



LOUISIANA DEPARTMENT OF EDUCATION

Material and Non-Material Amendments

Any modification to a school’s charter contract shall constitute an amendment to the charter. Amendments may be material or non-material.

Material Amendment	Non-material Amendment
<p>A material amendment makes substantive changes to a charter school's governance, operational, or academic structure. Material changes require approval from a majority vote from BESE unless both the school and the requested change meet the requirements of 'delegated authority' as defined in Bulletin 126.*</p>	<p>A non-material amendment makes no substantive changes to a school’s charter. Non-material Amendments do not require BESE approval and will be effective 10 days following receipt of written notification unless BESE or the Department of Education object to the proposed amendment.</p>
Examples	Examples
<ol style="list-style-type: none"> 1. changes in legal status or management, including the structure of the governing board, a corporate partnership, or assignment of or changes in management organization 2. changes in grade levels served 3. an increase in enrollment beyond 120% of the total set forth in the charter 4. an increase in admission requirements 5. changes in the contract with respect to collective bargaining 6. alterations to admission policies, procedures, criteria, if applicable 7. any amendment not expressly defined as a non-material amendment in Bulletin 126 	<ol style="list-style-type: none"> 1. changes to the mailing address, telephone, or fax number 2. changes to the designated contact person for either the school or the charter operator 3. changes in the contract exhibits with respect to TRSL 4. the removal of one or more admission requirements

* Material amendments require BESE approval unless the material change is a request for a change in grade levels served, or a request for a change in student enrollment beyond 120% of the enrollment established in the school’s charter if the schools meet the below qualifications.

- A. The charter has a current letter grade of “C” or higher or and equivalent SPS and the school's most recent designations for organizational and financial performance are “Meets Most Expectations” or better; or;
- B. The charter has a current letter grade of “D” or higher or an equivalent SPS, and a progress index equivalent to a letter grade of “A”; and the school’s most recent designations for organizational and financial performance are “Meets Most Expectations” or better

For schools operating under a Charter Management Organization (CMO), all schools operating within that CMO will be considered when determining “delegated authority”

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Process for Requesting a Material Amendment

Schools must submit the material amendment request form with all required supporting documentation as one submission by email to charters@la.gov, ensuring that they copy their assigned Director of Charter Accountability.

Process for Notification of a Non-Material Amendment

Schools must submit a non-material amendment notification form to the LDOE by email at charters@la.gov, ensuring that they copy their Director of Charter Accountability, within five days of the approval of the non-material amendment by the school's charter board. The non-material amendment will become effective 10 days following the receipt of the amendment if there is no objection from the LDOE or BESE.

Review and Formal Response by LDOE

Upon receipt by the LDOE, the request will be reviewed to confirm that the request:

- 1) is categorized as material or non-material correctly;
- 2) qualifies for delegated authority* or not;
- 3) has all appropriate documentation attached

If the requested material amendment qualifies for "delegated authority," and no additional information/documentation is needed, the State Superintendent will approve/deny the change and a written notification will be sent to the charter board president.

If the material amendment request does not qualify for "delegated authority," a summary and recommendation will be made to BESE. A copy of the recommendation will also be provided to the charter board president requesting the amendment, at least one week prior to the BESE meeting.

FAQ's:

- 1) What is "Delegated Authority"?
 - a) Delegated authority applies when schools are requesting to increase their enrollment beyond 120% of the enrollment established in the school's charter and allows for the Superintendent of Education to directly approve the request without presenting the amendment to BESE. It applies to schools who have a current letter grade of "C" or higher or and equivalent SPS and the school's most recent designations for organizational and financial performance are "Meets Most Expectations" or better, or;The charter has a current letter grade of "D" or higher or an equivalent SPS, and a progress index equivalent to a letter grade of "A"; and the school's most recent

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designations for organizational and financial performance are “Meets Most Expectations” or better.

- 2) What section of law and policy governs charter amendments?
 - a) Chapter 19 of Bulletin 126 further explains the material amendment process.
- 3) When may I submit a request for a material amendment?
 - a) You may submit a request for an amendment at any time. Please note that material amendments that require BESE approval may take several months to process depending on the complexity of the request.
- 4) What are the key components of a material amendment request?
 - a) Material amendment requests must be submitted along with approved board minutes identifying that the request was discussed and approved by the school’s board.
- 5) My board wants to make a non-material change to our charter contract. Is there a certain process or timeline by which this happens?
 - a) Non-material amendments can be submitted at any time by completing the non-material amendment notification form along with approved board minutes identifying that the request was approved by the board and submitting that notification to the school’s Director of Charter Accountability.
- 6) If my material amendment is approved, will I be issued a new charter contract? If a non-material amendment is approved, will I be issued a new charter contract?
 - a) Material amendments do not require a new charter. Amendments are added to the school’s current contract.
- 7) Who is my school’s “assigned Director of Charter Accountability”?
 - a) If you are unsure of the school’s assigned Director of Charter Accountability, you may submit the request, or notification, to charters@la.gov and it will be routed to the appropriate person.
- 8) When planning for a material amendment, what is important to consider?
 - a) It is important to remember that signed board minutes are required meaning that the school’s board will need to discuss and approve the request in one meeting and approve those minutes at its subsequent meeting. Additionally, depending on the complexity of the request, the approval process may take several months.
- 9) Once I submit my material amendment, what happens next?
 - a) The LDE will acknowledge receipt of the request and prepare the recommendation for BESE approval. The school will be notified when the request will appear before BESE. The school is encouraged to have representatives to the meeting should BESE have any additional questions.
- 10) Who from my school and/or board should attend the BESE meeting?
 - a) It's recommended that school leaders and board members attend and be prepared to speak.

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11) How do I submit a comment card?

- a) Should you wish to speak regarding your amendment, comment cards are available at the entrance of the board room. These cards should be completed and submitted to BESE representatives at the front of the room.

12) Are parents/school stakeholders allowed to attend the BESE meeting? Will they be able to provide testimony or support for the amendment request?

- a) All members of the public are encouraged to attend BESE meetings and share their thoughts on any item, including amendment requests by completing the comment cards as described in the previous question.

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