

## **Oct. 21, 2013 Mike Sayer, Southern Echo Notes re: MS Charter School Authorizer Board meeting**

On Monday, Oct. 21, 2013 the MS Charter School Authorizer Board had an eventful meeting and work session in the open, wood-paneled Board Room of the Institute for Higher Learning on the Ridgewood Road campus. Sorry this is a long email, but I wanted you to know what we heard at the meeting.

### **KEY DECISIONS BY THE BOARD**

Under the guidance of Board Chair Tommie Cardin the Board used a lengthy work session to revise and adopt:

- DRAFT of a proposed Request for Proposals (RFP),
- DRAFT of a proposed Application form, and
- DRAFT of 3 proposed timelines:
  - a. one if opening a charter in the 2014-2015 school year,
  - b. one if using 2014-2015 as a planning year, and
  - c. one for the years after that, which are incorporated into the DRAFT of the RFP and Application. [See attached drafts of the 3 Timelines].

Unfortunately, I do not have a digital copy of the *revised proposed* RFP and Application yet, but will forward it if and when I do.

The Board will vote on whether to adopt or further revise these DRAFTS at its **next regular meeting, Monday, November 18 at 10:00 am in the Board Room.**

### **SEE DRAFTS ADOPTED, OFFER YOUR COMMENTS**

**PLEASE NOTE:** The sub-committee revising the RFP and Application based on the Board's recommendations will finish its work and **the DRAFTS will be posted** on either or both of the **MDE and IHL websites on or before November 1, 2013.** [The Board does not yet have its own website, but will be seeking to create one.]

The Board is inviting **Public Comment** on these drafts, which must be sent to the Chair of the Board, Tommie Cardin, **no later than November 12, 2013**, which is 5 days before the next meeting of the Board (a requirement under their By-Laws, according to Chair, Tommie Cardin). Cardin's email address is: [tommie.cardin@butlersnow.com](mailto:tommie.cardin@butlersnow.com)

**Please Note:** By statute, the Board faces a December 1, 2013 deadline to produce an RFP and Application. That doesn't leave much time for revisions after the November 18 meeting, since Thanksgiving week intervenes between the meeting and the deadline. So ... *Good People* ... our Comments submitted prior to November 12 need to be focused, clear and do-able for the Board members to be able to consider them at the November 18 meeting!

### **BY-LAWS ADOPTED, COMMENTS INVITED**

Chair Tommie Cardin informed the Board and the public that the By-Laws of the Charter Authorizer Board were submitted to the Secretary of State on October 17, 2013. **According to Cardin the By-**

Laws are available for review on the website of the Secretary of State. Public Comments on the By-Laws must be sent to Chair Tommie Cardin **no later than November 12, 2013**. The By-Laws will go into effect **December 13, 2013**.

### PERSPECTIVES REVEALED

- **Creating Proposed “Planning Year” as part of Timeline:** During the work session discussion on Timelines (see 3 attached drafts) several Board members spoke in favor of using 2014-2015 as a planning year after the signing of contracts between the charter provider and the Board at the end of June 2014 for 2 reasons:
  - a. Board Chair Cardin noted that even if the Board signs a contract with a charter provider at the end of June 2014, the Board will have to exercise its *discretion* to make a “determination of readiness” regarding whether the charter is capable of accepting students into an effective, sustainable educational setting.

Several Board members were clear that they wanted to exercise due diligence prior to opening the charter rather than trying to address failures during a charter revocation process. Although they did not use these metaphors, in my view they accurately synthesize their discussion:

*“Haste makes waste”; “It is futile to close the barn door after the horse is gone”.*

Most Board members were skeptical that by August 2014 it would be possible for a charter applicant to effectively:

1. meet all the criteria and standards proposed for the written application, review and negotiation process,
2. enable and appropriately deploy both their governance and administrative structures,
3. engage in the necessary community outreach to education stakeholders,
4. adopt, review, negotiate and revise policies and practices around student discipline, intervention supports for students with special needs, English language learning issues, underperforming students and students with behavioral issues,
5. put student intervention supports in place to ensure that the needs of *all* students will be met,
6. burnish the curriculum to meet the standards,
7. be able to hire qualified teachers and other staff,
8. contract for and provide a suitable facility, and
9. complete 3<sup>rd</sup> party contracts for food, transportation, maintenance and other services, and be ready to accept students by August 2014.

The phrase most often used by members to describe their views were, “It would take a miracle ...”

Krystal Cormack, chair of the Board’s RFP/Application sub-committee, noted that the sub-committee’s investigation of *national best practices* revealed that in many states the requirement is that the charter provider go through a 2-year readiness process: the first year for training, the second year for planning, *before* the charter takes on students. Cormack recommended to the Board that to ensure readiness that it consider requiring that the charter

provider undertake a one-year planning process before the charter opens its doors to students.

Members noted that this is the first year of this process and they want to make sure that it gets off on the correct footing.

- b. Although the Charter Authorizer Board is concerned with charters, as a state agency it has a duty and obligation to be concerned with the impact of its policies on student education in the traditional schools.

Deep concern was expressed and acknowledged that by the end of June 2014 the traditional district will have set its budget, hired its teachers, and let its other contracts. If the district does not find out until one to two months before school starts that it will lose a significant amount of MAEP, local and federal funding (which follow the students out of the district into the charters), then it could be a disaster for districts that have no way to make up for the shortfall or time to adapt to the changes.

It would be much better for the traditional schools, several members acknowledged, if the year of planning for the charters also provided the district with a year to deal with and adapt to the impact of the charter on the traditional district.

If the state's goal is to educate all children, it is important that the charter process not undermine the traditional schools. [Yes!]

Johnny Franklin pushed back hard the other way. While stating that he agreed with the concerns of the other members, Franklin insisted that charters must get underway for the 2014-2015 school year. He said that every year of delay is unfair to students.

No decision has been made yet on this issue.

- **Intervention and Supports:** Let me make these points about the discussion I heard during the work session:
  1. Johnny Franklin kept pressing the notion that the Board should not lay down policies that are in his word, "prescriptive", on the premise that the policies should be focused on freeing the charters to do the things in whatever way they want to do them ... unless the charter law mandated a particular obligation. Further, Franklin wanted to make sure that any rule of regulation prescribed by the State Board of Education or the MS Dept. of Education be precluded as an obligation upon the charters because "rules and regulations" are not "laws".
  2. Chair Tommie Cardin reminded the Board that the precise language of the charter law stated ... and here he read directly from the statute ... that the charters are not obligated to follow State Board of Education of MS Dept. of Education regulations *unless* expressly required by the charter law **OR, if the Charter Authorization Board elects in its discretion to make such State Board of Education or MS Dept. of Education rule or regulation a requirement as a matter of Charter Authorization Board policy.**

**Note Well: According to the Chair of the Authorization Board, the Board has the discretion, the option, the authority to adopt or adapt existing rules and regulations for the charter process if the Board deems it necessary and appropriate!**

3. So how does this involve *intervention and supports* for students? The 3-tier Response to Intervention (RTI) was included in the DRAFT RFP as an obligation of the charter. Johnny Franklin was adamant that he wanted RTI removed as a charter obligation because it was not state law, but rather State Board of Education policy. In addition, he stated that every teacher he ever talked with hated RTI because of the volume of paperwork involved. [Our experience is different than his.]
4. What was the response of other Board members? The other Board members, led by Krystal Cormack, Bonita Potter and Lynn House, pushed back collectively with the following comments:
  - a. they insisted that the needs of *all* students had to be met by charters,
  - b. that intervention and supports work because that is what the evidence shows in Mississippi and all across the nation,
  - c. that charters cannot be permitted to just push students back to the traditional schools when they have difficulties,
  - d. that this issue needs to be dealt with as part of the application process rather than the revocation process,
  - e. that intervention and supports policies are needed as part of the charter application process to demonstrate that the charter intends to accomplish these goals and has a serious plan for how best to do it, and
  - f. that they will word the obligation in the RFP and Application in such a way that it doesn't tie the charter to the precise way in which the State Board requires it to be done.  
HOWEVER, the charter will have to produce a *viable* intervention and supports plan intended to meet the needs of *all* students who are having either academic or behavioral problems.

At least, that is what I heard!

So – you can see why it will be important to scrutinize diligently the RFP, Application and Timelines when they are posted Nov. 1 on the MDE and/or IHL websites ... and then to provide focused, clear Comments to Chair Tommie Cardin for consideration by the Board at the Board's Nov. 18 meeting. Your input is vital to the process of providing the Board with meaningful community perspectives.

If you cannot find the items that should be posted on these sites alert Tommie Cardin at the email address set out above so that the problem can be corrected.

### **FUTURE MEETING DATES**

The Board set future meeting dates for:

- **Monday, November 18, 2013 at 10:00 am**
- **Monday, December 16, 2013 at 10:00 am**
- **Monday, January 27, 2014 at 10:00 am.**