

**SUBJECT**

New and Amended PCSC Policies (Third Reading)

**APPLICABLE STATUTE, RULE, OR POLICY**

I.C. §33-5213(2)

**BACKGROUND**

In December 2014, the Public Charter School Commission (PCSC) placed a high priority on the amendment and development of PCSC policies related to its role as an authorizer, particularly in light of the 2013 charter legislation.

**DISCUSSION**

The proposed new and amended PCSC policies included with these materials address a range of authorizing responsibilities, including those associated with the 2013 charter legislation.

**IMPACT**

If adopted, the new and amended PCSC policies will take effect immediately.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends adoption of the new and amended PCSC policies as presented.

**COMMISSION ACTION**

A motion to approve the new and amended PCSC policies as presented.

OR

A motion to direct staff to revise the PCSC policies as follows: \_\_\_\_\_.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**PUBLIC CHARTER SCHOOL COMMISSION POLICIES AND PROCEDURES**

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Section I: General

A. Submission of Meeting Materials (Adopted June 17, 2014)

1. **Regular Meeting Materials Deadline:** Materials to be considered at a regular meeting of the Public Charter School Commission (PCSC) must be received by the PCSC office no later than 5:00 p.m. MT thirty (30) calendar days prior to the meeting date. Additional or revised materials will be received after this deadline only upon the specific direction of PCSC staff.
2. ~~**Fiscal Materials Deadline:** Updated materials related to fiscal information specifically requested by PCSC staff must be received by the PCSC office no later than 8:00 a.m. three (3) business days prior to a regular meeting date. This provision notwithstanding, fiscal information must also be provided in accordance with the 30-day deadline.~~
3. **Special Meeting Materials Deadline:** Materials to be considered at a special meeting of the PCSC must be received by the PCSC office no later than 48 hours 8:00 a.m. MT three (3) business days prior to the meeting time date. Additional or revised materials will be received after this deadline only upon the specific direction of PCSC staff.
4. **Meeting Materials Format:** Meeting materials must be submitted electronically via electronic mail, web-based file-sharing services, or portable data storage device. Documents must be combined into the smallest possible number of files and be submitted in Microsoft Word, Excel, or Adobe PDF. Completed budget templates must be submitted in Excel. Materials submitted in ~~hard copy~~ or as more than ~~ten (10)~~ five (5) separate electronic files will not be accepted, except in rare cases as specifically directed, in advance, by PCSC staff.
5. **Additional Materials and Handouts:** No additional materials or handouts will be accepted at PCSC meetings. Rare exceptions will be made only as specifically directed by the Chairman.
6. ~~**Audio/Visual Presentations:** Audio/visual presentation files must be submitted one (1) week prior to a regular meeting or 48 hours prior to a special meeting. Such files must be submitted to the PCSC office via electronic mail, web-based file-sharing services, or portable data storage device, and will be made available to presenters at the meeting site using PCSC computer and projection equipment.~~

**Section II: New and Transfer Charter School Petitions (Adopted June 17, 2014)**

**A. Petition Consideration Timeline**

1. The PCSC shall consider new and transfer charter school petitions on a timeline in compliance with I.C. § 33-5205.
2. New and transfer charter petitions shall be considered only at regularly scheduled PCSC meetings.
3. The PCSC shall hold an initial hearing to consider the merits of the petition within 75 days after a petition is “considered received” as defined in IDAPA 08.03.01.300.04.
4. Pursuant to I.C. § 33-5205(2), the initial hearing on a petition may be delayed for a specified period of time by mutual, written agreement of both parties. The initial hearing for any petition may be delayed only once.

**B. Standards for Petition Approval**

1. In order to be eligible for approval, a charter petition must score at least a 2 on every indicator on the Petition Evaluation Rubric (PER). The PER shall be available to charter petitioners in advance of petition submission.
2. Consideration shall be given to indicators receiving a score of 3 and thereby influencing the total points earned to demonstrate the overall strength of the petition, but such indicators shall not overrule Section II.B.1 of this policy.
3. Petitions shall be scored against the PER by PCSC staff in advance of the PCSC’s consideration of the petition. The PCSC may, at its discretion and by formal motion, modify the PER ratings recommended by PCSC staff.
4. The PCSC may approve a new or transfer charter petition contingent upon specific revisions that the petitioners are directed to make to PCSC staff’s satisfaction. The PCSC’s written notice of approval shall not be issued until the revisions are approved by PCSC staff. If not finalized by written notice, the PCSC’s contingent approval shall expire effective at 8:00 a.m. Mountain Time on the date of the PCSC’s next regularly scheduled meeting.

**C. Petition Evaluation Process**

1. Petitions shall be submitted electronically via electronic mail, web-based file-sharing services, or portable data storage device. Documents must be combined into no more than two (2) files PDF documents, one comprising the body of the petition and the other the combined appendices. ~~The body of the petition must be submitted in Microsoft Word format.~~
2. Upon initial submission to the PCSC office, petitions shall be evaluated using the PER. Results shall be provided to the petitioning group within 30 days.
3. One (1) petition revision shall be accepted by PCSC staff prior to the initial PCSC hearing, provided it is received no later than the meeting materials submission deadline described in Section I.A.1 of this policy.

June 11, 2015

4. Revised petitions shall show in legislative format all changes from the most recent version reviewed by the PCSC office in legislative format (see The Idaho Rule Writer's Manual, section II.4, pg. 36), with the exception of changes to budget spreadsheets and PCSC templates. The "track changes" or "show markup" feature in Microsoft Word shall not be considered an acceptable substitute for legislative format.
5. Revised petitions shall clearly show the submission date of the most recent revision on the title page.
6. Petition revisions shall be submitted in accordance with Section II.C.1 of this policy. The entire petition, including appendices, must be submitted with each revision.
7. Petition revisions that are not submitted ~~out of~~ in compliance with this section shall be returned to the petitioners without further review.
8. ~~Petition revisions that fail to substantially address concerns previously cited by the PCSC and PCSC staff shall be returned to the petitioners without further review.~~
9. Petition revisions that are returned without review in accordance with this policy may be resubmitted, with relevant corrections made, within the initial deadlines imposed by this policy.
10. The most recent, complete petition revision in the possession of PCSC staff by ~~close of business (5:00 p.m. Mountain Time)~~ on the meeting materials submission deadline will be the version provided to the PCSC.
11. The petition revision provided to the PCSC shall be accompanied by a PER updated to reflect the merits of that revision. The petitioning group shall also be provided with the updated PER results.
12. Additional revisions or supplementary documents submitted separately from the petition and/or after the materials submission deadline shall not be considered, except in rare cases and only by advance permission of PCSC staff, unless an exception is made in accordance with Section I.A.5. Public comment on the petition is excluded from this provision.
13. If, at the initial hearing, a decision regarding a petition is delayed pursuant to I.C. § 33-5205(2), one (1) revision will be accepted by the PCSC staff office prior to the second PCSC hearing within thirty (30) days. ~~If, in the opinion of PCSC staff, the revision demonstrates clear effort to resolve all previously identified concerns but still does not score all 2's or better on the PER, primarily for reasons beyond the petitioners' control, PCSC staff may offer the option of one (1) additional revision to the relevant section(s) of the petition, provided it is received no later than the meeting materials submission deadline and in accordance with Section II.B.3.c.i-iii of this policy.~~

**Section III: Charter and Performance Certificate Amendments (Adopted February 13, 2014)**

**A. Proposed Charter or Performance Certificate Amendment Consideration Timeline**

1. The PCSC will consider proposed amendments to a school's charter or performance certificate on a timeline in compliance with IDAPA 08.02.04.302.03.
2. Proposed amendments, other than those deemed appropriate for administrative approval per item (3.) of this section, must be submitted according to the meeting materials deadlines outlined in Section I.A.1.
3. Except as provided in Subsection 4 below, proposed charter amendments will be considered at regular meetings only.
4. In accordance with IDAPA 08.02.04.302.03, the PCSC delegates to the Public Charter School Commission Director authority to approve minor revisions to a school's charter or performance certificate.
5. Pursuant to I.C. §33-5206(8), proposals to increase enrollment by 10% or more of the public charter school's approved enrollment cap shall be considered by the PCSC during a public hearing.

**B. Proposed Charter or Performance Certificate Amendment Process**

1. Proposed charter or performance certificate amendments shall be submitted electronically via electronic mail, web-based file-sharing services, or portable data storage device.
2. Proposed charter or performance certificate amendments shall be accompanied by a cover letter explaining the nature of and rationale for the proposed amendment. Supporting documentation, including budgets, shall be provided when relevant.
3. Documents associated with a proposed charter or performance certificate amendment must be combined into no more than two (2) files, one comprising the section(s) of the charter or performance certificate to be amended and the other comprising the cover letter and documentation described in Section II.C.3.b of this policy. ~~The charter or excerpt(s) thereof must be submitted in Microsoft Word format.~~
4. Proposed charter or performance certificate amendments must show all proposed changes in legislative format. Use of Microsoft Word's "show track changes" or "show markup" feature shall not be considered an acceptable substitute for legislative format.
5. One (1) revision of the proposed charter or performance certificate amendments will be accepted by PCSC staff prior to the PCSC hearing, provided it is received within the deadline established in writing by PCSC staff.
6. The most recent, complete ~~revision~~ version of the proposed amendment in the possession of PCSC staff by close of business (5:00 p.m. Mountain Time) on the deadline established in writing by PCSC staff shall be ~~the version~~ provided to the PCSC.

7. The ~~revision~~ version provided to the PCSC will be accompanied by a PER or alternate evaluation document updated to reflect the merits of ~~that revision~~ the proposal. The charter holder will also be provided with the ~~updated PER or~~ evaluation document ~~results~~.
8. Additional revisions or supplementary documents submitted separately from the proposed charter or performance certificate amendment and/or after the deadline established in writing by PCSC staff shall not be considered, except in rare cases and by advance permission of PCSC staff. Public comment on the proposed charter amendment is excluded from this provision.
9. The PCSC shall approve or deny a proposed charter or performance certificate amendment at the time of consideration.
10. The PCSC may approve a proposed amendment contingent upon specific revisions that the charter holders are directed to make to PCSC staff's satisfaction. The PCSC's written notice of approval shall not be issued until the revisions are approved by PCSC staff. If not finalized by written notice, the PCSC's contingent approval shall expire effective at 8:00 a.m. MT on the date of the PCSC's next regularly scheduled meeting.
11. Student-level data may be considered by the PCSC, in a manner consistent with federal and state law, for the purposes of decision-making with regard to proposed charter amendments.

### C. Standards for Charter Amendment Approval

1. Application of Petition Evaluation Rubric
  - a. When proposed charter amendments are closely aligned to a section of the Petition Evaluation Rubric (PER), PCSC staff will use the PER to evaluate the proposed charter amendment and make recommendations to the PCSC.
  - b. Proposed charter amendments that score at least a 2 on every relevant indicator on the Petition Evaluation Rubric (PER) are most likely to be recommended for approval. The PER will be available to charter holders in advance of amendment submission.
  - c. ~~Proposed charter amendments shall be scored against the PER by PCSC staff in advance of consideration of the proposed charter amendments.~~
2. School Enrollment Expansion Eligibility
  - a. Enrollment expansion proposals include proposals to broaden the range of grades served or to add additional students in grades already served by a public charter school.
  - b. Enrollment expansion proposals for schools whose current accountability designation is Honor or Good Standing shall be considered by the PCSC. A school's current accountability designation is the designation reflected in the school's most recent midterm annual report or renewal-year performance report.

- c. Schools whose current accountability designation is Remediation or Critical shall not be approved for enrollment expansion. Exception to this provision may be made on the basis of contextual factors impacting a school's accountability designation.
  - d. Enrollment expansion proposals shall include documentation of the school's capacity to serve additional students without compromising the quality of the existing program and evidence of community interest in expansion.
3. Amendments During Non-Renewal or Revocation Process
- a. During non-renewal or revocation proceedings, schools may not propose amendments to sections of the charter or performance certificate that are relevant to the reasons for non-renewal or revocation.
  - b. A school shall be considered to be in non-renewal proceedings from the time it receives written notice from PCSC staff stating that the school will be recommended for non-renewal. The school shall remain in non-renewal proceedings until such time as the PCSC moves to renew the charter.
  - c. A school shall be considered to be in revocation proceedings from the time the PCSC moves to issue a notice of intent to revoke to the school. The school shall remain in revocation proceedings until such time as the PCSC takes action to allow the school to continue operations, or until the State Board of Education overturns the PCSC's revocation decision upon appeal.



**Section IV: Charter School Oversight (NEW SECTION)**

**A. Performance Certificates**

1. Performance certificates for new or transfer, non-alternative public charter schools shall include the standard performance certificate and performance framework adopted by the PCSC in August 2013, as amended.
2. Performance certificates for new or transfer, alternative public charter schools shall include the standard performance certificate adopted by the PCSC in August 2013, as amended, and the alternative framework adopted by the PCSC in May 2014, as amended.
3. Performance frameworks for transfer petitions received after January 1, 2015, shall include mission-specific measures.
4. In cases of proposed transfer from another authorizer to the PCSC, the draft performance certificate must be adopted by the PCSC and charter school board at the time of transfer approval.
5. PCSC staff and charter school board members will collaborate to draft those sections of the certificate and framework that are intended for individualization, including mission-specific performance measures.
6. Whenever possible, PCSC staff and the charter school board shall reach agreement regarding the individualized contents of the draft performance certificate and appendices prior to submission of the draft to the PCSC for consideration.
7. If agreement regarding the individualized contents of the draft performance certificate and appendices cannot be reached in time to meet relevant timelines in statute and PCSC policy, a subcommittee of three commission members may be formed to advise or mediate the collaborative drafting process.

**B. Annual Public Charter School Performance Reports**

1. An annual Public Charter School Performance Report (annual report) shall be issued by the PCSC to each school it authorizes.
2. Annual reports shall be issued by November 15 to schools whose charters will expire at the end of the current school year (renewal-year schools) and by January 31 to schools whose charters will not expire at the end of the current school year (midterm schools).
3. Annual reports shall provide information about schools' status with regard to all applicable measures contained in the performance framework, and will provide the schools with accountability designations based on points earned within the framework.
4. Annual reports shall provide information about schools' status with regard to all conditions contained in Appendix A.

5. Midterm schools shall not be sanctioned on the basis of their accountability designations, except as otherwise provided in law, administrative rule, or PCSC policy. The purpose of annual reports to midterm schools is to provide those schools with ample warning of any concerns that may impact renewal decision-making at the end of the certificate term. Midterm results will also provide information about a school's changing performance over time, which will be considered in the renewal year.
6. Midterm schools may submit corrections and clarifications to the PCSC's performance report with thirty (30) days of issuance of the performance report.
  - a. Corrections and clarifications shall be submitted to the PCSC office in writing and shall include, at minimum:
    - i. A completed Annual Report Response Form clearly identifying each correction/clarification; and
    - ii. Documentation supporting each correction/clarification.
7. Midterm schools shall have twenty-one (21) days in which to provide, in writing and with relevant documentation, any corrections or clarifications to the annual report.
8. Annual reports may be amended by PCSC staff pursuant to corrections or clarifications provided by schools. When such amendments are not made, for reasons including but not limited to inadequate documentation of the correction or clarification, a notation may be included summarizing the school's requested correction of clarification and the reason for its exclusion.
9. Annual reports shall be published on the PCSC's website no later than April 15.

**C. Required Reports**

1. Dashboard Reports: Each PCSC-authorized school shall submit a completed annual dashboard report to the PCSC office no later than July 30 of each year. Dashboard reports shall be submitted using the dashboard reporting form provided by the PCSC.
2. Budget Reports: Each PCSC-authorized school shall submit completed budget reporting templates and cash flow projections to the PCSC office by February 15 of each year. Budget reports and cash flow projections shall be submitted using the templates provided by the PCSC.
3. Independent Fiscal Audits: Each PCSC-authorized school shall submit an independent fiscal audit to the PCSC office no later than October 15 of each year.
4. Mission-Specific Performance Measure Results: Each PCSC-authorized school with a performance framework that includes mission-specific performance measures shall submit relevant results data and supporting documentation for the previous school year no later than October 1, or by the alternate deadline specified in the performance certificate, if applicable.
  - a. Supporting documentation must demonstrate the accuracy of the results data.

- b. Schools submitting data that is inaccurate, unverifiable, or otherwise inadequate for determining a score on the framework will receive a score of zero (0) on the affected measure(s).
5. Other Reports as Requested: The PCSC or its staff may request additional reports on an as-needed basis in order to understand and monitor the school's financial, operational, and academic status.

**D. Courtesy Letters**

1. Upon becoming aware of a concern regarding a school's finances, operations, legal compliance, or academic status, PCSC staff may issue to the charter school board a courtesy letter advising the board of such concern. Courtesy letters will typically be issued with regard to concerns of sufficient significance as to be noted in the school's annual report.
2. Courtesy letters shall be for the purpose of ensuring the charter school board is aware of the concern and has maximum opportunity to seek resolution in advance of the next annual report or renewal consideration. Courtesy letters should not contain, or be viewed as, sanctions against the charter school. Because they do not represent sanctions, courtesy letters will not be "removed" or "lifted" by the PCSC or its staff.
3. Charter school boards in receipt of courtesy letters are strongly encouraged to provide PCSC staff with additional information to provide clarity or document resolution of the concern.
4. Regardless of whether or not a courtesy letter is issued and the charter school board responds, the charter school board remains responsible for the charter school's operations and outcomes.

**E. Notice to Entities Responsible for Legal Enforcement**

1. Pursuant to I.C. 33-5210(4), PCSC staff shall notify the entity responsible for administering a law it has reason to believe that a public charter school has violated. Such notice shall be in writing, and a copy shall be provided to the public charter school.
2. In some cases of non-compliance, an entity responsible for enforcing the relevant provision of statute or administrative rule cannot be identified. In such instances, PCSC staff shall issue to the charter school's board a courtesy letter ensuring the board is aware of the issue.
3. Any sanctions against the public charter school resulting from the issuance of notice to entities responsible for legal enforcement shall be considered imposed by the entity responsible, rather than by the PCSC.
4. Charter school boards are strongly encouraged to provide PCSC staff with documentation of resolution of the concern as soon as possible in order to ensure accurate reflection of the situation in the school's annual report.

5. Regardless of whether or not a notice to entities responsible for enforcement is issued and the charter school board responds, the charter school board remains responsible for the charter school's operations and outcomes.

**F. Letters of Fiscal Concern**

1. Pursuant to I.C. 33-5210(3), if the PCSC has reason to believe that a public charter school may not remain fiscally stable for the remainder of its performance certificate term, the PCSC shall issue to the State Department of Education a letter of concern.
2. For purposes of this section, fiscal stability shall be defined as the ability to maintain positive cash flow and positive year-end balances while servicing all obligations, without relying on revenues intended for use in future fiscal years to cover current-year operating expenditures.
3. Budgets shall be completed on an accrual basis, with year-end balances including encumbrance. That is, revenue intended for use in one fiscal year may not be used to demonstrate fiscal stability by covering expenditures that should have been paid using revenue from the previous fiscal year. (For example, teacher contracts for the 2015-16 school year must be paid entirely out of FY16 funds; payroll over the summer of 2016 should not be met using FY17 revenue.)
4. Cash flow projections shall be completed on a cash basis, showing actual cash amounts and projections with funds moving out at the appropriate, anticipated time.
5. Fiscal letters of concern shall be re-evaluated for continuation or removal only at the PCSC's June regular meeting. Schools wishing to have letters of concern considered for removal shall provide updated fiscal status details and supporting documentation accordance with Section I.A, Submission of Meeting Materials.

**Section V: Renewal and Non-Renewal (NEW SECTION)**

**A. Standards for Renewal Decision-Making.**

1. The PCSC shall make renewal decisions based on documented outcomes regarding a school's academic, mission-specific, operational, and fiscal performance. Such performance shall be evaluated using the provisions, conditions, and measures contained in the performance certificate and its appendices, including the performance framework.
2. Calculation of the percentage of eligible points earned on the academic and mission-specific sections of the performance framework for each school shall determine that school's accountability designation: Honor, Good Standing, Remediation, or Critical. The accountability designation shall guide the PCSC's renewal or non-renewal decision-making. Renewal or non-renewal decision-making shall also be influenced by results on the operational and financial sections of the framework.
  - a. Schools achieving an accountability designation of Honor shall be recommended for renewal. Schools that fall into the point-percentage range for Honor but whose financial and/or operational outcomes are poor shall not be eligible for an Honor designation.
  - b. Schools achieving an accountability designation of Good Standing shall be recommended for renewal; however, conditional renewal may be recommended if financial and/or operational outcomes are poor.
  - c. Schools achieving an accountability designation of Remediation may be recommended for non-renewal or conditional renewal, particularly if financial and/or operational outcomes are poor.
  - d. Schools achieving an accountability designation of Critical are likely to be recommended for non-renewal, particularly if financial and/or operational outcomes are poor.
  - e. Financial or operational outcomes shall be considered poor if points achieved on the corresponding section of the performance framework place the school in remediation or critical status for that section.
  - f. Measures for which a school lacks data due to factors such as grade configuration or small size shall not contribute to that school's accountability designation.
  - g. Student-level data may be considered by the PCSC, in a manner consistent with federal and state law, for the purposes of renewal or non-renewal decision-making.
3. The PCSC shall consider contextual factors affecting a school's accountability designation when making renewal or non-renewal decisions. However, renewal decisions shall be based on past outcomes, not on promises of future improvement.
4. The PCSC shall consider trends documented in a school's annual reports for the years leading up to renewal. Statistically significant, positive growth trends will make renewal of schools with Remediation accountability designations more likely,

while stagnant or negative growth trends will make renewal of such schools less likely. Trends may also contribute to recommendations for conditional renewal.

5. If a school fails to meet specific conditions for necessary improvement within the specified timeframes included in Appendix A of the performance certificate, non-renewal may result regardless of the school's accountability designation.
6. Conditional renewals shall be for periods of five years, but shall include in Appendix A of the performance certificate specific conditions for necessary improvement pursuant to §33-5209B(1), Idaho Code.

**B. Renewal / Non-Renewal Process**

1. No later than November 15, the PCSC shall issue to all renewal-year schools a performance report and renewal application guidance that meets the requirements of §33-5209B, Idaho Code. The performance report shall include notification of the prospect of non-renewal, if applicable.
2. Renewal-year schools may submit corrections and clarifications to the PCSC's performance report with thirty (30) days of issuance of the performance report.
  - a. Corrections and clarifications shall be submitted to the PCSC office in writing and shall include, at minimum:
    - i. A completed Annual Report Response Form clearly identifying each correction/clarification; and
    - ii. Documentation supporting each correction/clarification.
3. Renewal-year schools shall submit a renewal application to the PCSC no later than December 15. Renewal applications shall be submitted in accordance with the renewal application guidance provided by the PCSC and represent the charter holders' opportunity to submit documents challenging any rationale for non-renewal and supporting the continuation of the school.
  - a. Renewal applications shall be submitted to the PCSC office electronically via email or online file-sharing service.
  - b. Renewal applications shall be comprised of no more than two (2) documents: the completed application form and an Adobe PDF document providing any supporting documentation. Supporting documentation shall include a table of contents and make use of Adobe's "bookmark" feature for ease of navigation. Additional documents in other formats may be accepted, on a case-by-case basis, with the prior approval of PCSC staff.
  - c. Schools that fail to submit their completed renewal applications, in a format consistent with this policy, by the statutory deadline may be recommended for non-renewal.
4. No later than January 15, PCSC staff will advise any renewal-year schools regarding whether they will be recommended for renewal or non-renewal. The purpose of this notice is to permit schools that may be recommended for non-

- renewal time to prepare a response in advance of the PCSC's regular February meeting.
5. During its February regular meeting, the PCSC will consider evidence regarding all renewal-year schools.
    - a. Written evidence provided by schools as part of their renewal application shall be provided to the PCSC. Additional written evidence shall not be accepted from schools after the meeting materials deadline (see \*\*\*).
    - b. Any written evidence provided by PCSC staff shall be published on the PCSC's website at least seven (7) days in advance of the meeting.
    - c. Both schools and the PCSC may be represented by counsel.
    - d. Schools may call witnesses and give testimony.
    - e. The PCSC may call witnesses and give testimony.
    - f. The PCSC may delegate the hearing of evidence to a hearing officer, or may hear evidence itself.
  6. Schools may submit written closing arguments to the PCSC office within seven (7) days of the February regular PCSC meeting.
  7. No later than March 15, the PCSC will hold a special meeting for the purpose of making final renewal or non-renewal determinations regarding all renewal-year schools.