

MINUTES OF THE
MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD
Regular Monthly Meeting
Monday, November 18, 2013

The regular monthly meeting of the Mississippi Charter School Authorizer Board was held at 10:00 a.m. on Monday, November 18, 2013, at the office of the Board of Trustees of the Mississippi Institutions of Higher Learning, Technology Center, located at 3825 Ridgewood Road, Jackson, Mississippi. In attendance were:

Tommie Cardin, Chairman
Chris Wilson, Vice Chairman
Dr. Bonita Coleman-Potter
Dr. Carey Wright
Johnny Franklin
Dr. Karen Elam
Krystal Cormack

Board Chairman Tommie Cardin called the meeting to order at 10:10 a.m.

ITEM I.

A. Adoption of Agenda

A draft agenda was previously circulated to the Board members and a final agenda is before them today.

Chairman Cardin requested a motion to adopt the agenda.

MOTION: Mr. Franklin

SECOND: Ms. Cormack

There being no discussion and following a vote in favor by all members present, the motion carried.

ITEM II.

A. Approval of Minutes

The minutes of the October 21, 2013 meeting are before the Board members today. Following a review, Dr. Potter stated that she recalled discussion during the October meeting regarding one inquiry the Board asked the Chairman to seek from the Attorney General's Office regarding whether or not conversion schools would have the authority to keep their facilities, but she did not see that reflected in the Minutes. Chairman Cardin stated that with Dr. Potter's recommendation, the Minutes of the October 21, 2013 meeting would be amended to include the request of the Board directing Chairman Cardin to seek the advice of the AG on that point.

Chairman Cardin requested a motion for approval to accept the Minutes of the October 21, 2013 Minutes as amended.

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MOTION: Mr. Wilson

SECOND: Dr. Elam

There being no further discussion and following a vote in favor by all members present, the motion carried.

ITEM III. CHAIR REPORT

Chairman Cardin took the opportunity to welcome the newest member of the Board, Dr. Carey Wright. Dr. Wright is the newly appointed state Superintendent of Education who was appointed to succeed Dr. Lynn House in that position.

Further informational items:

Chairman Cardin is still working with the Board's contact at DFA concerning the intricacies of opening a bank account and progress is being made in that regard. He anticipates positive results so that that account can be set up and the Board can begin to receive funds in the near future.

Chairman Cardin thanked Kim Gallaspy with IHL and other support staff with IHL in getting things set up for the Board. An email address has been established which is charterschools@mississippi.edu. The public has been notified of that address by way of the MDE and IHL websites. That email address can be used by anyone wishing to contact the Board. To date, the Authorizer Board does not have a website of its own but is continuing to utilize the websites of IHL, MDE and DFA to post any notices of meetings, etc., that need to be posted for public consumption.

Chairman Cardin reported that he had received information from the Mississippi State University Extension Service regarding the prospect of assisting the Board in seeking grant funds and to work with the Board in developing some type of application toolkit. They made the proposal to the Board and the Board can, through committee action, respond and see specifically what services they might have available.

Chairman Cardin expressed appreciation for the public comments received so far regarding the draft RFP and application and evaluation criteria or scoring rubric. Twelve comments in total have been received, four of those from individuals and the rest from four organizations including Southern Echo, Mississippi First, Parents Campaign and the Barksdale Reading Institute. Each of those will be incorporated as Composite Exhibit A to these Minutes. Copies of the comments has been provided to the Board members. Quite a few of those comments have been very helpful and have begun to be incorporated into the revised draft RFP and Application.

Chairman Cardin stated that one of the public comments submitted by Southern Echo requested a public hearing on various issues. This request was made under the Administrative Procedures Act. Although the Board is still in the preliminary stage of developing a draft RFP and Application to submit for public comment and has not yet reached the APA stage of filing, Chairman Cardin granted the request for public hearing and stated that following the Committee Reports the meeting would recess and the Board would conduct a public hearing. He stated that

he feels that it is important that the Board hear from the public at this stage as it works to further develop and finalize a workable draft of the RFP and Application so that it can be put through the APA process.

ITEM IV. COMMITTEE REPORTS

A. Fundraising Committee

Mr. Franklin reported that their efforts were ongoing. Like any fundraising efforts, it is a slow process but is ongoing. Chairman Cardin added that the fundraising efforts were also contingent out the Board being able to set up a bank account in which to receive funds.

B. RFP and Application Committee

Ms. Cormack first thanked those who had submitted public comments and stated that there were several comments that contained substantial, useful feedback. Actions that have been taken based on the public comments, as well as the Committee's own discussions, include revisions to several matters of interest. The Indiana Authorizer Board advised the Board to remove some of the ambiguous language from the RFP and set specific timelines on items. Some language has been removed from the RFP and replaced with language that was cut and pasted directly from the statute in order to accurately capture the legislative intent and remove any ambiguity. Areas in which language was used directly from the statute include the lottery process for applicants, the 80% rule for free and reduced lunches, and meeting the needs of children with disabilities. Organizational changes have been made to the outline of the RFP and substantial revisions have been made to the rubric to address the public comment suggesting the need for the rubric to be more closely aligned to the RFP. Mississippi First suggested that the Board add an application toolkit to accompany the RFP, and we are going to adopt those suggestions and feel it will be very helpful to those applying for Charters. Once the RFP is in more final form, we will revise the rubric to be specifically in line with the RFP. Ms. Cormack stated that there is still work to do in the development of these documents such as the addition of the physical and email addresses and other organizational edits, but the Committee has come a long way and the public comments were especially helpful in that regard.

C. Executive Director / Consultant Search Committee.

Mr. Wilson reported that the Committee needs some direction from the Board. The MS Charter School Network was asked to contact the National Association of Charter School Authorizers to request recommendations for consultants or an executive officer. Two resumes were provided. One came from the National Association of Charter School Authorizers and another from the MS Charter School Association. The Committee reviewed both resumes and contact attempts were made to each individual. The Committee was successful in speaking with one of the applicants, Beth Selig, and was able to have an extensive telephone interview with her. She had been previously furnished with a proposed scope of work developed by this Committee with the assistance of the MS Charter School Association, and the applicant was able to address each of

the items on that list. Her method of payment was discussed, whether that will be an hourly rate or a project-based form of compensation. She has experience hiring an executive director, what an executive director of an authorizer board's job description should be and how to go about hiring them. She has extensive experience with the national association, as well experience in budget analysis for both charter schools and other schools. She is willing to come and speak with this Board regarding the scope of work and consider making a proposal for providing that service.

Chairman Cardin stated that he felt like this item needs to be taken up under Old Business and discussion had at that time regarding the approach the Board would take with her or anyone else.

Chairman Cardin requested a motion to amend the agenda to include consulting issues under Old Business.

MOTION: Mr. Franklin

SECOND: Dr. Elam

There being no discussion and following a vote in favor by all members present, the motion carried.

Chairman Cardin announced that he was going to declare the Board Meeting in recess for five minutes after which the Board would reconvene to conduct a public hearing for the purpose of receiving public comments on the draft RFP and draft scoring rubric. A signup sheet was provided for anyone wishing to speak. He stated that five minutes would be allotted for those wishing to speak, and they were asked to not repeat statements already presented in the written public comments already provided to the Board.

Meeting in recess 10:45 a.m.

Following the public hearing, the Board meeting was reconvened at 11:06

ITEM V. OLD BUSINESS

- A. BYLAWS – Chairman Cardin reported that the Bylaws had been run through the APA process. There was some question as to whether the Bylaws fall into the requirement for proceeding through the APA process, but to err on the side of caution and to allow as much transparency as possible, the Board followed those procedures. The Bylaws were filed and public comments have been received from Southern Echo who also requested a public hearing. That hearing has not yet been set. One request by Southern Echo is that the Board post along with its meeting notices a draft agenda for each meeting. They also requested that the 2 minute limit for public comments during board meetings be extended to 5 minutes and allow the Chair discretion in allowing additional time. Both are good suggestions and the Board will discuss making those amendments to the Bylaws. Chairman Carding announced that now that the email address has been established, that will be added to the Bylaws as a means for submission of public comments.

Chairman Cardin requested a motion to amend the Bylaws to incorporate these suggested changes.

MOTION: Dr. Wright

SECOND: Mr. Franklin

In further discussion, Mr. Wilson requested the changes be listed. They are (1) submitting a board agenda and publicly posting that along with each meeting notice 3 days in advance of the meeting; (2) changing the 2 minute allotment for public comments to 5 minutes; and (3) allowing for submission of public comments by way of email in addition to U.S. Mail.

There being no further discussion and following a vote in favor by all members present, the motion carried.

Chairman Cardin requested a motion to file the final version of the Bylaws with the Secretary of State's Office with those amendments incorporated.

MOTION: Ms. Cormack

SECOND: Dr. Elam

There being no discussion and following a vote in favor by all members present, the motion carried.

Chairman Cardin addressed Mike Sayer requesting the withdrawal of Southern Echo's request for public hearing made under the APA in light of the amendments being made to the Bylaws. Mr. Sayer stated that he would withhold withdrawal of the request until he had an opportunity to review the final version of the Bylaws once filed.

- B. RFP, SCORING RUBRIC – In explaining where the Board stands at this point with regard to the RFP, Chairman Cardin stated that it is debatable as to whether the RFP, under our law, is subject to the APA. His belief is that the Board should err on the side of caution and travel under the APA process, at least this first time around, in order to provide the Board with an end product that is not subject to challenge. The proposed timeline can still be met while going through the APA process and also meet the December 1st timeline under the law in that we will have a proposed RFP publicized prior to December 1, 2013. It will be subject to the APA process but that document will have all of the significant substantive material in it and no significant changes are anticipated after that initial filing. Chairman Cardin stated that the goal he suggestions for the Board today is to adopt a document that can then be posted and start the APA process in the next 2 days to begin the process.

Dr. Potter asked for clarification of what Chairman Cardin is saying in terms of the timeline. The Board will go ahead and release on December 1st a draft RFP and a draft scoring rubric to begin the process? After some discussion, she summarized her concern as being the possibility that groups will begin drafting their proposals based on the initial draft and then become frustrated if that draft is amended significantly multiple times.

Chairman Cardin set out the timeline for the worst-case scenario should a request for public hearing be made after the initial filing, and stated that his understanding is that the

significant substantive changes are being made to the RFP right now, prior to the initial filing, and suggested that if it became necessary, there would possibly be some leeway for the board to move the deadline for letters of intent a week or so.

Chairman Cardin requested a summary of where the documents stand from Committee Chairperson Cormack.

Ms. Cormack stated that the Committee has been working on the RFP extensively. Public comments were received from the Indiana Charter Authorizer Board suggesting from a legal prospective that we remove some of the language that would tie our hands in some ways. It was the recommendation of the Indiana Board to remove any specific reference to the planning year giving the Board the flexibility to grant a Charter with an August 2014 start date in the instance that becomes a viable option. Funding had been the primary reason for the planning year inclusion.

Ms. Potter requested that the MAEP rule, which states that the funding being provided by the state will be paid a year in arrear, be clearly stated in the RFP to prevent any organization from being confused in believing that the funding will be available in 2014.

Ms. Cormack stated that the toolkit created for the Board by Rachael Canter would provide a reference or instructional guide to which the Board can add whatever information and guidance they feel is needed so that organizations are very clear on the requirements for the Charter approval. The toolkit will be a step by step guide for completing the application, and for every section of the application, it sets out the legal requirements and specific instructions. Also, in the timeline, there is a technical assistance meeting and webinar (formerly referred to as the bidder's conference) during which specific instruction will be provided.

In summary, Chairman Cardin stated first that the RFP, currently being referred to as the "Charter Application Guide" should be referred to simply as the "Request for Proposal" since that is what the Board is required by law to have. Further, he quoted the statutory requirements to ensure they are being met with the documents being drafted: "The Request for Proposal must include a clear statement of any preferences we wish to grant intended to help underserved students" – which we've done – "(2) a description of the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with §37-28-29" – that's the requirement that the applicant has to prove that the criteria are going to be met and that is in there – and "(3) the criteria that will guide the authorizer's decision to approve or deny a charter application" – which is the scoring rubric. And then "a clear statement of appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacity necessary to establish and operate a successful charter school" – which is everything in the RFP and the capacity interview. Further the Board must "describe thoroughly all of the following mandatory elements of the proposed school plan" which has been done in great detail.

Following a discussion of the timeframe for turning around a draft of the 3 documents for filing (RFP, Toolkit and Scoring Rubric) it was agreed that the committee would have it presented for filing by Friday, November 22nd.

Ms. Cormack commented for clarification on one other topic that had been raised in public comments concerning the requirement of evidence of a track record of success for applicants and how that relates to first time applicants. She stated that that requirement applies to applicants that already have charter schools under their leadership. Individuals or groups making a first time application will be asked for evidence of a track record of success of experiences, but the Board cannot require a track record of educational success per the law for a first time applicant who would not have that information to provide.

Chairman Cardin stated that the timing being considered will work with the timeline. The draft documents will be filed with the Secretary of State on November 25th, the 25th day after that filing (deadline for submitting public comments) is December 20th and the 20th day (deadline for requesting a public hearing) will be December 16th, the date of the next Board meeting. If a hearing is requested, that can be set the following day to begin the 20 day notice period and the hearing can be held sometime the first part of January. The Board can give its final approval of the three documents either the first or second week in January. If no public hearing is requested, the Board could meet as early as December 31st to adopt the final version of the documents and file in final form.

Dr. Potter asked if the Bylaws allow board members who live a considerable distance away to participate in any hearing or meeting by teleconference. Chairman Cardin explained that that is allowed under the Open Meetings Act and can be arranged with the proper notice.

Chairman Cardin requested a motion to authorize the committee to produce a draft RFP, draft Application Toolkit and draft Scoring Rubric by November 25th so that it can then be submitted to the Secretary of State to begin the APA process

MOTION: Dr. Potter

SECOND: Dr. Wright

There being no further discussion and following a vote in favor by all members present, the motion carried.

- C. CONSULTANTS – Chairman Cardin opened the floor to discuss how the Board should proceed in pursuing consultants to assist with further development. For the purpose of this discussion, it was assumed that there would be funding in place to compensate any consultant.

Dr. Wright inquired as to what advertising had been done by the Board in seeking a qualified consultant.

Chairman Cardin stated that no advertising had been done to date but a few resumes had been received through the Governor's office from individuals interested in the Executive Director and General Counsel position. It was decided by the Board that it would be better served by hiring consultants in a temporary role to perform a set scope of services to carry the Board over with what was needed in the short term and then take a longer term view in finding a person to fill the Executive Director position, which at this time, requires a law degree. Some legislative effort may be made to change that requirement. The Board will seek a consultant immediately and then focus on the Executive Director position possibly following the 2014 legislative session once it is determined if any change will be made in those requirements.

Dr. Potter stated that her concern is that there has been no "open call" or advertisement made for either a consultant or an executive director. Her opinion is that the executive director position should be posted as it is currently written and also hopefully move forward with a consultant.

Chairman Cardin stated he has no objection to posting that position but the holdup continues to be the lack of funding for compensation for the position. A salary range must be established through the MS Personnel Board.

Ms. Cormack suggested that the Board draft job descriptions and post an open call for both the executive director and the consultant position.

Chairman Cardin requested a motion directing the Executive Director/Consultant Search Committee be charged with developing a posting for an RFP for the Charter School Consultant by Friday, November 22, 2013 with posting on the MDE and IHL websites by Monday, November 25, 2013.

MOTION: Dr. Potter

SECOND: Dr. Elam

There being no further discussion and following a vote in favor by all members present, the motion carried.

Chairman Cardin proposed a motion that the Executive Director/Consultant Search Committee be charged with drafting an executive director job description and obtain a salary range based on information from the Department of Finance and Administration and the Mississippi State Personnel Board for the position so that same can be circulated to the Board members by December 13, 2013 and ready for discussion and adoption at the December 16, 2013 Board meeting.

MOTION: Dr. Potter

SECOND: Dr. Wright

There being no further discussion and following a vote in favor by all members present, the motion carried.

ITEM VI. NEW BUSINESS

There were no items of New Business

ITEM VII. EXECUTIVE SESSION

There were no items for Executive Session.

ITEM VIII. PUBLIC COMMENT

One member of the audience requested that in subsequent meetings the Board members speak more loudly so that they can be heard by the audience.

Mike Sayer complimented the Board on the goal of transparency that it is doing so well. It breeds a trust and confidence in the process that it may be hard for people who normally service in positions of authority to realize how sensitive and important that is to the community.

Chairman Cardin stated the Board's appreciation for the public's input.

ITEM IX. SET NEXT MEETING

The December meeting will be held on Monday, December 16, 2013, and a notice will be posted accordingly.

The January meeting will be held on Monday, January 13, 2014, and notice will be posted accordingly.

Dr. Elam requested the floor to state that there is a possibility, as she understands it from conversations with Sen. Tollison, that if the Board were to request some seed money from the government, there is a good chance of obtaining that. She suggested that the Board develop a statement of what its financial needs will be until the 3% kicks in and be prepared to present that during the legislative session.

Chairman Cardin acknowledged this need and suggested the Board go back to the notebook presented to the Board originally and review the two year budget that was contained therein.

Chairman Cardin recognized Mike Sayer who requested that in any request for funds the Board makes to the legislature that it request that those funds not be diverted from the MAEP but to appropriate additional monies.

X. ADJOURN

Chairman Cardin requested a motion to adjourn.

MOTION: Mr. Dr. Elam

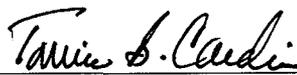
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SECOND: Ms. Cormack

There being no further discussion and following a vote in favor by all members present, the motion carried.

The meeting adjourned at 12:16 P.M.

ADOPTED, this the 16th day of December, 2013.



TOMMIE S. CARDIN, Chairman