

## II. Charter Amendment Policy DRAFT

*Adopted June 2012*

*Revised ~~November 2017~~ and Re-adopted March 2018*

### Introduction

Charter schools operate with expanded autonomy in exchange for increased accountability. A charter school is held accountable to the language set forth in the approved initial or renewal charter application, which becomes part of the school's charter. A revision is a change to the school design as set forth in the school's charter. These revisions may include, but are not limited to, changes to the academic program, governance structure, mission, location of the school, and/or certain policies and procedures.

Revisions to a charter may require the approval of either the Indiana Charter School Board ("ICSB") or ICSB's Executive Director before 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 Agreement<sup>1</sup> 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 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

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<sup>1</sup> Applicable to schools opening in, or renewed for, the 2017-18 school year.

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) Significant changes in the organizational/leadership structure of the school (e.g., adding a new layer of administrative reporting or substantial changes to administrative or Governing Board personnel);~~
- ~~3) 2) Changes in the school design and/or educational program that are inconsistent with the school's charter;~~
- ~~4) 3) Re-location of the school, if such revision results in relocation to another school district or geographic area;~~
- ~~5) An increase or decrease in maximum enrollment (outside of the enrollment variance permitted by the charter);~~
- ~~6) A change in grade configuration;~~
- ~~7) 4) Termination of a contract with an Education Service Provider for any reason; and~~
- ~~8) 5) Contracting with an Education Service Provider, if such arrangement is new for the school; and.~~
- ~~9) Changing the name of the school.~~

~~The following changes are generally not considered material. However, informal 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.~~

## **Procedure**

### Material changes to a school's Charter

~~Any material change 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.

ICSB's Executive Director will respond to the request or notice within fourteen (14) calendar days, unless an expedited review is requested by the Governing Board. The response will 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 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:

- 7) 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;
- 8) Minor corrections/clarifications to the school's organizational structure or charter;
- 9) Changes in the school's bylaws, code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, or teacher/staff handbook;
- 10) Changes in the school's admissions policy or enrollment process;
- 11) Minor changes in the school's schedule that are consistent with the charter; or
- 12) 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 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 ICSB's Executive Director:

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

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

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