

State Public Charter School Commission

PROCEDURE: Charter Contract Amendment Procedures

Adopted: 6/13/2013

Effective Date: 6/13/2013

Revised:

OVERVIEW: These procedures outline the process in which a charter school may seek an amendment to its one-year State Public Charter School Contract (“Charter Contract”). A charter school may only seek a Charter Contract amendment to a material term contained within the Educational Program, currently contained in Exhibit A, or the School-Specific Measures, currently contained in Exhibit B.3, if applicable. The Commission determines which terms of the Educational Program are material and may revise such determinations from time to time. Any amendment to a Charter Contract shall be effective only if approved by a majority vote of the Commission at a public meeting, except for amendments changing a charter school’s official name, which shall be approved by the Commission Executive Director as described in Section 6 of these procedures. Charter schools shall not take action related to the requested amendment until the Commission has approved said amendment, with the exception of a relocation of facilities, as described in Section 4.E of these procedures. The term “business day” as used herein shall mean a government agency business day, excluding Saturdays, Sundays and Hawaii state holidays designated in §8-1, Hawaii Revised Statutes.

PROCEDURE DETAILS:

1. A charter school interested in amending its Charter Contract must complete and submit a Charter Contract Amendment Form (“Amendment Form”).
2. Charter schools are encouraged to contact Commission staff with questions on the Amendment Form or the extent of the information required therein prior to submission of the Amendment Form.
3. Requests for amendments pertaining to the following areas must use the applicable procedures:

Amendment	Procedure Section
Facilities Location	4.D, 4.E, and 4.H
Educational Service Provider	4.D and 4.F
School Specific Measures	4.G
Name Change	4.H and 6
Grades Served	4.D and 4.H
Educational Program (Exhibit A)	4.D

4. Within the Amendment Form, the charter school must provide information as follows:

- A. Material Term. Identify the material term within the Educational Program or School-Specific Measures that the charter school is seeking to amend;
- B. Amendment. Describe the proposed amendment to the material term and provide reasonable justification for the amendment;
- C. Effective Date. Specify the school year in and/or date on which the proposed amendment would become effective, if approved, provided that the effective date cannot be outside of the existing Charter Contract term;
- D. Educational Program (Exhibit A) Amendment. If seeking an amendment to the Educational Program (other than changes to a charter school's name, which is covered in Section 6), explain the impact of the proposed amendment and how the charter school plans to address any potential negative impacts on the following:
 - 1. Educational Program Design: including, but not limited to educational philosophy, curriculum and instructional design, pupil performance standards, high school graduation requirements, school calendar and schedule, supplemental programming, special populations and at-risk students, student recruitment and enrollment, student discipline, parent and community involvement, or educational program capacity;
 - 2. Operations Plan and Capacity: including, but not limited to governance, advisory bodies, grievance process, staff structure, staffing plans (including hiring, management, and evaluation), professional development, performance management, facilities (including, but not limited to a change in the location of the facilities), operations, or operations capacity; and
 - 3. Financial Plan and Capacity: including, but not limited to a financial plan or financial management capacity;
- E. Facilities Amendment. If seeking an amendment that relocates or expands the charter school's facilities, provide the following information:
 - 1. A Certificate of Occupancy for the new facilities at least 30 days prior to the first day of occupancy;
 - 2. A lease, deed, or other documentation showing that the charter school possesses the right to occupy the new premises;
 - 3. Documentation showing the new facilities meet applicable health, safety, fire, building, and zoning code requirements; and
 - 4. Documentation showing the new facilities are of sufficient size to safely house anticipated enrollment;

The charter school may not operate in any other location without the prior written approval of the Commission.

- F. Educational Service Provider (“ESP”) Amendment: If seeking an amendment that requires the charter school to change or enter into a new agreement with an ESP, provide the following information:
1. The final agreement to be entered into with an ESP upon Commission approval;
 2. A description of how the ESP agreement meets the ESP requirements in the Charter Contract, with citations to specific sections in the ESP agreement; and
 3. A letter of assurance stating that the ESP agreement was reviewed and approved by the charter school’s deputy attorney general and that all provisions of the ESP agreement meet the ESP requirements set forth in the Charter Contract;
- G. School-Specific Measure Amendment. If seeking to add a new School-Specific Measure or remove or amend a previously approved School-Specific Measure, provide the following information, with the understanding that proposed measures must be outcome-based, specific to the school, understandable, credible, measurable, quantifiable, and verifiable:
1. Provide the language for any proposed new or amended School-Specific Measure;
 2. Explain how the addition, removal, or amending of a School-Specific Measure provides a more accurate measurement of the charter school’s performance;
 3. Explain how the new or amended School-Specific Measure is outcome-based;
 4. Explain the means of collecting data and reporting the new or amended School-Specific Measure;
 5. Explain how the school will verify the accuracy of the measured outcome; and
 6. Provide a sample report of the new or amended School-Specific Measure;
- H. Amendments with Potential Data Reporting Impacts. If seeking an amendment that changes the school name, grades served, or location, identify any potential data reporting issues, based on the charter school’s discussion with the Department of Education Data Governance Office, and how such issues will be addressed; and
- I. Additional Information. Provide such additional information as the Commission may request to assist the Commission in reaching a decision.
5. Commission staff will send an acknowledgement of receipt of the Amendment Form to the charter school within one business day of receiving it.
6. If the charter school is seeking an official name change, the charter school will complete the Application Form with a request for the name change. The Commission Executive Director, with authority delegated by the Commission, will decide whether to approve or deny the amendment request. If approved:

- A. The Commission staff will send the formalized Charter Contract amendment to the charter school.
 - B. The charter school must return a signed copy of the amendment to the Commission along with a resolution from its governing board authorizing the signatory of the amendment.
 - C. The Commission Executive Director will execute the amendment and return a fully executed copy to the charter school. The effective date of the amendment will be the date the Commission Executive Director executes the amendment unless the charter school requests, and is approved for, a specific effective date.
- 7. For all other amendment requests, Commission staff will review the Amendment Form for accuracy and completeness and, if necessary, request additional information or clarity from the charter school needed to develop a recommendation to the Commission.
 - 8. Once Commission staff has the necessary and sufficient information needed to be able to make a recommendation to the Commission regarding approval, the proposed amendment will be scheduled for consideration by the next Commission Performance & Accountability Committee agenda in accordance with Chapter 92, Hawaii Revised Statutes.
 - A. Any questions or additional information or clarity requested by the Commission Performance and Accountability Committee must be sufficiently provided by the charter school at least six business days before the next Commission General Business Meeting.
 - B. If the charter school cannot provide the additional information requested in time, the charter school may request an extension, and the proposed amendment will be put on the next appropriate Commission Performance and Accountability Committee agenda.
 - 9. If the Commission Performance and Accountability Committee has no further questions, the Committee will make a recommendation to the Commission at the next Commission General Business Meeting.
 - 10. If the Commission approves the amendment, Commission staff will send the formalized Charter Contract amendment to the charter school within five business days for signature and approval.
 - 11. The charter school must return a signed copy of the amendment to the Commission along with a resolution from its governing board authorizing the signatory of the amendment.
 - 12. The Commission Executive Director, through delegated authority from the full Commission, will execute the amendment and return a fully executed copy to the charter school. The effective

date of the amendment will be the date the Commission Executive Director executes the amendment unless the charter school requests, and is approved for, a specific effective date.