

**SUBJECT**

Proposed PCSC Policy Amendments

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

During the 2013 legislative session, Idaho's legislature approved amendments to charter school statute that have resulted in the need to update Public Charter School Commission (PCSC) policy for clarity and consistency.

**DISCUSSION**

The draft of proposed PCSC policy revisions included with these materials update PCSC policies by eliminating sections that are clearly outlined in statute and establishing policies that expand upon, and are consistent with, legislative changes. Some additional revisions are recommended to refine or clean-up policies for practical reasons.

**IMPACT**

PCSC policy amendments approved by the PCSC will be effective immediately.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the proposed policy revisions.

**COMMISSION ACTION**

A motion to approve the draft PCSC policy revisions as submitted.

OR

A motion to approve the draft PCSC policy revisions with the following changes:

\_\_\_\_\_.

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

**June 13, 2013**

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**Section I: (Reserved for General Governing Policies & Procedures)**

**Section II: Oversight Policies and Procedures**

**A. Submission of Meeting Materials (Edited April 2013)**

1. **Regular Meeting Materials Deadline:** Materials to be considered at a regular meeting of the Public Charter School Commission (PCSC) ~~will~~ must be received by the PCSC office no later than thirty (30) 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 ~~will~~ 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 ~~will~~ must be received by the PCSC office no later than 48 hours prior to the meeting time. 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 Word or (preferably a single, Adobe PDF). Materials submitted in hard copy or as more than ~~five (5)~~ ten (10) 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: Oversight Policies and Procedures

### B. New Charter Petitions (Edited April 2013)

#### 1. Petition Consideration Timeline

- a. The PCSC shall consider new charter school petitions on a timeline in compliance with I.C. § 33-5205.
- b. New charter petitions shall be considered only at regularly scheduled PCSC meetings.
- c. The PCSC shall hold an initial hearing to consider the merits of the petition held within 75 days after a petition is “considered received” as defined in IDAPA 08.03.01.300.034.
- d. ~~The PCSC shall make a decision regarding the petition within 75 days after the initial hearing, unless the PCSC and petitioners have mutually agreed upon a delay.~~

#### 2. Standards for Petition Approval

- a. 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.
- b. 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.2.a of this policy.
- c. 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.
- d. ~~The PCSC shall, in making approval or denial decisions, consider whether the charter petitioners have exhibited a clear and consistent history of timely and thorough responses to SDE, PCSC staff, and PCSC recommendations.~~
- d. The PCSC may approve a new charter petition contingent upon minor, 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. [Moved from II.B.5.a.i]

## Section II: Oversight Policies and Procedures

### B. New Charter Petitions (Edited April 2013)

#### 3. Petition Evaluation Process

- a. 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, 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.
- b. 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.
- c. 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 II.A.1 of this policy.
  - i. Revised petitions shall show all changes 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 "show changes" feature in Word shall not be considered an acceptable substitute for legislative format.
  - ii. Revised petitions shall clearly show the submission date of the revision on the title page.
  - iii. Petition revisions shall be submitted in accordance with Section II.B.3.a of this policy. The entire petition, including appendices, must be submitted with each revision.
  - iv. Petition revisions submitted out of compliance with this section shall be returned to the petitioners without further review.
  - v. 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.
  - vi. 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.

- d. 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.
- e. 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.
- f. 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 by advance permission of PCSC staff. Public comment on the petition is excluded from this provision.
- ~~g.~~ If, at the initial hearing, a decision regarding a petition is delayed, one (1) revision will be accepted by PCSC staff prior to the second PCSC hearing, ~~provided it is received no later than the meeting materials submission deadline.~~ 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 ~~a mutually agreed delay until the following regularly scheduled PCSC meeting.~~ One (1) additional revision to the relevant section(s) of the petition responsible for the delay will be accepted by PCSC staff, 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.

#### **4. ~~PCSC Decision at Initial Hearing~~**

- ~~a. The PCSC may approve or deny the petition at the initial hearing.~~
- ~~b. The PCSC may unilaterally delay a decision on the petition for up to 75 days.~~
- ~~c. The PCSC may delay a decision on the petition for a specified longer period, by mutual agreement with the petitioners, as provided by I.C. § 33-5205(2).~~
  - ~~i. If the PCSC and petitioners mutually agree to delay a decision on the petition, such agreement shall be made in writing and signed by representatives of both parties at the time the agreement is reached.~~
  - ~~ii. The PCSC shall not agree to additional delays requested by petitioners who have failed to submit a thorough and timely revision in accordance with Section II.B.3 of this policy.~~

- iii. ~~The PCSC may, at its discretion and by formal motion, agree to mutually-agreed delays if the PCSC judges the petition to be substantially worthy of approval, pending correction of matters beyond the petitioners' control but which the petitioners have demonstrated best effort to address.~~
- iv. ~~When delaying a decision on a petition, the PCSC shall specify the reasons for such delay.~~

#### **5. PCSC Decision at Second Hearing**

- a. ~~The PCSC shall approve or deny the petition at the second hearing.~~
  - i. ~~The PCSC may approve a new charter petition contingent upon minor, 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. [Section II.B.5.a.i. moved to II.B.2.d.]~~
- b. ~~The PCSC shall endeavor to limit its review at the second hearing to the reasons for delay cited during the first hearing; however, exceptions may be made in the case of substantial new information received by the PCSC, including material changes or additions to the petition beyond those requested by the PCSC at the first hearing.~~

### **Section II: Oversight Policies and Procedures**

#### **C. Proposed Charter or Performance Certificate Amendments**

##### **1. Proposed Charter or Performance Certificate Amendment Consideration Timeline**

- a. 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.
  - i. Proposed amendments, other than those deemed appropriate for administrative approval per item (c.) of this section, must be submitted according to the meeting materials deadlines outlined II.A.
- b. In accordance with IDAPA 08.02.04.302.03, the PCSC delegates to the Public Charter School Commission Director authority to approve minor ~~charter~~ revisions to a school's charter or performance certificate.

- c. 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.

## 2. Standards for Charter Amendment Approval

- ~~a. In order to be eligible for approval, a proposed charter amendment must score at least a 2 on every relevant indicator on the Petition Evaluation Rubric (PER). The PER will be available to charter holders in advance of amendment submission. [Moved to II.C.2.a.i.]~~
- 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.
  - i. In order to be eligible receive a staff recommendation for approval, a proposed charter amendment must score at least a 2 on every relevant indicator on the Petition Evaluation Rubric (PER). The PER will be available to charter holders in advance of amendment submission. [Moved from II.C.2.a.]
  - ii. 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 proposed charter amendment, but such indicators shall not overrule Section II.C.2.ab.i of this policy. [Moved from II.C.2.b.]
- ~~b. 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 proposed charter amendment, but such indicators shall not overrule Section II.C.2.ab.i of this policy. [Moved to II.C.2.a.ii.]~~
- ~~c.b.~~ Proposed charter amendments shall be scored against the PER by PCSC staff in advance of consideration of the proposed charter amendments. The PCSC may, at its discretion and by formal motion, modify the PER ratings recommended by PCSC staff.
- d. ~~The PCSC shall, in making charter amendment approval or denial decisions, consider whether the charter holders have exhibited a clear and consistent history of timely and thorough responses to SDE, PCSC staff, and PCSC recommendations.~~

## 3. Proposed Charter or Performance Certificate Amendment Evaluation Process

- a. Proposed charter or performance certificate amendments shall be submitted electronically via electronic mail, web-based file-sharing services, or portable data storage device.
- b. 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.

- c. 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.
  - d. Proposed charter or performance certificate amendments must show all proposed changes in legislative format. Use of Microsoft Word's "show changes" feature shall not be considered an acceptable substitute for legislative format.
  - e. 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.
  - f. The most recent, complete revision 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.
  - g. The revision provided to the PCSC will be accompanied by a PER or alternate evaluation document updated to reflect the merits of that revision. The charter holder will also be provided with the updated PER or evaluation document results.
  - h. 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 by advance permission of PCSC staff. Public comment on the proposed charter amendment is excluded from this provision.
  - i. ~~In the case of proposed charter amendments considered by the PCSC, a decision regarding the proposed charter amendment shall be made at the time of consideration.~~
4. **PCSC Decisions Regarding Proposed Charter or Performance Certificate Amendments**
- a. The PCSC shall approve or deny a proposed charter or performance certificate amendment at the time of consideration.