

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 406

SECTION: 400 Charter Schools

TITLE: Charter Amendments

ADOPTED: April 24, 2014

REVISED: March 22, 2018

## 406. CHARTER AMENDMENTS

### **Authority**

The School Reform Commission (“SRC”)<sup>1</sup> recognizes that opportunities for charter schools to evolve and improve may occur outside of the renewal process. In the absence of charter amendment provisions in the Charter School Law, the SRC establishes this policy to govern the acceptance, processing and review of mid-term charter amendment requests. Pursuant to this policy, the SRC may accept applications for material amendments of the charter agreement during the charter term. This policy as revised will apply to all charter amendment requests for implementation in the 2018-2019 school year and beyond.

Consistent with the School District of Philadelphia’s (“School District”) commitment to acting as a top-quality authorizer of high-performing charter schools, this policy will define a process by which charter schools can seek charter amendments during the charter term. This policy is designed to ensure that the charter school amendment process and decisions will be transparent, merit-based, and equitable.

### **Delegation of Responsibility**

The SRC authorizes the Charter Schools Office (“CSO”) to support the charter authorizing activities of the School District. In this role, the CSO works to support all charter sector stakeholders while upholding the School District’s principles of accountability, autonomy and equity. The School District seeks to ensure that all charter school options in Philadelphia are high quality options for students and families.

Charters generally exist for a defined term of five years. During that charter term, changes in regulations, operation, ideology, or business need may cause a charter school to seek a formal

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<sup>1</sup> Any reference herein to School Reform Commission (“SRC”) applies to any governing body or designated oversight entity for The School District of Philadelphia.

amendment. The CSO will work with all charter schools expressing interest in a charter amendment, consistent with this policy, to meet the needs of the charter school and its students.

Material charter amendments submitted during the charter term require authorization by SRC resolution and signed agreement. Such authorized or approved amendments become effective once a written amendment to the charter has been duly executed by the School District and the charter school. The CSO shall develop administrative procedures describing the application requirements and evaluation process to be followed in reviewing each type of Material charter amendment request consistent with this policy.

### **Definitions**

For the purposes of this policy, certain applicable terms shall be defined as follows:

**Business need** – Necessary for the continued, uninterrupted and/or legally compliant operation of the charter school.

**Charter Management Organization (“CMO”)** – Any organization providing or planning to provide substantially most or all of the charter school’s educational services. This includes educational management organizations (“EMOs”) and other management/shared services entities.

**Educational plan** – The section(s) of the charter that includes the educational philosophy, curriculum, and academic goals.

**Emergency** – Circumstances under which part or all of the current charter school facility is not fit for use or occupation as a result of a natural disaster, such as a fire or flood, or other major disruption which impacts the physical, health, and safety of students.

**Material charter amendments** – Changes to charter agreements that fundamentally affect a charter school’s mission, governance, organizational structure, location or facility, educational plan or the CSO’s ability to effectively monitor charter school operations and quality. Material charter amendments include:

1. Enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less (only qualified applicants as defined by eligibility criteria of this policy may be considered for enrollment expansions under this policy);
2. Change to grade levels served;
3. Significant change to mission, or fundamental change to educational plan;
4. Name change of Renaissance charter schools due to business-need or legal

- requirement<sup>2</sup>;
5. Change in building location or addition of new facility due to business-need, unavailability of current facility and/or emergency; and
  6. Change in CMO.

**Mission** - The explicit or implicit mission and/or vision of the charter school as reflected in the charter. The mission reflects the purpose of the charter school including what students will be served and with what methods, and what the charter school will accomplish. The vision reflects a longer-term realization of the mission and the highest priorities of the charter school.

**Timeframes for Submission of Material Charter Amendment Requests**

A charter school may submit one amendment request, per type of material charter amendment, during each charter term. Additionally, in the event of business need or unforeseen emergency, a charter school may submit one amendment request, per type, per school year during the charter term, to address the business need or an unforeseen emergency.

Requests must be submitted with required documents by January 15 of the school year prior to the proposed charter amendment effective date<sup>3</sup>. In the event of an unforeseen emergency requiring an immediate change in a charter school facility or location, the charter school shall submit a charter amendment request within a reasonable period of time, and such amendment request may be approved by the SRC as a ratification of the change in facility or location.

**Eligibility for Submission of Mid-Term Material Charter Amendment Requests**

<b>Material Amendment Type</b>	<b>Eligibility Requirements</b>
<i>Enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less.</i>	<p>Charter schools may submit one request for enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less, during the charter term.</p> <p>Charter schools seeking charter amendment requests for Enrollment Expansion must meet the following criteria to be eligible for submission:</p> <ol style="list-style-type: none"> <li>1. Academic proficiency at or above the School District average in English Language Arts (“ELA”) and Literature in the most recent school year; and</li> </ol>

<sup>2</sup> Name changes for traditional charter schools only require review and confirmation of submitted documents by the Charter Schools Office and a signed amendment to the Charter prior to being finalized.

<sup>3</sup> For amendment requests that will be implemented during the 2018-19 school year, material amendment requests and all supporting documentation are to be submitted within 30 days of adoption of this policy.

	<ol style="list-style-type: none"> <li>2. Academic proficiency at or above the School District average in math and Algebra I in the most recent school year; and</li> <li>3. Academic growth for the lowest performing group of students as measured by AGI (currently Lowest 20%) at the evidence of growth level of AGI <math>\geq 0</math> or above for the most recent school year in ELA and Literature; and</li> <li>4. Academic growth for the lowest performing group of students as measured by AGI (currently Lowest 20%) at the evidence of growth level of AGI <math>\geq 0</math> or above for the most recent school year in math and Algebra I; and</li> <li>5. Attendance rate of students attending 95% or more days of school in the top quartile (75<sup>th</sup> percentile or above) for similar school types.</li> </ol>
Change to grade levels served	Due to business-need or legal requirement caused by change in school feeder pattern.
Significant change to mission, or fundamental change to educational plan	A fundamental change to the mission and education plan includes grade band (i.e. K-8) or school-wide changes to the educational program. Such as a request to adopt a dual language, STEM-focused or project-based learning educational model. A fundamental change to the education plan does not include a change or an addition to specific curricular materials or assessments used for a subject or a grade level.
Name change of Renaissance charter schools	Due to business-need or legal requirement.
Change in building location or addition of new facility due to business-need, unavailability of current facility and/or emergency	Due to business need and/or emergency. Material charter amendments during the charter term related only to a change in building location or an addition of a new facility may be submitted more than once during a charter term if there is a demonstrated business need or unforeseen emergency.
Change in CMO	Due to business-need.

### **Evaluation Criteria for Material Charter Amendment Requests**

For material charter amendments, the evaluation criteria for all amendment types broadly includes: (i) the extent to which the initial request and subsequently submitted materials respond to the information requested by the CSO; (ii) capabilities of the charter school to provide comprehensive learning experiences to all students; (iii) demonstrated, sustainable support for the charter school's plans by parents, community members, and students; (iv) evidence of the charter school's previous performance and demonstration of ability to sustain this performance to meet the standards of the charter school performance framework in the domains of academic

success, organizational compliance and viability, and financial health and sustainability; and (v) demonstration of the charter school’s compliance with its charter.

In addition, the CSO will review and evaluate the following for each type of material charter amendment:

<b>Material Amendment Type</b>	<b>Evaluation Criteria</b>
<p>Enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less</p> <p>OR</p> <p>Change to grade levels served</p>	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain this performance to meet the best practice and equity expectations of the charter school performance framework in all domains;</li> <li>2. Clear-research based rationale for change to grade levels served (if grade change requested);</li> <li>3. Expected impacts on students, families, and staff resulting from proposed change;</li> <li>4. Financial impact on the charter school, including evidence of appropriate and sufficient budgeted expenditures for year one of the proposed amendment through the year the charter school reaches full scale;</li> <li>5. Demonstration of planned capacity increases at the charter school leadership or CMO level; evidence of responsive staffing plan;</li> <li>6. Detailed description of impact of expansion on academic plan, including rationale for curriculum and plan for serving all learners, aligned with the school’s Charter and Applicable Laws;</li> <li>7. Sustainable plan for student recruitment including any proposed lottery preferences;</li> <li>8. Evidence of an enrollment plan that is consistent and sustainable with any variations by grade level clearly explained;</li> <li>9. Evidence of sufficient facility space to accommodate new grades or students;</li> <li>10. Evidence of community engagement regarding new grade levels and any enrollment expansions, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the school advisory council (“SAC”);</li> <li>11. The CSO will review fiscal impact on the School District as a result of the requested charter amendment request;</li> <li>12. The CSO will review enrollment impact on public schools as a result of the requested charter amendment request; and</li> </ol>

	13. The CSO will review consideration of applicable criteria as specified for new charter applications in the CSL.
Significant change to mission or fundamental change to educational plan	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain or improve performance consistent with the expectations of the charter school performance framework in all domains;</li> <li>2. Clear rationale for change;</li> <li>3. Expected impacts on students, families, and staff resulting from change;</li> <li>4. Financial impact on charter school as a result of the change;</li> <li>5. Evidence of community engagement regarding change, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the SAC;</li> <li>6. Compliance of the proposed change with the school’s Charter agreement and all Applicable Laws; and</li> <li>7. Evidence of research basis for the change.</li> </ol>
Name change of Renaissance charter schools	<ol style="list-style-type: none"> <li>1. Clear rationale for name change;</li> <li>2. Expected impacts on students, families, and staff resulting from name change (including uniforms);</li> <li>3. Clear and actionable plans to change, remove, or cover evidence of the current charter school name in or on the charter school building;</li> <li>4. Financial impact on the charter school to effectuate the name change; and</li> <li>5. Strong Evidence of community engagement regarding new name, including any formal surveys.</li> </ol>
Change in building location or addition of new facility due to business-need, unavailability of current facility and/or emergency	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain or improve performance consistent with the expectations of the charter school performance framework in all domains;</li> <li>2. Clear rationale for change in facility or new facility;</li> <li>3. Expected impacts on students, families, and staff resulting from facility change (including any transportation and accessibility impacts);</li> <li>4. Financial impact on the charter school, including evidence of appropriate and sufficient budgeted expenditures for year one, and comparison to expenditures for current facility;</li> <li>5. Clear and complete information regarding any required zoning approvals, permits or certifications for the proposed facility;</li> </ol>

	<ol style="list-style-type: none"> <li>6. Estimated timeline for project completion and for move are consistent with academic calendar; evidence of a suitable alternative for construction or renovation delays; and</li> <li>7. Evidence of community engagement regarding new facility, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the SAC.</li> </ol>
<p>Change in Charter Management Organization (“CMO”)</p>	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain or improve performance consistent with the expectations of the charter school performance framework in all domains;</li> <li>2. Clear rationale for change;</li> <li>3. Expected impacts on students, families, and staff resulting from change (including uniforms, code of conduct, employee benefits, etc.);</li> <li>4. Financial impact on the charter school as a result of the change;</li> <li>5. Review of proposed CMO contract;</li> <li>6. Evidence of community engagement regarding new facility, if any, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the SAC; and</li> <li>7. Clear and detailed explanation of how change will allow charter school to meet the terms of its charter and Applicable Laws, while ensuring performance is consistent with the charter school’s goals and expectations of the charter performance framework.</li> </ol>

**Material Charter Amendment Request Process**

The CSO shall review material charter amendment requests and consider all necessary and appropriate factors relevant to the evaluation of the proposed change, including the impact of the material charter amendment request on the charter school’s ability to operate in an educationally and legally sound manner.

There are three identified phases of activity related to a material charter amendment request.

*Phase 1 – Submission*

The charter school develops its material charter amendment request and submits it along with the required documentation to the CSO for review in accordance with the submission guidelines in this policy.

### *Phase 2 – Processing*

The CSO performs an initial review of the request to determine completeness, and the CSO may request clarifications from the charter school. The CSO will conduct this initial review within 30 calendar days after receiving a request. At this stage, the CSO will cease the evaluation process if they determine the material amendment request does not meet the eligibility for submission as defined by this policy.

### *Phase 3 – Review*

The CSO identifies the submission of a request as complete and submitted in accordance with this policy, it will conduct an evaluation. The CSO notifies the SRC of the request at this stage. The CSO will complete the full evaluation and provide a recommendation in time for consideration by the governing body of the School District before the end of the school year that the request was submitted. The CSO will share its recommendation with the SRC, notify the charter school, and publicly post the recommendation report to the CSO website.

### *Phase 4 – Acceptance*

The SRC, or governing body of the School District, will consider the material charter amendment request at a public meeting before the end of the school year that the request was submitted. Any decision by the SRC, or governing body of the School District, on an amendment request shall not be an adjudication and cannot be appealed to the State Charter School Appeal Board, any administrative agency or any court. Failure of the SRC, or other governing body of the School District, to act on a material charter amendment request shall not be a deemed grant of or a deemed denial of the material charter amendment request.

### **Legal References**

1. 24 P.S. §§ 17-1701-A et seq.