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NACSA AUTHORIZER EVALUATION REPORT

MAINE CHARTER SCHOOL COMMISSION

Authorizer

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EVALUATION SCOPE






This evaluation is designed to provide the authorizer with a reflective, formative analysis of its primary strengths, priorities for improvement, and recommended action steps. Consistent with NACSA's *Principles & Standards for Quality Charter School Authorizing*, this evaluation considers the authorizer's core practices, organizational structure, and capacity, all through the lens of the overall quality of its schools. This evaluation is guided by the following overarching principles:

1. **Accountability.** *The authorizer only approves applications that meet rigorous evaluation criteria and holds schools accountable for their academic, financial, and organizational performance.*
2. **Access.** *The authorizer increases access to quality public education by ensuring that all charter schools are meeting their equitable obligations and commitments including for open enrollment; for transparent, consistent enforcement of student discipline; for meeting the needs of students identified with disabilities and English learners; for providing safe and adequate facilities and transportation; and by providing high-performing charter schools with opportunities to grow.*
3. **Autonomy.** *The authorizer honors and preserves charter school autonomies, ensuring schools have ample opportunities to adapt as needed to meet the needs of their students.*
4. **Authorizing Procedures and Capacity.** *The authorizer's procedures support the implementation of high-quality authorizing practices and the authorizer has the capacity, in terms of staffing and resources, to advance its strategic goals and carry out its authorizing duties effectively.*

This evaluation report is the culmination of a process, which included an extensive document review, surveys, stakeholder interviews, and a two-day site visit. This report explores each guiding principle in detail and presents the authorizer with analysis of the applicable standards and recommended actions for strengthening its authorizing program and the quality of schools in its portfolio.

RATING CATEGORIES

For each category, the authorizer receives a rating as follows:

 Well-developed	Commendable in that it meets or exceeds NACSA's <i>Principles & Standards</i> .
 Approaching Well-Developed	Fundamentally sound in that it contains most aspects of a well-developed practice but requires one or more material modifications to meet NACSA's <i>Principles & Standards</i> .
 Partially Developed	Incomplete in that it contains some aspects of a well-developed practice but is missing key components, is limited in its execution, or otherwise falls short of satisfying NACSA's <i>Principles & Standards</i> .
 Minimally Developed	Inadequate in that the authorizer has minimally undertaken the practice or is carrying it out in a way that falls far short of satisfying NACSA's <i>Principles & Standards</i> .
 Undeveloped	Wholly inadequate in that the authorizer has not undertaken the practice at all or is carrying it out in a way that is not recognizably connected to NACSA's <i>Principles & Standards</i> .

ABOUT THE AUTHORIZER | MAINE CHARTER SCHOOL COMMISSION

AUTHORIZER INFORMATION

Type: ICB	First Charter: 2012	Authorizer Fee: Up to 3% of state subsidy
Decision-Making Body: Seven-member commission	No. Authorizing Staff: 3.5	Annual Office Budget: \$413,120

SCHOOL PORTFOLIO

SCHOOLS

No. Schools: 9

No. Students: 1,953

No. CMO: 0

No. EMO: 0

No. Virtual ESPs: 2

STUDENTS

% FRL: 43%

% EL: less than 1%

% SPED: 22%

AUTHORIZER DECISION-MAKING – 2014-2016

App. Received: 13	Renewed: 2	1 st Year Closures: 0
Approved: 3	Non-Renewed/Revoked: 0	Expansion or Replication: 0

ADDITIONAL CONTEXT

The Maine Charter School Commission (MCSC or Commission) currently oversees nine charter schools serving approximately 1,953 students, or a little more than one percent of all K-12 students in Maine. In September 2011, Maine became the 41st state to pass public charter school legislation and the Commission's first charter school opened in 2012. Two types of entities are permitted to authorize public charter schools in Maine. The Commission may authorize up to 10 charter schools throughout the state during the first 10 years of Maine's charter school legislation. Additionally, local school boards and collaboratives of local school boards may authorize charter schools within their school administrative units at any time with no limit to the number of charter schools they may authorize. No local school boards currently authorize charter schools and MCSC is nearing its cap at nine charters.

The Commission has seven members who are appointed by the State Board of Education for three-year terms. Three Commissioners must be members of the State Board of Education; the other four members must be nominated by the three State Board members and approved by a majority vote of the State Board of Education. Two current Commissioners have been members since the Commission's creation in 2011. The Commission does not have salaried employees—all staff, including the executive director, are hired through a temporary placement agency and work hourly as contracted consultants. Until recently, due to capacity constraints, Commissioners did almost all of the work and strategic decision-making. MCSC receives some staff support from the Maine Department of Education (DOE), including legal, special education, and English learner support.

EXECUTIVE SUMMARY

The Maine Charter School Commission (MCSC or Commission) has taken a thoughtful approach to establishing a quality charter school authorizing program that will help promote a thriving charter school sector focused on school performance and meeting the educational needs of the state. Constantly reflective, MCSC works with a singular vision of quality charter school options for Maine's students. MCSC actively sought a formative evaluation, and Commissioners and staff alike have continually reflected on the Commission's progress since the first charter school opened in 2012. This focus on continuous improvement will ensure the Commission remains at the forefront of the sector as its portfolio continues to mature.

One area of focus for the Commission should be ensuring that charter school autonomy is upheld, and that Commissioners can make objective high-stakes decisions. While well-intentioned, some of MCSC's current practices tend to infringe on charter school autonomy and may affect the Commission's ability to make objective decisions. This tendency for overreach is connected to how the Commission was originally created, without a budget or clearance to hire staff, which resulted in volunteer Commissioners filling the roles of authorizing staff. In addition, with charter schools still in their infancy in Maine, both charter schools and the Commission are still subject to constant opposition.

As a result, MCSC must play multiple roles—policy maker, oversight agent, and decision maker. Until recently—due to the small size of the Commission's portfolio and the clear dedication of its members—MCSC has been able to manage these multiple responsibilities. However, as the sector matures, grows, and experiences inevitable challenges, the Commission will need to be cognizant of how the multiple roles it plays could impact its ability to play the central role the legislature requires of it: making critical decisions on openings, renewals, and closures in protection of student and public interests. This core responsibility lies with the Commission alone. All of the Commissioners and staff understand the dilemma and are eager to help MCSC operate more efficiently, productively, and objectively. One interviewee described the relationship between the authorizer and schools as a "parent and adolescent child" relationship, which speaks to the close affiliation and the joint responsibility but also the imbalance of authority.

Another area of focus is the Commission's oversight of school financial performance. Currently, the Commission does not have financial performance measures that effectively assess short- and long-term financial health and viability. Partly due to lack of staff expertise, MCSC does not thoroughly monitor financial performance beyond quarterly budget reviews and analysis of the annual audit, leading to a lack of focus on schools' financial health.

FOCUS AREAS

RECOMMENDATIONS

Roles and Responsibilities

Clarify and confirm the roles of the Commissioners and staff; revisit all tasks currently completed by staff and Commissioners, and assign tasks based on defined roles.

Financial Expectations, Oversight, and Capacity

Establish financial performance framework guidance to hold schools accountable for near- and long-term financial health, and build capacity in the area of financial expertise to support application reviews, monitoring, and accountability decisions.

Decision-Making

Ensure that Commissioners are able to make objective charter school decisions, free of any actual or potential conflicts of interest.

ACCOUNTABILITY

Overall, the authorizer only approves applications that meet rigorous evaluation criteria and holds schools accountable for their academic, financial, and organizational performance.

The authorizer decides which charter school applications are good enough to be approved and which schools are good enough to stay open and be renewed. These are tremendous responsibilities that will ultimately determine the overall quality of the charter schools in the authorizer's portfolio. This section examines the authorizer's decisions related to the school's educational plan and performance, financial plan and performance, and organizational plan and performance.

KEY STRENGTHS

- Given challenges with state accountability data, Commissioners and staff work to find creative ways to assess student academic performance.
- MCSC's application includes appropriate requirements and its revised findings of fact template establishes a high bar for approval.
- MCSC holds charter schools accountable to organizational performance and compliance requirements.

FOCUS AREAS

RECOMMENDATIONS

Application Reviews and Recommendations

Strengthen application reviews to include more detail and context to support the stated ratings and recommendations.

School Performance

Develop a public annual report of school performance to present to the public the status of charter school academic progress in Maine and to support accountability decision-making, transparency, and access to quality school options for parents.


Financial Expectations, Oversight, and Capacity

Establish financial performance framework guidance to hold schools accountable for near- and long-term financial health and build capacity in the area of financial expertise to support application reviews, monitoring, and accountability decisions.

ACCOUNTABILITY | IN DEPTH

EDUCATION PLAN AND PERFORMANCE


In general, schools are performing well academically.

 Partially Developed

Overall, MCSC charter schools are performing below the norm in both math and language arts. However, they are not in the bottom quartile, which suggests that while they are not performing well academically, they are not persistently failing. Unfortunately, data availability limits our review of school performance regarding growth and subgroup analysis, both of which are critical indicators of school academic health.

Recommendation: Develop a public annual report of school performance to present to the public the status of charter school academic progress in Maine and to support accountability decision-making, transparency, and access to quality school options for parents.

Application decisions reflect appropriate requirements for and rigorous evaluation of the educational program's likelihood of success and the applicant's capacity for educating children well.

 Partially Developed

MCSC's application outlines requirements that support a rigorous review of an applicant's educational program. MCSC recently revised its charter school evaluation criteria for the 2017 cycle. The new criteria lay out the requirements and establish a clear bar for approval by making a distinction between minimally compliant—"It does not create confidence in the success of the applicant to implement that aspect of a successful, sustainable, high-quality charter school"—and fully compliant—"It provides strong indication that the applicant can successfully implement that aspect of a successful, sustainable, high-quality charter school." (MCSC Reviewer Rubric) The education plan section of the application appropriately requires the applicant to address its mission and vision, targeted student population and community, proposed curriculum, special populations, approach to assessment, school climate, and behavior management. In addition, the Commission issues a separate Request for Proposals (RFP) designed specifically for applicants proposing online education programs. The virtual-specific RFP requests founding groups to respond to requirements in the education plan that are aligned to national standards for evaluating virtual school proposals. Further, the evaluation criteria, for both the virtual and standard application, establish clear requirements for applicants to submit a quality proposal.

However, while the current applications for both general and virtual schools are comprehensive, the evaluation rubric and subsequent individual reviewer analyses do not always contain the level of detail necessary to ensure that applicants submit a fully developed education plan and that the plan is sufficiently vetted prior to approval. The evaluations themselves reflect a mixed level of rigor and, in many cases, more detail is needed to support the given ratings. While most education plan evaluation rubrics include some feedback on an applicant's strengths or weaknesses, in many instances, the space provided for evidence and justification is left blank and notes are often missing for individual evaluation criteria. In some cases, reviewers only include brief descriptors, such as "yes," "included," "weak," or "n/a" for individual evaluation criteria. The rubric instructions also reference assigning a score for each subsection but few completed rubrics list a score and it is unclear how the scoring is ultimately used, as no guidance or explanation was provided as to how reviewers are to use the points. When asked, MCSC staff shared that they do not know how the ratings are used.

Furthermore, the stated ratings and analysis are not carried over to the Findings of Fact documents, which are the core documents presented to the Commission for application decisions. MCSC does not have a procedure to incorporate individual evaluator ratings from the evaluation rubrics to the Findings of Fact content and recommendation. The Findings of Fact for one application and subsequent MCSC meeting discussion provide evidence that the review team conducted a rigorous review. However, the Findings of Fact analysis for another school does not demonstrate a similar level of analysis, leading to concerns over consistent application of the evaluation criteria. For instance, evaluators assessment of the education plan for the latter school include statements of the school's governing board, reputation in the community, and financial stability but contain little analysis of the actual academic plan. In contrast, the former Findings of Fact outlines strengths and concerns of different elements of the education plan in addition to a summary analysis that assesses the applicant's likelihood of success. It is likely that MCSC made necessary improvements to its

review process from one year to the next, but this cannot be confirmed as different teams conducted the reviews. It is critical that the Commission institute a consistent and high standard of review for applications, particularly given the challenges MCSC experienced with one school in its first year of operation.

MCSC recently approved two virtual school applications with conditions, given concerns about the education model based on published research studies about the overall performance of full-time virtual charter schools. MCSC had concerns given the amount of research pointing to ineffective virtual education models—including the service providers with whom the governing board decided to contract—but approved both virtual charters. The Commission placed conditions on the schools based on research pointing to lack of communication, sense of community, and teacher collaboration/mentoring. As we discuss in more detail in the Autonomy section of this report, MCSC placed restrictions on the education program to attempt to control for concerns that the Commission had about general virtual charter schools' likelihood of success. However, the restrictions neither uphold school autonomy nor demonstrate a rigorous bar for applicant approval.

As we discuss further in the Authorizer Procedures section, the structure of review teams and their level of training impacts the quality of the reviews. MCSC does not train application reviewers and does not attempt to normalize application analyses across reviewers, introducing the potential for inconsistencies in reviews.

Recommendation: Strengthen application reviews to include more detail and context to support the stated ratings and recommendations.

The authorizer holds schools accountable for academic performance using objective and verifiable measures, established in the charter contract or performance framework, that address, at a minimum, student achievement, student growth, and post-secondary readiness or success as primary measures of school quality.

 Partially Developed

MCSC has a guiding document schools use to develop performance frameworks called “measures guidance.” The guidance lacks some critical measures, which leads to school performance frameworks without these critical measures. MCSC incorporate the school's performance framework into the contract and MCSC evaluates schools against the measures included in this framework annually and at renewal. However, the framework guidance emphasizes progress alone, rather than a mix of achievement and progress, by establishing benchmarks for improvement based on first-year performance and does not roll up to an overall academic rating. While improvement benchmarking helps schools focus on improving performance, it does not establish a minimum threshold of performance that all schools must meet to remain in good standing. For instance, a school in its first year could have proficiency scores significantly below similar schools serving similar populations but be required to only make incremental improvements, thus continuing to underserve its students. Theoretically, a school could continue to underperform compared to similar schools but poor performance would go unnoticed given how the current framework is structured.

Further, while the framework guidance is comprehensive—including proficiency, growth, high school graduation, and measures to close the achievement gap—it does not include a methodology for rolling up performance to a more easily understood rating. As a result, school leaders express some confusion as to the bar they are expected to reach. One school leader noted in the survey: “We have a clear understanding of how we are being judged on performance indicators but we don't have a clear understanding of whether the expectation is that we meet all indicators all the time or which indicators are most important.” Ultimately, this leads to subjective interpretation of the measures and uncertainty over what the authorizer is valuing for performance to earn renewal. The authorizer may renew one school but non-renew another even if they meet the same number of measures, however different.

Multiple people interviewed noted challenges with Maine's testing and performance accountability requirements, stating that the test and structure have changed so much over the last few years that they have lost their utility. To address test accuracy issues and provide another data point to consider, MCSC required schools to choose a supplemental test for accountability purposes. This is a positive move and a great way to bring consistency to charter school accountability and performance analysis. However, MCSC does not pay for administration, leaving this an “unfunded mandate” on schools. It also does not require the same assessment for each school, which is important for

autonomy but makes it difficult to compare across schools. In practice, most schools use the same nationally normed NWEA assessment. However, because of the lack of a framework roll up methodology mentioned earlier, it is unclear to schools whether the state accountability assessment or the school-determined supplemental assessment is most important for critical decisions, such as renewal.

Last year, after MCSC's first-ever renewal decisions, the state released state accountability scores and one of the two schools renewed was rated in the lowest 5th percentile, leading critics to question the rigor of MCSC's renewal process. While all public schools saw inconsistencies in state accountability results last year, MCSC could have more proactively anticipated the inconsistencies in performance that ultimately came to light by incorporating an alternative program framework, where applicable, or clarifying the bar for renewal through well-established roll-up methodology.

Recommendation: Establish minimum expectations of proficiency for schoolwide and subgroup ratings, regardless of first-year performance. Consider using a similar schools comparison measure or the state-established priority school threshold to establish the standard.

Recommendation: Adjust the performance framework guidance to include weighting and roll-up methodology.

Recommendation: Consider requiring one single supplemental assessment or offering options but paying for only one, so as to incentivize charter schools to use the same assessment and provide ease of performance analysis, accountability decision-making, and reporting to the public.

ACCOUNTABILITY | IN DEPTH

BUSINESS PLAN AND PERFORMANCE


Schools generally appear to be financially viable.

 Undeveloped

MCSC does not collect and analyze charter school financial data. As a result, it is not possible to evaluate the financial viability and health of the MCSC charter schools. MCSC does not report, annually, a summary of its schools' financial performance.

Recommendation: Collect, analyze, and publicly report financial performance data of MCSC charter schools, aligned with established financial performance standards.

Application decisions reflect appropriate requirements for and rigorous evaluation of the business plan and the applicants' capacity for operating a financially viable school.

 Approaching Well-Developed


MCSC's application requirements include most, but not all, of the elements needed to sufficiently assess a school's financial viability and the applicant's capacity to implement a business plan. While the initial charter contract is five years, the application only requires a start-up and three-year budget. However, the application does require applicants to outline necessary assumptions and demonstrate alignment with the mission/vision and education program.

Reviewers' analysis of business plans has improved over time but financial risk is still not fully considered. Reviewer rubrics include detailed analysis to support stated strengths and weaknesses, and MCSC carries over stated analyses to the Findings of Fact documents, which are the core documents presented to the Commission for application decisions. However, a review a Findings of Fact document highlights concerns regarding the planned dependency of the proposed school on a private foundation that is closely connected with a network of private schools. During the Commission meeting at which this application was considered, this issue, though acknowledged, was not discussed in sufficient detail to assess the risk of the charter school's financial structure so closely tied to a private organization. It is also worth noting that the review teams may vary in their capacity to conduct these reviews and MCSC does not normalize and train application review teams.

Recommendation: Require applicants to submit five-year budgets.

Recommendation: Strengthen application reviews to assess critical financial stability risks.

The authorizer holds schools accountable for financial performance based on externally validated data measured against appropriate near-term and sustainability measures, established in the charter contract or performance framework, as the primary indicators of a school's financial viability.

 Minimally Developed

MCSC has not established a financial performance framework guidance document with near term and long term measures and does not have the systems in place to assess schools' financial performance and hold them accountable for such performance. Performance expectations are inconsistent across schools and not rigorous. The only financial measure included in MCSC's non-academic framework guidance document is a budget-to-actual expectation of within five percent of budget. However, in practice, the bar has been set much lower. One school's performance framework requires that the school remain within 15 percent of budget for the first year and 10 percent thereafter. Review of the school's budget shows an actual planned deficit of more than \$90K. Essentially, this school would be meeting financial expectations if it operates at a more than \$200K deficit. The 90-day visit noted budget challenges despite full enrollment and a waiting list, due to underestimation of reimbursable costs of special education student services. As another example, a school's contract has no standard for the budget, only that the governing board review financials at least quarterly. In addition, the framework guidance includes no sustainability measures to assess a school's long-term viability and no near-term performance measures to assess schools' same-year financial status.

Further, MCSC has approved a number of grade-level and enrollment expansion applications in recent years, and while staff note that they require schools to provide a clear financial plan, documents do not demonstrate thorough review and evaluation of schools' financial health and sustainability to manage such expansions. For example, in 2016, MCSC approved a school for a full 5-year renewal and enrollment expansion but the report notes some financial concerns. Namely, a reviewer comments that "the insistence on the need for continual growth in student numbers for financial stability is a bit concerning. There must be other ways to gain financial stability." Rather than seeking more complete financial review prior to making an expansion determination, the Commission approved the school. However, given the lack of financial data and MCSC analysis, the evaluation team was unable to determine whether schools are financially stable but lack the evidence to demonstrate that stability or whether the schools are struggling.

Recommendation: Establish financial performance framework guidance to hold schools accountable for near- and long-term financial health.

Recommendation: Build capacity in the area of financial knowledge and expertise to support application reviews, monitoring, and accountability decisions.

ACCOUNTABILITY | IN DEPTH

ORGANIZATIONAL PLAN AND PERFORMANCE

Schools generally appear to be meeting their legal and fiduciary obligations, and operating free from conflicts of interest.

 Partially Developed

Given the minimal organizational data collected and analyzed by MCSC, it is difficult to evaluate the organizational performance of MCSC charter schools. According to the annual report that MCSC submitted to the Maine Commissioner of Education for the 2015-16 school year, all but two schools met the organizational performance measures included in its performance framework guidance. Those that did not meet expectations received ratings of “Partially Meets” for the School and Social Academic Climate, and Parent and Community Engagement metrics. It is important to note that the organizational framework guidance is missing a number of critical indicators, which we outline below.

Application decisions reflect appropriate requirements for and rigorous evaluation of the organizational plan and the applicants’ capacity for managing school operations and meeting organizational requirements effectively.

 Partially Developed

The MCSC application requirements in this area are generally sound, but the application evaluations demonstrate a mixed quality of review. MCSC requires applicants to describe a clear plan for how the organization will be governed and managed. Specifically, the application includes sections on governance, staffing and human resources, pre-opening, parent and community involvement, and operational requirements, such as emergency planning, facilities, transportation, and food service. In addition, while the application requires an organizational chart depicting the roles of governing board officers and committee chairs, applicants do not have to outline the school’s lines of authority and reporting or clearly define the roles and responsibilities for school leadership and management. A strength is the Commission’s separate RFP for applicants proposing online education programs which includes additional governance requirements aligned to national standards for evaluating virtual school proposals. The application also includes a separate section for applicants planning to contract with an education service provider.

As stated previously, the application evaluation rubric does not require reviewers to provide a rationale or justification for ratings and the evaluations themselves reflect a mixed level of rigor. In many cases, more detail is needed to support the given ratings in a section. The assessment of the organizational plan has improved over time and the most recent application evaluation demonstrates MCSC’s careful assessment of the applicant’s organizational capacity. In this case, the review team recommended denial of an application based in part on concerns with the applicant’s capacity to be compliant with applicable laws.

MCSC members note that they struggle with assessing the applicant’s capacity to open and govern a charter school, and that this weakness was evident in one school’s first-year challenges. Upon approval of the application, most of the founding board members and school leadership resigned, highlighting a concern that the review team had not appropriately assessed the commitment of the founding board and team. In the Findings of Fact, the MCSC review team identified as strengths the governing body’s capacity to fulfill its fiduciary responsibilities and the board’s diversity of experience. However, it did not focus on the founding board’s ability to implement the proposed organizational plan. In the next application phase, MCSC made revisions to the Findings of Fact template, including the addition of a requirement for the review team to assess whether it is “convinced that the Board members and Executive Leadership have the skills, background, and understanding of their roles necessary to make this a viable and sustainable public charter.”

Recommendation: Strengthen application reviews to include more detail and context to support the stated ratings and recommendations.

The authorizer holds schools accountable for meeting organizational performance requirements established in the charter contract or the performance framework, including educational program requirements; governance and reporting requirements; fiduciary and financial management obligations; and operational requirements related to students, employees, and the school environment.

Approaching Well-Developed

The charter contract and performance framework guidance establish some of the critical elements to hold schools accountable for organizational performance and, in practice, MCSC does hold schools accountable for meeting organizational performance expectations. The charter contract and performance framework guidance outline some of the organizational performance requirements but are missing key measures, such as identification of key educational program elements, reporting requirements, and expectations of each party in monitoring school performance. In addition, the contract also states simply that schools must follow applicable law, without providing detail, and does not outline legal requirements in critical areas such as special education program and compliance, English learner program and compliance, and school health and safety standards.

Despite not including some critical elements in the performance framework guidance, MCSC, in practice, does hold schools accountable to them. In particular, MCSC collaborates closely with the DOE to monitor and oversee charter schools' special education programs. Two schools were renewed last year, neither of which had any organizational or compliance concerns. Of note, MCSC closely monitors school access data on student discipline and tracks bullying data. It also monitors school enrollment closely.

Recommendation: Revise the organizational performance framework guidance to encompass all critical legal compliance requirements and key educational program terms.

ACCESS FOR ALL STUDENTS

Access means the equal opportunity for all students to attend quality public charter schools. The authorizer increases access to quality public education by ensuring that all charter schools are meeting their equitable obligations and commitments, including for open enrollment; for transparent, consistent enforcement of student discipline; for meeting the needs of students identified with disabilities and English learners; for providing safe and adequate facilities and transportation; and by providing high-performing charter schools with opportunities to grow.

This section assesses the extent to which the authorizer ensures that schools are meeting their equitable obligations and that the authorizer provides opportunities for quality programs to increase access through growth.

KEY STRENGTHS

- The authorizer ensures that public charter schools in Maine are open to all students by including specific questions about how schools will serve English learners and students with disabilities.
- The authorizer proactively partners with the DOE special education division to provide schools with compliance support in Years 1 and 2 and monitoring in future years.
- The authorizer ensures that public charter schools in Maine maintain open enrollment through annual monitoring.
- The contract requires schools to agree to an open and non-discriminatory enrollment process.

FOCUS AREAS

RECOMMENDATIONS

Enrollment

Analyze re-enrollment rates by subgroup, especially special education and gender, to ensure that all students feel welcome once fully enrolled; monitor withdrawals for all students by subgroup and publish the findings annually.

Students with Disabilities

Continue the partnership with DOE in monitoring special education compliance but communicate concerns proactively and consider MCSC action if schools are not in compliance and do not address deficiencies in a timely manner.

Growth

Develop clear, measurable criteria for schools to demonstrate success *before* applying for expansion. Such criteria could include student proficiency and growth levels by subgroup on state assessments, re-enrollment rates, waiting lists, and other clear marks of high quality.

ACCESS FOR ALL STUDENTS | IN DEPTH

ENROLLMENT

The application process includes appropriate requirements for and rigorous evaluation of a school's enrollment plan.

Well-Developed

The authorizer effectively monitors schools' enrollment practices to ensure that they are fair, transparent, and in accordance with applicable law.

Well-Developed

MCSC has a robust application process that includes questions specifically designed to address open enrollment and inclusion. The accompanying evaluation rubric provides a standard for approval that includes providing access to all students. In both the application and the rubric, MCSC states the school must reach out to students during recruitment and enrollment, including low-income and English learners. For example, when describing pre-opening conditions, Commissioners and staff explained how they required a school located in Lewiston to translate materials and target outreach to the growing Somali community.

The charter contract has appropriate controls to support fair and equal enrollment practices. The charter contract includes a non-discrimination clause in enrollment and admissions. It also requires schools to use random selection processes for enrollment. To date, there have been no concerns about any school's enrollment policies or practices. The law requires schools to follow strict guidelines in conducting fair lotteries and maintaining waiting lists, and MCSC monitors lottery processes well; staff or commission members have attended almost all lotteries held, to date.

While the Commission monitors enrollment, re-enrollment rates, and student mobility generally, it does not monitor such rates by student subgroups. MCSC's monitoring is done in broad strokes without analyzing special populations separately and ensuring equal and continued access of all students to the school's program and its curriculum. For example, materials show that staff monitor enrollment through the "percent of students enrolled for multiple years," and the Commission is collecting data to examine student mobility. However, MCSC does not review reports of mobility by gender, disability, or race/ethnicity (if appropriate). The authorizer relies heavily on climate surveys and meetings with families to measure culture and climate. However, MCSC does not yet require a specific response rate to ensure that each population is proportionately represented. Additionally, it does not ensure that the data is collected and analyzed by population to ensure all students have a similar feeling of inclusiveness. This is only the second time MCSC has administered the climate survey and should consider such controls in the future as it refines its process.

Recommendation: Analyze re-enrollment rates by subgroup, especially special education and gender, to ensure that all students feel welcome once fully enrolled.

Recommendation: Monitor withdrawals for all students by subgroup and publish the findings annually.

STUDENT DISCIPLINE

The application process includes appropriate requirements for and rigorous evaluation of a school's student discipline plan.

Well-Developed

The authorizer effectively monitors a school's student discipline procedures and practices to ensure that they are fair, transparent, and in accordance with applicable law.

Well-Developed

MCSC has a well-developed application and process for monitoring school discipline. The application requires schools to submit their discipline policies and the evaluation rubric requires that policies include tiered interventions. Each policy is included in the individual charter contract, ensuring that it is implemented and followed.

There is no evidence of schools using exclusionary discipline excessively (i.e., suspension and expulsion). However, MCSC does not analyze the data by subgroup, which could provide more information about schools' practices in this


area. The schools report few instances of exclusionary discipline, and referred to common definitions and understandings of infractions that would lead to suspensions or expulsions, such as weapons and violence. Likewise, MCSC reports on schools' overall discipline rates. MCSC has access to school-reported student-level suspension and expulsion data and uses this information to ensure that no school is suspending students at high rates. School leaders, staff, and Commissioners all stated that there were few instances of exclusionary discipline occurring at Maine's public charter schools.

While there are few instances of suspension, withdrawals came up in a number of interviews as a potential area to monitor. While not part of the charter law or in any of MCSC's official authorizing tools or documents, MCSC is beginning to probe schools through anecdotal questions at on-site reviews to determine whether schools are counseling out students. For example, one Commissioner mentioned that they may question if they notice, for example, "a group of twelfth graders withdrawing eight weeks before graduating." MCSC is careful not to conflate withdrawals at brick-and-mortar schools with the high rates of withdrawal at the two virtual schools during the first few months, which, according to studies, is consistent with online schools. MCSC heavily monitors the online schools in this area. When issues arise, MCSC brings them to the attention of the school's staff, where the issue is best resolved.


Recommendation: Disaggregate discipline data by subgroup to ensure that there is no evidence of one group being excluded at higher rates than another.

STUDENTS WITH DISABILITIES

The application process includes appropriate requirements for and rigorous evaluation of a school's plan for identifying, serving, and educating students with disabilities.

 Well-Developed

The authorizer effectively monitors a school's compliance with laws protecting students with disabilities.

 Approaching Well-Developed

MCSC is well-developed in its focus on students with disabilities in its application process and approaching well-developed in its monitoring processes. MCSC has formed an effective partnership with the DOE. Staff from the DOE participate in reviews, renewals, and compliance monitoring. However, some schools still struggle with compliance. Students with disabilities account for approximately 25 to 30 percent of the charter school student population in Maine. This percentage is higher than the percentage of students with disabilities served by traditional public schools in Maine, which is just below 17 percent).

The application sets up schools to be inclusive and to focus on all students. It contains a section on "special populations," which evaluates the academic program based on the founding group's commitment and vision for serving all students, particularly those with disabilities. DOE special education experts review each application, providing the necessary expertise to assess an applicant's likelihood to open and operate a quality program for all types of learners. Schools are open to all students, with high percentages of students with disabilities enrolling and attending.

MCSC monitors schools' compliance with local and state laws but schools still struggle with compliance disproportionate to traditional schools. Special education compliance is particularly complex, especially for new charter schools. The charter law requires that each charter school is its own Local Education Agency (LEA) for special education, which requires each school to provide a full continuum of services. From the beginning, MCSC has partnered with the DOE to ensure that schools were compliant. Schools likewise understand their oversight and generally have a positive relationship with the DOE and MCSC with regard to serving students with disabilities. However, despite these efforts, two of the nine public charter schools are currently late on addressing errors identified in their corrective action plans for IDEA compliance. Both schools are new and learning the legal requirements of IDEA. The state is providing technical assistance to bring the schools into compliance and the state noted that it is appropriately supported by the Commission.

MCSC monitors special education academic performance as part of its subgroup analysis. Additionally, schools mentioned conducting a 35-70 page self-assessment as part of their renewal that includes a section on how they have been serving all students. While both types of reporting provide MCSC with information about each school's program, the self-assessment is qualitative and explanatory, and not extremely useful when determining how well students with

disabilities are doing academically and therefore whether a school's charter should be renewed.

Recommendation: Continue the partnership with DOE in monitoring special education compliance but communicate concerns proactively and consider MCSC action if schools are not in compliance and do not address deficiencies in a timely manner.

ENGLISH LEARNERS

The application process includes appropriate requirements for and rigorous evaluation of a school's plan for identifying, serving, and educating English learners.

Well-Developed

The authorizer effectively monitors a school's compliance with laws protecting English learners.

Partially Developed

Though Maine has a relatively small population of English learners, the MCSC charter application appropriately requires schools to contemplate serving English learners by asking questions about their programs and models. However, MCSC's monitoring and oversight practices in this area are minimally developed.

When describing Maine's population, members referenced "pockets" of "new Americans" for English learners. One charter school is in the catchment area of a significant immigrant community and, as a result, the Commission asked for specific strategies this school would employ to ensure the immigrant community was aware of the charter school as an education option, holding the school accountable to Title VI (language access) and applicable law by requiring flyers and enrollment paperwork to be translated into the target language.

Through the charter contract, MCSC requires that schools meet applicable laws and not discriminate based on language. Consistent with their charter contracts, schools confirmed in interviews that they give the Home Language Survey and test students who noted speaking a language other than English at home.

Currently, not many English learners attend charter schools in Maine. The authorizer does not have explicit protocols and tools for overseeing English learner compliance, but rather relies on expertise from DOE to develop and administer English learner monitoring. As with special education, MCSC limits oversight of English learners to compliance and, while MCSC receives and reviews English learner data, it does not report subgroup outcomes of English learners separately, particularly because there are so few English learners in its charter schools.

Recommendation: Ensure that schools are proactive in making charters accessible to English learners and ensure they are ready to serve this population well.

FACILITIES

The application process includes appropriate requirements for and rigorous evaluation of the adequacy of the facilities plan for the number of students to be served.

Well-Developed

The authorizer effectively monitors the adequacy of the facilities for meeting health and safety and other legal requirements.

Approaching Well-Developed

MCSC's charter application includes appropriate requirements for assessing school facilities, but the Commission's monitoring practices in this area are often at odds with school autonomy. The charter application requires a proposed facility or plans to find a facility and focuses appropriately on how the facility will be maintained and paid for, and how the school will ensure it complies with appropriate laws, including health and safety. If the school does not find a facility, it must develop a back-up facility plan for how it will accommodate students in its first year of operation.

The contract's section on facilities outlines appropriate facility requirements, such as meeting the Americans with Disabilities Act (ADA) and allowing the Commission to visit the school at any time to monitor for health and safety. The contract also requires that schools provide the Commission with a copy of the signed lease and limits the school's ability to operate if the facility and lease do not meet the Commission's standard of approval. Appropriately, a change

in facility is a material change in the charter.

While MCSC monitors the basic health and safety of facilities prior to school opening, it also requires schools to seek permission for basic school operations, such as selecting custodians and food vendors. This is an overstep of authority and creates unnecessary burdens for schools. MCSC conducts annual on-site reviews and requires submission of compliance documents. Whether explicitly required by MCSC or not, schools indicate the need for approval from the Commission to make operational changes. In addition, in its annual monitoring reports, the Commission reports on the upkeep of the facilities, going into as much detail as to mention if the school changed custodial vendors or agreements, which is well beyond the role of the authorizer. The amount of back and forth required for schools to make relatively simple operational changes is, at times, burdensome, resembling traditional school system bureaucracies versus the flexibilities intended for public charter schools.


Recommendation: Avoid encroaching on school autonomy in areas that are not material to the terms of the charter or that are more appropriately managed by school leadership and/or the charter board, such as vendor agreements.

TRANSPORTATION

The application process includes appropriate requirements for and rigorous evaluation of a school's plan to provide student transportation services or meet the transportation needs of its students.

 Well-Developed

The authorizer effectively monitors a school's implementation of the approved transportation plan and compliance with applicable student safety laws.

 Approaching Well-Developed

The Commission's application process is well-developed in its evaluation of school transportation plans, ensuring that schools comply with laws requiring that they provide transportation options for all families. However, in practice, transportation may be serving as a barrier to student enrollment and a contributing factor in charter school withdrawals.

The application sets the expectation that schools will provide transportation services but allows schools to develop plans unique to their student population, location, and catchment area funding. The Commission reviews transportation plans for transporting both students in the catchment area and beyond, and evaluates whether such plans are viable financially. Schools also must address transportation for students with disabilities according to IDEA requirements. Schools are able to contract with third-party providers and submit a plan on how to hold them accountable. These plans are included in the charter agreement and become the standard by which schools are measured.


MCSC requires schools to follow the transportation plan provided in their applications and incorporated into their charter contracts. However, the contract does not identify what types of changes to a school's transportation plan, if any, would be considered a material change and therefore subject to the Commission's approval. As a result, schools have been compelled to ask MCSC for permission when implementing changes to transportation plans or arrangements.

Additionally, MCSC is not carefully monitoring the effectiveness of these transportation plans. In interviews, schools identified transportation as a barrier to access and gave anecdotal evidence of students withdrawing due to transportation hardships, even when the school provided a level of service. MCSC did not comment on transportation being a barrier to enrollment.

Recommendation: Interview withdrawn students to understand if transportation is a contributing factor to withdrawing and incorporate analysis of access to transportation in MCSC's climate survey to better understand whether transportation is a true barrier to enrollment.

GROWTH

The authorizer encourages opportunities for increased access to quality public schools by allowing for expansion and growth of schools and programs that are demonstrably serving children well.

 Partially Developed

MCSC is beginning to tackle expansion requests but has not yet developed a thoughtful growth strategy. MCSC has an expansion application, but has not established a standard or threshold that schools must meet to apply to expand. As a result, any school, regardless of its track record of performance, can apply to expand grades, enrollment, or even school sites. MCSC did recently develop an expansion application. However, this application's main focus is financial viability and access to facilities rather than academic outcomes or equity. Furthermore, the application does not differentiate between types and size of expansion, and does not center its standard on past academic performance, but rather asks schools to reflect and project, which is impossible to evaluate objectively. No rubric currently exists to effectively assess the proposers' track record of success in educating all students. Lastly, when a school is approved for expansion, the changes to its program are not included in its charter agreement, which references the original charter application.

Recommendation: Develop clear, measurable criteria for schools to demonstrate success *before* applying for expansion. Such criteria could include student proficiency and growth levels by subgroup on state assessments, re-enrollment rates, waiting lists, and other clear marks of high quality.

Recommendation: Develop a differentiated policy to handle the many types of expansion requests, including adding additional students to a current campus, expanding grade levels at a current campus, or adding an additional campus.

DEFINING AND RESPECTING SCHOOL AUTONOMY

The authorizer honors and preserves charter school autonomies, ensuring schools have ample opportunities to adapt as needed to meet the needs of their students.

For charter schools, autonomy means the ability to determine how best to meet the educational needs of their students and how best to fulfill the public educational, financial, and organizational commitments it has made. Autonomy means the ability to make programmatic decisions and to decide how to allocate key resources such as time, people, and money. When an authorizer upholds autonomy, it is as much a reflection of what the authorizer does not do as what it does. It means avoiding restrictions or requirements on schools beyond what is mandated by law. It means resisting the impulse to translate the shortcomings or failures of one school into new restrictions or requirements for all schools. Autonomy works in concert with accountability and access. It means remembering that the authorizer's job is not to make schools succeed but to give them the opportunity to succeed. This section examines the extent to which the authorizer upholds school autonomy.

KEY STRENGTHS

- The MCSC application clearly communicates the legally entitled autonomies of the charter school governing board over key school management decisions.
- The Commission recognizes a need to clarify its responsibilities, especially regarding those related to charter school amendments.

FOCUS AREAS

Charter Agreement

Monitoring

RECOMMENDATIONS

Remove the charter application as an attachment in the charter contract.

Clearly define material terms of the charter contract with an eye to autonomy and limit charter amendments to material terms. Leave non-material decisions to the charter school governing boards.

Streamline the site visit protocol and monitoring visits to align directly to the performance framework guidance and charter contract, and ensure reviewers are trained on the authorizer and charter school board roles and responsibilities to avoid infringing on autonomy.

DEFINING AND RESPECTING SCHOOL AUTONOMY | IN DEPTH

APPLICATIONS

Application requirements and decisions reflect appropriate recognition of and respect for school autonomy.

Approaching Well-Developed

The MCSC application communicates clearly that the charter school governing board will have legally entitled autonomy over key school management decisions and specifically outlines autonomy over “key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum, and instructions.” MCSC application requirements do not indicate any preconceptions toward one educational model over another, and the Commission’s development of a virtual school application indicates careful assessment of educational plans with an openness to different models used to meet the needs of Maine’s students—especially those in its rural communities.

However, in practice, out of both a recognition of the need for virtual options in the state’s rural areas and a genuine concern about the quality of virtual school programs, MCSC developed certain safeguards for virtual schools which infringe on school autonomy. These safeguards include mandating that all teachers work out of a single brick-and-mortar facility located in Maine to ensure the teachers are Maine residents and to promote collaboration. Yet requiring teachers work out of a single site is based on assumptions about the effectiveness of particular educational philosophies. MCSC believes that students are best served when teachers collaborate and that teachers collaborate best when located in close physical proximity. However, MCSC has not established the basis for this assertion. In fact, this safeguard created another potentially greater concern that teachers may be further from the students. MCSC decided to limit school autonomy as an attempt to ensure that virtual programs are more effective. However, it did so based on an unproven assumption and without consideration of the governing board’s autonomy to make its own decisions about how to make the program more effective. This requirement has lasting ramifications. The Commission is now in a position to approve a telecommuting policy for the school, which is far outside the authority of a charter authorizer.

Recommendation: Avoid applying programmatic restrictions on charter schools as a condition of approval.

CONTRACT AND PERFORMANCE REQUIREMENTS

Requirements in the charter contract, accountability plans, and/or performance frameworks reflect appropriate recognition of and respect for school autonomy.

Partially Developed

MCSC-established practices sometimes restrict charter school autonomy and place undue burden on schools to comply with ambiguous requirements. School leaders and Commissioners are unclear as to which programmatic decisions the school controls, which has resulted in all items being voted on or, at a minimum, brought to the Commission’s attention. In a recent Commission meeting, members discussed school operational decisions they would “accept” and those they would “approve.” This led to a discussion about why some changes were presented as notices while others necessitated approval. It is not clear to anyone why the Commission considers some items to be material terms of the charter and therefore require Commission approval. Further, the role of the charter school board in governing these decisions is also unclear. MCSC’s definition of material terms which require amendment are in conflict with Maine’s charter school law, which states that charter school boards have autonomy over decisions related to management and operations of the school. (MRS 20-A §2401, sections 6, 9A)

The actual Commission process for evaluating contract amendments is also inconsistent and unclear. MCSC sometimes “approves” and sometimes “accepts” amendments to charter contracts. In the most recent board meeting, MCSC voted to approve decisions that should not be considered material terms. For example, it approved the hiring of lower-level administrative staff at one charter school. The charter contract states that only changes in governance and “senior management” are considered a material term of the charter. Further, it approved the change in instructional days from 200 to 195, even though this is clearly within the legal instructional day requirements of 175 established in the charter contract. It also voted to approve a schedule change for another charter school to shorten and lengthen school-day schedules to improve transportation efficiency, though the total time adjustment was noted as insignificant.

by Commissioners. It is not clear why the Commission had to approve this change, as schedule changes are not considered a material change to the charter. This confusion was echoed in conversations in which schools, staff, and Commissioners all shared uncertainty as to what required a vote and what the school had autonomy to manage on its own. School leaders, out of fear of being out of compliance or out of habit, tend to run changes by the Commission. The Commission states that they have made changes to the charter contract to clarify amendment requirements and newer versions of charter contracts are clearer. However, confusion appears to persist and impact school decisions and Commission operations. The Commission may benefit from developing guidance to schools and staff to clarify amendment approvals and operational notifications.


Another concerning practice is the incorporation of the entire charter application in the charter contract. By incorporating the entire charter application, schools must technically seek authorizer approval to make any changes to the program and operations described in the charter application (see examples noted above). By requiring schools to submit all amendment requests to the Commission, MCSC has added an unnecessary layer of bureaucracy and the schools have lost their autonomy to act quickly when new conditions arise.

Recommendation: Clearly define material terms of the charter contract with an eye to autonomy and limit charter amendments to material terms. Leave non-material decisions to the charter school governing boards.

Recommendation: Remove the charter application as an attachment to the charter contract.

MONITORING AND INTERVENTION

The authorizer's monitoring activities, including site visits, reporting requirements, and interventions—in cases of poor performance or non-compliance—reflect appropriate recognition of and respect for charter school autonomy.

 Minimally Developed

On paper, MCSC appropriately identifies concerns with schools and requires the school to remedy without dictating changes. However, in practice, MCSC often steps out of this role and into the role of the charter school board.

In discussions with Commissioners and school leaders, everyone recognized that MCSC review teams sometimes become quite engaged in addressing or solving a school's challenges. The level of engagement, while well-intended, does not respect school autonomy. School leaders also noted concerns with the level of reporting and communication required by the Commission, including some monitoring requirements that are duplicative and overly burdensome.

Site visit reports and corresponding recommendations to schools demonstrate that MCSC review teams often infringe on areas that should be within the control of the charter school governing board. Some schools reported feeling that they do not have the autonomy to make certain decisions and that during site visits, MCSC often suggests solutions which schools feel they must follow. Commissioners confirmed this, noting that they often provide advice and "strongly worded suggestions" during site visits. For example, in one site visit report, MCSC recommended, "The Board would benefit from board training and from developing a self-evaluation instrument to review information and data to examine the success of the school." Another site visit report noted, "Although the Marshall model for teacher evaluation has been approved there needs to be a clearer plan of supervision and this needs to be a priority."

Recommendation: Streamline the site visit protocol and monitoring visits to align directly to the performance framework guidance and charter contract, and ensure reviewers are trained on the authorizer and charter school board roles and responsibilities to avoid infringing on autonomy.

AUTHORIZING PROCEDURES AND CAPACITY

The authorizer's procedures support the implementation of high-quality authorizing practices and the authorizer has the capacity, in terms of staffing and resources, to carry out its authorizing duties effectively.

Holding schools accountable for their performance, ensuring families' access to quality schools, and providing schools the autonomy they need to be successful requires strong authorizing procedures and the capacity to implement these procedures effectively. This section examines the key authorizing procedures, such as application and renewal processes, and the authorizer's capacity to implement such procedures, including its ability to plan well for the future and allocate appropriate staff and resources to carry out its authorizing duties.

KEY STRENGTHS

- Both staff and Commissioners showed an intense dedication to their mission and vision for a vibrant, high-quality charter sector in Maine.
- MCSC has an established process for holding public meetings for all votes on charter applications, amendments, requests, and policies. The Commission meets regularly in a public setting, holds a public comment period, and allows schools to present their materials.
- The Commission acts in response to and anticipation of local and national politics. This heightened awareness prompted it to commission a study of charter school quality in Maine and to build strong alliances with the DOE, school leaders, and the charter association, as well as with national organizations, such as NACSA.

FOCUS AREAS

Roles and Responsibilities

Monitoring Systems

Decision-Making

RECOMMENDATIONS

Clarify and confirm the roles of the Commissioners and staff; revisit all tasks currently completed by staff and Commissioners, and assign tasks based on defined roles.

In the budgeting process, request full-time positions or identify other solutions to create a highly capable, stable staff environment.


Build systems to streamline data collection requests and mitigate ad hoc requests throughout the year.

Ensure that Commissioners are able to make objective charter school decisions, free of any actual or potential conflicts of interest.

AUTHORIZING PROCEDURES AND CAPACITY | IN DEPTH

AUTHORIZER PROCEDURES

The authorizer runs a clear and well-structured application process, which includes clear information and guidance to potential applicants and the community.

 Approaching Well-Developed

MCSC has established a strong application process but, in practice, this process can be inefficient for both applicants and reviewers.

The application has a clear timeline for submitting applications, including separate dates to check for completeness and content, and a formal interview with the applicant. This timeline is established by law and is incorporated into the Commission's process. Likewise, the application itself mirrors the requirements set forth in the charter law and does not request extraneous information. The application includes a standard for approval for each section, providing transparency and clarity into the evaluation process. While the review teams are Commissioners volunteering their time, the teams use the rubrics to determine recommendations for approval. Also, as mentioned earlier in this report, MCSC has created a separate RFP for virtual school applicants. The only area of concern in the applications themselves is the length. MCSC does not require page limits for its applications, allowing new school applications to run upward of 700 pages or more. Page limits may reduce extraneous information and force a more coherent and streamlined application.


The current structure of review teams—made up solely of Commissioners, with DOE staff reviewing specific sections—is not ideal or sustainable and is significantly draining of Commissioners' time. In its first few years, using Commissioners to review applications was a necessary practice because MCSC did not have any staff. Now, however, the Commission does have staff and Commissioners have many other responsibilities, which makes finding time to thoroughly review an application challenging.

Furthermore, MCSC does not provide training and does not normalize application analyses across reviewers, which impacts the quality of the reviews. While staff review applications in their entirety, they do not typically participate in the substantive discussion or provide analysis or recommendations that, to date, have actually informed MCSC's decisions.

Recommendation: Select and train reviewers to conduct comprehensive analyses of applications; broaden review teams beyond Commissioners to address growing capacity challenges; incorporate external reviewers.

Recommendation: Include page limits for the charter application to avoid excessively long applications.

The authorizer ensures that approved schools are prepared adequately for opening.

 Approaching Well-Developed

MCSC is approaching well-developed in this area because schools generally open on time, fully enrolled, and ready to operate. MCSC has a thorough pre-opening checklist that includes appropriate focus on compliance, enrollment, and programming. The checklist requires that schools have all necessary components, such as their certificate of occupancy, staff background checks, food service vendors, transportation, furniture, and filing systems. The authorizer reviews all of the documentation and completes the checklist, noting areas of deficiency and providing extensions appropriately, if required.


In addition, 90 days after opening, the review team (Commissioners who reviewed the charter application) returns to conduct a more thorough site visit review of the school, with a focus on its education program. During this visit, the review team meets with the school leader and governing board. The special education director from the DOE joins these reviews to provide technical assistance for special education compliance and programming.

However, similar to other monitoring challenges related to financial performance, MCSC has struggled to effectively monitor schools' pre-operational financial performance. Two schools that opened this past fall struggled with

operations, partly due to financial management and/or governance.

Recommendation: Incorporate into the pre-opening and first-year monitoring protocols expectations to more closely monitor pre-operational and first year schools' financial performance.

The authorizer has sound procedures and practices for monitoring school performance and intervening appropriately when it identifies problems.

 Partially Developed

The Commission's approach to building procedures and establishing effective practices for monitoring schools' academic, operational, and financial performance is partially developed. MCSC has an established site visit protocol based on the Commission's performance framework guidance document. The protocol as written and as interpreted may contribute to authorizer overreach as more fully discussed in the Autonomy section of this report.

Furthermore, site visit data collections are dependent on the review team expertise, rather than a systematic approach led by staff trained to do site visits. Review teams do not use a research-based observation template to guide the site visit (e.g., objectives provided ahead of the visit informing schools of the qualitative evidence of good standing). In some cases, Commissioners lead the reviews without taking into consideration staff observations. In other cases, staff lead the reviews and provide the Commissioners with their analysis. The latter is a more systematic approach, with less potential bias in collection and analysis of qualitative data. In the past two years, staff has created some tools for site visits and some teams are leading more structured visits, though the visits are currently mostly focused on school climate.

In addition to site visits, the Commission monitors school compliance and finance through data collection, which is currently done in a time-consuming manner. School leaders find data collection to be burdensome because MCSC requests and collects information via email rather than through a data collection system, and often collects it in an ad hoc fashion with sporadic due dates. MCSC is aware of this burden on schools and has created a calendar of submissions to provide more lead time for required reports. In addition, MCSC recently invested in a data collection and monitoring program to help manage its data submission and storage, which it hopes will reduce work for schools and provide staff with more time to interpret data. MCSC staff also works with the DOE to streamline and coordinate data collection requests.

Finally, the Commission relies on survey data to measure school climate, which can provide a one-sided view of the school and can be easily manipulated through selection bias. Assessment of school climate is very important to the Commission and is referenced in Maine's charter school law. MCSC conducts a school climate survey, but the results are not fully reliable because administration of the survey is not consistent across all schools. Per the non-academic performance guidance, MCSC does not mandate the minimum number of surveys to be returned, and families who leave the school do not have an opportunity to complete it. In addition to the survey, the authorizer meets with parents and staff, chosen by the school, during annual school site visits. The authorizer insists on interviewing a different group of parents each year. However, it is unclear how the results of these interviews provide more or better information than what is captured through the climate survey, though neither provide objective information about a school's outcomes.

With regard to intervention, MCSC does not have clear intervention policy, which leads to ambiguity of expectations for schools identified for intervention. Despite collecting tremendous amounts of data through its site visits, the authorizer does not have an established protocol outlining when intervention is warranted or how observational data ultimately informs and supports findings of school performance. There is evidence of Commissioners feeling too close to schools to be objective. One school claims that it has had three meetings in one month with the Commission about its status, but did not have anything in writing stating that it was officially on probation, why it was on probation, and what it needed to achieve to be removed from probation. This school recognized a need to remedy and did proactively develop a school improvement plan to address concerns MCSC communicated without formal notice. However, every person that we spoke to about this school had a different reason for the school being on probation. The school itself was unsure of what standards it needed to meet to exit probation.

The Commission does not differentiate between higher-performing schools and others, expending the same amount of staff and Commission energy on both types of schools. There is no "reward" for doing well, such as fewer site visits or decreased monitoring documents. For example, a school with high re-enrollment rates and satisfaction scores on the

climate survey may not need family interviews as part of its site review. A school in strong financial health may only need to submit financials quarterly while another school may need to do so monthly.

As mentioned in the Accountability section of this report, MCSC financial performance measures do not effectively measure short- and long-term financial health and viability. Additionally, partly due to lack of staff expertise, MCSC does not monitor financial performance, leading to a lack of focus on schools' financial health. Last year, one school struggled in its first year of operation in a number of areas, including financial performance and viability, due to lower than expected enrollment and a significant lease payment. MCSC became very involved in providing technical assistance to the school as it worked to become viable. In some ways, MCSC appropriately identified critical areas of concern and required modifications to the school's operating budget. However, these interventions were implemented without clear alignment with established performance expectations or monitoring tools. In the future, MCSC could struggle to monitor and hold schools accountable without clear benchmarks and corresponding monitoring tools to ensure financial issues are caught before a school is in significant financial distress.

Recommendation: Assign monitoring activities to authorizing staff to allow for consistent and efficient communication of expectations.

Recommendation: Build systems to streamline data collection requests and mitigate ad hoc requests throughout the year.

Recommendation: Develop an intervention protocol based on performance expectations and communicate expectations for performance to the charter schools.

Recommendation: Develop differentiated monitoring practices and communicate thresholds of performance that schools must reach to receive modified monitoring.

Recommendation: Set clear financial performance requirements and build capacity to monitor schools against expectations.


The authorizer publicly reports on the academic, financial, and organizational performance of its schools.

 Partially Developed

MCSC reports publicly on the performance of its schools, but the reports are dense, making the information difficult for a parent or community member to access and fully comprehend. For example, MCSC's public-facing annual report contains so much detail that it is difficult to discern the Commission's assessment of each school. Further, the format of the report does not allow for the general public to quickly absorb critical information about a particular school or its standing with the Commission.

Recommendation: Simplify the annual report for quick and easy consumption of critical performance data and school information, and provide standards or comparative data, aligned with contractual performance expectations, so that the reports are meaningful. Post the annual report more prominently on the Commission's website.

The authorizer runs a clear and well-structured renewal process, which includes meaningful school participation in the process through an application and opportunity to review and correct or supplement factual information, and timely notification of decisions.

 Approaching Well-developed

The renewal process has many positive attributes, and renewal is based on the applicant's ability to reflect on its past performance and describe any substantive changes to its program going forward.

MCSC has established a clear renewal process and timeline, which includes a site visit, a renewal application, a public hearing, and a vote. The process has strengthened over time and this past year, MCSC created a renewal application. The standards are clear; however, in some instances the application focuses more on plans for the future rather than past performance. Specifically, the application requires schools to look back and highlight their strengths and weaknesses, and outline their future plans. This leads to concerns that renewal decisions may be based on promises for future success rather than assessment and reflection of past performance.

Additionally, while the application asks schools to reflect on their performance, it does not require them to respond to data that could provide objective insight on their past performance, such as state assessment results, subgroup performance, retention or attendance. Schools report that they are not certain of the basis for renewal decisions (e.g., proficiency, growth, supplemental assessments such as NWEA, school climate, or a combination of these indicators). Finally, the renewal process is not connected to MCSC's annual monitoring of schools, which includes a summary analysis of performance on a list of measures dictated by the charter law. A more streamlined approach would require schools to reflect on their annual monitoring reports and have MCSC staff determine renewal standards based on these reports.

Furthermore, the composition of renewal review teams may lead to potential bias in decision-making. As noted earlier in this Authorizing Procedures and Capacity section, review teams include Commissioners that are heavily involved in school monitoring. Some of these Commissioners become intimately involved in the school's operation. This is evidenced by Commissioners referring to schools as "my school" or "your school" and schools referencing members of their review team by name. Some Commissioners could not speak to specific schools that were not "theirs" and may be inclined to vote based on the advice of their colleagues rather than the quality of the school's performance. Once intimately involved with a school, objectivity is easily compromised.

Lastly, evidence that should be considered for renewal is not normed. Commissioners do not all look at the same evidence; some referred to looking primarily at staff reports while others said they based their decision primarily on their own findings. No one mentioned a norming process or standardization among Commissioners when recommending schools for renewal. However, staff, who work with all schools, showed deep knowledge of all schools and demonstrated a more direct focus on student outcomes.

Recommendation: Align renewal standards with clearly established performance expectations. Revise the renewal application and process to ensure charter schools earn renewal based on a track record of success, not promises of future performance.

Recommendation: Delegate management of the renewal process to MCSC staff and implement a standardized process for all schools when undergoing renewal.

Following non-renewal, revocation, or voluntary return of the charter, the authorizer effectively ensures the orderly closure of the school.



Undeveloped

MCSC does not currently have a plan for school closure. Given how relatively new the Commission is, it is not surprising that the Commission has not closed a school or experienced a voluntary relinquishment of a charter or that it has not prioritized development of closure policies and practices. Notwithstanding, if there is an unexpected closure, the Commission must be prepared to act in the best interests of the students and, therefore, should have necessary plans in place.

Per state statute, every school must develop a closure plan for inclusion in the charter contract but MCSC has not established clear expectations for plan development, such as setting aside a portion of the budget for closure-related costs; preparing for student records transfer; and providing families with clear closure communication and school choice fairs to explain options.

The focus on technical assistance and improvement may inhibit MCSC from seeking closure.

Recommendation: Establish a closure plan and guide to clarify closure responsibilities for MCSC, the charter governing board, and school leadership. Within this guide, establish clear expectations for charter-developed closure plans.

AUTHORIZING PROCEDURES AND CAPACITY | IN DEPTH

AUTHORIZER CAPACITY

The authorizer plans well for the future and uses quality authorizing principles to guide its work as an authorizer.

 Partially Developed


MCSC is quickly moving from “startup” to “foundational” in that it has a clear mission and vision, and is working to align its practices with NACSA’s *Principles & Standards*. The next phase of its work is to migrate the practices currently done by volunteer Commissioners to its highly capable staff. The Commission is aware of this critical next step; it is one of the reasons that the Commission sought this review.

To understand its current situation, it is important to understand the Commission’s context and history. The Commission has been in existence for fewer than 10 years and does not have salaried employees—all employees, including the executive director, are hired through a temporary placement agency and work hourly. Until recently, the Commissioners did almost all of the work. The Commission is feeling the tension of needing to be accountable for its decisions while letting go of the day-to-day activities of the authorizer. A number of individuals interviewed called the situation “Founder’s Syndrome,” in that the Commissioners, in the early days, needed to roll up their sleeves and do the hard work because there was no staff to do the work. Now that there is a strong staff, MCSC must transition to a new role.

To become a highly capable strategic authorizer, MCSC must create goals and a strategic plan. The Commission is in the process of drafting a strategic plan. We encourage the Commission to empower the executive director and its staff to develop the plan, as they may be better positioned to develop the details for the Commission to review, respond to, and ultimately approve. Commissioners should be focused on building a future vision for the organization.

Recommendation: Transfer development of the strategic plan to the executive director. Refocus the work of Commissioners on planning, policies, and decision-making.

The office is purposefully and economically staffed to carry out its authorizing duties effectively.

 Undeveloped

Now that the Commission is beyond its start-up phase, it must revisit its staffing structure to ensure that this structure supports high-quality authorizing practices. As mentioned above, the Commission needs to clarify and refine the core responsibilities of staff and the Commissioners. Staff expressed confusion when asked about the role of Commissioners, and Commissioners gave different responses when asked about the role of staff. Specifically, some Commissioners referred to staff as “the administration” responsible for “carrying out the decisions” made by the Commissioners and saw themselves as responsible for evaluating schools and writing reports. Until the Commissioners and staff delineate roles and responsibilities, this confusion will persist. The charter law describes the roles of the Commission and staff, and may be a good place to start the work of redefining responsibilities. The law states that “the Executive Director supervises the staff and is responsible for all day-to-day operations and to implement the goals and objectives of the Commission. In the interim between Commission meetings, the Executive Director reports to the Chair.”

Another example of this confusion is in the hiring and evaluation process. Currently, Commissioners make hiring decisions, sitting in on interviews and choosing all staff, not just the executive director, as permitted by law. This is confusing to staff who, when asked, stated that they report to “both, the Board and the executive director.”

As previously noted, the Commission employs temporary employees. None of the Commission staff are full-time employees, not even the executive director. This translates into staff not getting paid vacation or sick days and limits working hours to 1,000 hours per temporary contract, which may limit the Commission’s ability to attract and retain high-quality staff.

Recommendation: Ask for full-time positions in the budgeting process or identify other creative solutions to create a highly capable, stable staff environment.

Recommendation: Clarify and confirm the roles of the Commissioners and staff; revisit all tasks currently completed by staff and Commissioners, and assign tasks based on defined roles.

The authorizer's budget aligns with its strategic goals and supports organizational effectiveness.

 Minimally Developed

The Commission has sufficient funds to staff a strong authorizing agency, but is not yet fully staffed. Instead, the Commission is considering returning funding to schools rather than using such funds to staff a full office and create a strong strategic plan.

The Commissioners currently create the budget in collaboration with the executive director. The agency prides itself on being frugal and not top-heavy with employees. However, there are opportunities for investing in staffing and structures to support and sustain of a high-quality charter school authorizing program.

Recommendation: Before determining whether to return funds to schools, evaluate the organization's budget to ensure execution of mission and core authorizing responsibilities.

The authorizer leadership and decision-making body understand their roles and responsibilities, and have the expertise to make well-informed decisions that support the tenets of high-quality authorizing.

 Partially Developed

The Commission believes in the principles of high-quality authorizing and members are reflective and open to feedback. However, as previously discussed, MCSC authorizing staff and decision-maker roles are conflated and must be clarified to ensure objective decision-making.

Recommendation: Ensure that Commissioners are able to make objective charter school decisions, free of any actual or potential conflicts of interest.

SOURCES

Background and Organizational Capacity

Charter School Law
Portfolio Information
Staff Job Descriptions
Board Member List & Biographies
Strategic Planning Notes
Charter Facts Sheet
Office Budget

School Performance Data

Application Decision-Making

Charter School Application
Virtual Charter School Application
Charter School Application Reviewer Rubrics
Charter School Application Guidance and Materials
Application Decision-Making Policies
Evaluator Training Materials
Completed Application Evaluations
Capacity Interview Notes
Findings of Fact Reports
Application Recommendation Reports
Application Recommendation Report Responses

Monitoring Operations

Charter School Contracts & Amendments
Pre-Opening Plan & Checklists
Pre-Opening Reports
Annual Monitoring Plans
Annual Monitoring Reports
Year 4 Performance Reports
90-Day Site Visit Reports
Closure Plan
Guidance for School Self-Assessment

Performance-Based Accountability

Performance Measure Guidance
Non-Academic Performance Measures Guidance
Charter School Renewal Applications
Completed Renewal Rubrics
Renewal Recommendation Reports
Concern & Violation Communications
Corrective Action Plans
Annual Report to the Commissioner

School Histories

Charter School Applications
Charter School Application Reviewer Rubrics
Charter School Contracts & Amendments
Pre-Opening Reports
90-Day Site Visit Reports
Annual Monitoring Reports
Renewal Applications
Financial Statements

BIOGRAPHIES

Katie Plehl is a director of Authorizer Development at NACSA. Katie, formerly the director of authorizing with Volunteers of America-Minnesota and a legislative program evaluation analyst focusing on education reform issues, brings her knowledge of improving charter school and authorizer accountability through state policy reform to the organization. In her role at NACSA, Katie leads implementation of model practices for authorizers and develops comprehensive authorizer partnerships that focus on improved practice. Katie is a former teacher and holds an M.P.P. from the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota.

Naomi DeVeaux is a national expert in charter school education and the deputy director of the DC Public Charter School Board (DC PCSB). Since her start as an English teacher more than 20 years ago, Naomi has developed new tools and measurements, curricula, and policy initiatives that have shaped public education across the country. She has testified, presented, and written extensively on the role of charter schools in providing quality educational choices to K-12 students and their families. At DC PCSB, Naomi manages the team responsible for charter authorizing, including negotiating charter agreements and holding schools accountable for meeting quality academic and non-academic standards. She and the DC PCSB team have developed an innovative suite of monitoring strategies—now used by charter authorizers elsewhere—which measure school performance; examine non-academic indicators, such as attendance and discipline; and evaluate learning based on classroom observations. Before joining DC PCSB in 2012, Ms. DeVeaux was deputy director at Friends of Choice in Urban Schools (FOCUS), based in Washington, DC. Naomi earned her bachelor's degree from Reed College, a teaching credential from Chapman University, and a master in Curriculum and Instruction from California State University, Long Beach.

