

Checklist for Considering a Potential OPEGA Review of the Maine Charter School Commission

With the following potential areas of focus:

What processes, practices and standards has the MCSC used in soliciting, reviewing and making approval decisions on applications for public charter schools? Have these processes, practices and standards been in accordance with statute, rules and other established policies and procedures? Has the MCSC consistently applied these processes, practices and standards for all applicants?

What has been the MCSC’s role in providing advice and assistance to applicants during the application process? Has the MCSC taken a consistent approach in this regard with all applicants?

What factors have impacted, or could potentially impact, the MCSC’s ability to effectively and efficiently fulfill its statutorily assigned roles and responsibilities?

Part I – Does it make sense to consider an OPEGA review of the topic at this time?

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Is the topic outside of the GOC’s mission and OPEGA’s statutory authority? | <input type="checkbox"/> | X |
| 2. Is the subject matter already addressed by an OPEGA review planned, or in progress, or covered by a topic already on the On Deck list? | <input type="checkbox"/> | X |
| 3. Has the issue(s) been satisfactorily covered by a recent audit, investigation or review by any other administrative body, judicial entity, or legislative study committee such that the GOC is satisfied the issue warrants no further study? Is there such an effort currently in progress that addresses the issue(s)? | <input type="checkbox"/> | X |
| 4. Are there other appropriate avenues for addressing the issue(s) that have not yet been pursued and the GOC would like to see pursued first? | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion: Both the Department of Education and the Joint Standing Committee on Education and Cultural Affairs have oversight responsibility for the MCSC and could potentially explore these questions. However, both are likely to have limitations on time and resources that would impact their ability to get into any level of detail, particularly in regard to reviewing documents, and there are other factors that could impact the ability of either to maintain an objective perspective.

These four points represent guidelines for the Government Oversight Committee to weigh as they consider whether it makes sense to consider the topic for an OPEGA review at this time. If the answer to all of the above questions is “No,” the topic is suitable for further consideration. However, the GOC reserves the right to act on each request individually as the Committee deems appropriate.

- | | YES | NO |
|--|--------------------------|--------------------------|
| Does the GOC want to further consider this topic for possible addition to OPEGA’s Work Plan or On Deck list? | <input type="checkbox"/> | <input type="checkbox"/> |

If YES, the Committee may proceed to Part II of this checklist to assess the topic’s priority. This prioritization may be scheduled for a subsequent meeting, if needed, to allow OPEGA time to gather the information required. Before OPEGA spends resources gathering that information the GOC may consider:

- a. Whether the topic could be satisfactorily addressed with limited hours and may, therefore, be appropriate for OPEGA to Conduct Limited Research and Respond to Requestor.
- b. Whether the topic is defined at an appropriate level for further consideration.

If NO, the Committee might consider referring the topic to another entity or decide there will be no further action at this time.

Part II – Is the topic a high enough priority to warrant addition to the On Deck list or Work Plan at this time?

The GOC may use the checklist below to assess prioritization criteria for each topic. Additional information needed to assess a criteria will be obtained as needed at the direction of the Committee. The GOC may specify what information it requires, and whether it wants to receive the information from OPEGA, directly from the agency or from other legislators.

Financial Impact – Takes into consideration the impact of MCSC decisions re: public funds going to, and being expended by, approved public charter schools

If yes, check the box

- 1. Total expenditures or revenues associated with the topic approaches \$1 million annually?
- 2. At least 50% of expenditures or revenues are from non-federal funds?
- 3. At least 25% of expenditures or revenues are from the General Fund?
- 4. There are multiple and/or complex funding streams?
- 5. Other financial considerations as determined by the GOC

Public Impact– Takes into consideration the impact of MCSC decisions re: public education opportunities in catchment areas for charter school applicants

- 1. Affects indirectly a significant portion of Maine’s citizens?
- 2. Directly impacts more than 5,000 citizens or 100 businesses?
- 3. Impacts on citizens are potentially severe in terms of health, safety, welfare or finances?
- 4. Other public impact considerations as determined by the GOC

Legislative Impact

- 1. Legislative committee has concerns or desires information on the topic?
- 2. Perennially discussed or considered in the Legislature?
- 3. Associated with frequent constituent complaints or frequent requests for OPEGA reviews?
- 4. Elicits frequent, or recent and significant, media coverage?
- 5. Other legislative impact considerations as determined by the GOC – **Note current bill re: shifting responsibility for charter school approvals to Legislature**

Severity of Concerns

- 1. Involves potential risk of serious harm to citizens or State employees?
- 2. Involves potential fraud or significant misuse of State resources?
- 3. Involves potential violations of law?
- 4. Involves potential gross mismanagement, misconduct, negligence or incompetence?

Total number of criteria met (i.e. count of checked boxes in Part II):

After considering the number of criteria met by the topic (i.e. points assigned above), the GOC may compare this topic to other topics already on the On Deck list or Work Plan. The Committee will then decide what action to take on the topic. Options include:

- a. No further action at this time
- b. Refer to another entity
- c. Authorize OPEGA to conduct limited research and respond to requestor
- d. Place topic On Deck
- e. Place topic on OPEGA's Work Plan
- f. Initiate Rapid Response Review

Note: In selecting topics the GOC may consider keeping the On Deck list to a manageable size and working to ensure the list is not limited to topics associated with only one department.
