

SUBJECT

PCSC Discussion: PCSC Statutory Role and Processes and Opportunities for Improvement Going Forward

APPLICABLE STATUTE, RULE, OR POLICY

I.C. §33-52

BACKGROUND

Idaho statute provides direction regarding the role of charter school authorizers, including the Public Charter School Commission.

DISCUSSION

PCSC staff will review the statutory role of the Public Charter School Commission and the processes currently in place to ensure fulfillment of that role.

IMPACT

Information item only.

STAFF COMMENTS AND RECOMMENDATIONS

Staff's recommendations may be included in the discussion.

COMMISSION ACTION

Information item only.

NEW PETITION EVALUATION

Statutory Directive	PCSC Process	Statute	Rule	Policy	Notes
Evaluate new charter petitioners' plans and capacities on an established timeline and approve, deny, or conditionally approve at a public hearing.	Staff reviews each new charter petition and provides a response to the petitioners within 30 days.	33-5205(2)(c)	08.02.04.201	Section II.A.iv	
	Petition reviews are based on the Standards of Quality.	33-5205(3)(a)	08.02.04.202		<p>The PCSC approved its Standards of Quality in June 2018, with plans to observe its function and make any needed adjustments over time. The PCSC reaffirmed this intention in June 2019.</p> <p>The Standards of Quality correlate directly with statutory and IDAPA requirements for elements of a charter petition.</p> <p>The PCSC provides a Guidance: New Charter Petitions document to further assist applicants in drafting quality petitions.</p>
	Petitioners may submit a revised petition at least 30 days prior to the PCSC's regular meeting at which the petition will be heard.	33-5205(2)(c)	08.02.04.201	Section II.A.v	
	If petitioners plan to engage an educational service provider, staff evaluates that ESP's track record and capacity.	33-5206(10)(i)			
	Staff meets with the petitioners for a board capacity interview. Interview summaries are provided to the PCSC.				The interview provides an opportunity for petitioners to elaborate on their visions, respond to any concerns, ask questions, and learn what to expect during the upcoming hearing.
	Staff reviews the revised petition and forms a recommendation to deny, approve, or conditionally approve.	33-5205(4)		Section II.A.xii	<p>The PCSC and petitioners receive this recommendation at the same time, at least 1 week in advance of the hearing. The recommendation is issued within 12 weeks of receiving the petition.</p> <p>Only two petitions have been considered on the existing statutory timeline, which took effect in July 2018. In the year prior, petitions moved from submission to decision in 11 - 15 weeks.</p>
	Staff issues a notice of hearing to the district in which the proposed school will be located.	33-5205(4)			

	PCSC holds a public hearing during a regular meeting to consider the recommendation and approve, deny, or conditionally approve. Petitioners are invited to testify.	33-5205(4)			Public comment, including from affected local school districts, is accepted.
Execute performance certificates that clearly set forth the academic and operational performance expectations and measures by which public charter schools will be judged.	The PCSC adopted its current performance certificate in August 2013. The certificate incorporates a performance framework.	33-5205B 33-5209A		Section IV.A.i	Statute requires that the performance expectations include, but not be limited to, applicable federal and state accountability requirements.
Performance frameworks must include academic and operational indicators, measures, and metrics that will guide the authorizer's evaluations of each school.	The PCSC adopted its current performance framework in May 2017, following 8 months of stakeholder input.	33-5209A(1-3)			<p>The framework meets the following, minimum requirements:</p> <ul style="list-style-type: none"> • It includes measures regarding student academic proficiency, growth, college and career readiness, and board performance and stewardship. • The measures require each school to meet applicable federal, state, and authorizer goals for student achievement. • It allows the inclusion of additional rigorous, reliable indicators proposed by a charter school to augment evaluation of its performance.

					<p>The framework was designed to assess the outcomes of many types of schools serving various student demographics while meeting minimum statutory requirements. Features reflecting this effort include:</p> <ul style="list-style-type: none"> • Schools are compared to relevant groups (alternative schools to other alternative schools, virtual schools to other virtual schools, brick-and-mortar schools to their surrounding districts). • Whenever possible, the best of either achievement or improvement is reflected. • Schools have the option of including mission-specific measures to reflect their unique successes. • School mission and student demographic information are included alongside performance outcomes to provide context. • The framework includes a written commitment to consider outcomes in light of contextual factors, such as school mission and student demographics.
	Pre-opening conditions are incorporated as an attachment to the performance certificate.	33-5206(6)			The pre-opening conditions dovetail with a yearlong support program provided by staff to new schools as they prepare to begin operations.
	Shortly after petition approval, staff meets with the founding board to discuss the individualized terms of the performance certificate and framework.	33-5209(2)		Section IV.A.iii	
	Schools are invited to include mission-specific measures that are unique to their schools.	33-5209A(3)			
	Staff and the founding board agree on the terms of the performance certificate and framework.			Section IV.A.iv	
	If agreement between staff and the founding board regarding terms of the performance certificate and framework cannot be reached, a subcommittee of commissioners may mediate.			Section IV.A.v	
	PCSC considers the terms of the performance certificate and framework at a public meeting. Performance certificates are executed within 75 days of petition approval.	33-5205B(1)			
	Performance certificates are signed by the school's board president and PCSC chair.	33-5205B(2)			

ONGOING OVERSIGHT

Directive	PCSC Process	Statute	Rule	Policy	Notes & Resources
<p>Continually monitor the performance and legal compliance of public charter schools, including collecting and analyzing data to support ongoing evaluation according to the performance certificate.</p> <p>Ensure that each public charter school complies with general education laws and standards of thoroughness.</p>	<p>Staff visits each school at least once every other year. Additional visits or attendance at charter school board meetings may occur as needed.</p>	<p>33-5209C(1)</p>			<p>Staff makes additional visits to schools for various reasons such as attending celebratory events, providing requested training, investigating concerns, or meeting with school leaders.</p> <p>In June 2019, the PCSC requested that formal site visits be crosswalked with the performance framework. This work is in process.</p>
	<p>Staff responds to concerns raised by members of the public regarding charter schools.</p>				<p>Complainants are typically referred back to the school's grievance process and/or to appropriate experts in the State Department of Education. Staff notifies school leaders of complaints and invites their perspectives.</p>
	<p>Staff conducts inquiries, investigations, and interventions as necessary to redirect and support schools struggling with serious challenges.</p>	<p>33-5209C(1)</p>			<p>In June 2019, the PCSC requested that staff develop intervention protocols for PCSC consideration. This work is in process.</p>
<p>Issue written notification of concern to State Department of Education if reason to believe a charter school cannot remain fiscally sound for the remainder of its term.</p>	<p>Staff reviews annual budgets; annual independent fiscal audits; and quarterly (or bi-annual, for schools in honor status for finances) balance sheets and income statements; and engages with school leaders to determine whether each school is likely to remain fiscally sound.</p>	<p>33-5209C(1)</p>		<p>Section IV.C.ii - iii</p>	
	<p>Staff recommends to PCSC issuance of written notification of concern if a school may not remain fiscally stable for the remainder of its term.</p>	<p>33-5209C(3)</p>		<p>Section IV.F.i</p>	
	<p>PCSC considers recommendations for issuance of written notifications of concern at public meetings.</p>	<p>33-5209C(3)</p>		<p>Section IV.F.i</p>	
	<p>In June, PCSC reevaluates existing written notifications of concern for continuation or removal.</p>			<p>Section IV.F.iii</p>	
<p>If reason to believe that a charter school has violated a provision of law, notify charter holder and entity responsible for administration of relevant law.</p>	<p>Staff is informed of potential compliance violations through a variety of sources, such as concerned members of the public, the State Department of Education, site visit observations, website reviews, and self-reporting by schools.</p>	<p>33-5209C(1)</p>			
	<p>Staff corresponds with school leadership and other relevant entities to fact-find and ensure schools are aware of any concerns.</p>	<p>33-5209C(4)</p>			

	If a violation appears to have occurred, staff provides written notification to entities responsible for administration of the relevant law.	33-5209C(4)		Section IV.E.i-ii	If an entity responsible for enforcing the relevant law cannot be identified, staff issues to the charter holder a courtesy letter ensuring the board is aware of the issue.
Annually publish and make available to the public a performance report for each public charter school, in accordance with the performance certificate.	Staff works with data analysts in the Office of the State Board of Education to determine each school's outcomes on the measures contained in the academic section of the performance framework.	33-5209C(1) 33-5209A(4)			
	Staff works with data analysts in the Office of the State Board of Education to verify each school's student demographic data.				Student demographic data is collected by the State Department of Education.
	Staff gathers relevant data, where applicable and necessary, from schools that have adopted mission-specific measures.	33-5209C(2)		Section IV.C.iv	
	Staff collects school operations and compliance information throughout the school year, maintaining notes and documentation of any concerns and resolutions as applicable.	33-5209C	08.02.04.301		Information about school operations and compliance is gathered from a variety of sources, including the State Department of Education, the Office of the State Board of Education, stakeholders and members of the public, and school site visits.
	Staff uses schools' annual independent fiscal audits to complete the financial section of the framework				
	Staff prepares conditions status updates to be provided with the annual reports of schools that have conditions of petition approval or charter renewal.			Section IV.B.iv	
	Staff issues draft annual reports to schools by December 15. Schools are invited to submit corrections or clarifications within 30 days.			Section IV.B.vi	If schools have conditions of approval or renewal in place, the receive draft updates regarding their statuses relative to those conditions alongside their draft annual reports.
	Staff makes appropriate changes to draft annual reports in response to schools' corrections/clarifications.				
	Staff issues finalized annual reports to schools and publishes them on the PCSC website by January 31.	33-5209(2) 33-5209A(4)		Section IV.B.vii	If schools have conditions of approval or renewal in place, the receive updates regarding their statuses relative to those conditions alongside their annual reports.

RENEWAL CONSIDERATION

Directive	PCSC Process	Statute	Rule	Policy	Notes & Resources
Renew, non-renew, or conditionally renew charters based upon the performance of the public charter school on the performance indicators, measures, and metrics contained in the performance certificate.	Staff hosts a pre-renewal orientation meeting with each school whose charter will expire the following year.				Pre-renewal meetings take place in March, 12 months prior to the renewal decision. The meetings orient schools to the renewal timeline and ensure they are aware of identified concerns and upcoming opportunities to provide additional information.
	Staff issues a follow-up letter summarizing the pre-renewal orientation meeting, as well as Renewal Guidance and Application.	33-5209B(3-4) 33-5209B(8)		Section V.B.iv	<p>The Renewal Guidance and Application is provided several times in the year prior to renewal, beginning with the pre-renewal orientation follow-up letter in March. It is always available on the PCSC website.</p> <p>The Renewal Guidance and Application meets statutory requirements to:</p> <ul style="list-style-type: none"> • Provide opportunity for the school to present additional evidence and describe planned improvements; and • Refer explicitly to the criteria that will guide the authorizer's renewal decision.
	Staff accepts voluntary, additional performance data from schools. This data is provided to the PCSC in full prior to the renewal hearing.	33-209B(4)(a) 33-5209B(8)(c)		Section V.B.ii	
	Independent evaluators conduct a pre-renewal site visit at the school.			Section V.B.iii	<p>Evaluation teams include expertise relevant to the nature of the school in question.</p> <p>In June 2019, the PCSC requested that formal site visits be crosswalked with the performance framework. This work is in process.</p>
	Schools are invited to respond to site visit reports from the independent evaluators. These responses are provided to the PCSC in full prior to the renewal hearing.	33-5209B(8)(c)		Section V.B.iii.a	
	Staff issues annual performance reports and re-issues Renewal Application and Guidance to renewal-year schools by November 15.	33-5209B(3) 33-5209B(3-4)		Section V.B.iv	

	Staff accepts schools' responses, including corrections and clarifications, to the annual performance reports within 30 days. These responses are provided to the PCSC in full prior to the renewal hearing.	33-5209B(3) 33-5209B(8)(c)			
	Staff accepts renewal applications due by December 15.	33-5209B(6)		Section V.B.v	
	Staff advises schools whether they will be recommended for renewal or non-renewal by January 15.	33-5208(a)		Section V.B.vi	If conditional renewal is recommended, staff provides the school with the recommended conditions at this time.
	Schools notify PCSC regarding their agreement or disagreement with staff's recommendations.				
	Staff provides to PCSC renewal dossiers including performance outcomes based on the performance certificate and framework and all additional data and responses provided by schools throughout the renewal process. This information is also posted on the PCSC's website.	33-5209B(7)(b-c)		Section V.B.vii.a-b	
	PCSC holds a public hearing to consider renewal, non-renewal, or conditional renewal based on the school's performance in accordance with the performance framework. Decisions are made by March 15.	33-5209(7)(a)		Section V.B.vii-viii	
	Staff issues written determinations to schools within 7 days.	33-5209B(8)(f)		Section V.B.ix	

OTHER MISCELLANEOUS

Directive	PCSC Process	Statute	Rule	Policy	Notes & Resources
Adopt policies regarding revocation, renewal, and the governance and administration of the commission.	PCSC maintains policies that were were most recently amended in June 2018 following 5 months of stakeholder input.	33-5213(2) 33-5209B(8)	08-02.04.200		
Make recommendations to the state board of education regarding the oversight of public charter schools.	PCSC and staff engage with SBOE staff during negotiated rulemaking and as needed.	33-5213(2)			
Develop school closure protocol.	PCSC adopted its closure protocol in August 2013.	33-5212(1)			
Make available public hearings and appeals processes.	PCSC makes public hearings and appeals processes available as needed in accordance with statute and administrative rule.	33-5207 33-5209C(8)	08.02.04.304 08.02.04.401-403		
Elect commission chair and vice-chair every two years.	PCSC holds officer elections every other year, during its regular meeting in May.	33-5213(6)			
	PCSC considers transfer petitions pursuant to relevant statute.	33-5205A		Section II	
	PCSC considers charter & performance certificate amendments pursuant to relevant statute and rule.	33-5205B(1) 33-5206(8)	08.02.04.302	Section III	
	Staff creates and maintains guidance documents for new charter petitioners and existing schools on a variety of topics.				
	Staff provides one-on-one support to new charter petitioners and existing schools.				
	Staff maintains templates designed to assist new charter petitioners and existing schools in making thorough, cohesive facility and budget proposals.				
	Staff provides extensive one-on-one support during new schools' pre-opening year.				
	Staff maintains a comprehensive task list and recommended timeline for schools preparing to open.				
	Staff provides training and support for school boards, leaders, business managers, and teachers upon request.				
	Staff surveys schools and develops requested resources on an ongoing basis.				The federal Charter Start grant awarded to Idaho provides resources for more extensive resource development. Interactive trainings regarding board governance, application of academic data to drive improvement, fiscal oversight, and charter school administration are presently in the design phase.

	Staff notifies PCSC of schools' achievements and opportunities for engagement with schools, particularly at celebratory events.				
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