

Section II: Oversight Policies and Procedures

B. New Charter Petitions (Adopted January 15, 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 08.03.01.300.03.
- 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.

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.
- e. 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.

- f. 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, 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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 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.
- 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.