

Montana Community Choice Schools Commission

September 25, 2024
9:00 a.m. to 11:00 a.m.
Zoom Webinar

Agenda Packet Contents:

1. Draft Minutes from 6.11.24
2. Proposed Agenda for 9.25.24
3. Treasurer's Report
4. Authorizer Application Process Policy
5. Commission Calendar
6. Authorizer Application Draft
7. Authorizer Contract Draft
8. Phases of Implementation and Approximate Timeframes
9. 20-11-111
10. Fillable Meeting Evaluation Form

Montana Community Choice Schools Commission
Meeting Minutes

June 11, 2024
Zoom Webinar

Call to Order – 00:01

Chair Schreiber called the meeting to order at 9:00 AM. The Chair led the Commission in the Pledge of Allegiance, Ms. Kris Stockton took Roll Call, the Chair read the Statement of Public Participation and welcomed guests:

Commission members present: Trish Schreiber, Chair; Jon Rutt, Treasurer; Cathy Kincheloe; Mark Huffstetler; Dee Brown. BPE staff present: McCall Flynn, Executive Director; Kris Stockton, Administrative Specialist.

Guests online: Ms. Kiera Moog, Office of Public Instruction.

Item 1 Approve Consent Agenda – 02:31

Member Brown moved to approve the Consent Agenda as presented. Motion seconded by Chair Schreiber.

No discussion. Motion passed unanimously.

Approve Agenda – 03:09

Member Huffstetler moved to approve the agenda as presented. Motion seconded by Member Rutt.

No discussion. Motion passed unanimously.

Item 2 Chairperson Welcome Statement – 03:47

Chair Schreiber thanked Commission members, the National Charter School Institute, State Superintendent Arntzen and OPI, and the Board of Public Education for their work supporting the Commission. The Chair also thanked the Commission subcommittees and the Policy Making Steering Committee for their work.

Item 3 Reports – 06:38

Fundraising Report: Member Kincheloe reported on work completed by the Fundraising Committee, specifically that the committee has been meeting regularly to identify potential private organizations and foundations to secure funding for a Director's position. The Director's position will likely be full time in order to lead the development of the many systems and processes necessary for the commission to be ready to review applications and support systems for schools to succeed. The goal is to raise

\$300K to cover salary, travel expenses, and other related operational necessities for the years 2025 and 2026. If the law overcomes the lawsuit, then it is likely the Commission will seek funding from the legislature in 2027 to help fund this position alongside the eventual Authorizing Fees intended to fund the Choice system.

Member Brown inquired if a search has begun for potential local and national donors to assist in the fundraising. Member Kincheloe responded that the search is in the beginning stages, and there are some leads and introductions that have been made, and conferences have been set up to follow leads.

Policy Making Subcommittee Report: Member Brown reported on work of the Policy Making Committee which has determined that rulemaking is not necessary at this time. Rather, work has been done with the NCSI to focus on building out the Application, Contract, Performance Frameworks and related process policy. Member Brown reported that the Policy Making Committee incorporated advice from the Steering Committee as directed by the Commission. She also discussed the planned four-stages for policy making related to implementing the Choice Schools Act and to be completed by the end of 2024: preparing documentation for Choice School authorization, preparing for authorizing authorizers, developing metrics to rate all documents to guide decision making, and preparing internal policies for implementation

Treasurer's Report: Member Rutt presented the Treasurer's Report updating the Commission on donations received to date, expenditures made, and the current balance of the fund.

Report on Extended Work Session: Chair Schreiber reported on the Advance Work Session held in April and work the Commission completed during the Work Session.

Item 4 Discussion & Business – 19:46

Chair Schreiber put the Commission at ease, and members reviewed and discussed the policy documents created at the Advance Work Session and reviewed by the Steering Committee. Members first discussed the Application Review and Approval Process Policy and made minor revisions to the document.

Member Kincheloe moved to accept the Application Review and Approval Process Policy as edited. Motion seconded by Member Brown.

No discussion. Motion passed unanimously.

Members next reviewed the Choice Schools Commission Draft Application and made minor revisions.

Member Brown moved to adopt the Choice Schools Commission Draft application as edited to use for eventual applicants. Motion seconded by Chair Schreiber.

No discussion. Motion passed unanimously.

Members next discussed the Community Choice School Commission Charter Contract and determined that no edits were necessary.

Member Brown moved to approve the Community Choice School Commission Charter Contract draft for use. Motion seconded by Member Rutt.

No discussion. Motion passed unanimously.

Members next reviewed the Performance Framework and made minor revisions.

Chair Schrieber moved to approve the Performance Framework drafts and to continue work on refining the specific details in preparation for use. Motion seconded by Member Kincheloe.

No discussion. Motion passed unanimously.

Item 5 Discussion: Next Steps – 02:03:38

Planning for upcoming meetings was discussed for the end of September with a final meeting in late November or early December. Chair Schreiber will send a Doodle poll to members to determine meeting dates, and stated the meetings will be held virtually on Zoom.

Members discussed the Chair printing agenda packets and mailing them to members, which several members requested the Chair do on their behalf.

Chair Schreiber discussed topics that will be discussed at the future meetings.

Ms. Flynn stated she will share red line versions of the documents edited during the meeting with Commission members for their review.

Public Comment – 02:13:04

No public comment was made.

Adjourn

The meeting adjourned at 11:15AM.

Montana Community Choice Schools Commission

Meeting Agenda

September 25, 2024

Zoom Webinar

	Estimated Time	Details
Call to Order	9:00 a.m.	<ol style="list-style-type: none"> 1. Pledge of Allegiance 2. Roll Call 3. Statement of Public Participation 4. Welcome Visitors
Note to the Public		<ol style="list-style-type: none"> 1. Action may be taken on any item listed on the Choice Commission agenda. Per §2-3-103 MCA, <i>the Choice Commission encourages public comment on any item prior to final action.</i> 2. All times are approximate and may change as reasonably necessary.
Agenda		
Item 1	9:05 a.m.	<ul style="list-style-type: none"> ◇ Action: Consent Agenda Adoption: Minutes from 6/11/24 ◇ Action: Agenda Adoption for 9/25/24
Item 2	9:10 a.m.	Chairperson Welcome Statement
Item 3	9:15 a.m.	Reports: <ol style="list-style-type: none"> 1. Fundraising Special Committee: Cathy Kincheloe 2. Policymaking Special Committee: Dee Brown 3. Treasure Report: Jon Rutt
Item 4	9:30 a.m.	Discussions & Business: <ol style="list-style-type: none"> 1. Discussion: Authorizer Application Review Process Policy <ul style="list-style-type: none"> ◇ Action: Authorizer Application Review Process Policy 2. Discussion: Authorizer Application <ul style="list-style-type: none"> ◇ Action: Authorizer Application 3. Discussion: Authorizer Contract <ul style="list-style-type: none"> ◇ Action: Authorizer Contract 4. Discussion: <ol style="list-style-type: none"> a) Implementation Phases and Approximate Timeframes b) Model Policy Possibilities c) Create a subcommittee? d) Choose next two meetings' dates and times
Public Comment	10:45 a.m.	This time will be provided for public comment on items not listed on the agenda. This meeting is open to the public electronically. For those wishing to give virtual public comment, please contact bpe@mt.gov to request the Zoom link for the meeting. Written public comment may be submitted to the Executive Director of the BPE at bpe@mt.gov and will be shared with the Commission members and included as part of the official public record.
Adjourn	11:00 a.m.	
Note to the Public		**Agenda items are handled in the order listed on the approved agenda. Items may be rearranged unless listed "time certain." Public comment is welcome on all items listed as "Action" and as noted at the end of each meeting. **The Choice Commission will make reasonable accommodations for known disabilities that may interfere with an individual's ability to participate in the meeting. Individuals who require such accommodations should make requests to the Board of Public Education as soon as possible prior to the meeting start date. You may write to: Kris Stockton, PO Box 200601, Helena MT, 59620, email at: kmstockton@mt.gov or phone at 406-444-0302.

Report ID: MTGL7008
Bus. Unit: 51010--Board of Public Education
Ledger: ACTUALS -- Actuals Ledger
Fund: 08084 Community Choice Schools
As of Year 2024 and Period 12

PeopleSoft GL
TRIAL BALANCE BY FUND

Page No. 1
Run Date 09/10/2024
Run Time 08:13:27

Account	Description	Debit	Credit
1104	Cash In Bank	21,799.17	0.00
581491	Community Choice School Rev	0.00	27,500.00
62108	Legal Fees & Court Costs	1,415.70	0.00
62489	Non-Employee In State Mileage	933.98	0.00
62490	Non-Employee In State Meals	447.75	0.00
62497	Non-Employee In-State Lodging	1,903.40	0.00
62817	Meetings/Conference Costs	1,000.00	0.00
	Total	27,500.00	27,500.00

Report ID: MTGL7008
Bus. Unit: 51010--Board of Public Education
Ledger: ACTUALS -- Actuals Ledger
Fund: 08084 Community Choice Schools
As of Year 2025 and Period 3

PeopleSoft GL
TRIAL BALANCE BY FUND

Page No. 1
Run Date 09/10/2024
Run Time 08:14:56

Account	Description	Debit	Credit
1104	Cash In Bank	21,532.97	0.00
4125	Fund Balance - Restricted	0.00	21,799.17
62108	Legal Fees & Court Costs	266.20	0.00
	Total	21,799.17	21,799.17



Montana Community Choice Schools Commission

Application Review and Approval Process Policy for Authorizer Applications

This policy is irrelevant to the renewal process of existing Authorizer Contracts.

January

1. The Montana Community Choice Schools Authorizer Application will be issued and posted by January 15th of each year on the [Board of Public Education's](#) website under the Community Choice Schools tab. The Authorizer Application will be broadly publicized statewide.

February

2. Authorizer Applications can be submitted to the Montana Community Choice Schools Commission (Comission) on the second Tuesday of February by 5:00 p.m. All Authorizer Applications will be submitted electronically.
3. The Commission will notify each applicant by email upon receipt of the Authorizer Application.
4. Each Community Choice Schools Authorizer Application will be published on the Board of Public Education's website under the Community Choice Schools tab, allowing the public to read through each Authorizer Application before the Commission takes action.
5. Each Authorizer Application must pass a sufficiency review conducted by the Commission's Application Subcommittee. Any insufficient Authorizer Applications will be identified within 3 business days of receipt, and the applicants will have the opportunity to remedy the insufficient status within 3 business days.
6. The Commission will thoroughly evaluate each complete Authorizer Application and schedule an interview, in-person or by webinar, with each applicant team including but not limited to: Local School Board, Charter Management Organization, Education Service Provider, or proposed Authorizer Director. These interviews will also be open to the public and provide local residents, along with all members of the public, the opportunity to provide input on each complete Authorizer Application before Authorizer Applications are considered for approval or denial by the Commission.
7. The Commission will evaluate each complete Authorizer Application and interview based on the Community Choice Schools Commission Authorizer Application Evaluation Criteria, a policy that guides the Commission's decision to approve or deny an Authorizer Application.



Montana Community Choice Schools Commission

March

8. During the Application review process, the Commission will present a broad overview of each Application to the Education Interim Committee (and Education Interim Budget Committee if possible) for presentation at the Committee's regularly scheduled quarterly convening. The Education Interim Committee will then have an opportunity to respond and provide input to the Commission before Applications are approved or denied.

April

9. The Commission will convene within 60 calendar days of the Application deadline. Each Application will be deliberated individually in an open meeting, and the Commission will take action to approve or deny each application.
10. Approved Applicants will work with the Commission to execute a Contract within 30 calendar days.

May

11. Contracts will be signed within 30 calendar days of approval of application, provided both parties agree to the terms of the Contract.
12. Denied Applications will be provided with a written explanation as to why their application was denied, and Applicants may re-apply in the next Application Cycle or any future Application Cycles.

<p style="text-align: center;">January</p> <p><i>January 15th:</i> Information about Choice School & Authorizer applications and deadlines posted.</p> <p><i>(By February 15th of each year: Commission will publish, publicize and set a due date for the Choice School Application.)</i></p>	<p style="text-align: center;">February</p> <p><u>Authorizer App. Process Opens</u></p> <p><i>By Feb. 1st of each year:</i> Each CS governing board seeking renewal shall submit renewal application to authorizer.</p> <p><i>By Feb. 1st of each year:</i> Authorizer shall determine the Basic Entitlement need and notify the Sup. of OPI of amounts.</p>	<p style="text-align: center;">March</p> <p><u>Auth. App. Continues</u> <u>Present to Ed. Committee</u></p> <p><i>By Mar. 1st of each year:</i> Publish Choice School Application guidelines.</p> <p><i>By Mar. 1st before year of a CS operating:</i> Authorizer will provide an estimate of the CS's enrollment broken down by resident school districts to the OPI.</p>	<p style="text-align: center;">April</p> <p><u>Authorizer App. Concludes</u> <u>Auth. Contracting Begins</u></p>
<p style="text-align: center;">May</p> <p><u>Authorizing CS Begins</u> <u>Auth. Contracting Concludes</u></p> <p><i>Announced in February, the Application submission date (XX-XX-XX) will occur during the first week of May with a deadline at 5:00 p.m.</i></p>	<p style="text-align: center;">June</p> <p><u>Authorizing CS Continues</u></p> <p><i>By June 1st of each year:</i> Issue and broadly publicize requests for CS proposals.</p> <p><i>By June 30th of each year:</i> Authorizers shall issue a CS performance report.</p> <p><i>By June 30th of each year:</i> Authorizers shall issue a charter renewal application guide for any CS whose charter will expire the following year</p>	<p style="text-align: center;">July</p> <p><u>Authorizing CS Ends</u> <u>Present Apps. to BPE</u></p> <p><i>Within 45 business days of Application due date,</i> Commission will submit a condensed report of each application to the BPE's Charter Committee for review</p> <p><i>Within 60 business days of Application due date,</i> Commission will convene for action on the Applications.</p>	<p style="text-align: center;">August</p> <p><u>CS Contracting Begins</u></p> <p><i>By Aug. 1st of each year:</i> Turn in annual reports of all CS to BPE.</p>
<p style="text-align: center;">September</p> <p><u>CS Contracting Ends</u></p> <p><i>Within 45 business days of Application approval,</i> Commission will sign charter contracts with new CCS.</p>	<p style="text-align: center;">October</p> <p><i>By Oct. 15th of each year:</i> Communicate to every authorizer the requirements for the format, content, and submission of the annual report [of CS portfolio]</p>	<p style="text-align: center;">November</p>	<p style="text-align: center;">December</p> <p><i>By Dec. 1st of each year (after the 1st year of CSs in operation):</i> Issue the Ed Interim Comm., BPE & the public an annual report on the state's CCSs from all authorizers.</p>



Montana Community Choice Schools Commission

Montana Community Choice Schools Commission Authorizer Application

[Application Date]



Montana Community Choice Schools Commission

Introduction

The Montana Community Choice Schools Commission (Commission) is issuing this Request for Applications for the establishment of Community Choice Schools Authorizers in Montana, in accordance with statutory requirements. The Commission seeks applications that align with its strategic vision for chartering schools. Further information pertaining to Commission law and the Commission's strategic vision, its mission, policies and procedures can be found on the Choice Schools tab on the [Board of Public Education's](#) website.

Application Guidelines

Applicants interested in submitting an application to become a Community Choice Schools Authorizer in Montana must follow these requirements:

- Applicants must be a local school board in the State of Montana;
- The complete application narrative may not exceed 50 pages, not including exhibits such as budgets, letters of support, market research reports, etc.;
- Follow all submission instructions; and
- Adhere to application deadlines.

Application Submission and Review Process

The process for submitting and reviewing an application to become a Community Choice Schools Authorizer in Montana will include the following:

- Electronic submission of the Application on the published due date;
- Written notification by email upon receipt of the Authorizer Application;
- A thorough evaluation of the written Applications and interview;
- An interview, in-person or by webinar, with each Applicant Team;
- Applicants will be approved or denied via letter within 60 days of filing;
- Approval or denial decisions will be adopted in an open meeting of the Commission;
- Approved applications will be granted an Authorizing Contract for an initial term of 6 years; and
- Denied applicants will receive clear reasons for denial and may reapply in future application cycles.



Montana Community Choice Schools Commission

Selection Criteria

In reviewing and selecting which applications to approve, the Commission will ensure that all applications reviewed will be approved or denied based on a review of the completeness and quality of information provided in the application. In reviewing and selecting which applications to approve, the Commission will ensure the following:

- Selection criteria are aligned with the Authorizer's Performance Framework;
- Selection decisions are based on documented evidence collected through the Application review process;
- The Commission will follow review and approval policies and practices that are transparent and are based on merit and avoid conflicts of interest or any appearance of conflicts of interest;
- Application approval will only be granted to applicants that have demonstrated competence in each element of the published approval criteria and are likely to authorize successful Community Choice Schools; and
- Applicants showing a commitment to seek out and serve students at-risk of academic failure, academic disengagement, to advance Montana's commitment to the preservation of American Indian cultural integrity, or to eliminate the American Indian achievement gap will be considered with greatest eagerness in the application process.

Application Components

Community Choice School Authorizer Applicant Information Form

Please complete and submit the form found in **Appendix A**.

Application Narrative

Please submit the following information:

1. Notice of Intent

Per [20-11-107\(3\)\(c\)\(i\), MCA](#), provide a written notification of the local school board's intent to serve as a Community Choice Schools Authorizer in accordance with the law.

2. Strategic Vision

Per [20-11-107\(3\)\(c\)\(ii\), MCA](#), provide an explanation of the local school board's strategic vision for authorizing.



Montana Community Choice Schools Commission

3. Strategic Vision Plan

Per [20-11-107\(3\)\(c\)\(iii\), MCA](#), provide a plan supporting the local school board's strategic vision and an explanation of the local school board's budget and personnel capacity and commitment to execute the duties of Community Choice Schools authorizing.

4. Draft Request for Proposal

Per [20-11-107\(3\)\(c\)\(iv\), MCA](#), provide a draft or preliminary outline of a request for proposal that will solicit Community Choice Schools applicants.

5. Performance Framework

Per [20-11-107\(3\)\(c\)\(v\), MCA](#), provide a description or outline of the Performance Framework the local school board will use as an Authorizer to guide the establishment of a Charter Contract and for ongoing oversight and evaluation of Community Choice Schools.

6. Renewal, Revocation, Nonrenewal, School Closure

Per [20-11-107\(3\)\(c\)\(vi\), MCA](#), provide a draft of the local school board's renewal, revocation, nonrenewal, and school closure process. These processes must be consistent with [20-11-117, MCA](#) and [20-11-118, MCA](#).

7. Assurances

Per [20-11-107\(3\)\(c\)\(vii\), MCA](#), provide a statement of assurance that the local school board commits to the following:

1. Serving as a Community Choice Schools Authorizer in fulfillment of the expectations, spirit, and intent of the Montana Community Choice Schools Act; and
2. Will fully participate in any Authorizer training provided by or required by the Montana Community Choice Schools Commission.

8. Assurances---Transparency

Per [20-11-107\(3\)\(c\)\(viii\), MCA](#), provide a statement of assurance that the local school board will be accountable and transparent in all matters concerning authorizing practices, decisions, and expenditures.



Montana Community Choice Schools Commission

Appendix A

Community Choice School Authorizer Applicant Information Form

Applicant Information
Date:
Local School Board Name:
Local School Board Address:
Phone Number:
Name of Individual Submitting this Application:
Position on Local School Board:
E-mail Address of Individual Submitting this Application:

Applicant Signature
As the person responsible for submitting this application, I verify that all the information included in this application is accurate and complete to the best of my knowledge. In addition, I do hereby certify to the assurances contained in Questions 7 and 8 contained above in the application narrative.
Applicant's Signature _____
Date _____

COMMUNITY CHOICE SCHOOL COMMISSION AUTHORIZER CONTRACT

Cover Page

Local School Board Name:	
Authorizer Contract Start Date:	
Authorizer Contract Expiration Date:	
Exhibits The following Exhibits are included with this Contract: Exhibit A-Authorizer's Application Exhibit B-Authorizer's Choice School Performance Framework Exhibit C-Commission's Authorizer Performance Framework for annual report	
Notices to the Commission: Address or Email	Notices to the Local School Board: Address or email

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AUTHORIZER CONTRACT

This authorizer contract (the “Contract”) by and between the Community Choice School Commission (“Commission”) and the Local School Board identified on the Cover Page of this Contract, is effective as of [Effective Date]. The parties agree to the following Terms and Conditions:

SECTION 1: DEFINITIONS

1.1 Certain Definitions.

For purposes of this Contract, and in addition to the terms defined throughout this Contract, each of the following words or expressions shall have the meaning set forth in this section:

- a. **Annual Calendar of Reporting Requirements** means the compliance certification and submission duties required of the Authorizer by the Commission. The Commission may amend the Annual Calendar of Reporting Requirements each fiscal year or at other times as deemed appropriate by the Commission. These changes shall be automatically incorporated into the Contract and shall be exempt from the Contract amendment procedures set forth in this Contract. The Annual Calendar of Reporting Requirements will be available on the Commission’s website (insert website address) and published no later than June 15 for the following fiscal year.
- b. **Applicant** means a person or group that submits a proposal to become an Authorizer of community choice schools.
- c. **Authorizer** means the Commission or a local school board approved by the Commission to act as a choice school Authorizer within the boundaries of the traditional school district overseen by the local school board.
- d. **Charter Contract** means a fixed-term, renewable contract between a community choice school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.
- e. **Commission** means the community choice school commission provided for in the Community Choice Schools Act, MCA 20-11-106.
- f. **Community choice school** or **choice school** means a public school that has autonomy over decisions, including but not limited to matters concerning finance, board governance, personnel, scheduling, curriculum, and instruction; is governed by a governing board; is established and operated under the terms of a charter contract between the school’s governing board and its Authorizer; is a school in which parents choose to enroll their children; is a school that admits students based on capacity and then on the basis of lottery if more students apply for admission than can be accommodated; provides a program of education that may include any or all grades from kindergarten through grade 12 and

vocational education programs; operates in pursuit of a specific set of educational objectives as defined in its charter contract; operates under the oversight of its Authorizer in accordance with its charter contract; and establishes graduation requirements and has authority to award degrees and issue diplomas.

- g. **Education service provider** means a for-profit education management organization, nonprofit education management organization, school design provider, or other partner entity with which a community choice school or Authorizer intends to contract for educational design, implementation, or comprehensive management.
- h. **Governing board or Board** means an independent volunteer board of trustees of a community choice school that is a party to the charter contract with the Authorizer.
- i. **Local school board** means a traditional school district board of trustees exercising management and control over a traditional local school district pursuant to the laws of the state.
- j. **Parent** means a parent, guardian, or other person or entity having legal custody of a child.
- k. **Resident school district** means the public school district in which a student resides.
- l. **Student** means a child who is eligible for attendance in a public school in the state.
- m. **Traditional public school** means a traditional public school that is under the direct management, governance, and control of a local school board or the state.
- n. **Virtual community choice school** means a community choice school headquartered in Montana that offers educational services predominately through an online program.

SECTION 2: CONTRACT TERM

2.1 **Term.**

This Contract is effective as of the date of execution for a term of six years (6 years), to expire on [Expiration Date]. This Contract may be renewed in accordance with Section 7, below.

SECTION 3: COMMISSION-AUTHORIZER RELATIONSHIP

3.1 **Parties.**

This Agreement is entered into between the (Local School Board Name) ("Local School Board") and the Commission.

3.2 **Independent Status of the Commission.**

The Commission is an authorizing body as defined by the Community Choice Schools Act. In approving this Contract, the Commission voluntarily exercises its powers given to it under the Community Choice Schools Act, MCA 20-11-101 through -126. Nothing in this Contract shall be

deemed to be any waiver of the Commission's powers or independent status and the Local School Board shall not be deemed to be part of the Commission.

3.3 Independent Status of the Local School Board.

The Local School Board is the elected board of a public school district approved to act as an Authorizer by the Community Choice School Commission and the Community Choice Schools Act. The Local School Board is not a division or part of the Commission. The relationship between the Local School Board and the Commission is based solely on the applicable provisions of the Community Choice Schools Act and the terms of this Contract, or other agreements between the Commission and Local School Board, if applicable.

SECTION 4: COMMISSION RESPONSIBILITIES

4.1 Commission Oversight Responsibilities.

The Commission is responsible for overseeing the performance and effectiveness of the Local School Board as an Authorizer.

4.2 Annual Report.

By October 15 of each year, the Commission will provide the requirements for the format, content, and submission of the annual report to be provided by the Local School Board in its authorizing capacity. The Commission will provide this information on its website.

SECTION 5: LOCAL SCHOOL BOARD RESPONSIBILITIES AS AN AUTHORIZER

5.1 Authority to Authorize.

The Local School Board is granted authority to act as an authorizer of Choice Schools for the term granted in Section 2.1 of this Contract. The Local School Board shall act as the authorizer from year to year during the term of this Contract as long as it fulfills the authorizing duties and expectations set forth in this Contract and the Choice Schools Act, and remains in good standing with the Commission.

5.2 Authorizing Responsibilities of Local School Board.

The Local School Board shall monitor the performance and legal compliance of the Choice Schools that it authorizes, including the collecting and analyzing of data to support ongoing evaluations in accordance with its Choice School Contracts. The Local School Board shall also execute the following essential powers and duties:

- a. Solicit and evaluate choice school proposals, consistent with MCA 20-11-111;
- b. Approve choice school proposals that meet identified educational needs and promote a diversity of educational choices, as specified in MCA 20-11-108(1)(b);
- c. Decline to approve inadequate choice school proposals;
- d. Negotiate and execute sound charter contracts with each approved choice school;

- e. By March 1 prior to a choice school's first year of operation, provide an estimate of the choice school's enrollment broken down by resident school districts to the superintendent of public instruction for review and possible adjustment, pursuant to MCA 20-11-124(2);
- f. By February 1, communicate to the superintendent of public instruction the percentage of the basic entitlement amount under MCA 20-9-306 to be included in the located school district's general funding budget, pursuant to MCA 20-11-124(2);
- g. Monitor the performance and legal compliance of choice schools in accordance with its Charter Contract terms and MCA 20-11-117(4)(a);
- h. In conjunction with each choice school it oversees, set annual performance targets designed to help each school meet applicable federal, state, and authorizer expectations;
- i. Collect and analyze data from each choice school it oversees in accordance with the performance framework set forth in its Charter Contract;
- j. In the event of that a choice school's performance or legal compliance appears unsatisfactory, promptly notify the choice school of the perceived problem and provide a reasonable opportunity for the school to remedy the problem;
- k. By June 30 of each year, issue a choice school performance report and charter renewal application guide to any choice school whose Charter Contract will expire the following year, in accordance with MCA 20-11-117(5);
- l. Rule on choice school renewal applications within 30 days after filing, pursuant to MCA 20-11-117(8);
- m. Develop revocation and nonrenewal processes consistent with MCA 20-11-118(2);
- n. Determine whether each charter contract merits renewal, nonrenewal, or revocation;
- o. Develop a choice school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets in accordance with MCA 20-11-118(5) and the Choice Schools Act; and
- p. Oversee the closure and work with the closing choice school to ensure a smooth and orderly closure and transition for students and parents.

5.3 Delegation of Duties.

The Local School Board may delegate its authorizing duties to its officers, employees, and contractors.

5.4 Authorizing Policies.

The Local School Board will develop, carry out, and maintain authorizing policies and practices that are consistent with nationally recognized principles and standards in all major areas of authorizing responsibilities, including the following:

- a. Organizational capacity and infrastructure;
- b. Soliciting and evaluating choice school proposals consistent with the requirements of MCA 20-11-111;
- c. Performance contracting;
- d. Ongoing community choice school oversight and evaluation; and
- e. Charter contract renewal decisionmaking.

5.5 Annual Report Required Information.

The Local School Board shall submit an annual report to the Commission that summarizes the following information:

- a. The Local School Board's strategic vision for authorizing and progress toward achieving that vision;
- b. Academic and financial performance of all authorized operating choice schools overseen by the Local School Board in its authorizing capacity, according to the performance expectations for choice schools set forward in the Community Choice Schools Act.
- c. The status of the Local School Board's authorized choice schools portfolio, identifying all choice schools approved but not yet open, operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;
- d. The authorizing functions provided by the Local School Board as an authorizer to the choice schools under its direction, including its operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and
- e. The services purchased from the Local School Board as an authorizer by a choice school under its direction, including an itemized accounting of the actual costs of these services, as required in MCA 20-11-109.

5.6 Conflict of Interest.

An employee, trustee, agent, or representative of the Local School Board may not simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a community choice school that it authorizes.

5.7 Notice to the Commission

The Local School Board, in its capacity as an authorizer, must report to the Commission (with copies of its report to the choice school involved) within 10 days if it does any of the following:

- a. Makes a decision to approve or deny a charter school proposal. The report must include a copy of the executed Charter Contract, if applicable, the Local School Board's resolution setting forth the action taken, reasons for the decision, and provide assurances of compliance with all procedural requirements and proposal elements set forth in MCA 20-11-111; or
- b. Makes a decision to renew, not renew, or revoke a charter contract. The report must include a copy of the Local School Board's resolution setting forth the action taken, the reasons for the decision, and provide assurance of compliance with MCA 20-11-118. Decisions reported to the Commission under this sub-section (b) may be appealed in writing within 30 days of the Commission's receipt of the Local School Board's report. In the event of an appeal, the Commission will set the matter for hearing at its next available meeting and will affirm, modify, or reverse the Local School Board's decision by the vote of a quorum of its members.

SECTION 6: OVERSIGHT FEE

6.1 Oversight Fee.

The Commission shall establish a statewide formula for all Authorizers (Local School Boards) to use when applying oversight fees to their authorized schools.

SECTION 7: RENEWAL, NON-RENEWAL, SPECIAL REVIEW, TRANSFER, AND REVOCATION

7.1 Renewal.

In considering the renewal of this Contract, the Commission shall review the annual report submitted by the Local School Board, per Section 5.5. of this contract. If the Commission finds the annual report meets all requirements and finds that the Local School Board is fulfilling its duties as an authorizer under the Choice Schools Act and this Contract, the contract will be renewed for a period of time set by the Commission.

7.2 Non-Renewal.

The Commission may choose not to renew this Contract if the Local School Board has not fulfilled its duties as an authorizer, has not met the expectations set forth in this Contract or in the Choice Schools Act, or if the Local School Board is no longer in good standing with the Commission. If the Commission does not renew this Contract, the Local School Board must work with the Commission to wind-up and dissolve in accordance with Section 7.6 of this Contract and the Choice Schools Act.

7.3 Special Review.

Persistently unsatisfactory performance of a Local School Board's portfolio of choice schools, a pattern of well-founded complaints about the Local School Board or its choice schools, or a

determination by the Commission that the Local School Board is not in compliance with this Contract, an existing Charter Contract, or any requirements under the Choice Schools Act may trigger special review of the Local School Board's authorizer status. To conduct its special review, the Commission will notify the Local School Board in writing of the identified problems and shall provide the Local School Board with an appropriate amount of time to respond and remedy the problems. Amounts of time granted will vary on circumstances of the situation.

7.4 Revocation.

The Commission may revoke this contract if any of the following occur:

- a. it finds evidence of material or persistent failure to carry out the duties in Section 5 of this Contract and MCA 20-11-108 by the Local School Board.
- b. If the Local School Board fails to respond and remedy any problems identified by the Commission within the granted amount of time, per Section 7.3.

If the Commission intends to revoke the Local School Board's authorizing contract, the Commission will notify the Local School Board with a reasonable amount of time under the circumstances, of its intent to revoke the Local School Board's authorizing authority, unless the Local School Board demonstrates a timely and satisfactory remedy for the identified violation or deficiencies.

7.5 Transfer of Local School Board's Choice School Contracts.

The Local School Board may request, by special petition, permission from the Commission to transfer its Choice School contracts to a different authorizer before the expiration of the Choice School charter contract terms. The Commission will consider any petitions received under this Section on a case-by-case basis and may grant the transfer requests in response to special circumstances and if there is evidence that the transfer would service the best interest of the Choice School's students.

7.6 Wind-up and Dissolution.

In the event of revocation, non-renewal of the Local School Board's authorizing authority, or approved requests to transfer Charter Contracts held by the Local School Board, the Commission will manage the timely and orderly transfer of each Charter Contract held by the Local School Board to another authorizer in the state, with the mutual agreement of each affected choice school and proposed new authorizer. The new authorizer shall assume the existing Charter Contract(s) for the remainder of the Contract term.

SECTION 8: GENERAL PROVISIONS

8.1 Order of Precedence.

Any inconsistency between governing authorities may be resolved by giving precedence in the following order: applicable state and federal laws, regulations, and requirements; this Contract; Commission policies; the original Application; and other exhibits to this Contract.

8.2 Amendments.

No amendment to this Contract will be valid unless ratified in writing by the Commission, approved by a quorum of the Commission and the Local School Board, and executed by authorized representatives of both parties.

8.3 Merger.

This Contract, together with the Application and with the attachments and exhibits thereto, contains all terms, conditions, and provisions hereof and the entire understanding and all representations of the parties relating hereto. All prior representations, understandings, and discussions are merged herein and superseded and canceled by this Contract.

8.4 Non-Assignment.

Except as herein specified, neither party to this Contract will assign or attempt to assign any rights, benefits, or obligations accruing to the party under this Contract unless the other party agrees in writing to any such assignment. Such consent will not be unreasonably withheld, conditioned, or delayed.

8.5 Governing Law and Enforceability.

This Contract will be governed and construed according to the Constitution and laws of the State of Montana.

8.6 No Third-Party Beneficiary.

The enforcement of the terms and conditions of this Contract and all rights of action relating to such enforcement will be strictly reserved to the parties. Nothing contained in this Contract will give or allow any claim or right of action whatsoever by any other or third person. It is the express intent of the parties to this Contract that any third party receiving services or benefits hereunder will be deemed an incidental beneficiary only.

8.7 No Waiver.

The parties agree that no assent, express or implied, to any breach by either of them of any one or more of the provisions of this Contract will constitute a waiver of any other breach.

8.8 Notice.

Unless otherwise specifically provided herein, any notice required or permitted under this Contract must be in writing and will be effective upon personal delivery or email delivery where an email address has been provided (subject to verification of service or acknowledgement of receipt), or three days after mailing when sent by certified mail, postage prepaid by the sender, using the addresses listed on the Cover Page of this Contract. Either party may change the address for notice by giving written notice to the other party pursuant to this paragraph.

8.9 Severability.

If any provision of this Contract is determined to be unenforceable or invalid for any reason, the remainder of the Contract will remain in full force and effect, unless otherwise terminated by one or both of the parties in accordance with the terms contained herein. Either party may revoke this Contract if a material provision is declared unlawful or unenforceable by any court of competent jurisdiction and the parties do not successfully negotiate a replacement provision. The parties

agree to meet and discuss in good faith any material changes in law that may significantly impact their relationship as set forth in the Contract.

8.10 Referenced Laws, Policies, and Procedures.

The parties agree that unless context clearly establishes otherwise, all references to applicable laws, statutes, rules, regulations, or policies are intended to include: (1) federal statutes and regulations, including interpretations and guidance from the responsible federal agencies; (2) state statutes and rules, including interpretations and guidance from the responsible state agencies; (3) Commission policies and procedures; and (4) local ordinances, if generally applicable to schools within the local government's jurisdiction.

8.11 Survival of Certain Contract Terms.

Any provision of this Contract that imposes an obligation on a party after termination or expiration of the Contract shall survive the termination or expiration of the Contract and shall be enforceable by the other party.

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Signature Page

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT.

<p>LOCAL SCHOOL BOARD [LOCAL SCHOOL BOARD NAME]</p> <p>By: _____ Chairperson, Board of Directors</p> <p>Date: _____</p>	<p>CHOICE SCHOOL COMMISSION</p> <p>By: _____ Chairperson, Commission</p> <p>Date: _____</p>
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The Phases of Implementation and Approximate Timeframes

Phase	Description of Goals	Timeframe
Phase I	Authorizing Choice Schools (not including criteria/metrics to guide decision making)	Completed by June of 2024
Phase II	Authorizing Authorizers (not including criteria/metrics to guide decision making)	Complete by September of 2024 meeting
Phase III	Developing criteria/metrics to guide decision making for Choice School Applications, Performance Frameworks, and Authorizer Applications	Complete by December of 2024 meeting
Phase IV	Build out Internal Policies/Handbooks/Guiding Documents for Phase I, Phase II and Phase III	Complete by Early Spring of 2025 1 st Quarter Meeting
Phase V	Establish a statewide formula for authorizer funding to be applied uniformly to every authorizer in the state	Start Winter/Spring 2025 with BPE? <i>TBD by lawsuit</i>
Phase VI	Renewal Procedures for Choice Schools and Authorizers	Complete by End of Spring of 2025 2 nd Quarter Meeting
Phase VII	Build out Internal Policies/Handbooks/Guiding Documents for Renewal of Schools and Renewal of Authorizers, develop format of Annual Report for schools, authorizers, and Commission to share with BPE, Ed Interim Committee and the Public	Complete by End of Fall of 2025 3 rd Quarter Meeting

Community Choice School Proposal Process -- Request For Proposal

20-11-111. Community choice school proposal process -- request for proposal.

- (1) To solicit, encourage, and guide the development of choice schools, every authorizer operating under this part shall issue and broadly publicize a request for proposal by June 1 of each year. The content and dissemination of the request for proposal must be consistent with the purposes and requirements of this part.
- (2) Each authorizer's request for proposal must present the authorizer's strategic vision for authorizing, including a clear statement of any preferences the authorizer wishes to grant to proposals that help at-risk students.
- (3) A request for proposal must include or otherwise direct applicants to the performance framework that the authorizer has developed for choice school oversight and evaluation in accordance with [20-11-109](#).
- (4) A request for proposal must include the criteria that will guide the authorizer's decision to approve or deny a choice school proposal.
- (5) A request for proposal must include clear and detailed questions designed to gauge an applicant's capacity to establish and operate a successful choice school, as well as guidelines concerning the format and content of an applicant's response to the request for proposal.
- (6) A request for proposal must require applicants to describe thoroughly the following essential elements of their proposed choice school proposal:
 - (a) an executive summary;
 - (b) the mission and vision of the proposed choice school, including identification of the targeted student population and the community the school hopes to serve;
 - (c) the location or geographic area proposed for the choice school;
 - (d) the grades to be served each year for the full term of the charter contract;
 - (e) minimum, planned, and maximum enrollment each year for the term of the charter contract;
 - (f) evidence of need and community support for the proposed choice school;
 - (g) background information on the founding governing board members and, if identified, the proposed school leadership and management team;
 - (h) the proposed choice school's proposed calendar and sample daily schedule;
 - (i) a description of the academic program, including identification of the planned standardized assessment to formally measure student achievement on an annual basis;
 - (j) a description of the proposed choice school's instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;
 - (k) the proposed choice school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically challenged, and gifted students, including but not limited to compliance with applicable laws and regulations;

(l) a description of cocurricular or extracurricular programs, if any, and how the programs will be funded and delivered;

(m) plans and timelines for student recruitment and enrollment, including lottery procedures;

(n) the proposed choice school's student discipline policies, including those for special education students;

(o) an organizational chart that clearly presents the proposed choice school's organizational structure, including lines of authority and reporting between the governing board, staff, related bodies such as advisory bodies or parent and teacher councils, and any external organizations that may play a role in managing the school;

(p) a clear description of the roles and responsibilities for the governing board, the proposed choice school's leadership and management team, and other entities shown in the organizational chart;

(q) a staffing chart for the proposed choice school's first year and a staffing plan for the term of the charter contract;

(r) plans for recruiting and developing school leadership and staff;

(s) the proposed choice school's leadership and teacher employment policies, including performance evaluation plans;

(t) proposed governing bylaws;

(u) explanations of any partnerships or contractual relationships central to the proposed choice school's operations or mission;

(v) the proposed choice school's plans for providing transportation, food service, and all other significant operational or ancillary services, if any;

(w) opportunities and expectations for parent involvement;

(x) a detailed school startup plan identifying tasks, timelines, and responsible individuals;

(y) a description of the proposed choice school's financial plan and policies, including financial controls and audit requirements;

(z) a description of the insurance coverage the proposed choice school will obtain;

(aa) startup and 5-year budgets with clearly stated assumptions;

(bb) startup and first-year cash flow projections with clearly stated assumptions;

(cc) evidence of anticipated fundraising contributions, if claimed in the proposal; and

(dd) a sound facilities plan, including backup or contingency plans, if appropriate.

Not in statute but to consider:

1. Indian Education for All

2. Mental health and wellness

3. School Culture/School Climate

Community Choice Schools Commission Meeting Evaluation

Name:

Meeting Date:

Please rate the following statements on a 1 to 5 scale according to:

- 5= strongly agree
- 4= agree
- 3= neutral
- 2= disagree
- 1= strongly disagree

Statements	5	4	3	2	1
The Commission meeting materials prepared me well for the meeting.					
I received the agenda packet in time to prepare for the meeting.					
Commission members came prepared to the meeting and ready to conduct business.					
The meeting was well facilitated.					
We focused most of our time on that which is most important.					
We used our time in the meeting room well today.					

The best part of the Commission meeting today was:

The meeting could have been better if we: