***January 11, 2022 Business Meeting Minutes Approved by Commission Vote on***

***February 8, 2022***

The Maine Charter School Commission held a Regular Meeting via Zoom on

**Tuesday, January 11, 2022**

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| **Item Number** | **Agenda Item** |
| **1** | **Call to Order and Declare a Quorum** |
|  | The meeting, held via Zoom in accordance with the Commission’s Remote Meeting Policy, was called to order by Commission Chair, Wilson Hess at 1:01pm and a quorum was declared.  Commission members present were Wilson Hess, Nichi Farnham, Shelley Reed, Dr. Fern Desjardins, Victoria Kornfield, and Jim Rier.  Also present were Jeremy Jones, Gina Post, Lana Ewing, and Amy Allen. |
| **2** | **Reminders** |
| 2a | This meeting is being recorded via Zoom. |
| 2b | We ask members of the public to hold comments until public comments are being heard. |
| 2c | Captioning Reminders |
| 2d | Introduction of Lana Ewing, MCSC Chief of Staff |
| **3** | **Additions or Adjustments to the Agenda** |
|  | *None* |
| **4** | **Requires Approval by the Commission** |
| 4a | To Consider the Approval of Minutes from the October 14, 2021 Business Meeting  A copy of the draft meeting minutes was presented for review and discussion. Chair Hess requested a few enhancements to future minutes – location of meeting and more content and “flavor” in the Public Comment section.  **Moved by Shelley Reed; seconded by Dr. Fern Desjardins and voted unanimously by those present** to approve the minutes from the October 14, 2021 Business Meeting. |
| 4b | To Consider the Approval of Minutes from the December 14, 2021 Business Meeting  A copy of the draft meeting minutes was presented for review and discussion.  **Moved by Shelley Reed; seconded by Nichi Farnham and voted unanimously by those present** to approve the minutes from the December 14, 2021 Business Meeting. |
| **5** | **Public Comment\*** |
|  | Heather King, Head of School, Maine Arts Academy   * Spoke in support for keeping the school liaison role with the following comments: * “Have had such an amazing experience with our liaison.” * “Gives Charter Commission a different view when there’s a liaison participating in the school.” * “It gives them a way to see things that they normally would not see like how our Board is, how our Board meetings are, and the student activities. There’s just so many things that I feel like the liaison can see, especially ours in particular – Fern – who attends every single one of our Board meetings. She’s absolutely amazing and I feel really connected to the Commission because of Fern.”   Sherry Gilbert, Governing Board President, Maine Arts Academy   * Spoke in support for keeping the school liaison role with the following comments: * “The school liaison in the case of the Maine Arts Academy is Fern Desjardins who is a valuable part of the success of our school. She attends our monthly meetings and when we need answers and explanations regarding agenda items, Fern is always there to assist us. She has willingly talked on the phone with me regarding school-related business and offered helpful suggestions. The school liaison is a position that every single charter school needs and I’d like to give public thanks to Fern.”   Jana Lapoint, Board Member, Baxter Academy for Technology and Science and Maine Connections Academy   * Spoke sharing concerns about the Commission’s adopted “Eligibility for Determination in Increasing Enrollment and/or Adding a Grade Level Being Served” with the following comments: * “Was not a part of the Board back in July when this was approved, but would have approved it because schools need an opportunity to know what the requirements would be for them if they had filled out a full application.” * “Having to meet 3 of the 4 requirements seems fair but would call to your attention areas that may need to be discussed and possibly altered if necessary. Under #4 it says, ‘does not meet’ and that the school cannot have any of those or they would not be eligible. It is absolutely impossible to think that every school would meet every single one of those conditions. Two examples – the percent of students, parents and staff that did not answer the Panorama study, if they were to have fallen short, if a school in their Performance Framework had said ‘we’ll have 40% of our parents respond’ and only 38% respond, then the school ‘did not meet’ or if the Board has to post its minutes and have to be posted 10 days after they have been approved. If they do it in 11 days or 12 days more than once that would mean that they ‘did not meet’” * “Most of the schools could look at the first 3 requirements and would be OK.” * “I’ll throw one more in. What constitutes ‘healthy’ financial near-term measures? If you’re going to put the word ‘healthy’ in, then define it and tell them exactly what ‘healthy’ means so they don’t think that they are way out of line.   *And*   * Commented on the proposed Committee Structure recommended the following to be considered at the next Business Meeting: * “That Performance Framework and Management also be a committee assignment with the Commission Chair appointing the members of this Committee. They should also be required to review the Performance Framework. Another Committee appointed by the Commission Chair should be the Liaison Committee not only to analyze the effectiveness of the Commission’s liaison to the schools, but with specific responsibilities as deemed important.” |
| **6** | **Presentations** |
|  | *None* |
| **7** | **Executive Director/Commission Staff Report** |
| 7a | Strategic Plan Update  Jeremy shared the following:   * The plan outlines the 5 strategic priorities and gives an idea of what staff have been working on the past 6 months and where we might go next. * A reminder that the Plan as adopted, is a 3-year plan (36 months). * The first 6 months has largely centered around building infrastructure and staff have laid the groundwork to put ourselves in a position to do a lot more good work supporting accountability for the charter schools.   Tori commented on the laudatory statements that are in the Strategic Plan and shared her concerns with the data from both MeANS and HCA – particularly chronic absenteeism and graduation rates. Given the data, and the statements in the Strategic Plan she doesn’t understand why both schools aren’t on Improvement Plans.  Jeremy commented that one of those schools – MeANS – is currently in the charter renewal process and that staff is looking at all tools available to move schools from their current state to a more aspirational future state. One of those tools are the conditions placed on the renewal which include testing performance, academic clarification about what students should be learning and how staff will assess those things. The conditions are rigorous, but staff are confident that they will be met. If not, a contract will not be signed.  In response to Tori’s concerns about HCA, Jeremy shared that staff has devoted a great deal of time to supporting the school and will continue to do so. Letters of Concern have been issued for areas where the school has fallen short of expectations and staff are compiling a record of those concerns. He further stated that staff will continue to use recordkeeping and compliance procedures to ensure that the school is moving in the direction that they should be on behalf of the students enrolled.  Wilson reminded the Commission that the Strategic Plan was developed in the late spring/early summer of 2021 and that the data being looked at is data that the Plan could not have affected. The Plan expects that all of the charter schools get to a certain level of performance which will be a bigger stride for some than others.  Tori pointed to the stated Vision in the Strategic Plan – all of Maine’s children will have access to a vibrant ecosystem of diverse schools so that all of them can be happy, healthy, and thriving citizens. She shared that she does not like the word “them” and wishes that the wording could change to read “…so that all students can be happy, healthy and thriving citizens” or just “…so that all can be happy, healthy and thriving citizens.” Wilson stated that the Commission will not be revising the document at this time but will in the future and that concerns should be passed along to staff.  Wilson questioned Priority #3 which relates to governing boards, particularly the development of board member training requirements and asked Jeremy his thoughts on when the Commission might be able to preview some of that understanding that the Plan is a 3-year Plan. Jeremy shared that the hope is for this section of the Plan to become actualized at the beginning of the next fiscal year. Staff are working in partnership with the National Charter Schools Institute to develop training modules in addition to developing its own content. Staff will be mindful as content is developed in determining who gets trained, when they get trained, and how much training is needed. Ultimately, Boards will be held accountable for that training through revised Performance Framework that staff hopes to have in place at the beginning of the next school year.  Wilson also questioned Priority #5 and stated the importance of engaging with stakeholders. He doesn’t expect to see significant progress in this area until the 2022-23 school year but given the climate over the past several months wonders if there are some elements of this priority that could be moved along more quickly than originally planned. Jeremy shared that we are trying to assess the capacity of the Commission and staff to take on this priority -- understanding that schools are not currently fully enrolled and that parents can be more fully engaged in the process of selecting schools. Staff understands the importance of these issues and are trying to gauge when the right time will be to pivot from other priorities. Jeremy also shared that there are two Board Presidents’ Meetings scheduled that pertain to finance and facilities and that time will also be used to discuss enrollment.  Jeremy announced that staff will be launching a common, unified, student lottery platform that will allow parents to select the charter that they are interested in and enroll their student. The system is completely online and a departure from the way that enrollment and lotteries have happened across ten different schools in the past. Although not as far along in the process as staff hoped to be at this time, progress is being made and moving closer to finalizing a contract with Lotterease.  Wilson shared that frequent check-ins on the Strategic Plan are important for both Commission and staff and appreciates the opportunity for questions on the progress of the priorities in the Plan. |
| 7b | Media Update   * [High Schoolers pick up trash to study what’s polluting their coast](https://www.newscentermaine.com/article/tech/science/environment/high-schoolers-pick-up-trash-to-study-whats-polluting-their-coast/97-7d5a4a8f-72a1-422e-a696-4a0d371a7542) * [Why Maine’s standardized test scores won’t be released to the public this fall](https://www.mainepublic.org/maine/2021-11-30/why-maines-standardized-test-scores-wont-be-released-to-the-public-this-fall)   Jeremy shared that there are “really good things happening in the charter schools” and not being captured by media outlets. |
| 7c | Legislative Update  Jeremy shared that Amy has created a Legislative Tracker and will continue to monitor legislation pertaining to charter schools and continuing education excellence. Jeremy indicated that he and Amy work closely on this and will engage as necessary.  Wilson cautioned that the 2nd session of the legislature “can have things appear seemingly out of nowhere” so it’s important to be alert and aware of proposed legislation and cautioned schools that they may be asked for things with very little notice.  Shelley asked for any updates on LD1845 or the reports from MEPRI focusing on LD313 and LD138. These pertain to innovation and may have an indirect impact on charter schools. Wilson shared that a working group was established in response to LD313, mostly pertaining to Career and Technical Education, which has been meeting since October and has released a very preliminary report to the Education and Cultural Affairs Committee with a final report due in mid-March. The public hearing for LD1845 is on January 13th. As of now it appears that this may be a “catch-all” bill which is common for the end of any legislative session. |
| 7d | Update on SY21 Graduation Rates  Gina shared 2020-21 Graduation Rates that were included in the recent Annual Monitoring Reports.  Data are as follows:   |  |  |  | | --- | --- | --- | | **State Average** | **86.12%** |  | | **MCSC Target for Schools** | **87.74%** |  | |  |  |  | | Baxter Academy | 92.5% |  | | Community Regional | \*suppressed to maintain student privacy |  | | Ecology Learning Center | No 12th grade yet |  | | Harpswell Coastal Academy | 64.5% |  | | Maine Academy of Natural Sciences | 50.9% |  | | Maine Arts Academy | 86.4% | (less than 2% from target) | | Maine Connections Academy | 68.7% | (increase of 2% or more from previous year) | | Maine Virtual Academy | 69.7% | (increase of 2% or more from previous year) | |
| 7e | Harpswell Coastal Academy and MainePERS  Jeremy shared that Harpswell Coastal Academy has created a partnership with MainePERS to ensure that staff are well taken care of.  Not all charter schools have partnered with MainePERS at this point, but there are a few. It’s important to note that the partnership with MainePERS is not the teacher one, but the supplemental one, as current law does not allow charter schoolteachers to participate in the teacher version. Because of this, charter schools have a hard time recruiting experienced teachers because they don’t want to lose the retirement benefits that they have at a traditional public school. It’s a step in the right direction, but more work needs to be done to make a more equitable playing field. It’s important for students to have access to the best teachers we can give them. |
| 7f | Committee Structure of Commission Members  A copy of the recommended structure was distributed for review and discussion. Staff believe that a committee structure would assist in the completion of the Commission’s strategic goals.  Staff suggests an ad hoc sub-committee to discuss what a committee structure could ultimately look like. Shelley and Wilson volunteered to serve on the sub-committee and will look at questions like:   * Who are we as a Commission? * How does the Commission authorize? * What does the Commission know and how do they know it? * How is information communicated and in what form? * What are the data that is given and what do the words say? * What is the context of the data and what does it mean? * What’s the special sauce?   Shelley shared that the 6 pillars that were created as a result of the Executive Director search are intertwined in the Strategic Plan. All of the charter schools are unique, and a committee structure needs to take that uniqueness into consideration when looking at the data. She agrees with the proposed committee list but suggests adding a Legislative Committee and Community Relations Committee understanding Commission member time and capacity in carrying out this work.  Wilson commented that if the Commission are to achieve certain elements of the Strategic Plan – especially board governance – this is an opportunity to model best practices and complimented Jeremy and staff for putting the document together.  Jeremy shared that the ad hoc sub-committee will meet no more than twice and that meetings will last no more than 90 minutes. Recommendations will be brought to the full Commission at its February meeting with finalizing a plan for approval in March.  Wilson clarified that the Commission committee structure and the liaison discussion aren’t an either/or situation and both will be considered equally before any final decisions are made. |
| 7g | School Highlight/Feature Strategy  Jeremy acknowledged the fear that exists regarding the connection between schools and the Commission and that somehow that will be lost. He shared that staff are working toward a structure where granular data will be shared with the Commission to assist in understanding how schools are performing while giving schools the space to share with the Commission what makes them special and what’s happening on their campuses.  Several strategies have been discussed including holding Commission meetings in the schools but given the state of COVID at this time that idea has been put on pause. In the meantime, staff will invite schools to present at Commission meetings to share their stories and how they are performing. This puts the schools back on the main stage and will help the Commission better understand what is going on at campuses on a daily basis.  Staff will reach out to schools prior to the February Business Meeting to see if anyone wants to present.  Shelley shared her excitement with this plan as it gives the Commission an opportunity to celebrate what’s going on in the schools. Monitoring Reports tell a part of the story, but this gives schools an opportunity to share what’s special to each school individually. She would also encourage schools to use the opportunity as a time to share challenges that they may be experiencing.  Jeremy shared that staff have asked schools to report on their NWEA MAP data. Gina and Lana are currently analyzing that data, which will be made available to Commission. This school feature strategy will allow Commission members to ask schools about the data. He also shared that mid-year check-in meetings are currently being scheduled and those meetings will produce highlights to share.  Nichi suggested that a link to the Governing Board meeting of the featured school be distributed which would allow Commission members an opportunity to learn a bit about the school prior to, or just after, the presentation. |
| 7h | Progress on Charter Renewals (CRCS and MeANS)  Jeremy shared the following:  Community Regional Charter School   * He is working closely with Board Chair, Danielle Denis. Met at the end of December and agreed that they will meet monthly to check-in on the renewal process. * The next meeting will be held in person on the CRCS campus. * The Board has completed all of the action steps that were presented to them at the last Commission meeting which instills confidence that they are moving in the right direction. * He committed to providing guidance on policy renewal and agreed on a process that will be used in selecting a person to do a bylaws audit.   Maine Academy of Natural Sciences   * He will be visiting the campus the week of January 31st and will meet with Cheryl Bulmer, Board Chair, and Matt Newberg, Head of School to get an update on their progress. * Many of their conditions have to do with their academic program. This meeting will be an opportunity to take a deep dive on the data they are collecting, curriculum they are developing, and how they are supporting teachers. |
| 7i | Charter School Financial Picture  Jeremy shared that Joe Drago presented to Board Presidents at the most recent Board Presidents’ Summit. The meeting was about strategic planning as it relates to finances and financial forecasts. Joe shared how to set up a Finance Committee and what the committee should be focused on.  Joe shared that he has reviewed each schools’ 4th quarter reported numbers and all schools are meeting their financial performance measures. Most schools have a budgeting agenda which is assisting in putting more money into the classroom. The majority of the charter schools are running a surplus, with the exception of a few who are purposely running a deficit to use up their excess cash.  Joe also shared that most of the FY21 Financial Audits have been received and reports that at first glance there aren’t too many surprises. He has PowerPoint presentations that he will make available if anyone is interested in reviewing those and will make himself available to answer any questions that Commission members may have. Wilson requested that those PowerPoints be shared with the full Commission.  Jeremy reminded the Commission that charter schools can often stumble and fall and end up closing as a result of financial mismanagement – nothing malicious, but because they don’t have the expertise and awareness needed.  Shelley commented on a phrase that was used in many of the Annual Monitoring Reports pertaining to long-term planning. Joe shared that the recommendation is to have a two, three, or even four-year plan which will be discussed again with schools as many are in the early stages of facilities planning.  Jeremy shared that he and Lana will be meeting with potential partners who can talk to the charter schools about facilities planning. |
| 7j | MCSC Spending Report *(formerly MCSC Budget Update)*  A copy of the spending report was distributed for review. Jeremy shared that this report shows what the expenditures have been and is the first time this report has been shared.  The MDOE will continue to provide monthly statements as they have done in the past but having an up-to-the-minute spending report available will allow the Commission to act strategically to manage finances.  Amy is able to track where every dollar goes. The big picture, overall, is that we are 6 months into the year and have spent about 6 months of the budget. We are on track and have spent what we expected to spend. We feel that it’s important that the Commission sees this report monthly and will be able to engage in more formative conversations around the numbers and what they mean.  Dr. Desjardins had three questions pertaining to the budget:   1. Would like to be reminded about the Manpower service fees versus the Tri-State fees. Approximately $45,000 has been spent with Manpower at this point. How does that compare to what would have been spent if the Commission had continued with Tri-State Staffing? 2. We budgeted $11,380 for legal services but have spent $38,000. Are these additional costs for Bernstein Shur? Do we anticipate any additional spending regarding this matter? 3. What were the advertising dollars spent on?   In response to Dr. Desjardins’ questions, Jeremy shared that the Manpower service fee of 1.298 is slightly higher than that of Tri-State Staffing which is 1.2287, but the services that we are receiving are better i.e. employees are now eligible for healthcare coverage and professional development opportunities that staff didn’t have access to before. Jeremy reminded the Commission that staff are not state employees but employed by an employment agency that contracts with the state. The switch from Tri-State Staffing to Manpower happened at the beginning of the fiscal year.  The legal dollars were all for the Commission’s engagement with Bernstein Shur. That engagement has ended, and we have received the final invoice which Amy has expedited for payment which closes the loop on these services. Staff will continue to monitor schools and the expectation is that we won’t have to engage law firms for any type of fact finding.  The advertising dollars were spent on notices around public hearings for renewal. Staff felt that it was in the public’s best interest to be made fully aware that these hearings were taking place and give parents an opportunity to speak. Schools put out notices to their families, but we felt that it was important that the public knew as well. The practice of advertising these hearings in the local paper is not one that had been done before but are considering making it a best practice moving forward. Staff will evaluate if dollars spent translated into engagement and determine if it’s the best use of funds, but we do need to ensure that the public is engaged in the renewal process. |
| **8** | **Old Business** |
|  | *None* |
| **9** | **Requires Notification to and Acceptance by the Commission** |
| 9a | New Member(s):   * ACADIA Academy – Justin Good * Baxter Academy for Technology and Science – Ruth Dean * Ecology Learning Center – Laura Graham * Ecology Learning Center – Joshua Snyder * Maine Academy of Natural Sciences – Martha Harris * Maine Virtual Academy – Stacey Blanchard   **Moved by Nichi Farnham; seconded by Shelley Reed and voted unanimously by those present** to accept notification of the appointment of new Governing Board members as noted above.  Resignation(s):   * Baxter Academy for Technology and Science – Christian Sparling * Maine Academy of Natural Sciences – Robin Cyr   **Moved by Nichi Farnham; seconded by Shelley Reed and voted unanimously by those present** to accept notification of the resignations of Board members noted above.  Term Out(s):   * Ecology Learning Center – Leon Garnett   Amy shared that Leon was a founding member of the Ecology Learning Center Board and remains active with the Board’s Facilities Committee despite his term ending. Shelley and Nichi acknowledged and thanked Leon for his service.  **Moved by Shelley Reed; seconded by Nichi Farnham and voted unanimously by those present** to accept notification that Leon Garnett’s term on the Ecology Learning Center Governing Board has expired. |
| 9b | To Consider and Accept FY22 Budget vs. Actual YTD – January Report  Jeremy reminded the Commission that this is the report that we receive from the Finance Team at the Maine DOE and will be able to reconcile this report with the Commission’s report to ensure that we all agree on the numbers.  Jim shared that in planning for the 2022-23 school year the State Board of Education will get a presentation from the Department outlining the proposed changes to the funding formula. Some considerations:   * The calculation of the K-8 teacher ratio was reduced from 18 to 17 for 2021-22 and it’s unclear whether there will be a reduction for 2022-23. If they don’t, it will lead to lower EPS for everybody which will impact charter schools with K-8 student populations, ultimately the Commission’s budget. * The preliminary ED279s should be released in late January and by law must be released by February 1st. * Declines in student enrollment numbers since 2020 are going to have an impact on funding moving forward.   **Moved by Jim Rier; seconded by Shelley Reed and voted unanimously by those present** to accept notification of the FY22 Budget vs. Actual YTD Report. |
| **10** | **Monthly School Portfolio/Data Report** |
| 10a | Performance Framework Summary Table  A copy of the Performance Framework Summary Table – which is part of the Annual Report to the Commissioner – was presented for review.  Jeremy shared that this table was included as an addendum to the 2019-20 Annual Report to the Commissioner but made a part of the 2020-21 report and shows how each school performed in each target. No data regarding achievement were included to align with the Department’s decision to not release NWEA MAP data publicly.  Tori reinforced her earlier comments about the number of times both MeANS, and HCA do not meet their targets and that the Strategic Plan is all about excellence. Jeremy offered to provide a list of the steps that staff have taken to address these concerns.  Jim commented that it’s a difficult time to make comparisons to the performance of traditional public schools. The Department’s decision to not release achievement data publicly is a measure of how concerned they are with performance due to the pandemic. Jim acknowledged that chronic absenteeism and non-attendance is a huge problem in all schools and suspects that it will be next year as well.  Shelley commented that the data puts things into context and the Commission needs to ask themselves, “what are we going to do about it?” |
| 10b | 2021-22 Certified Student Enrollment Data  A draft copy of the 2021-22 enrollment statistics were distributed for review. The chart shows the following information for each charter school – grades served, contracted enrollment, actual enrollment, number of special education students and percentage, and number of economically disadvantaged students. State averages are also included as available.  Enrollment compared to last year is somewhat comparable with the exception of Ecology Learning Center and Fiddlehead School of Arts & Sciences who each added a grade level for the 2021-22 school year.  Dr. Desjardins asked about the reduction in enrollment at Baxter Academy for this year. Gina shared that it’s a concern and will be discussed at the upcoming mid-year check-in meeting.  Gina pointed out that there are some schools that under their contracted minimum enrollment and will be discussed at the upcoming mid-year check-in meetings. This is something staff keeps a close eye on as low enrollment numbers will affect not only the school’s budget but the Commission’s budget as well.  Shelley thanked staff for putting the chart together indicating that it provides a lot of stats and context for the performance framework and gives a fuller picture of the schools.  Staff are still waiting on waitlist data from the Ecology Learning Center before the chart is finalized and posted publicly on the Commission’s website. |
| **11** | **Future Topics** |
| 11a | February   * Executive Session for Annual Executive Director Evaluation Process *(Nichi shared that an email was sent on 1/5/22 to Board Chairs and School Leaders soliciting feedback for the Annual Review. Deadline to respond is 1/28/22 by 5:00pm. Dr. Desjardins requested a copy of the questions that were asked.)* * Liaison Role * Committee Structure * Preview Changes to Performance Framework   March   * Mid-Year Check-In Meeting Updates * Budget Discussion * Epicenter Upgrade Update * Modern Classrooms Project Update |
| **12** | **Announcements** |
| 12a | Leadership Changes at ACADIA Academy  ***(Did not discuss)*** |
| 12b | This Month’s Celebrations   * Staff congratulated Dr. Desjardins on her appointment to a leadership role with the NASBE Board and shared that it is a testament to her diligence and determination that every kid across the entire country has access to amazing schools. |
| 12c | Next Regular Business Meeting – February 8, 2022 *(Room #103A – Cross Office Building and Zoom)* |
| **13** | **Adjourn** |
|  | The meeting was adjourned at 3:31pm.  **Chair Hess declared adjournment at 3:31pm with no objections.** |

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**\*** *The Charter School Commission does not allow airing of complaints in public meetings regarding Commission and charter school employees or school employment matters, in order to protect employee privacy, to comply with Maine law and pursuant to our contractual relation with the schools. To the extent that the Commission receives complaints and concerns relating to school employees in writing, those concerns will be reviewed and addressed by the Commission and its staff outside of a public meeting. This meeting is not the appropriate forum for such comments. You are free to direct your concerns in writing to the Commission’s Executive Director if you have not done so already.*