

ASU Charter Contract Notification and Amendment Request Policy

This charter contract change notification and amendment request policy (this “Policy”) sets forth the requirements for a Charter Holder to request an amendment to its existing charter contract (the “Charter”) or to notify Arizona State University (“ASU”) of certain changes to the information Charter Holder provided in the Charter. Unless otherwise defined herein, capitalized terms used in this Policy shall have the meaning set forth in the Charter.

I. *Notice of Change.*

A. Changes. Pursuant to the Charter, the Charter Holder is required by the Charter to provide ASU with notice of certain changes. The certain changes (“Change(s)”), as detailed in the Charter, include but are not limited to the following:

1. Changing the name of the Charter School or Charter Holder’s business entity;
2. Adding or removing a Governing Body member;
3. Adding or removing a director, member, or manager of the Charter Holder’s business entity;
4. Adding, removing, or replacing the Charter Representative;
5. Changing the Charter Schools’ phone or fax number, or mailing address;
6. Changing the methods used to measure student outcomes; or
7. Any other matter required by ASU pursuant to this Policy and the Charter, as each may be amended from time to time, and as provided to Charter Holder in writing.

Any change that is not specifically stated above or agreed to by ASU, in writing, shall require the prior written consent of ASU.

B. Content of Notice. In notifying of a Change, Charter Holder shall include the following information to ASU:

1. The type of Change;
2. Statement that the Change is (a) made in accordance with the Charter and this Policy, (b) the Change was duly authorized by Charter Holder’s Governing Board, and (c) the Change complies with applicable laws, rules, and regulations; and
3. Statement certifying that the Change does not constitute an Amendment (as defined below) or assignment of the Charter.

C. Delivery of Notice. Any notice of Change shall be sent to ASU in accordance with the Delivery Method in Section III below (the “Delivery Method”).

D. Effect of Notice. Notwithstanding the foregoing, any notification of Change is subject to review and further inquiry, including requesting documentation, by ASU. If

ASU, in its sole discretion, determines that the Change is effectively an Amendment or assignment of the Charter, ASU is entitled to exercise all remedies available, including terminating the Charter.

II. Request for Amendment.

A. Amendments. Prior to making a change, other than the Changes identified in Section I above, the Charter Holder shall obtain the prior written consent of ASU. Such changes will be deemed an amendment to the Charter (“Amendment(s)”) and require the prior written consent of ASU.

B. Request for Amendment. Charter Holder shall submit a letter to ASU describing, in detail, the Amendment(s) requested. The letter may contain any information that Charter Holder believes will assist ASU in evaluating the request. In addition, Charter Holder shall provide documentation supporting its request for an Amendment. The supporting documentation will vary depending on the type of Amendment requested by Charter Holder. ASU’s charter authorization director (the “Director”) may request of Charter Holder additional information, documentation, or other supporting evidence required by ASU, in its sole discretion, to evaluate the request for Amendment. Examples of supporting documentation, includes but is not limited to:

Type of Amendment	Supporting Documentation
Changing the Charter Holder’s Core Education Model or Mission*	<ol style="list-style-type: none"> 1. Governing Body meeting minutes approving the change in Core Education Model or Mission; and 2. An explanation of how the new Core Education Model or Mission will increase the achievement of the Charter Holder’s target student population.
A merger, acquisition, asset purchase, dissolution, or other change to the corporate form or identity of the Charter Holder or any change of control of the Charter Holder	Determined on a case-by-case basis by the Director.
Changing any School Site’s physical address	Minutes from a Corporate Board or Governing Body meeting, as appropriate, approving the change.
Changing the number of instructional days or calendar type offered by the Charter Holder	<ol style="list-style-type: none"> 1. Governing Body meeting minutes approving the change; and 2. The rationale for the decision and how the change is in the best interests of the Charter Holder’s target student population.
Changing the Charter Holder’s enrollment capacity	<ol style="list-style-type: none"> 1. Governing Body meeting minutes approving the change; 2. A narrative addressing how the Charter Holder’s facility and staffing levels are sufficient to safely serve the requested enrollment capacity; and 3. The rationale for the change including how the change in

	enrollment capacity is in the best interests of the Charter Holder's target student population.
Changing the grade levels served by the Charter Holder	1. Governing Body meeting minutes approving the change; 2. The rationale for the change including how the change in grade levels is in the best interests of the Charter Holder's target student population; and 3. How the Charter Holder is prepared to serve any additional grades.
Changing the USFRCS exception	Governing Body meeting minutes approving the change.
Changing the Procurement laws exception	Governing Body meeting minutes approving the change.

The Charter Holder shall represent that the Amendment requested complies with applicable law and ASU's policies and procedures. The letter and supporting documentation shall be sent to ASU in accordance the Delivery Method below.

C. Review of Request for Amendment. ASU shall process the Amendment request within sixty (60) days of receipt. The Charter Holder's eligibility for any Amendment is ultimately determined by the Director. .

D. Determination of Request. The Director shall place the Charter Holder's request for an Amendment on a subsequent ASU Board meeting agenda, if the Director determines:

1. The Charter Holder has provided all necessary evidence in support of its request, including any supplemental evidence requested by ASU;
2. The evidence submitted substantively demonstrates the Charter Holder's need and preparedness for the Amendment; and
3. It is appropriate to grant the Amendment given the Charter Holder's Performance Framework.

The Director shall notify the Charter Holder of his or her determination of the Charter Holder's request for Amendment. If the ASU Board approves the Amendment, the Director shall notify the Charter Holder and do all that is necessary and proper to carry out the amendment and update ASU's records. All notifications required by this section shall be sent to the Charter Holder pursuant to the Delivery Method below.

E. Correction Plan. ASU may, in its sole discretion, assign a Correction Plan to the Charter Holder if the Charter Holder's academic or operational performance declines in the year immediately following the year in which ASU approved the Amendment, as measured by the Performance Framework.

III. *Delivery Method.* The parties shall send any communication regarding a Change or an Amendment to the other pursuant to the section of the Charter titled “Notice.” For any questions regarding this Policy, the Charter Holder is encouraged to contact the Director who is responsible for the administration of this Policy.
