate.

Ande Smith: Unsure that technical means cannot provide adequate rigor – we are not sure how to lock the computer down; apply software.

Amy Carlisle: Can you simultaneously run a lock down program and run the web cam – what kind of band width does that take.

Ande Smith: Technical solution cannot be the primary methodology. If you want to test it and come back later – *"Here is how it works. We can show you."* Maybe that would be an adequate confidence building step. To get this signed, should be proctored and not at the expense of the family. Flexibility maybe for the kid in Madawaska can choose to provide a proctor. Not the job of the parents to get a primary, secondary proctor and pay them, unless they say – *"I don't want to drive an hour away."*

Amy Carlisle: Perhaps that is a reasonable compromise. The more times we add that a parent has to take time off to transport the more burdensome it is. Getting a proctor or driving is going to be a burden on the family. If we can find a way that you are comfortable that the data is not compromised, but also allows for families to have the most flexibility. We are willing to work with you to make sure we have a process that is satisfactory. If you are willing to let us show you that the methodology that we proposed has some shortcomings, in which case, we would have to go to a secondary in-person proctoring and we are willing to do that.

Laurie Pendleton: Have you talked to NWEA to see if they suggest or would approve the testing by webcam?

Amy Carlisle: They have some concerns about whether it is feasible. There are companies that have piloted on-line proctoring. Resources out there that we can tap into – how can we do this? – How do you do this? This is the least burdensome for families and if we can't make it work, then we certainly need to raise the bar.

Laurie Pendleton: The assumption should be that it is going to be in-person established by MVA and then you have a student on Swan's Island that doesn't want to travel. If you can show that the on-line proctoring works, then that may be able to take the place of the proctoring. Assume we are going forward with an in-person proctoring and then test the on-line rather than the other way around.

Bob Kautz: The contract right now reads: *NWEA twice a year proctored*. Proctored is accepted as being, as we all know it, there is a proctor and students present. Any variation from that with a signed contract would have to come back to the Commission for approval. Versus holding up the signing of the contract, sign the contract, start the enrollment procedures, etc. and we can work on the procedure of what the Commission will accept as proctoring.

Laurie Pendleton: Smarter Balance is new and the NWEAs are the only consistent piece of data that we will have for five years.

Ande Smith: The language of proctoring – just leave it and work with it. We have handled this kind of issue in a collaborative way. If there is a confidence building measure to do something different than on-site proctoring, then we can do a material amendment. At a third party site, just like any other standardized test would be or if there is some high degree of assurance that an individual proctor – no particulars of that – hard to say what that would be that would be acceptable to the review team.

Mike Wilhelm: Keep the language, sign the contract allowing the opportunity to amend it later on.

Shelley Reed: The language currently says *"in a proctored setting."*

Bob Kautz: Before we leave this, the language in the contract is: *The charter school shall deliver the NWEA twice per year in a proctored setting approved in advance by the Commission.*

Laurie Pendleton: I think we should say Fall and Spring – Performance Measures are based on growth between fall and spring. It is not any two times; it is the fall and spring.

Mike Wilhelm: We do not have to amend the contract; it is evidence in the Performance Indicators.

Laurie Pendleton: Page 1: 1.1.1 (the "charter school" ~~of~~ <u>or</u> the "school").
Page 5: add <u>*See Page 6 – 2.3.4</u>

Language of 2.4.6 (Page 7) Can they fill empty seats? Does that constitute "rolling admission?"

Ande Smith: 1st sentence: provides flexibility for picking up students.
2nd sentence: cannot be in March the next launch and May the next launch.
Seats can be filled from the waiting list throughout the year.
Cannot swap out a third of a class every month – this is not the spirit of this section.

Laurie Pendleton: Page 6: 2.4.2 duplicated on Page 7 – 2.4.7; Remove 2.4.7.
Page 7: 2.6.2 – *must include verification by the parent <u>or learning coach</u> of each student.*

Question on 2.5.7 (Page 7) – If it does constitute more than 10%, do they go into the lottery?
If they are picked from the lottery and this puts them over the 10%?
If they are placed in the lottery, they did not receive "enrollment preference," so do not count towards the 10%.

Laurie Pendleton: Page 6: 2.4.2 duplicated on Page 7 – 2.4.7; Remove 2.4.7.

Page 7: 2.6.2 – *must include verification by the parent <u>or learning coach</u> of each student.*

Amy Carlisle: 2.6.2 is not a burden. There is a verification process weekly.
Should be written as parent or learning coach.

Page 12: 3.3.1 *including synchronous contact between teachers and students, and teachers and parents <u>and/or learning coaches</u> to ensure and verify student participation ...*

Page 16: 4.3.3 – How are they going to inform parents that computers and internet can be provided.

Amy Carlisle: We will have to design policies for computers and internet to be sure we are capturing families that do not have during the enrollment process. We want to be sure the kids who really need it are getting it.

Bob Kautz: You cannot deny – if a family does not want to use their own computers and says we need one, I think, you have to provide it.

Amy Carlisle: We need to get a solid policy written around how we are going to handle it. The goal is anyone on Free and Reduced Lunch are automatically written; anyone who meets those standards qualifies for internet reimbursement, a computer and a global printer.

Bob Kautz: But it also has to be available to other families – so it goes back to the question: How will a parent know that they have that option.

Amy Carlisle: It will be disclosed as part of the enrollment process. We will ask them what their technology needs are and what their technology availability is to their student and then go from there as to what they need. It is a policy that needs to come from the Board.

Shelley Reed: Because it is a public school, they cannot be denied access.

Ande Smith: The language is – if you don't want to use your own equipment or don't have your own, it has to be provided.

Amy Carlisle: It is really important for a high school student, who is doing the program, to have access to the computer for it. The language is pretty clear what we need to do; we just need to hammer out how that policy will work in practice.

Bob Kautz: Procedurally – we have a motion to approve the contract; what we have available has errors and omissions. Authorize Shelley to sign for the Commission and Shelley and Amy sign at a later date when we get these corrected. Make changes, initialed by Shelley and Amy. Approve contract as amended – list amendments. Later make changes, print final copy and Amy and Shelley sign.

Ande Smith: We can approve the contract as amended and we can go back and verify what was amended. The Commission vote on it and Shelley is authorized to sign it.

Or - go through and do pen and ink changes on the document, initial the changes for both parties and sign it that way.

Or - sign it with pen and ink changes initialed and then print a clean one and then sign that later – and "chuck" this one.

Approve as amended with authority for Shelley S. Reed to sign.

Mike Wilhelm: I withdraw my motion. Motion to approve the contract as amended; seconded by Ande Smith.

Bob Kautz: And the amendments are:

Page 1: 1.1.1 *(the charter or the school).*
Page 5: 2.3.1 Add below the table - **See Page 6 2.3.*
Page 7: 2.4.7 Stricken from the document – redundant to 2.4.2.
Page 7: 2.6.2 *verification by the parent and/or the learning coach.*
Page 12: 3.3.1 *between teachers and students, and teachers and parents and/or learning coach.*

Page 1 – Address: Amy Carlisle's home address: 149 Falmouth Road, Falmouth, 04105.

Shelley Reed: There is a motion on the floor made by Mike; seconded by Ande to approve the contract as amended on February 3, 2015; The Amendments on Pages 1, 5, 7, and 12.

All those in favor of approving the contract and the motion as stated: Unanimous by those present.

Moved by Ande Smith; seconded by Mike Wilhelm and unanimously approved by those present to authorize Shelley Reed to sign the previously approved charter school contract with Maine Virtual Academy.

C. Upcoming **127th Legislature First Session.**

On February 9, we (Bob and Shelley) are testifying on LD 131 An Act to Amend the Laws Related to Public Funding of Charter Schools. This is consistent with the change Jim Rier asked for last year, which the Commission would be in favor of this portion. Added to this LD is:

- *" 'Each virtual public charter school shall also submit to the Legislature each report that the virtual public charter school is required to submit to the Commissioner of Education or to the DOE.' "*
- Section 12: " '*A moratorium on operations of virtual public charter schools. The MCSC may not approve, authorize or execute a contract for a virtual public charter schools during the period between the effective date of this section and one year following the effective date of this section.*' "

Would not be supportive of foreclosing the MCSC option to contract a highbred virtual public charter school.

- *' "The MCSC shall review the requirements of Title A Chapter 112 and the virtual public charter school models that have been implemented in other states and shall develop a model for virtual public charter schools that will best serve the academic and developmental needs of students in the state. The MCSC shall submit a report of review to the joint standing committee of the Legislature no later than December 3, 2015. ...to include findings, recommendations and any necessary legislation regarding the authorization and operation of virtual public charter schools in the state... "'*

Ande Smith: MCSC does not have the institutional capacity to do this. It would require approximately a quarter million dollars to hire a national-level consultant for this study.
Bob Kautz: Group from the University of Southern Maine (David Silvernail) – Estimated $32,000.
Ande Smith: Legislation should direct this study.
Mike Wilhelm: Solicit other cost estimates and give a range to the committee.
Ande Smith: Not within our charter to develop a pros and cons national survey on virtual charter schools and develop legislation. We are authorizer and regulatory. We are not a policy generating body.
Carol Weston: I would not worry about giving them a figure right now – this may not even pass.

Positons: In Favor – Not in Favor – Neither for nor against.
Usually use "Neither for nor against" – pointing out any impact on charter schools.
Mike Wilhelm: Support legislation on funding.
Bob Kautz: Appropriate to be neither for nor against; stating that the funding formula needs to be fixed. In regard to the reports, all are public documents. The study – we are created under law to be an authorizer and a regulatory – not to develop policy; nor do we have the institutional capacity or the resources that can be used to support it.
Consensus – In favor of the funding with caveats on the reporting and the study.

LD 65 - An act to apply equally a curtailment or loss in general purpose aid to education.
Neither for nor against. With comprehensive funding reform, this bill will not be necessary.

LD 3 An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools. Neither for nor against.

D. Maine Connections Academy 90-Day Visit Report.

The report is not out of the draft stage yet; but will be for the March 3rd meeting.

E. Adjustment of Review Teams.

Laurie Pendleton will take the place of John Bird on the MCA Review Team to balance assignments of the Commission Members.

Calendar dates for End-of-Year visits Members and Schools.

VII. New Business

A. Ande has spoken with the State Board of Education, Chair, Peter Geiger, to include the reappointments to the Commission as an agenda item for the March 11 Meeting. (Ande, John and Laurie) Please forward cover letter, resume and Legislative Questionnaire to Ande prior to this meeting date.

VIII. Other

IX. Announcements

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

B. Meeting with Fiddlehead Staff and Board Chair February 5 at 3:00 p.m.
for review of the new assessments for the upper grades and a tour of their enlarged facility.

C. Tomorrow, February 4, Bob and I are going to Harpswell to talk with Carrie (Branson) and John (D'Anieri) on some issues.

D. Next regularly scheduled meeting: **March 3, 2015,** Time: 9:30 a.m.

X. Public Comment

Roger Brainerd: Next week we will be in Washington DC for a State's Leaders Council meeting and to visit our Congressional Reps on Capital Hill.

Beth Lorigan: I want to thank you for working so diligently with us. This is really important – so that everyone knows the results of the work the kids do is meaningful. It is a very strict and tough process. Thank you for that!

XI. Adjourn

Motion by Michael Wilhelm; seconded by Ande Smith and voted unanimously by those present to adjourn at 3:15 p.m.