Maine Charter School Commission

DRAFT – MINUTES PENDING COMMISSION APPROVAL MAY 5, 2015.

MINUTES

The Maine Charter School Commission held a meeting on **Tuesday, April 7, 2015**, at the Burton Cross Office Building, 111 Sewall Street, Augusta, Maine.

I. Call to Order

Chair, Shelley Reed, called the meeting to order at 9:36 a.m.

II. Roll Call

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

III. Adjustments to the Agenda

National Charter School Week May 3-9 - MCSC should do something with MACS and other charter schools – a plan for an active part.

End-of-year Monitoring Visits – we will be talking about in new business.

We will be going into Executive Session – for the purpose of discussing the hiring of personnel. Last Friday, we interviewed candidates for the Program Manager.

IV. Acceptance of Minutes

A. Moved by Ande Smith; seconded by Mike Wilhelm and voted four in the affirmative to accept the February 3, 2015, Minutes as written. Jana Lapoint and Nichi Farnham abstained as they were not present for that meeting.

B. Moved by Jana Lapoint; seconded by Ande Smith and voted unanimously by those present to accept the March 3, 2015, Minutes as written.

V. Officers' Reports

A. Chair

Thank you to Jana, Karl Francis and a MCA Parent who participated in a Maine Virtual Charter School discussion – "How it is working" on Maine Public Radio on March 23.

1. Hearing (March 9) and work sessions (March 16 and March 23) with the Appropriations and Education and Cultural Affairs Committees for the Biennium Budget (FY 16 and 17).
   Budget Hearings and Workshops - We are at a moment in history when we have operating funds. 2012-2013 = 2 Schools 2013-2014 = 5 schools with a building of the revenue for the Commission.
   With the help of DOE Staff, we developed the expected evolution of our funding over the next two years with the projected enrollment of the 7 charter schools.
   We had been receiving $138,000 from the General Fund to operate for 2012-2013, 2013-14 and 2014-2015.
   We are now in a position to look forward and can self-sustain the MCSC operation. The 3% will be able to carry us with an executive director, administrative assistant and now a program manager.
   Senator Langley has asked us to look at lowering the 3% since MCSC does not need to carry a large amount of money. It is money the charter schools are giving us to operate and they could use more funds going forward. In the future, not next year, do we need the 3% or could it be a lowered percentage off the top for charter schools.
   Estimated revenue of $407,000 for 2015-2016 and $466,000 for 2016-2017 – what do we really need; should be a discussion during our June Strategic Planning.
   We need professional services, to operate an office, technology, national conference participation by commission members for training, possibility of positions becoming state positions – the cost of the benefits is significant. If the contract work is good, why change it and pay the cost of benefits. It is not in the current biennium budget – potential movement would be to make the positions permanent.

B. Vice Chair

- Participated in the review of the candidates for the Program Manager position.
- Asked Bob to set up a MCA meeting for this afternoon.

C. Executive Director

1. Status of public charter schools' enrollment process.

As of	Charter School	Enrollment for 2015-2016	Wait List
4-28	Baxter	320	94
4-28	Cornville	121	16
4-28	Fiddlehead	96	98
4-28	Harpswell	178	0
4-7	MeANS	target= 110 / recurrent and new = **122** max number	
4-7	MCA	220= returning / 120-130 new interest / **354 total**	
4-7	MVA	Intent=134 / **commitment =76** / enrollment rec.=39	

MVA Question: MEDMS numbers – Ryan Cunningham, DOE, if they have not enrolled as homeschoolers, they should or they should enroll in their school district. Is this the process? Can the student receive a MEDMS number when they register with the public charter school?

2. 127th Legislature First Session, Public charter schools LDs.

LD 391 Resolve, to Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts.
3-3-15 Neither for nor against.

LD 696 An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools. **Hearing 4-13-15. Ought not to pass. No new public charter schools until September 2016 equals a year of "moratorium." RFP result of research by MCSC.**

LD 1047 An Act To Allow for Collaboration in Public Charter Schools.

Bob Kautz: Appears to be at the request of a constituent, Snow Pond, they want to be able to accept out-of-state students if there is room for it and it would be a way to deal with revenue generation Snow Pond might need to be able to effect the program that they want.
Carl Stasio, Baxter, has had experience with having tuition students to a private academy and has seen the remarkable revenue stream that provides, as well as, enriching the make-up of the student body. This is seen as a way for Baxter to improve its own position in the future.
Concerns that the numbers that the virtuals have in application would grow to 700.
They could use this as a means to increase their revenue stream and it would be benefiting the ESP.
Shelley and I, separately, spoke with the sponsor, Representative Pouliot, to understand the language. Shelley and I are hoping to meet with him today after the work session.
Roger, Judith, Jana, Shelley and I discussed the question of how this is going to impact the regular charter schools on the law that we currently we have; is it a benefit; could it create problems. We don't have a clear picture.

Shelley Reed: In this LD there is a dance between charter schools and private schools; creates possible "placeholders" for certain students.

Ande Smith: Why are they different from Fiddlehead? Run several programs under one brand. "What is the problem that this is a solution to?"

Jana Lapoint: Fiddlehead after-school program is not only Fiddlehead students. Snow Pond would be the same students – tuition taking up spots.

Shelley Reed: Group is looking to establish high tuition students to furnish the background for the stability of the organization as a music school. VISAS – private school students come federally with student visas that allow them to do a four-year program. This is happening in the private academies and some district schools.

Ande Smith: Taking enrollment from out-of-state is going to apply to virtuals and every other charter school. We did not contemplate that in any contracts. If they have this hybridized thing, our contracts will require extensive re-working.

Laurie Pendleton: It would have be done through the RFP; currently operating schools could not go back to it – it changes the budget model.

Nichi Farnham: The enrollment cap provides an issue.

Bob Kautz: A difference is public charter schools have to accept every child who applies; whether they are a football player doesn't matter. Resident SAU's have a criteria for out-side resident district students; they can pick and choose.

Ande Smith: You can take tuition students if you have not met your full enrollment or if the charter school's vision would be enhanced.

Laurie Pendleton: Definition of charter schools "Free, public education."

Mike Wilhelm: This is a rub - *charter schools can be specific relative to their programming* so in a sense magnet schools.

Bob Kautz: What is the benefit to the private school side with having an association with a charter school?

Ande Smith: Smooths out the funding.

Judith Jones: Private school would be contracting with the charter school for educational services.

Ande Smith: "Enhance the mission" is contrary to the spirit and intent of having public charter schools because of the potential for displacement. Need to know what it all means.

3. Public Charter School "Cooperative" – Meeting and items on their discussion list. Thursday, April 9 at MeANS. Report back on identifying areas where they can work together. Extracurricular will be discussed.

VI. Unfinished Business

A. Cornville Regional Charter School – updated Performance Measures review.

Mike Wilhelm: We tried to make them reasonable, the charter schools consistent with one another.

Bob Kautz: Cornville's Governing Board has had a chance to review these Performance Measures, but they have not met to approve it. They are not aware of any problems. If the governing board does not approve it, they will have to come back to MCSC.

For the Renewal Process: Schools will provide a narrative to go along with the data to tell their story of their performance over the four-year period. Provide any evidence that will show the total picture. Charter School Monitoring, Accountability and Compliance: *"No later than November 30 of the fourth year of operation under each five-year term, a school performance report shall be issued and new application guidance will be given."*

MCSC has an obligation to give the school a report of years 1, 2, 3, and 4 – this is what we are seeing. They have to respond in an application, which gives them the opportunity to tell their story – along with their vision for their future operation.

Motion by Mike Wilhelm; seconded by Jana Lapoint and voted unanimously by those present to approve the Cornville Regional Charter School's updated Performance Measures.

B. Maine Virtual Academy Preamble of and Performance Measures

Note: Following the 4-7-15 meeting it was unknown if MVA Governing Board had voted to approve the elimination of the Preamble and the revision of these Performance Measures. If they do not approve, they will have to return to MCSC.

All the language is the same except that the first year is establishing a goal and a baseline so we can provide some targets in future years. Some things consistent from school to school and others school specific. Cornville's was used as a template for MVA.
The Preamble and the weighted scoring have been removed. Premature to talk of weighted scoring of various categories – assess some for a greater amount than other data. See how this all plays out – priorities may change.

Motion by Mike Wilhelm; seconded by Jana Lapoint and voted unanimously by those present to approve the revised Maine Virtual Academy Performance Measures as written.

C. The Executive Director (ED) Performance Evaluation Form will be used by the Commission to use as a performance evaluation and a base for moving forward to set some goals for the executive director in the upcoming year.

Performance Evaluation Survey for the Charter School Leaders – questions divided into the same categories and rating scale as the commission form. Deliver to schools ASAP and returned for MCSC June Meeting.

D. **Maine Connections Enrollment cap for 2015-2016.**

The contract language allows for:

- Years 1-2, capacity to have plus or minus 10% fluctuation of the projected enrollment number.
- School's Monthly School Report – source document of truth on the number of students that are in the school.
- To allow enrollment of more than 10% or less than 10%, material amendment request to the Commission for approval.
- Years 3-5 – MCA may enroll more than 390 students by seeking approval from the Commission.

NOTE: This decision is for the MCA Contract. If the other charter schools have a case in controversy with their negotiated language, it would be addressed at that time.

Maine Virtual has no 10%.
Cornville commencing or continuing instruction when the total number of students enrolled is less than 75% of the projected enrollment or the total enrollment of the charter school is fewer than 35 students, whichever is greater, is a material amendment. The Commission approval of increases or decreases of student enrollment will be based on their ability to demonstrate such change fiscally and integrity of the educational program are shown that it could be. No reference at all to 10%. Other references to: Maintain student-teacher ratio … Elimination of a grade is a material amendment…
MeANS is very similar to Cornville. …Less than projected by 10% of a total number of students.
Fiddlehead and Harpswell say 10% either way each year.

This is a result of the contract evolving over time. It is not a business contract, which is basically what we are aiming at in these cases. When we go through our first round of renewals, we should have a new form of agreement that captures the principals and the spirit of the things we care about, but is written in a consistent and more comprehensible way.
Action: Bob will have a discussion with Sarah Forster regarding the revising of the charter school contract.

Question: Can MCA exceed by 10% of their 2nd year projection of 360 enrollments?

Opening enrollment will be plus or minus 10% of the 270.
Projected Number for the 15-16 school year is 360.
Years 3-5 target is 390 – thou shalt not enroll more than 390 unless Commission approval.
2015-2016 with plus or minus 10% allowed, MCA would be over the maximum by 6 students.

If the total number of students enrolled varies by more than 10% of the projected enrollment, Commission has to be notified pursuant to Section 6.10, which is to seek a material amendment.

History: Used the 10% for their budget fluctuation as a red flag; transferred the 10% figure to enrollment.

Going forward, for consistency, we could read it: "the projected number is plus or minus 10% without approval of the Commission."

Answer: Maine Connections Academy can go 10% above their projected number in years 2-5 without requesting a material amendment. Anything that would be in excess of that 10% in either direction requires a material amendment from the Commission. No vote.

Maine Virtual – *Year 1 is 270. Year 2 is 360. Years 3-5 is 390.*
Open enrollment shall be no more than 270 plus or minus 10%. Anything more than 390 in years 3-5 requires the approval of the Commission. Less than 243 is a material amendment…. MVA would have to come forward for an interpretation.

E. Strategic Planning for MCSC.
June Meeting Re-Scheduled to June 8 at 9:30 a.m. – 2:00 p.m.
Strategic Planning Session: evaluation, budget, planning for next year's work.
June 2 Meeting cancelled.

VII. New Business

A. Fiddlehead – Bomb Threat
Some of the older students had been involved in bomb threat activity at another school; this to my knowledge is the first direct threat. Jacinda, as head of the school, had to figure out – is this something that could actually be carried out or is this just something that we need to talk with this particular student – how big do we need to make this. At the time the note was received, the kids were getting ready for the busses and going home; the kids were safe. She called 911, called the Sheriff, notified Bob and I – Bob went to Fiddlehead to help with the process. She used the processes that were in place. There have been actions taken involving the student, which will be monitored going forward. Bob has asked all charter schools to check their emergency plans to be sure they are applicable.

Fiddlehead Request for Enrollment Waiver for the 2014-2015 School Year.

Fiddlehead went over their 10% figure. The board member who was the numbers' person left, which left Jacinda to take over the financial statements. During this transition, they went over – ultimately, by 4 students. Fiddlehead should have filed a material amendment once they recognized it. Two of the students, came in after the beginning of school, the resident district was not charged until February. The Commission needs to decide what to do; this is a breach of their contract. The MEA pointed out the overage in their enrollment – not on the website is the approved bump-up of 14 students for this school year. They would like to increase by the 4 students for this 2014-15 year.
Are they safe with the resident district percentages (5% and 10%) in the statute (for 2014-15)?
Action: We will find out if they made any mistake with the percentages.

2015-2016 Enrollment increase request.

Regarding the 5% and 10% - Yes, were very careful during the lottery of not pulling too many students from each district. For 2015-16, the Department produced the "Students Available for School Year 2016" by resident district/by grade/by percentage allowed based on the Oct 1 (2014). This was sent to each of the charter schools for their lotteries.

Fiddlehead has provided two different budgets for the 2015-2016 school year to increase the number of students for next year.
Action: Review Team (Shelley, Chair; Jana, Nichi) should meet with the board chair and Jacinda to review the budget with them.

They are getting pressure from the community – 111 students on the waiting list. Fiddlehead wants to maintain small classes, integrity of their processes that require student observation with the Mario system; but are asking for some increase in their number by an additional 5 students. They do have physical capacity – as they have opened a new section for the addition of grades 4 and 5.

Motion by Ande Smith; seconded by Jana Lapoint and unanimously approved by those present:

The Commission approves a 1-year amendment of their contract for the 2014-15 Academic Year with a set maximum enrollment of the school at 81 students.

As a condition of this amendment, the Commission requires the following of the School:

1. *No later than the Commission's next regularly scheduled meeting, provide a written explanation of the facts and circumstances resulting in the excess enrollment, including an evaluation of the root cause of the contract breach and a plan of corrective action to ensure that future excess enrollments do not occur;*
2. *As part of the Commission's end-of-year site visit, describe in detail how other potential contract compliance issues will be identified by internal action or review of the school and mitigated; and*
3. *For the remainder of the current school year and for the duration of the 2015-2016 academic year, provide monthly reports by email to the Commission's executive director of the school's actual enrollment.*

The 2015-16 enrollment increase will be based on the end-of-year visit. They have enrolled 96 for next year and, if approved, the increase will come from the waiting list.

Side note: For the purpose of getting checks out to the charter schools for them to have operating cash, the Department will use the August 1 count for the first check. Then they will "true-up" with the October 1 count to reflect back to the beginning of the year – actual enrollment.

B. MeANS' Mission Statement.

This was a combined effort of the board members, community, parents and staff and has been approved by the MeANS' Board. Endorsed by John and I – (Nichi Farnham). This revision is a document with three components:

1st – "What" – a traditional statement;
2nd – "Who" – the role of the students – graduates;
3rd - "How" - the implementation.

Moved by Nichi Farnham; seconded by Jana Lapoint and voted unanimously by those present to approve the MeAN's Revised Mission Statement as written.

C. Maine Virtual Academy – resignation of Board Member and hiring of CEO – Beth Lorigan.

Moved by Mike Wilhelm; seconded by Jana Lapoint and voted unanimously by those present to accept the resignation notification for the Maine Virtual Academy Governing Board from Beth Lorigan.

D. MCA request to discuss the negotiation of extracurricular fees for the participation of public charter school pupils in activities in their resident SAU.

The Department of Education *has interpreted the statute to mean that the SAU has capacity as long it does not have to buy a new uniform or create a new spot on a team or arrange for any new transportation. The fact that more students try out for a limited amount of slots does not mean that the public charter school student can be summarily turned away. Public charter school students must be treated in the same manner as the non-charter school student for the purposes of tryouts. The abilities of the students are to be measured without discrimination as to which public school the student attends. (Commissioner Desjardin 4-10-15)*

HCA and SAD 75 have come to agreement and the two students involved are participating.

Karl Francis: I ask you to form a committee of superintendents, athletic directors, school heads, school board members, parents, charter commission members to come up with a fair, equitable, consistent way of dividing the cost.

126th Legislation 2nd Session - *For each public charter school student who participates in an extracurricular or co-curricular activity at a non-charter public school, the public charter school must pay a reasonable share of the non-charter public school's cost for the activity as determined through negotiations between the schools involved.*

Bob Kautz: Talked to Bob Hasson, Deputy Executive Director of MSMA, he will talk to the leadership team to see if they want to participate on this type of committee.

Ande Smith: This is a departure for the Commission to be advocating for the charter schools. If we want to go down that road, we need to be sure that you know who your friends are, who your enemies are and who the neutrals are so that we plot our trajectory to accomplish a goal that is effective for an outcome.

Mike Wilhelm: A representative from the Superintendents' Association and the Principals' Association to discuss the problem this is for the charter schools; to see if they can provide some guidance. We care about kids like you care about kids and this is preventing the participation.

<u>TWO ISSUES</u>: RSU 75 is excluding based on capacity not negotiating a fee for participation.

Maine Principals' Association definition of capacity: *In determining capacity, we have found that if there are sufficient athletes in the school to fill a team, often time cutting athletes after try outs, that access may be denied.*

This is going to require legislative action. Home-schooled and private-school students have a right to participate in their resident district at no cost and the district receives no EPS for them. Legislation – Can charter school students participate and what is it going to cost.
Action: Bob will have a conversation with the Commissioner to make it more known to the Governor for changes. This can be a check-in for the May meeting – Commissioner's position.

VIII. Other

Monitoring Visit Schedule: May 18 is MCA; May 28 is Cornville; June is Harpswell, Fiddlehead, Baxter; July is MeANS.

Shelley Reed: We need to get these requests for information and the schedule out to the schools as soon as possible. The Commission could form a sub-committee and revisit the daily schedule – to see if we can fan out versus being all in the same spot.

John Bird volunteered by Bob: He would like to see the end-of-year visit changed; should be principally with the governing board and the administration;
review teams visit the school when the school is in session to visit with students, teachers and parents at some time other than the end-of-year visit.
End-of-year visit is not the time to be gathering that type of information; it should have been gathered already.
It is an important time for the review team to sit with the governing board and the administration to talk about what is happening, having had the data in advance so it could be reviewed and recognizing that much of the data all available until the end of the school year – having this meeting in the summer.
During the school day it is more of a show than a substantive conversation that helps the Commission to know what is going on and what the charter school is thinking and experiencing.
The data should not be given the day of the meeting; it should be given in advance.
Should not be the raw data; it should be the charter school providing a report with the interpretation of the data and what they are getting and how they are going to react to it for the next year.

Mike Wilhelm: More manageable for the charter schools too; they prepare for a visit with people walking around and asking questions and then, at another time, they can sit down with the data.

Jana Lapoint: If we could have the meeting with the administration and the board so they are all part of the discussion, they (board) would have a lot more buy in than they have now.

Laurie Pendleton: We need to revamp the end-of-year process. I would be willing to work on that.
Committee: John Bird, Jana Lapoint, Laurie Pendleton and Shelley Reed.

Motion made by Shelley Reed; seconded by Ande Smith and voted unanimously by those present to go into Executive Session for the consideration of candidates for employment as the Director of Program Management for the Maine Charter School Commission.

During our Executive Session, we had an opportunity to review the potential candidates for the program manager job.

Motion by Mike Wilhelm; seconded by Laurie Pendleton and voted unanimously by those present to authorize the Interview Team (Shelley Reed, Laurie Pendleton, Ande Smith) after the (hiring) process is complete to make the appointment of program director for the Commission.

IX. Announcements

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

B. Next regularly scheduled meeting: **May 5, 2015,** Time: 9:30 a.m.

C. June 2 Meeting cancelled**; Monday, June 8, 2015**, Commission Strategic Planning Meeting.

X. Public Comment

Roger Brainerd: May 3 – 9 is National Charter School Week. Asking the charter school leaders if they are interested in participating – an open house at the school to generate some good will; possibly inviting legislators from Augusta and congressman from Washington to come visit during that week.
We have talked to New Hampshire and Massachusetts about doing something collaboratively in New England; probably in the Fall – not for this charter school week.

Shelley Reed: This is sponsored by the Charter School Alliance. They have put out a tool kit with press releases, etc. We will coordinate with MACS in terms of something.

XI. Adjourn

Motion by Jana Lapoint; seconded by Ande Smith and voted unanimously by those present to adjourn at 1:58 p.m.