

INDIANA CHARTER SCHOOL BOARD

II. Charter Agreement Amendment Guidelines Policy

For Charter Schools Authorized by
the Indiana Charter School Board

Adopted June 2012

Revised and Re-adopted March 2018

Introduction

Charter schools operate with expanded autonomy in exchange for increased accountability. A charter school organizer that seeks to operate in a manner that differs from the terms and conditions language set forth in its fully-executed Charter Agreement (including the Exhibits incorporated therein), must either request an amendment to the Charter Agreement approved initial or notify the Indiana Charter School Board ("Indiana Charter Board") in accordance with the guidelines renewal charter application, which becomes part of the school's charter. A revision is a change to the school design as set forth below.

Charter Agreement Amendments

Changes That Require an Amendment in the school's charter. These revisions may include, but are not limited to the Charter Agreement

All proposed changes to the Charter Agreement require an amendment, with the exception of those involving the Charter Application, incorporated into the Charter Agreement as Exhibit A ("Exhibit A").

In the case of Exhibit A, the following guidelines apply:

1. When an organizer's Board of Directors ("Board") identifies a facility for a new charter school during the Pre-Opening period, the Board shall notify the Executive Director of the Indiana Charter Board ("Executive Director"). Once the facility has been secured (e.g., the lease has been signed), the Board shall notify the Executive Director of the facility's address in order to initiate the Charter Agreement amendment process.

2. If an organizer's Board plans to make any change to the charter school in the following categories, the Board shall submit to the Executive Director a request for a Charter Agreement amendment:

Location of school, if different from the location selected during the Pre-Opening period, academic program, governance

Enrollment structure (e.g., grades offered at, mission, location of the school), and/or certain policies and procedures.

- 1) Entry into contract with Educational Management Organization, if such arrangement is new for the charter school.

If a Board plans to make a material change to the

3. Revisions to a charter school in may require the following categories, the Board shall submit to the Executive Director a request for a Charter Agreement amendment:

- 1) Governance/organizational structure
- 2) Enrollment capacity¹
- 3) Contract with Educational Management Organization
- 4) Charter school facility
- 5) School schedule

How To Request an Amendment to the Charter Agreement

NOTE: the following does not apply with respect to facility identification for a new charter school during the Pre-Opening period. However, the following does apply to all other changes as described above.

To request an amendment to the Charter Agreement, including approval of either ~~Exhibit A~~, the Board must do the following:

1. Vote during a Board Meeting to approve the amendment request to the Indiana Charter School Board-

Submit an amendment request to the (“ICSB”) or ICSB’s Executive Director before subject of the amendment occurs or is necessary. The request must be a written document signed by the Board Chair and must attest to the fact the amendment request was approved by a majority of the Board’s voting the school can implement the change.

This Policy is designed to provide general information about the process for requesting revisions to charters. However, there may be operational changes that are not considered material (e.g., adding members to the Governing Board) but may still require other processes and/or approval.

Charter Amendments

Section 17.5 of the Indiana Charter School Board (“ICSB”) Charter Agreement provides that a “Charter may be amended only by a written instrument executed by the mutual consent of the Organizer and the Executive Director.”

Section 1.2 of the revised Charter Agreement² provides that:

The Organizer shall provide the Executive Director with an informal written request for any proposed changes to the Charter. In accordance with Indiana Charter Board policy, such changes may be approved by the Executive Director, or require additional formal approval by the Indiana Charter Board. The Organizer shall not be required to

¹-See Charter Agreement Section 6.1 for acceptable enrollment variance.

² Applicable to schools opening in, or renewed for, the 2017-18 school year.

provide such written request for proposed changes to its Articles of Incorporation, Bylaws, general policies, or operational procedures provided that such proposed changes are communicated to the Executive Director prior to implementation, and are: (i) not otherwise prohibited or circumscribed by applicable law or the Charter, or (ii) are not materially different from those set forth in the Charter, as determined by the Executive Director.

As a general rule, material charter revisions are considered to be those revisions that result in a significant change to the school's educational philosophy, mission or vision; governance or leadership structure; or curriculum model or school design, or any other changes that are inconsistent with the current charter. Material charter revisions also include hiring or termination of a management company; change in school name; a change in location, if such revision results in relocation to another school district or geographic area; the maximum authorized enrollment; and/or grade levels served.

Non-material revisions are generally less significant changes to the school's educational philosophy, mission or vision; governance or leadership structure; the curriculum model; or school design, as determined by ICSB's Executive Director. Non-material changes may also include changes to the school's calendar or schedule; the school's by-laws; code of conduct; and/or major policies and procedures.

Material Changes

The following changes are considered material and require explicit approval by ICSB:

- 1) Revisions that fundamentally alter a school's mission, vision or educational philosophy;
- 2) Changes in the school design and/or educational program that are inconsistent with the school's charter;
- 3) Re-location of the school, if such revision results in relocation to another school district or geographic area;
- 4) Termination of a contract with an Education Service Provider for any reason; and
- 5) Contracting with an Education Service Provider, if such arrangement is new for the school.

Material changes to a school's Charter (or to any document incorporated by reference into the charter) requires a formal vote by the school's Governing Board. Any amendment request (or notification) submitted to ICSB staff must include an official copy of such Governing Board resolution. The amendment request must be signed by the chair of the Governing Board. The request may be submitted via email in PDF format or via standard mail.

The

ICSB's Executive Director will respond to the request or notice within ~~30~~fourteen (14) calendar days of receipt, either with an approval or denial. If the, unless an expedited review is requested amendment is approved, the Executive Director by the Governing Board. The response will also provide the necessary

document to execute the amendment. This document should be reviewed by the Board's legal counsel before indicate what, if any, further action is required.

ICSB staff will attempt to place amendments requiring formal approval by ICSB on the next scheduled ICSB meeting agenda. If the request is the result of special circumstances, ICSB staff will attempt to schedule an emergency meeting of the ICSB board. However, ICSB staff cannot guarantee approval by a specific date. Therefore, it is executed-recommended that potential amendments be submitted as early as possible.

Enrollment Plan Changes

A school may not make a change to its Enrollment Plan without the written permission of the Executive Director, that results in or has the effect of: (i) eliminating or nearly eliminating a grade or grades the Organizer was scheduled to serve under the Enrollment Plan; (ii) not enrolling any returning students scheduled to be served under the Enrollment Plan; (iii) eliminating any student's seat after the student has been admitted; or (iv) changing the school's maximum enrollment, except as described below.

However, an Organizer may: i) enroll a total number of students different from the school's maximum enrollment as set forth in its current Enrollment Plan, as long as the total enrollment does not exceed one hundred and ten percent (110%) of the maximum enrollment; and ii) vary the number of students in any particular grade and/or number of students within a class from that provided for in the Enrollment Plan for the purpose of accommodating staffing exigencies, attrition patterns and facilities.

Any variance from the school's Enrollment Plan, as amended, including the grade levels and maximum student enrollment to be served by the school must be approved in advance by ICSB's Executive Director. The form and timing of such requests are governed by ICSB's Enrollment Plan Amendment Policy.

Non-Material Changes

The following changes are generally not considered material. However, written notice must be provided to ICSB's Executive Director, who reserves the right to determine whether such change requires written approval:

- 1) Changes or corrections to the school's mission or vision statement or other sections of the charter that do not fundamentally alter a school's mission, vision or educational philosophy;
- 2) Minor corrections/clarifications to the school's organizational structure or charter;

- 3) Changes in the school's bylaws, code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, or teacher/staff handbook;
- 4) Changes in the school's admissions policy or enrollment process;
- 5) Minor changes in the school's schedule that are consistent with the charter; or
- 6) Adding a board member to an existing charter school.

Substantial changes to those documents listed in Attachment 2 of ICSB's Reporting Requirements, attached hereto as Exhibit A, must be re-submitted to ICSB staff.

Changes That Must Be Reported Immediately to ~~the Indiana Charter Board~~ ICSB

As detailed in the Charter Agreement, the following changes in governance and/or operations must be reported immediately (i.e., within five (5) calendar days) to ~~the~~ ICSB's Executive Director:

1. The ~~Organizer's~~ organizer's state or federal tax-exempt status is questioned, modified, or revoked-;
2. The ~~Organizer's~~ organizer's ability to conduct business in the State of Indiana is questioned, modified, or revoked by the Indiana Secretary of State-;
3. ~~The revocation of a contract with an Educational Management Organization.~~
4. ~~3.~~ Any material change in the availability or condition of the physical plant, such as through flood, fire, or other unanticipated circumstance-;
5. ~~4.~~ Any allegation that the ~~Organizer~~ organizer or the lessor has breached any lease, deed or other land use agreement concerning the physical plant-;
6. ~~5.~~ Any proposal to move the ~~Charter Schools~~ school from its current facility to another or from its current location to another-; or
7. ~~6.~~ Any lawsuit or administrative proceeding arising out of the operation of the ~~charter~~ school in which the ~~Organizer~~ organizer or ~~Charter Schools~~ school is named a plaintiff or defendant.

Exhibit A
(Attachment 2 of ICSB's Reporting Requirements)

<u>Must be Retained on Site and</u>	
<u>Re-submitted if Substantially Changed</u>	<u>Not Required to be Re-submitted</u>
<u>Student/Family Handbook</u>	<u>Staff Performance Evaluations</u>
<u>Discipline Policy (if separate from Student/Family Handbook)</u>	<u>Assessment Calendar</u>
<u>Employee/Staff Handbook</u>	<u>Student List</u>
<u>Organizational Chart</u>	<u>Expanded Background Checks</u>
<u>School Calendar</u>	<u>Expanded Child Protection Index Checks</u>
<u>Admissions/Enrollment Process</u>	<u>Student Health Records</u>
<u>Student Privacy (FERPA) Policy</u>	<u>Employee Files</u>
<u>School Calendar</u>	<u>Complaints/Grievances</u>
<u>Transportation Plan</u>	<u>Marketing Strategies</u>
<u>Financial Management/Internal Controls</u>	<u>Vendor Contracts (other than management contracts)</u>
<u>Lease Agreements, Mortgage and/or Deeds</u>	<u>Certificate of Occupancy</u>
<u>Governance Documents (Articles, Bylaws, Board Governance Policies, etc.)</u>	<u>Form 9 as submitted to DOE</u>
<u>Management Contract with ESP (if applicable)</u>	<u>Inventory List with Assets Purchased and Fund Allocation</u>
<u>Resumes for new Board Members</u>	<u>Special Education Records and Documentation</u>
	<u>English Language Learner Records and Documentation</u>
	<u>Staff Resumes/Qualifications</u>
	<u>Health/Safety Permits</u>
	<u>Loans/Debt Documentation</u>
	<u>IRS Documentation of 501c3 Status</u>