

CONTRACT AMENDMENT CHECKLIST | 2019-20

CHARTER CONTRACT AMENDMENT CHECKLIST FOR 2019-20



WELCOME

The Governor John Engler Center for Charter Schools encourages the Academy Board and administration to always plan and prepare for future success. Part of that planning should involve changes that the Academy may be considering for implementation during the 2019-20 academic year and how those changes impact the Academy's current Charter Contract.

The Contract is legally required to contain a number of components, including:

- A description of the staff responsibilities (Schedule 5);
- The address and a description of each site/facility where the Academy operates (Schedule 6);
- The Academy's educational goal and related measures (Schedule 7b);
- Educational Programs (Schedule 7c);
- Curriculum (Schedule 7d);
- Methods of pupil assessment (Schedule 7e);
- Application and enrollment requirements, including the maximum number of students (Schedule 7f); and
- The grade range of students enrolled at the Academy (Schedule 7h).

A Contract amendment is necessary in order to modify or expand any of these areas as the Contract should be reflective of the Academy's program(s) at all times, demonstrating a commitment to growth and progress. The Center has developed a flexible process for amending the Contract that ensures a proper balance between the need for independent development of the Academy and the statutory responsibilities of Central Michigan University. All Contract amendments require prior approval by the Center. To ensure that the Academy will be well-positioned to implement all changes in a quality way, the Academy will be required to prepare a well-developed plan that supports the expanding initiatives (including grade or facility changes or expansions).

The Center provides significant notification of the Contract amendment process in order to provide the Academy and the Center ample time to consider Contract amendment proposals and to develop and review the components necessary for amending the Contract. The Michigan Department of Education (MDE) requires that all Contract amendments related to site/facility and grade level changes be completed prior to implementation. The Center's Contract amendment process assists both the Academy and the Center in meeting this state-mandated requirement. Any Contract amendments for grade and site changes, if not finalized according to the MDE's timeline, could affect the Academy's ability to receive state school aid.

We look forward to learning about the Academy's plans for the 2019-20 school year. Please contact us at (989) 774-2100 with any questions related to the Contract amendment process.

Sincerely,



Amy Van Atten-Densmore
Director of School Operations

CONTRACT AMENDMENT PROCESS

STEP ONE: Official Correspondence from the Center

In the fall, the Center distributes the Contract Amendment Checklist (Checklist) and the Contract Amendment Request Resolution (Resolution). This correspondence is intended to remind the Academy Board and its administration of the Contract amendment process and encourage the Academy to begin its planning process.

STEP TWO: Submission of the Resolution

The Academy Board reflects on its plans for the upcoming academic year and considers how those plans may affect the Contract (e.g. if the Academy Board is considering expanding its current facility, Schedule 6: Physical Plant Description would need to be amended to reflect the change). If the Academy Board determines that the Contract needs to be amended to incorporate the potential changes, the Academy Board takes action to approve the Resolution and then submits the Resolution to the Center for consideration. The Resolution is available in fillable .pdf format on the Center's website (www.TheCenterForCharters.org/charter-contract-development).

It is important to note that according to Article IX of the Terms and Conditions of the Contract, amendments to the Contract take effect only after they have been approved and executed by the Academy Board and the University Board, or its designee (the Center's executive director).

STEP THREE: Approval or Denial of the Contract Amendment Request

Upon receipt of the Academy Board's Resolution, a determination is made to either allow the Academy to move forward with its requested change(s) or to deny the request. The Academy is notified of the decision. If the Center determines that the Academy may move forward with the requested change(s), the submission requirements and the associated due dates for the required materials will be outlined and the due dates will be placed on the Academy's individualized compliance calendar.

STEP FOUR: Submission, Review and Finalization of the Contract Amendment Materials

Upon receipt of the required documents, subject matter experts at the Center review the materials and work with Academy representatives regarding any questions and/or revisions of the materials. The goal of this exchange is to bring all materials into compliance with state and Center requirements for incorporation into the Contract via the Contract amendment.

STEP FIVE: Distribution and Execution of the Contract Amendment

Upon finalization of the materials for the Contract amendment, the Center will distribute the Contract amendment to the Academy Board, via email, for review and approval at its next meeting (Note: the Academy Board does have the option when it approves the Resolution requesting the Contract amendment to designate an Academy Board member to execute the Contract amendment on behalf of the entire Academy Board; in this case, the Contract amendment will be distributed to the designated Academy Board member for their signature).

Upon receipt of the Academy Board-approved Contract amendment, the signature of the Center's executive director is secured and the Contract amendment is distributed to the MDE for processing. All Contracts for academies authorized by the University are housed on the Center's website; therefore, once the Contract amendment is fully executed, an email containing a link to the fully executed Contract amendment will be sent to the Academy Board.

SUBMISSION REQUIREMENTS

In accordance with the Master Calendar of Reporting Requirements, and in order to facilitate changes in accordance with guidelines issued by the MDE, including the finalization of the Contract amendment prior to the commencement of the 2019-20 academic year, the Resolution is required to be submitted to the Center by **February 28, 2019**.

The notification identified above, in Step Three of the Contract amendment process, outlines the various documents required to process the Contract amendment. The Academy's submission requirements will be determined by the proposed changes(s) to the current Contract and may include one or more of the items listed below depending on the Academy's request. The Center requires that these materials be submitted electronically (in Microsoft® Word® or Excel® format, unless otherwise indicated, to allow for necessary editing).

Charter Contract Schedule 5: Description of Staff Responsibilities

Position Descriptions

The Contract Terms and Conditions provides the Academy Board the flexibility to employ or contract for personnel. Staffing levels should be sufficient to enable effective implementation of the Academy's educational program. Please contact Jennifer Cook, the Center's contract amendment coordinator, at (989) 774-2100 or JCook@TheCenterForCharters.org if the Academy is considering changes to its position descriptions.

Educational Service Provider Agreement

If the Academy Board is considering entering into a new ESP Agreement (or amending an existing ESP Agreement), then the Academy Board is required to comply with the Center's ESP policies, which are incorporated into the Contract through the Terms and Conditions. The current version of these policies is located on the Center's website (www.TheCenterForCharters.org/esp-policies). As a reminder, and for those academies that have not previously entered into an ESP Agreement, the Center's ESP Policies require that any proposed ESP Agreements be submitted to the Center at least 30 days prior to execution. Unless the Center's executive director extends the review period within 30 days of receiving the proposed ESP Agreement, the Center shall notify the Academy if the ESP Agreement is disapproved. The Center reserves the right to disapprove an ESP Agreement if the Academy Board submits an ESP Agreement that does not comply with the Contract, Applicable Law and University Policies. Specifically, the submission to the Center is required to include the following:

- Academy Board-reviewed, draft ESP agreement;
- Draft legal opinion; and
- ESP Information Sheet.

Charter Contract Schedule 6: Physical Plant Description

Physical Plant Description

In accordance with applicable law and the Contract Terms and Conditions, including Article XI, Section 11.5, the Academy is authorized to operate at the physical facility or facilities outlined in Schedule 6. If the Academy Board is requesting any site/facility changes (including the addition or removal of modular units) effective with the 2019-20 academic year, then the Academy Board is required to submit the following materials:

- A copy of the Application(s) for Plan Examination as submitted to the Bureau of Construction Codes (BCC) and the Bureau of Fire Services (BFS).
- A copy of the Letter(s) of Plan Approval issued by the BCC and the Fire Safety Plan Review report issued by the BFS.
- Site plan(s) – the site plan(s) must be cleanly drawn (as prepared by an architect or building engineer), scaled (if possible) and must have been approved by the BCC's Plan Review Division prior to submission. It must be submitted in a .pdf format and include:
 - Cross streets, recreation/playground area(s) and parking lots;
 - Traffic patterns;
 - All school and non-school buildings, including modular facilities; and
 - Address of each building.

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- Scaled floor plan(s) – the floor plan(s) must be cleanly drawn, scaled (as prepared by an architect or building engineer) and must have been approved by the BCC’s Plan Review Division prior to submission. It must be submitted in a .pdf format and include:
 - Address of the building(s); and
 - The layout of each floor (including identification of all rooms).

Floor plan(s) must be submitted electronically in .pdf format and should not be reduced in size prior to submission; the Center requires the plan(s) in the original size as prepared by the architect/engineer.

- Certificate of Use and Occupancy issued by the BCC (upon receipt).
Although it is the Academy’s intention to secure a Certificate of Use and Occupancy for the facility changes prior to the first day of school, the Center may require that the Academy provide a contingency plan should a Certificate of Use and Occupancy not be secured. If requested, the contingency plan shall provide details regarding where the Academy intends to place the students without utilizing any unapproved space.
- Inspection Report issued by the BFS (upon receipt) that shows approval of the project.
Although it is the Academy’s intention to secure an Inspection Report for the facility changes prior to the first day of school, the Center may require that the Academy provide a contingency plan should an Inspection Report not be secured. If requested, the contingency plan shall provide details regarding where the Academy intends to place the students without utilizing any unapproved space.

Church/State Questionnaire

As public charter schools, it is critical that any facility used by the Academy maintains the appropriate separation of church and state. Therefore, the Center has developed a questionnaire that is required for any facility that:

- Is affiliated with and/or owned by a church or other religious organization; or
- Was previously used by a religious entity.

Please note that “affiliation” may include a lessor/lessee relationship or other business relationship. The questionnaire is available in fillable .pdf format on the Center’s website (www.TheCenterForCharters.org/charter-contract-development).

Lease Agreement(s)

If the Academy Board plans to enter into a new lease (or amend an existing lease), then the Center requires that all lease agreements be negotiated and submitted to the Center for review at least 30 days prior to execution. As with the ESP Agreement above, this 30-day period provides for review time by the Center. Lease agreements are required to include:

- Language causing the immediate termination or amendment of the lease agreement without penalty to the Academy Board upon termination of the Contract or closure of an Academy Site according to the Terms and Conditions of the Contract;
- All referenced exhibits or attachments;
- The facility address(es); and
- Total square footage.

If the Academy is considering subleasing, copies of the lease between the lessor and the property owner are required to be submitted to the Center.

Financing Agreement(s)

If the Academy Board plans to purchase a facility or refinance existing debt, the draft long-term financing documents, any long-term intercept requests and any related documentation are required to be submitted to the Center for review at least 30 days prior to closing. As with the ESP and/or Lease Agreements discussed previously, this 30-day period provides for review time by the Center.

AHERA Management Plan(s)

The Academy is required to submit (electronically, in .pdf format) an approval letter from the Michigan Department of Licensing and Regulatory Affairs verifying that the proposed facility has an approved AHERA Management Plan on file with the state or a statement from the project architect verifying that the facility change was completed using materials that do not contain asbestos.

For additional information on the processes at the BCC and the BFS, please see the School Construction Project Checklist (www.TheCenterForCharters.org/site-facilities). For information related to other requirements associated with facility changes, please see the Site and Facility Change Information document (www.TheCenterForCharters.org/site-facilities).

Charter Contract Schedule 7: Required Information for a Public School Academy

Schedule 7c: Educational Programs

In accordance with applicable law and the Contract Terms and Conditions, including Article VI, Section 6.3, the Academy shall implement, deliver and support the Educational Program identified in Schedule 7c. The Educational Program is a narrative description of the Academy's unique approach to delivering the Curriculum in order to fulfill the Academy's mission and vision. Throughout the description of the Educational Program it is expected that, where applicable, a citation of the underlying research will be provided. The Educational Program is required to include all of the following:

- The Academy's mission statement, the Academy's vision statement and a statement of the Academy's values;
- An explanation of how the Educational Program is delivered to ensure that all students are provided the opportunity to attain the knowledge and skills as indicated in the written curriculum and described by state and national standards, both in core and non-core subject areas;
- A description of the approach(es) used to deliver the Educational Program in order to engage students in learning;
- A description of how the program allows for adaption and modification to meet the needs of all learners, e.g., gifted and talented students, students below grade level, students who qualify for special education services and English Language Learners. If the Academy serves fourth or seventh-grade students, then the description is required to include how the Academy will ensure that every general education student who does not show proficiency in reading will receive "special assistance reasonably expected to enable the pupil to bring his or her reading skills to grade level within 12 months" (MCL 380.1278(8)).

Note: *The following language is required to be included in the Educational Program:*

"When making educational placement decisions for students with disabilities, the Academy will ensure that parents are contributing members of the Individualized Educational Program (IEP) team and together the team will make decisions that are subject to requirements regarding provision of the least-restrictive environment. When determining how services will be delivered to students with disabilities, the Academy will follow all Special Education Rules as issued by the Michigan Department of Education. If a child with a current IEP enrolls in the Academy, the Academy will implement the existing IEP to the extent possible or will provide an interim IEP agreed upon by parents until a new IEP can be developed. IEPs will be developed, revised and implemented in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and state law and regulations.

The Academy will fully comply with federal laws and regulations governing children with disabilities as follows:

- *The Academy is responsible for providing a free, appropriate public education to children with disabilities enrolled in the Academy that have been determined through an IEP to require Special Education programs and services.*
- *The Academy will ensure that children who are suspected of having disabilities are properly evaluated by a multidisciplinary team, as defined in the Michigan Special Education Rules, and that children who have already been identified are re-evaluated by the multidisciplinary team at least every three years.*
- *When a multidisciplinary team determines that a special education student requires Special Education programs and services, the Academy will ensure that the IEP is fully implemented in accordance with IDEIA and reviewed on an annual basis or more frequently as determined by the IEP team."*

The Academy may expand on this standard description to the extent it deems necessary to appropriately describe the program.

- A description of the assessments utilized by the Academy to ensure progress toward the Educational Goal stated in the Contract. This should include not only the summative assessments required by law and the Contract but also other formative and summative assessments that are essential to measuring successful implementation of the Academy's curriculum;
- If applicable, a description of how the middle school and/or high school Educational Program addresses the skills necessary to prepare students academically for a successful transition;
- A statement regarding the development of Educational Development Plans for all middle school students (http://www.michigan.gov/documents/mde/PC_extras_1_2015_482099_7.pdf);
- If applicable, a description of the explicit graduation requirements that, at a minimum, comply with the Michigan Merit Curriculum;
- A description of the method of evaluation used to determine the effectiveness of the implementation, delivery and support of the Educational Program; and
- If applicable, the Educational Program must include the following language regarding an early childhood education program:

"The Academy operates an early childhood education program (Pre-Kindergarten and Great Start Readiness Program). On an annual basis, the Academy shall advise the Center on the current status of its early childhood education program. If changes occur in the Academy's early

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childhood education program, the Academy shall file a revised Early Childhood Education Questionnaire with the Center.

Unless permitted under Applicable Law or administrative rule, the Academy shall not use the state school aid funds to establish or operate its early childhood education program. In accordance with Applicable Law and administrative rule, the Academy shall budget and account for funds and expenses associated with its early childhood education program.”

If the Academy is considering adding an early childhood education program, an Early Childhood Education Questionnaire must be completed and submitted to the Center. The questionnaire is available in fillable .pdf format on the Center’s website (www.TheCenterForCharters.org/charter-contract-development).

Note: A Contract amendment incorporating the addition of an early childhood education program will not be processed until the Academy obtains a license to operate the program from the Michigan Department of Licensing and Regulatory Affairs’ Bureau of Community and Health Systems.

Schedule 7d: Curriculum

In accordance with applicable law and the Contract Terms and Conditions, including Article VI, Section 6.4, the Academy shall implement, deliver and support the Curriculum identified in Schedule 7d. The submission is required to include a detailed written curriculum by grade or level covering each subject/course to be taught and represent a focused, coherent and rigorous learning agenda. At a minimum, the subjects to be taught, as required by law, shall include English language arts, mathematics, science, social studies, physical education and health for kindergarten through grade eight. High school programs are required to offer a course of study that meets the Michigan Merit Curriculum (MCL 380.1278a, MCL 380.1278b).

General Curriculum Requirements:

The Academy’s curricular submission must meet the following requirements. The curriculum will:

- Demonstrate a logical sequence of learning objectives aligned to state and national standards;
- Outline instructional resources and tools;
- Provide the essential vocabulary for each content area; and
- Specify the methods of assessment.

Health Requirements:

Specific Health requirements including, but not limited to:

- Health education (Public Act 451 of 1976 being MCL 380.1169, 380.1502, and 380.1170, Revised School Code);
- Dangerous communicable diseases including, but not limited to HIV/AIDS (MCL 380.1169, Revised School Code); and
- Sex education, if it is part of the Academy’s curriculum (Public Act 451 of 1976 being MCL 380.1506 and 380.1507, Revised School Code and Public Act 94 of 1979 being MCL 388.1766a, State School Aid Act).

Other Considerations:

- If the curriculum is web-based, the Academy is required to provide all necessary login and password information such that a representative of the Center may review the curriculum in its entirety;
- Within the curricular document, include a citation to the specific standard(s) to which the curriculum is aligned;
- Complete the course matrix, listing all the courses offered per grade or level. Additionally, include the Academy contact person for all curriculum-related questions (template available at www.TheCenterForCharters.org/charter-contract-development); and
- Submit the written curriculum in a consistent format and as separate course documents clearly identified by Academy name, course title and grade or level. All submissions must follow the submission timeline established via the notification identified in Step Three of the Contract amendment process.

Non-Core Curriculum Requirements

Non-core curriculum is to be submitted in the same format as the core curriculum. The same template is required to be used, with a curricular document submitted for each grade, level and subject offered. As with the core curriculum, all non-core courses must be explicitly aligned with the state or national standards, representing a focused, coherent and rigorous learning agenda.

- **Health and Physical Education** – Health curriculum must address the Michigan health education requirements (Public Act 451 of 1976, MCL 380.1170 and 380.1502 Revised School Code) including the teaching of dangerous communicable diseases (MCL 380.1169 and

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380.1170). If the Academy Board adopts the Michigan Model for Health, only a module checklist will be required. Physical education curriculum is required for each grade or level. Participation in extracurricular athletics at the high school level may constitute successful completion of this requirement (MCL 380.1502).

- **Visual, Performing and Applied Arts** – A written curriculum must be submitted for each visual art, music, dance or theater course offered for each grade or level. The curriculum is required to explicitly indicate alignment to the Michigan Academic Standards. If state standards are not available for a given subject, alignment to national or international standards should be considered and referenced within the document. The standards can be accessed at http://www.michigan.gov/mde/0,4615,7-140-28753_64839_65510---,00.html.
- **World Languages** – A written curriculum must be submitted for each world language course offered for each grade or level. World language is required for high school graduation. Students can meet this requirement by completing two years of a world language in grades nine through 12 or by completing an equivalent learning experience in grades kindergarten through eight, meeting all state proficiency requirements. The Michigan World Language Standards and Benchmarks can be accessed at http://www.michigan.gov/mde/0,4615,7-140-28753_64839_65510---,00.html.
- **Technology and Online Learning Experience** – A written curriculum must be submitted for each technology course offered for each grade or level. Technology curriculum must align to the Michigan Integrated Technology Competencies for Students (MITECS) 2017. These standards can be accessed at <http://www.techplan.org/mitecs/>. If the online learning experience requirement for high school graduation is integrated into courses, submit documentation showing fulfillment of the online learning experience.

Schedule 7e: Methods of Pupil Assessment

In accordance with applicable law and the Contract Terms and Conditions, including Article VI, Section 6.5, the Academy shall properly administer the academic assessments identified in Schedule 7e. In addition, the Contract authorizes the Center to have access to the Academy's Student/School Data Applications through the Center for Educational Performance and Information and to the electronic reporting system administered by the MDE to access the Academy's state assessment results. The Academy is required to ensure that any persons involved with the administration of these assessments are properly trained and adhere to the ethical standards and testing procedures associated with these assessments. The University provides standard assessment language for this Schedule. If the Academy intends to add or change the assessment(s) it administers, the name of the new assessment will be required to be submitted, as well as the grades to which the new assessment(s) will be administered.

Schedule 7f: Application and Enrollment of Students

The Contract reflects the maximum number of students that may be enrolled at the Academy. The Academy's total enrollment may not exceed this number and the Academy must first receive prior approval from the Center before enrolling additional students in excess of the current contracted maximum enrollment number. If the Academy is proposing a grade addition for the 2019-20 academic year that requires an increase in the maximum number of students, the Academy Board must request the new maximum enrollment number in addition to the proposed grade level(s). Additionally, the Academy must submit scaled floor plans (upon request by the Center) in order to determine if the Academy's facility can adequately accommodate the proposed enrollment increase. The scaled floor plans must be submitted in .pdf format. Please do not reduce the size of the document prior to converting to a .pdf. In addition to being drawn 'to scale,' the floor plans must be cleanly drawn and include the following:

- Address of the building; and
- Layout of each floor (including identification of all rooms).

Schedule 7h: Age or Grade Range of Pupils

In accordance with applicable law and the Contract Terms and Conditions, including Article VI, Section 6.8, the Academy shall comply with the age or grade ranges as stated in Schedule 7h. The Academy may not enroll students in grades not authorized in the Contract. Prior written approval must be received from the Center before enrolling students in proposed additional grade levels. A Contract amendment is also required if the Academy Board plans to eliminate grade levels.