
AGENDA ITEM: Proposed additional paragraph to be added to all charter contracts moving forward

Issue

The revision of a paragraph to the current contract language would provide clarification as to which charter modifications would be subject to the Board's amendment process. If approved, the revised paragraph in the amendment section of the contract would read (new language is underlined): "This Charter may be amended or modified by mutual agreement, in writing, of the parties. Amendments and modifications requiring prior written approval by the Arizona State Board for Charter Schools shall be posted on its website as an Amendment or Notification Request. The Charter Holder shall not take action or implement the modification requested in the amendment or notification until approved by the Arizona State Board for Charter Schools. All amendment and notification requests shall be submitted pursuant to the procedures or rules formulated by the Arizona State Board for Charter Schools. Charter modifications that are not posted on the website may be implemented without the approval of the Arizona State Board for Charter Schools."

Background:

- Through an existing paragraph in the charter, the charter can be amended. The paragraph states, "This Charter may be amended or modified by mutual agreement, in writing, of the parties. The Charter Holder shall not take action or implement the modification requested in the amendment or notification until approved by the Arizona State Board for Charter Schools. All amendments and notifications shall be submitted pursuant to the procedures or rules formulated by the Arizona State Board for Charter Schools."
- The Board has amendment and notification processes established for amending certain components of the charter.
- As the Board has continued to refine its application process to collect information that allows the applicant to demonstrate how the various components of a proposed plan align, the application now includes information for which the Board would not require an amendment prior to implementing a change (e.g. changes in the roles of the individuals responsible for the day-to-day operations of the school, change in the use of a contracted service provider, or changes in the advertising/promotion plan for the approved charter).
- The proposed language for the revised paragraph provides the Board with flexibility in the information it requests as part of the application process without restricting the charter holder's ability to make operational changes necessary to successfully operate a charter school.

Board Options

Option 1: The Board may vote to approve the proposed revised paragraph be incorporated into all charters moving forward. Staff recommends the following language: I move that all future charters entered into by the board for the purpose of authorizing or continuing the sponsorship or a charter include language that reads, "This Charter may be amended or modified by mutual agreement, in writing, of the parties. Amendments and modifications requiring prior written approval by the Arizona State Board for Charter Schools shall be posted on its website as an Amendment or Notification Request. The Charter Holder shall not take action or implement the modification requested in the amendment or notification until approved by the Arizona State Board for Charter Schools. All amendment and notification requests shall be submitted pursuant to the procedures or rules formulated by the Arizona State Board for Charter Schools. Charter modifications that are

not posted on the website may be implemented without the approval of the Arizona State Board for Charter Schools.” or some similar language as determined appropriate by legal counsel.

Option 2: The Board may choose not to incorporate the revised paragraph into future charters. No action is necessary.