

Maine Charter School Commission

Date: January 14, 2020

Approved by Commission 1/14/2020

Source of Report: Re: LD 307, Section 3

Topic: Public Charter School Revocation and Nonrenewal

Context

On June 15, 2019, L.D. 307 became public law. Section three of “An Act to Limit the Number of Charter Schools in Maine” states “The Maine Charter School Commission shall develop a process for revocation or nonrenewal of a public charter school’s charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school’s charter.”

Actions

In 2017, the Maine Charter School Commission engaged in a rigorous and thorough Authorizer Evaluation conducted by the National Association of Charter School Authorizers. This extensive evaluation resulted in an Authorizer Evaluation Report released in November 2017. The report highlighted the Commission’s successes and indicated areas where the Commission could grow and improve its practices.

Upon receipt of the Authorizer Evaluation Report, the Commission engaged in reviewing the report and creating a list of specific tasks and outcomes that would address the areas for growth indicated in the report, and lead to even stronger authorizing by the Commission.

One of the tasks identified in the report and in the reflection process was the development, adoption, and implementation of an intervention process. The Commission began this work, which intertwined with many of its other tasks, in early 2018. In summer 2019, the Commission adopted a working draft of both an Intervention Flow Chart and an Intervention Protocol. In November 2019, the Commission formally adopted both documents.

Outcomes

The Commission developed an Intervention Flow Chart and an Intervention Protocol that show the process for Commission intervention, including the revocation of a public charter school’s charter. The Commission referenced model documents from other quality authorizers around the country and aligned its documents with public charter school revocation language contained in law, rule, and its current charter contracts.

On the following pages, please find the approved Maine Charter School Commission Intervention Flow Chart and the two-page Intervention Protocol.

References

- [Maine Charter School Commission Authorizer Evaluation Report 2017, National Association of Charter School Authorizers](#)
- [NACSA Sample Intervention Protocols, National Association of Charter School Authorizers](#)
- [Oregon Department of Education Intervention Protocol](#)

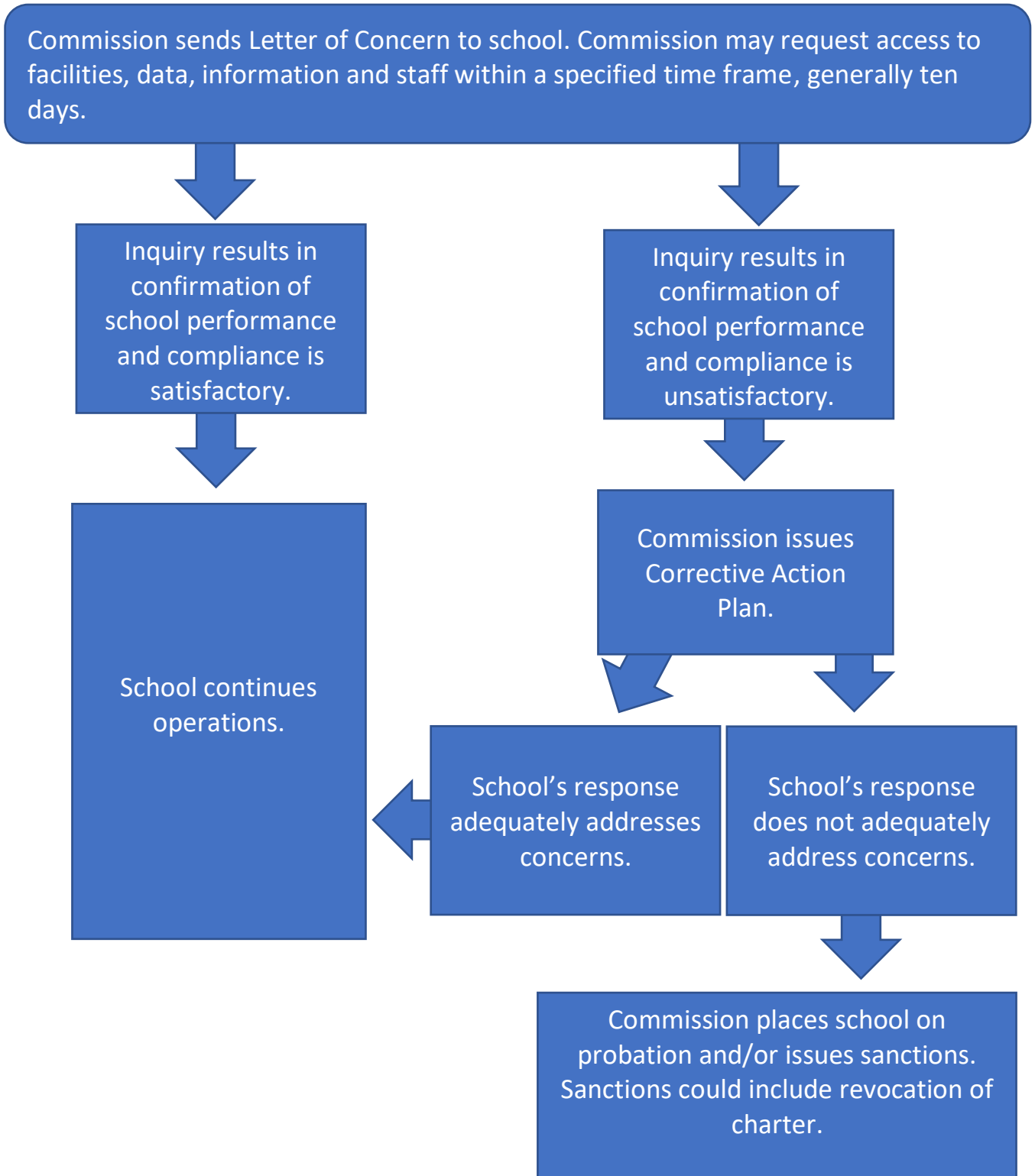
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Intervention Flow Chart



INTERVENTION PROTOCOL

The fundamental responsibility of the Maine Charter School Commission (MCSC) is to ensure quality charter school oversight that maintains high standards of school performance, upholds school autonomy, and safeguards student and public interests. One of the primary mechanisms for fulfilling this purpose is a comprehensive accountability system that sets clear standards of performance, protects school accountability, and includes oversight to evaluate performance and monitor compliance.

Through its ongoing monitoring of schools' performance, the MCSC may uncover academic, financial, or operational performance that does not meet its established standards. The MCSC has established an Intervention Protocol for how it will respond to areas of deficiency.

If at any time the MCSC determines, as the result of receiving a complaint or on its own review of the information obtained through the monitoring process, that it has significant concerns regarding a school's failure to comply with the terms of the charter contract or governing law, or concerns regarding the school's ability to meet its performance targets, the Commission will deliver a Letter of Concern to the governing board of the School. Such notice shall identify the specific concerns, stating that the concerns represent potential violations of law or the Charter that could lead to sanctions by the Commission up to and including revocation of the Charter. The Commission shall require a written response within ten calendar days of receipt of the notice by the School.

If the school's response to the Commission's Letter of Concern results in confirmation that the school's performance and/or compliance is unsatisfactory the Intervention Protocol will be followed.

Some conditions that could trigger intervention are (and are not limited to):

- Failure to meet academic performance expectations, as identified in the Performance Framework;
- Failure to meet indicators of financial liability or sustainability;
- Non-compliance;
- Violations of federal or state statutes and applicable board policy and/or breaches of contract;
- Issues pertaining to student safety, equity, or access;
- Adverse findings in routine oversight; or
- Substantiated complaints.

The Intervention Protocol is intended to be used to assist in the decision making process which will be guided by the professional judgement of MCSC staff and commissioners.

The MCSC reserves the right to skip levels of intervention, as necessary, and to move toward immediate closure of a school upon a finding that the health, welfare or safety of pupils enrolled is at imminent risk.

Maine Charter School Commission

| Status | Conditions that may trigger status (may meet one, some or all) | Consequences (may require one, some or all) |
|---------|--|---|
| Level 1 | <ul style="list-style-type: none"> ○ Indications of weak or declining performance identified through routine monitoring, site visits, or other means; ○ Repeated failure to submit requirements by due date | <ul style="list-style-type: none"> ○ Letter of Concern sent to school board from MCSC detailing the concern ○ As applicable, MCSC's requirements for resolution, timeline, and consequences if not satisfactorily remedied |
| Level 2 | <ul style="list-style-type: none"> ○ Failure to satisfactorily remedy or make substantial progress toward remedying previously-identified concern; ○ Failure to meet multiple performance targets; ○ Failure to comply with applicable law or breach of contract | <ul style="list-style-type: none"> ○ Letter of Concern sent to school board from MCSC detailing the concern ○ As applicable, MCSC's requirements for resolution, timeline, and consequences if not satisfactorily remedied ○ Specialized site visit, as necessary; ○ Meeting with school board as necessary; ○ Corrective action plan developed by the school and approved by the MCSC, as necessary; ○ Probation with interview and public hearing, as necessary |
| Level 3 | <ul style="list-style-type: none"> ○ Multiple "does not meet expectation" ratings on Performance Framework; ○ Continued failure to comply with applicable law or with the charter contract; ○ Failure to meet or make sufficient progress toward meeting terms of corrective action plan, as relevant | <ul style="list-style-type: none"> ○ Corrective action plan developed by the school and approved by the MCSC, as necessary; ○ Meeting with the school board; ○ Probation with interview and public hearing, as necessary; ○ As relevant, the MCSC may appoint an agent to monitor the implementation of a corrective action plan |
| Level 4 | <ul style="list-style-type: none"> ○ Extended pattern of failure to comply or to meet performance targets; ○ Failure to satisfactorily address or make sufficient progress toward meeting terms of probation | <ul style="list-style-type: none"> ○ Specialized site visit, as necessary; ○ Proposal of Termination - written notice from MCSC stating reason for proposed termination at least 60 days prior to proposed effective date of termination |