

PEC MEMO FROM JULIA BARNES

Re: PEC Contract and Proposed Rule Amendment
Meeting date 12/15/22

Project	Purpose	Detailed Information
Contract and Intervention Ladder project	Collaboratively create documents to govern PEC/State Charters for the next 5 years	April 8, 2022 PEC Meeting: The Public Education Commission adopted the contract amendment (Document 10A in the Meeting Document folder and contract, Document 10B) for use in the 2022 contract negotiations. If a school using an amendment does not adopt a new contract in the fall of 2022, the Public Education Commission shall prepare a substitute contract for that school which incorporates all contract terms and amendments into one document.

In negotiating the last group of renewal contracts, the charter school attorneys requested that the 2018/2019 contract and processes be revised. There was an agreement to use temporary forms (an amendment to the existing contract or the 2018 contract as a placeholder) for the contracting and then work this fall to review and revise these documents. The process started in August with meetings with charter school attorneys, Matt Pahl and CSD staff.

The charter school lawyers have made clear that the high-stakes decisions related to schools either should be in rule or, if not, in the contract itself. In working to see if the contract itself could contain all high-stakes decisions, I have come to the conclusion that I cannot recommend that option. I am proposing that the existing rule be amended to add PEC specific provisions for the following reasons:

- 1) The PEC has voted to move forward to clarify in legislation its desire to clarify the rule-making process for the PEC. This process will move forward on a separate track at the legislature. The Executive Team has scheduled a meeting with PED leadership to discuss this.
- 2) In the meantime, we need a way to move forward on a revised contract in the best interest of the PEC and all state-chartered school. These documents, along with the revised Performance Framework, will finish a multi-year project to approve all of your form and processes.
- 3) The amended rule and contract will achieve the following:
 - a. Adds to an existing 2007 rule related to charter authorizing
 - b. Does **not** amending the statutory authority in this rule or any provision related to all charter authorizers
 - c. Adds ten provisions to the one in the rule which is specific to the PEC all related to PEC processes and will be used by all state authorized schools
 - d. Sets out
 - i. details of high-stakes decisions-making into rule (finalizing and accepting annual reports, new school and renewal decisions and revocation) and
 - ii. a review and approval process for approving forms, form instruction and CSD processes (new school applications, planning year checklist, annual site visit and annual report process, renewal application process) that you have

- discussed, reviewed and approved over the last year
- e. Sets out a contract which references the rule for high-stakes decision making and the manual with school specific forms and instruction

Next steps:

- 1) December 2022: Executive Team meeting with PED leadership to discuss this rule amendment and the possible permanent legislative solutions.
- 2) January 2023: Get input into the uploaded documents
- 3) Late January 2023: File a Notice of Rulemaking and move forward to amend the rule as set forth above
- 4) March 2023: PEC approval of form of contract, amended rule and collect all forms onto one section of the website as a manual or organized location for all forms you have approved
- 5) April 2023: Use the new contract for renewing school

Roll out plan:

Schools	When new contract will be used	How many school	Total on new contract (if all agree to use the new contract)
Schools who renewed two years ago. 2021-2026 contracts	Offer to have them enter into the new contract now	8 schools	
Schools who renewed one year ago. 2022-2027 contracts (All agreed to consider the new contract)	Offer to have them enter into the new contract now	12 schools	Spring 2023: 20 schools
Schools who will renewed fall 2023 2023-2028 contracts	Will use the new templates this spring (2023)	6 schools, plus any new schools or district schools that come over	Spring 2023: 26 schools
Schools who will renew next fall 2024-2029 contracts	Will use the new templates the following spring (2024)	11 schools, plus any new schools or district schools that come over	Spring 2024: 37 schools
Schools who will renew next fall 2025-2030 contracts	Will use the new templates the following spring (2025)	20 schools, plus any new schools or district schools that come over	Spring 2025: 57 schools