***December 8, 2020 Business Meeting Minutes Approved by Commission Vote on January 12, 2021***

The Maine Charter School Commission held a regular Business Meeting via Zoom on **Tuesday, December 8, 2020**

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| **Item Number** | **Agenda Item** |
| **1** | **Call to Order and Declare a Quorum** |
|  | The meeting was called to order by Commission Chair, Nichi Farnham, at 1:03pm and a quorum was declared.Commission members present were: Nichi Farnham, John Bird, Shelley Reed, Dr. Fern Desjardins, Jana Lapoint and Jim Rier.Also present were Bob Kautz, Gina Post, Amy Allen and Jasmine Canwell.  |
| **2** | **Reminders** |
| 2a | The meeting was recorded via Zoom.  |
| 2b | Those who were not members of the Commission or Commission staff were asked to remain muted until public comments were heard.  |
| 2c | Pursuant to Section G-1. 1 MRSE §403-A, voting was conducted via roll call. |
| 2d | Members of the public were asked to participate during public comment by using the “raise your hand” feature on Zoom or by commenting in the chat box at the appropriate time.  |
| **3** | **Additions or Adjustments to the Agenda** |
|  | Agenda Item #4c – FY21 Budget vs. Actual – December Report will be tabled until the next Business Meeting. **Moved by Jana Lapoint; seconded by Shelley Reed and voted by roll call as follows: John Bird – yea;** **Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to table Agenda Item #4c – FY Budget vs. Actual – December Report until the next Business Meeting. |
| **4** | **Requires Approval by the Commission** |
| 4a | Minutes from the November 10, 2020 Business MeetingNo discussion.**Moved by Dr. Fern Desjardins; seconded by Jana Lapoint and voted by roll call as follows: John Bird – yea; Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to approve as printed the minutes of the November 10, 2020 Business Meeting. |
| 4b | Minutes from the November 16, 17, 19 and 30, 2020 Special Commission MeetingsNo discussion.**Moved by Dr. Fern Desjardins; seconded by Jana Lapoint and voted unanimously by roll call as follows: John Bird – yea; Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to approve as printed the minutes of the November 16, 17, 19 and 30, 2020 Special Commission Meetings.  |
| 4c | FY21 Budget vs. Actual – December ReportTabled until the next Business Meeting.  |
| 4d | To Consider and Approve Maine Academy of Natural Sciences’ 2019-20 Annual Monitoring ReportA copy of the Maine Academy of Natural Sciences’ 2019-20 Annual Monitoring Report was distributed for review and approval. **Moved by Nichi Farnham; seconded by John Bird and voted by roll call as follows: John Bird – yea; Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to approve Maine Academy of Natural Sciences’ 2019-20 Annual Monitoring Report.  |
| 4e | To Consider and Approve Staff Report on Baxter Academy’s Renewal Stipulations and Continue with a 10-Year Charter RenewalOn November 7, 2017, the Maine Charter School Commission (MCSC), acting in accord with Chapter 3: Procedures for Charter School Renewal, completed Baxter Academy’s renewal process with a decision to issue the school a 10-year charter contract with stipulations. In section 1.2 *Effective Date; Term*the contract states: *This Charter is effective on the date of execution. Except as described below, it shall continue for ten (10) years, except it shall terminate on June 30, 2028, unless earlier revoked, surrendered, or renewed. Notwithstanding any other provision of the Charter, if the school does not meet the following conditions by January 10, 2021, the Charter will end on June 30, 2023.* 1. *The School will close the 2016 Maine Department of Special Education Corrective Action Plan.*
2. *The School’s 2019-2020 Maine Department of Education Special Education audit will report 10 or fewer findings.*

In 2019 - 2020, the Maine Department of Education (MDOE) conducted Baxter Academy’s Special Education audit, which resulted in a Corrective Action Plan for 11 findings.  Maine Charter School Commission staff consulted with MDOE staff, Commission consultants, and Baxter Academy’s Executive Director and Special Education Director, because, with more than 10 findings on the most recent MDOE Special Education Audit, according to the school’s charter contract, the school is to revert to a 5-year contract.  Through a series of several meetings and additional reports, MCSC staff reviewed each of the 11 audit findings and the context resulting in the findings. 1. While the school is responsible for the content of its IEPs, it was unaware of an inconsistency between the school’s 3rd party IEP creation platform and IEP requirements. This inconsistency led the school to believe it was complying, when it was not. The school takes responsibility for this error and has found a work-around to prevent future issues.
2. Prior to the Special Education Audit, the special education director, who was new to Baxter at the time the audit was being conducted, identified seven issues and began implementing plans and processes for remedying them. These seven issues were seven of the 11 findings in the MDOE Audit.
3. Upon receipt of the MDOE Special Education Audit findings, the school reviewed its procedures and began planning trainings, and creating processes to resolve all issues.
4. For five of the findings, the compliance rate had increased from the previous Special Education Audit.

It appears that Baxter Academy has the people, the knowledge, and the plan to resolve all 11 findings and continue to serve its students in a way consistent with applicable special education laws and requirements. Because Baxter Academy is dedicating a substantial amount of time and resources to improve its special education program, MCSC staff does not believe a renewal process at this time would improve special education compliance.  The staff recommends Baxter Academy’s 10-year charter contract stay in place, with the following additional annual reporting requirement: 1. The school will conduct its own internal special education audit annually, following procedures used in the MDOE Special Education Audit process, and will report to the Commission on the results of this internal audit annually.

**Moved by Jana Lapoint; seconded by John Bird and voted by roll call as follows: John Bird – yea;** **Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to approve Staff Report on Baxter Academy’s Renewal Stipulations and Continue with 10-Year Charter Renewal. |
| 4f | To Consider and Approve Extending an Offer to a Candidate for the Executive Director PositionNichi Farnham thanked Dr. Fern Desjardins, John Bird and Shelley Reed for their time and attention committed to the work of the Search Committee and provided a detailed summary of the work they performed over the past several months.Motion to approve extending an offer to Jeremy Jones, top candidate for the Executive Director position. **Moved by Nichi Farnham; seconded by Shelley Reed and voted by roll call as follows: John Bird – yea; Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to approve Extending an Offer to a Candidate for the Executive Director Position.  |
| **5** | **Requires Notification to and Acceptance by the Commission** |
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| **6** | **Monthly School Portfolio/Data Report**  |
| 6a | Governing Boards UpdateBob shared that attendance at governing board meetings has been good. He, Gina, and many of the Commission members have attended meetings via Zoom (and other platforms). Governing boards appear to be maturing, i.e. onboarding new members and overall board participation has increased.  |
| 6b | Student Enrollment UpdateCertified 10/1 student enrollment data is still being reviewed and “approved” by the MDOE. A draft copy of enrollment data including contracted enrollment, actual enrollment, grades served, special education numbers and economically disadvantaged counts was distributed for review. Staff will continue to update the numbers as more data becomes available.   |
| 6c | Q1 Financials ReportA copy of the Q1 Financials Report was distributed for review and discussion. This report was prepared to provide the Commission with a transient “financial snapshot” of each of the ten public charter schools. Joe Drago, Consultant for the Maine Charter School Commission, was in attendance to present his report.   |
| **7** | **Executive Director/Commission Staff Report** |
|  | ***School-Related Items:*** |
| 7a | Fiddlehead School of Arts & Sciences’ Building PurchaseBob reported that Fiddlehead School of Arts & Sciences finalized the purchase of the building located at 25 Shaker Road, Gray, ME 04039.  |
| 7b | Notice of Open Enrollment and Lottery InformationBob shared that each of the schools would soon be approaching their open enrollment period for the 2021-2022 school year. Staff will continue to monitor and will update as enrollment and lottery information becomes available.  |
| 7c | Status on Schools’ Response to the PandemicAn update on the current operational status of each schools’ response to the COVID-19 pandemic was presented for review and discussion.  |
|  | ***Commission-Related Items:*** |
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| **8** | **Comments from Commission Members** |
| 8a | Chair – Nichi FarnhamNichi Farnham requested that Commission staff and Jeremy Jones remain signed-in after the Business Meeting had adjourned for onboarding.  |
| 8b | Vice Chair – Dr. Fern Desjardins Dr. Fern Desjardins thanked John Bird and Shelley Reed for their considerable time and efforts devoted to the work of the Search Committee.  |
| 8c | School LiaisonsJana Lapoint commended Roger Brainerd and Judith Jones of Education Action Forum of Maine for their outstanding work in the development of Maine’s public charter school law.  |
|  **9** | **Announcements** |
| 9a | Submission of Travel and Expense VouchersNichi Farnham shared that submissions will need to be signed and returned to the office.   |
| 9b | Next Regular Business Meeting – January 12, 2021 *(Location to Be Determined)* |
| **10** | **Public Comment\*** |
|  | Members of the public expressed their gratitude for Bob Kautz’s leadership over the past several years and offered a heartfelt welcome to Jeremy Jones as the new Executive Director of the Maine Charter School Commission.  |
| **11** | **Adjourn** |
|  | The meeting was adjourned at 3:07pm.**Moved by John Bird; seconded by Dr. Fern Desjardins and voted by roll call as follows: John Bird – yea; Dr. Fern Desjardins – yea; Nichi Farnham – yea; Jana Lapoint – yea; Shelley Reed – yea; Jim Rier – yea** to adjourn. |