



Charter Amendment Policy

*For Charter Schools Authorized by
the Indiana Charter School Board*

*Adopted June 2012
Revised and Re-adopted May 2018*

For more information, please visit the
Indiana Charter School Board website:
<http://www.in.gov/icsb>

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.

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

A school's Charter, including any document incorporated by reference into the Charter, may be revised in one of four ways:

- 1) Material changes to a school's Charter require formal approval by the Indiana Charter School Board ("ICSB");
- 2) Non-material changes to a school's Charter, including changes to school policies and processes described in a school's Charter Proposal, require written notice to, and may require formal written approval by, ICSB's Executive Director; and
- 3) Changes to a school's Enrollment Plan are subject to a separate process governed by the ICSB's Enrollment Plan Amendment Policy.

1) Material Changes

The following proposed changes are considered material and require formal approval by the Indiana Charter Board at a public meeting:

- a) Revisions that fundamentally alter a school's mission, vision or educational philosophy, including entering into, or terminating, a contract with an Education Service Provider;
- b) Changes in the school design and/or educational program that are fundamentally inconsistent with the school's original Charter Proposal, as amended; and
- c) Physical relocation of the school, or part of the school, if the relocation is to a different school corporation or a new geographic area.

Factors used to determine whether a new location is considered a “new geographic area” include, but are not limited to- 1) whether the new location is within a different school corporation district or neighborhood boundary; 2) whether the new location is considered to be in a different neighborhood (as defined by the local municipality); and 3) the distance, in driving miles, from the old location to the new location.

A school wishing to make a material change must notify ICSB staff of the proposed change prior to taking any action (other than governing board approval) executing the change. The school must submit a formal amendment request containing the information and accompanying documentation as determined by staff based on the nature of the request. All amendment requests must include a resolution from the school’s governing board, signed by the chair, approving the change described in the request. The deadline for submission of the request shall be set by staff and may vary depending on the nature of the request and the ICSB’s meeting schedule. All requests and accompanying documentation should be submitted via Charter Tools.

Unless the nature of the request requires expedited review, the Executive Director will notify the school’s governing board of the staff recommendation to the ICSB, to approve or reject the request, within fourteen (14) calendar days. The response will indicate what, if any, further action is required.

Unless the nature of the request requires expedited review, staff will add amendment requests to the agenda of the next regularly scheduled meeting of the ICSB. If the request requires quicker review, staff will attempt to schedule an emergency ICSB meeting. However, staff cannot guarantee amendment approval by a specific date. Therefore, it is recommended that amendments be submitted as early as possible.

2) *Non-material changes*

A non-material change is any change that isn’t described in Section (1), but still impacts some aspect of the Charter. A non-exhaustive list of examples include:

- a) Changes 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.
- b) Changes to the school’s organizational, governance, or leadership structure.
- c) Changes in the school’s articles or bylaws, as long as such changes are consistent with State and Federal law;
- d) Changes to a school’s policies and procedures, including the code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, or teacher/staff handbook.
- e) Changes in the school’s admissions policy or enrollment process.
- f) Changes to the school’s calendar or daily schedule unless such changes materially impact the school’s educational program.

Non-material changes generally do not require formal approval by ICSB; however, if a school is uncertain whether a change is material or non-material, please check with Staff. Decisions as to whether a change is material are at the sole discretion of the Executive Director.

Please refer to [Attachment 2](#) of ICSB's Reporting Requirements for a list of documents that must be re-submitted if they are substantially changed.

3) Enrollment Plan Changes

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

4) Other Required Reporting

Pursuant to [Section 8.4](#) of the Charter Agreement, the following changes **must** be reported within five (5) calendar days to the Executive Director:

- a) The Organizer's State or Federal tax-exempt status is questioned, modified, or revoked by the IRS, or the Organizer's ability to conduct business in the State of Indiana is questioned, modified, or revoked by the Indiana Secretary of State;
- b) The Organizer or the School is the subject of an investigation by any State or Federal agency for non-compliance with any State or Federal law, including, but not limited to, a notice of a due process violation, an educator misconduct investigation, or an investigation related to the use of State or Federal funds by any State or Federal agency;
- c) Any material change in the condition of the facility or physical plant that renders is unsuitable for instruction, such as through flood, fire, or other circumstance;
- d) Any allegation that the Organizer or the lessor has breached any lease, deed or other land use agreement concerning the facility or physical plant;
- e) Any information from law enforcement or other official sources for the arrest or charge of a board member or employee for any felony, crime related to theft or funds, acts against minor children or child abuse; and
- f) 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.