



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. change in the physical location of the school 4. an increase in enrollment beyond 120% of the total set forth in the charter 5. an increase in admission requirements 6. changes in the contract with respect to collective bargaining 7. alterations to admission policies, procedures, criteria, if applicable 8. 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 with a CMO, all schools operating within that CMO will be considered when determining “delegated authority”

Process for requesting a material amendment

Schools must submit the material amendment request form with all required supporting documentation as one document by email to their assigned Education Program Consultant and copy the Deputy Assistant Superintendent for Equity, Inclusion and Opportunities according to the timeline below.

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Material and Non-Material Amendment Timelines

Material Amendments	Non-Material Amendments
<p>Material Amendments may be submitted at any time, but will be reviewed for approval twice yearly; once in the Fall and once in the Spring.</p> <p>Submissions for the Fall approval process are due no later than 9/1 and include the following types:</p> <ul style="list-style-type: none"> ● Changes in grade levels served ● Change in location ● Increase in admission requirements and/or changes to admission policies <p>Any Fall specific submission that is received after that date will be held until the following Fall review period.</p> <p>Submissions for the Spring approval process are due no later than 2/1 and include the following types:</p> <ul style="list-style-type: none"> ● Changes in enrollment beyond 120% ● Changes in collective bargaining ● Changes in admission procedures Any submissions received after that date will be held until the Fall review period. 	<p>Schools should notify the LDOE of Non-Material Amendments within five days of the school board’s approval of the amendment</p>

Process for notification of a non-material amendment

Schools must submit the non-material amendment notification form and any supporting documentation to the LDOE by email to their assigned Educational Program Consultant (EPC) within five days (per BESE policy) of the approval of the non-material amendment by the school’s 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/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 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.

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If the material amendment request does not qualify for “delegated authority”, a summary and recommendation will be made to BESE in accordance with the submission timeline above. 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.

Following the decision by BESE, a formal communication will be sent to the charter board president requesting the amendment with the summary of the decision by BESE and (if applicable) two (2) copies of the material amendment attached for signature by the charter board president. Once signed, the material amendment should be submitted back to the assigned EPC. The Office of Equity Inclusion and Accountability will ensure that the material amendment is signed by the BESE president, and will send the fully executed material amendment to the charter board president via email and hard copy.

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