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|  | **Guidelines for Charter Amendments Subject to the Approval of the Commissioner of Elementary and Secondary Education** |
|  |
| May 2024 |



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# Introduction

These guidelines have three purposes:

* To identify the kinds of changes[[1]](#footnote-2) that must be approved by the Commissioner of Elementary and Secondary Education (commissioner);
* To outline the process that a charter school must follow when requesting approval of an amendment; and
* To specify the information that must be included in an amendment request.

# Changes at a Charter School Which Require Approval of the Commissioner of Elementary and Secondary Education

There are two categories of charter amendments which require commissioner approval prior to implementation:

* amendments subject to provisional approval by the Department of Elementary and Secondary Education (Department) prior to a vote by the charter school’s board of trustees, and
* amendments that do not require provisional approval prior to a vote by the board of trustees.

Please note that the timeline for processing any amendment is subject to the complexity of the issues involved and the schedule of the commissioner and Department staff. Charter schools are strongly encouraged to consult with the Department prior to submitting an amendment request, particularly one that proposes a significant change. **Please review the instructions for each type of amendment for information regarding the deadlines set by the Department.**

**Amendments subject to provisional approval prior to board of trustees’ approval:**

All amendments to policies approved by a board of trustees that require alignment to published Department guidance require **provisional approval** by the Department **prior** to a vote of the board of trustees. Provisional approval ensures that all changes maintain alignment with current Department requirements and guidance. The Department works with school representatives to ensure the timeline for provisional approval takes into consideration the meeting schedule of the school’s board of trustees. Depending upon the policy under revision and the degree to which the school has aligned its policy with Department guidance, the process for provisional approval may involve consultations with Department staff over a period of several weeks via phone and email, and a number of additional revisions to the proposed policy. Schools are encouraged to align the following policies as closely as possible to the Department’s criteria prior to submission for provisional approval. **See the Department’s** [**governance webpage**](http://www.doe.mass.edu/charter/governance/?section=amendments) **for the list of individuals responsible for the review and provisional approval of each of the following policy documents.**

Provisional approval is required for changes to:

* + [Accountability Plan](#_Instructions_for_Amendment_2);
  + [Bylaws;](#_Bylaws_Amendment_Checklist_2)
  + [Enrollment policy and application for admission](#_Instructions_for_Enrollment_1);
  + [Expulsion policy;](#_Instructions_for_Amendment_3) and
  + [Memorandum of understanding](#_Memorandum_of_Understanding_1) for Horace Mann charter schools.

**Amendments that do not require Department review prior to board of trustees’ approval:**

All other amendments to terms of the school’s charter may be voted upon by the board of trustees and submitted directly to the Department via [CharterSchoolAmendments@mass.gov](mailto:CharterSchoolAmendments@mass.gov) for commissioner approval, except trustee appointments which are submitted through the [Board Member Management System](https://www.doe.mass.edu/charter/governance/?section=bmms). Schools are encouraged to speak directly with Alyssa Hopkins ([Alyssa.K.Hopkins@mass.gov](mailto:Alyssa.K.Hopkins@mass.gov)) to discuss any questions or concerns prior to submission.

Advance consultation is not required for changes to:

* [School name;](#_Bylaws_Amendment_Checklist)
* [Mission[[2]](#footnote-3);](#_Mission_Amendment_Checklist)
* [Governance or leadership structure;](#_Governance_or_Leadership)
* [Educational programs, curriculum models, or whole-school designs that are inconsistent with those specified in the school’s charter[[3]](#footnote-4);](#_Educational_Program,_Curriculum_1)
* [Membership of the board of trustees](#_Instructions_for_Approval)[[4]](#footnote-5);
* [Schedule (e.g., length of school year, school week, or school day);](#_Schedule_Change_Amendment_1) or
* [Location of facilities, if such change involves relocating or expanding to another municipality within the charter region.](#_Location_of_Facilities_1) (603 CMR 1.10(2)).

**Vote by board of trustees to approve changes:**

The Department recommends that the board of trustees include in all votes, as a precaution, authorization for the school to work with the Department to make minor technical changes to the request **if** such changes are necessary to meet the requirements of statute or regulations. Such a precaution is typically useful in the case of school policies subject to a Department checklist or addressing technical errors in the completed schedule template and eliminates the need for a second vote by the board of trustees for non-substantive changes to the request.

**Differentiated timelines for amendment requests subject to commissioner approval:**

In general, the Department will accept the majority of requests related to the following changes by Commonwealth charter schools from January 1 through June 1 for an effective date in the current or subsequent fiscal year. **The Department’s submission window applies to the majority of requests seeking provisional approval that have not yet undergone a review by the Department and the majority of amendment requests not subject to provisional approval.** The submission window does not apply to amendments already provisionally approved by the Department returning for commissioner approval after a board vote; provisionally approved amendments may be submitted at any time. The following amendments are subject to the January 1 through June 1 submission window.

* Bylaws for boards of trustees of both Commonwealth and Horace Mann charter schools;
* Educational programs, curriculum models, or whole-school designs that are inconsistent with those specified in the school’s charter;
* Expulsion policy;
* Governance or leadership structure;
* Location of facilities, if such change involves relocating or expanding to another municipality within the charter region.
* Schedule (e.g., length of school year, school week, or school day);
* School name; and
* Mission.

Exceptions to the January 1 through June 1 submission window are enrollment processes, accountability plans, and most requests from Horace Mann charter schools.[[5]](#footnote-6)

*Enrollment processes:* The Department will accept requests related to the revision of a school’s enrollment policy and application for admission from March 1 through October 1. The Department’s preferred window does not include amendments provisionally approved by the Department returning for commissioner approval after a board vote. The Department will not generally consider revisions to enrollment policies that would take effect during an active enrollment period. Changes to enrollment processes for an upcoming application period must be approved by the commissioner **prior to implementation**, but no later than November 15. The Department may consider unusual circumstances outside of published deadlines.

*Accountability Plans:* The Department will initiate communication each spring with schools that have been successfully renewed or are within their first year of operation. The Department will communicate specific deadlines for each step of the process, including how and when to obtain provisional approval and, ultimately, the submission of the amendment request to obtain commissioner approval after a board vote.

*Horace Mann charter schools:* All requests subject to the approval of the local collective bargaining unit and the local school committee may be submitted at any time in order to accommodate obtaining the necessary approvals prior to implementation.

**Amendment requests from Horace Mann charter schools:**

Boards of trustees of Horace Mann charter schools must address the following requirements depending upon the type of amendment request and whether the Horace Mann charter is I, II, or III.

* *Bylaws and New Board Members*: Amendments by a Horace Mann charter school to its bylaws and membership on its board of trustees **do not require** approval of the local collective bargaining unit and local school committee.
* *Horace Mann I and III*: All other amendments, as described in [603 CMR 1.10(1) and (2)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=10), by a Horace Mann I and III require the approval of the local collective bargaining unit and the local school committee **prior** to the submission of such requests to the Department. If applicable to the amendment, provisional approval by Department staff must be obtained **prior** to any other approval, in addition to approval of the board of trustees, local collective bargaining unit, and the local school committee.
* *Horace Mann II (conversion)*: All other amendments, as described in [603 CMR 1.10(1) and (2)](http://www.doe.mass.edu/lawsregs/603cmr1.html?section=10), by a Horace Mann II require approval of a majority of the school's faculty and the local school committee **prior** to the submission of such requests to the Department. If applicable to the amendment, provisional approval by Department staff must be obtained **prior** to any other approval, in addition to approval of the board of trustees, school’s faculty, and the local school committee.

**Renewal Considerations:**

The Department strongly encourages schools to review their policies regularly for alignment with current requirements and published guidance. Schools seeking renewal of their charters have the option to revise their policies in the year prior to or immediately following a renewal decision. Amendments will generally not be considered during the renewal process unless it is necessary. Schools are responsible for maintaining compliance with federal and state requirements related to the material terms of the school’s charter and associated policies. The Department requires all schools who have been awarded renewal to update their policies accordingly and follow all steps necessary to complete the Department’s approval process for any applicable amendments.

# Preparing and Submitting Amendment Requests to the Commissioner

All amendment requests are submitted via email to [**CharterSchoolAmendments@mass.gov**](mailto:CharterSchoolAmendments@mass.gov) and copied to the Assistant Director, Alyssa Hopkins ([alyssa.k.hopkins@mass.gov](mailto:alyssa.k.hopkins@mass.gov)), or appropriate Department staff who oversees the relevant review (See the Department’s [governance webpage](https://www.doe.mass.edu/charter/governance/?section=amendments) for the list of individuals responsible for the review and provisional approval of each of the following policy documents).

All amendment requests shall include a **Charter Amendment Cover Sheet** and a **Charter Amendment Request Letter**. Charter Amendment Request Letters seeking [commissioner](http://www.doe.mass.edu/charter/governance/?section=amendments) approval should align with instructions within these guidelines and the template letters provided online. **All request letters should describe how the board came to decide to submit the charter amendment, why the amendment should be granted, and indicate specific concerns if the request is not granted, as applicable.** In order to reach a determination regarding the request, the Department requires each type of request to contain the information outlined in the respective instructions for each type of amendment. All amendment requests are submitted under the penalties of perjury and must provide **complete information** regarding the request. Incomplete amendment requests will not be considered and will require resubmission which will delay the review process. Schools are encouraged to contact the Department with questions prior to submission of any amendment request. Templates of the Cover Sheet and Request Letter can be found at: [http://www.doe.mass.edu/charter/governance/](https://www.doe.mass.edu/charter/governance/default.html?section=amendments).

The types of amendments, their corresponding timelines, and required elements are found below.

| Type of Amendment Subject to Commissioner Approval | Timeline for Submission | Is there a Checklist or Form to submit with Request Letter? | Is Provisional Approval required Prior to a Vote by Board of Trustees? |
| --- | --- | --- | --- |
| School name | January 1 – June 1 | No | No |
| Mission | January 1 – June 1 | No | No |
| Governance/leadership structure | January 1 – June 1 | No | No |
| Educational programs, curriculum models, or whole school designs | January 1 – June 1 | No | No |
| Bylaws [Horace Mann and Commonwealth] | January 1 – June 1 | Checklist | Yes |
| Schedule | January 1 – June 1 | Schedule template | No |
| Accountability plan | Varies by school | Accountability Plan template | Yes |
| Expulsion policy | Year round | Checklist | Yes |
| Location of facility [change in municipality] | January 1 – June 1 | No | No |
| Enrollment policy and application for admission | March 1 – October 1 | Checklist | Yes |
| Horace Mann amendments [Amendments subject to school committee approval are provided an extended window] | Year round with exception of enrollment policies (March 1 - October 1) | No | MOU (yes) |
| Membership of the board of trustees [All schools] | Year round | Individual’s Resume or Biography | No |

## Instructions for Amendment to School Name (Effective subsequent fiscal year)

Submissions are accepted from January 1 through June 1 to take effect in the following fiscal year.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* Proposed name must be clearly indicated in documentation
* If the school is to be named in honor of a person, living or dead, proof that the person in question or the estate of the person in question has granted the school permission to use the name.
* Describe school community’s involvement in name change and provide evidence of communications with members of the school community regarding the change.

## Instructions for Amendment to Mission

Submissions are accepted from January 1 through June 1 to take effect in the following fiscal year. Mission amendments are typically language revisions of the school’s mission statement that do not affect other key aspects of the school. If the revision to the mission includes changes to the educational program, curriculum model, or whole school design, schools are advised to review and complete instructions for both types of amendments.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* Please ensure that the proposed changes consider the following expectations for mission statements:
* The mission defines the purpose and specialized focus of the school to its stakeholders and the public.
* The mission speaks to the value of the school, based on its own merit, and communicates its core beliefs and values about education.
* The mission indicates the key design elements proposed to achieve outcomes.
* The mission is consistent with high academic standards and student success.
* The mission is succinct and comprehensible.

Please address the following criteria in your request’s supporting documentation, as applicable.

* Describe why the school has proposed a change to its mission.
* Indicate if the request is required by a previously approved charter amendment or a recommendation previously issued by the Department.

## Instructions for Amendment to Governance or Leadership Structure

Submissions are accepted from January 1 through June 1 to take effect in the following fiscal year. Changes to governance or leadership structure refer to a change in the position(s) hired, supervised, and evaluated by the board of trustees. If the position(s) directly reporting to the board of trustees has or will be changed and results in a fundamental change in governance or leadership structure, the board is expected to submit a new organizational chart reflecting the change as well as updated bylaws reflecting the change in the position(s) reporting to the board.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* A copy of the school’s current bylaws with proposed changes clearly marked.
* An unmarked copy of the proposed bylaws.
* A completed bylaws checklist using the Criteria for Charter School Bylaws Checklist, found at <http://www.doe.mass.edu/charter/governance/>
* A copy of the school’s current organizational chart with a narrative description that clarifies the school’s current reporting structure to the board of trustees and the current reporting structure and relationship of the school’s leader(s) and administration regarding teachers, specialists, and other staff members.
* A copy of the school’s proposed organizational chart with a narrative description of the proposed reporting structure to the board of trustees and the reporting structure and relationship of the school’s leader(s) and administration regarding teachers, specialists, and other staff members. Discuss what motivated the proposed change and the incorporation of new positions and their responsibilities only if these new positions report directly to the board of trustees.

Please address the following criteria in your request’s supporting documentation, as applicable.

* If the school contracts with an educational management organization (EMO), describe how the EMO’s relationship with the board or school leadership changes as a result of the proposed amendment, if applicable.
* If the request is prompted by changes in individual(s) who report to the board due to the development of a network structure to provide management and administrative support to multiple schools, describe the proposed changes to the distribution of responsibilities and how the network structure will support the management and operation of multiple schools.

## Instructions for Amendment to Educational Program, Curriculum Model, or Whole School Design

Submissions are accepted from January 1 through June 1 to take effect in the following fiscal year. Such amendments may include significant changes to the school’s mission which reflect a change in educational program, curriculum model, or whole school design.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)

Please address the following criteria in your request’s supporting documentation, as applicable.

* Describe how the amendment request is consistent with the school’s mission. If the proposed change is not consistent with the school’s current mission, address the following criteria:
  + Describe why the school has proposed a significant change to its mission.
  + Describe how the proposed change in mission alters the original mission of the school. Schools are advised to consult with the Department if the nature of the change would also result in an amendment to the language used in the school’s mission.
* Describe the process that was used to determine a change was needed and how the choice was made regarding the proposed educational program, curriculum model, or whole-school design.
* Describe how the school’s culture and norms will be maintained or any changes that will occur as a result of the proposed change(s).
* Provide an outline of the curriculum/design that will be used, if modifications are required, including the content and skills to be taught in the core content areas at each grade level. Describe the process and procedures that will be used to align the curriculum to the Massachusetts curriculum frameworks and to evaluate whether the curriculum is effective and successfully implemented.
* Provide details of the implementation of the program delivery change in terms of daily or weekly organization of students and faculty (e.g., multi-grade, tracking, team-teaching, etc.), if modifications are required.

## Instructions for Amendment to Bylaws

Submissions are accepted from January 1 through June 1 to take effect upon approval. Submissions will be considered outside of the required dates in exceptional circumstances upon request. Amendments will not be considered for commissioner approval without provisional approval by Department staff based on compliance with published guidance.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* A copy of the school’s current bylaws with proposed changes clearly marked.
* An unmarked copy of the proposed bylaws.
* A completed bylaws checklist using the Criteria for Charter School Bylaws Checklist, found at <http://www.doe.mass.edu/charter/governance/>

## Instructions for Amendment to Memorandum of Understanding (Horace Mann)

Submissions are accepted year-round to take effect upon approval or the following fiscal year. Amendments will not be considered for commissioner approval without provisional approval by Department staff based on compliance with published guidance.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Prior to submission, contact the Department to discuss the proposed changes to the memorandum of understanding (MOU). The Department will work directly with the school's board of trustees to ensure required elements are incorporated or remain in the MOU. When modifications are required to the MOU, the board of trustees and district school committee must sign and adopt the modified MOU **after** provisional approval by the Department. **Once provisional approval is provided, the board of trustees must vote to approve the revised MOU prior to execution, and a copy of the signed MOU must be provided to the Department to complete the commissioner approval process.**
* Review M.G.L. c. 71 Section 89(w) and 603 CMR 1.08(1) for complete information. We encourage Horace Mann charter schools to consult their own legal counsel regarding the adoption of the MOU with the district and/or local collective bargaining unit(s).
* Review the required and recommended elements of a Type A (agreement with district) and Type B (agreement with district and local collective bargaining unit(s)) MOU found at <http://www.doe.mass.edu/charter/governance/>.
* The board of trustees must submit evidence of the vote to adopt the Type A MOU and/or Type B MOU during a board meeting, such as meeting minutes or a letter from the board chair.
* If a single MOU among the board of trustees, the school committee, and the local collective bargaining unit(s) is already in place, the agreement must include the required elements of both “Type A” and “Type B”.
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)

## Instructions for Amendment to Schedule (length of year, school week or day)

Submissions are accepted from January 1 through June 1 to take effect in the following fiscal year. Submissions will be considered outside of the required dates in exceptional circumstances upon request.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* [Transportation Services] If transportation is provided by the district where the school is located, the school **must** inform the school district where the school is located of the proposed schedule change **prior** to submission of the request **if** the schedule change would impact the services currently being provided by the district to the school.[[6]](#footnote-7) The request must include evidence that this communication has already taken place and confirm the district’s commitment to accommodate the proposed change if the school receives student transportation services from its local school district, such as an email or letter from the district.
  + No later than February 1, charter schools must notify the school district of all transportation needs for the following school year, including any changes resulting from the granting of an amendment, if the school district provides transportation for students who reside where the school is located. Please see the transportation advisory for more information: <http://www.doe.mass.edu/charter/guidance/2016-1.html>.
* [Length of School Year] A copy of the school’s current annual calendar and the proposed annual calendar for the next school year showing the proposed school year
* [Length of School Day] A copy of the school’s current and proposed weekly student/staff schedule reflecting any variations in the school day or the range of schedules if there are differences across the grade span or regularly scheduled shortened school days.
* [**Permanent Change**] A copy of the proposed schedule using the **Department’s schedule template** found at <http://www.doe.mass.edu/charter/governance/>.
* [**Temporary Change**] The school is not required to complete the Department’s schedule template if the schedule change is related to changing the number of school days in operation due to an unforeseen event. The school must explain the temporary cause and nature of the schedule change in the request letter.
* Describe how transportation services will be provided to all eligible students and indicate if any changes will be required.
* Provide clear evidence that the proposed change is supported by school stakeholders such as staff, parents, and students.

## Instructions for Amendment to Accountability Plan

The Department will initiate communication each spring with schools that have been successfully renewed or are completing their first year of operation. The Department will communicate specific deadlines for each step of the process.

Schools are asked to review the Department’s [*Guidelines for Writing Charter School Accountability Plans*](http://www.doe.mass.edu/charter/acct.html?section=guidelines) *at* <http://www.doe.mass.edu/charter/acct.html?section=guidelines>,and contact the Department to discuss the proposed changes to the Accountability Plan. The Department will work directly with the school to ensure required elements are incorporated in the plan. **Once provisional approval is provided by Department staff, the board of trustees must vote to approve the provisionally approved plan, and the school will submit a board approved Accountability Plan to complete the approval process and receive commissioner approval.**

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* A copy of the school’s current or previous Accountability Plan if one exists. In the case of schools that were recently granted charter renewal, the plan will be from the prior charter term.
* A copy of the proposed Accountability Plan following the Guidelines for Writing Charter School Accountability Plans found at <http://www.doe.mass.edu/charter/acct.html?section=guidelines>.

## Instructions for Amendment to Enrollment Policy and Application (Effective subsequent enrollment period)

Submissions are accepted from March 1 through October 1 to take effect in the ***upcoming* enrollment period**. Submit a draft of the proposed changes or additions to the enrollment policy and/or application to initiate the review process. Several iterations may be required to address feedback provided by Department staff in order to obtain provisional approval. Amendments will not be considered for commissioner approval without provisional approval by Department staff based on compliance with published guidance.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* A copy of the school’s current enrollment policy and application for admission with proposed changes clearly marked.
* An unmarked copy of the proposed enrollment policy and application for admission, including an established growth plan if the school is implementing a grade span and/or maximum enrollment increase, and the plan for transportation services if a regional school.
  + A growth plan includes the anticipated number of students per grade each year until the school reaches its final amended grade span and/or maximum enrollment. Schools are encouraged to craft growth plans which adequately reflect the typical year to year variation in student enrollment due to retention, attrition, and backfilling. Backfilling commitment should be evident in all growth plan assumptions for enrollment.
* [Regional charter school] A school’s plan for transportation services, if applicable, will state if the school provides or intends to provide transportation to all residents of its charter region in accordance with the [Charter School Technical Advisory 16-1: Transportation](http://www.doe.mass.edu/charter/guidance/2016-1.html). NOTE: A school’s commitment to provide transportation services to residents of the charter region during the scheduled school year, including those students who reside outside the city or town where the school is located, will establish the school’s eligibility for regional transportation aid reimbursement.
* A completed enrollment policy checklist, using the Criteria for Enrollment Policy and Application for Admission Checklist, found at <http://www.doe.mass.edu/charter/governance/>

## Instructions for Amendment to Expulsion Policy

Submissions are accepted year-round to take effect upon approval or the following fiscal year. Amendments will not be considered for commissioner approval without provisional approval by Department staff based on compliance with published guidance.

* Changes to charter school policies should reflect the [Act Relative to Student Access to Educational Services and Exclusion from School](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter222), [G.L. c. 76, §21](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section21)and[Student Discipline Regulations (603 CMR 53.00)](http://www.doe.mass.edu/lawsregs/603cmr53.html). **Schools are required to request and receive approval from the Department for any and all revisions to current expulsion policies prior to a vote of approval by the board of trustees.** The revisions made to the school’s expulsion policies will be reviewed against published Department guidance, including the Department’s [Advisory on Student Discipline](http://www.doe.mass.edu/lawsregs/advisory/discipline/StudentDiscipline.html).
* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* Certification that the local school committee have approved the proposed changes (Horace Mann charter schools only)
* Certification that the teachers’ union has approved the proposed changes (only Horace Mann I and III) or certification that the majority of the school’s faculty has approved the proposed changes (only Horace Mann II)
* A copy of the school’s current expulsion policy for general education and special education students with proposed changes clearly marked in track changes.
  + For the purposes of obtaining provisional approval from Department staff, please do not include the student handbook or code of conduct. Only expulsion policies, which are typically about three pages long, will be approved.
* An unmarked copy of the proposed expulsion policy included in the school’s code of conduct and/or student handbook.
* A completed expulsion policy checklist using the Criteria for Expulsion Policy Checklist at: <http://www.doe.mass.edu/charter/governance/>.

## Instructions for Amendment to Location of Facilities (if relocating or expanding to a new municipality)

Submissions are accepted from January 1 through June 1 to take effect in the following fiscal year.

* Charter Amendment Request Cover Sheet

<http://www.doe.mass.edu/charter/governance/>

* Charter Amendment Request Letter

<http://www.doe.mass.edu/charter/governance/>

* [**Temporary and Permanent Change**] Send a copy of the submitted amendment to the superintendent of the school districts from which the school enrolls or is expected to enroll students and certify to the Department that it has done so. Certification may come in a variety of forms, such as email, or proof of mailing via certified mail.
* [**Temporary and Permanent Change**] The school is required to submit materials related to the new facility, including a signed lease or evidence of ownership, assurance of full or programmatic accessibility to physically handicapped individuals, certificate of occupancy, certificate of inspection, asbestos inspection and AHERA management plan if applicable, and health permit, as applicable. Multi-hazard evacuation plan and medical emergency response plan are also required. Additional documentation may be required depending upon circumstances. Refer to the Department’s [Opening Procedures Handbook](http://www.doe.mass.edu/charter/new/?section=handbook) for additional guidance on facilities.
* [**Temporary and Permanent Change**] The school must explain the cause and nature of the location change in the request letter, describe the scope of the change in location for the school community, the plans and preparations for transportation and facility use, and communications with families and staff regarding the change in location.

Please address the following criteria in your request’s supporting documentation if the change is permanent, as applicable.

* Describe the financing plans and proposed budget for acquisition of a facility and any necessary renovations to meet the school’s needs, all local building requirements, and to meet accessibility requirements. *(NOTE: Any financing to be obtained by the school that extends beyond the charter term must be approved by the commissioner. For information on seeking approval for such a loan, please contact Joanna Laghetto at* [*Joanna.C.Laghetto@mass.gov*](mailto:Joanna.C.Laghetto@mass.gov)*. Charter schools are strongly encouraged to plan ahead regarding requests for approval. All documents should be submitted at least 30 days before the approval is needed.)*
* Describe briefly how transportation services will be provided to all eligible students. No later than February 1st, charter schools must notify the school district of all transportation needs for the following school year, including any changes resulting from the granting of an amendment, if the school district provides transportation for students who reside where the school is located.

1. The kinds of changes that require approval by the commissioner are defined in [603 CMR 1.10](https://www.doe.mass.edu/lawsregs/603cmr1.html?section=10). [↑](#footnote-ref-2)
2. Mission amendments are language revisions of the school’s mission statement. [↑](#footnote-ref-3)
3. Such requests include changes to the school’s mission, which reflect a change in educational program, curriculum model, or whole school design. [↑](#footnote-ref-4)
4. The commissioner will appoint new members of a school’s board of trustees on a monthly basis throughout the year. Commissioner appointment is required for all trustees regardless of status, including ex officio members and non-voting trustees, if any. [↑](#footnote-ref-5)
5. Amendments by a Horace Mann charter school to its bylaws and membership on its board of trustees **do not require** approval of the local collective bargaining unit and local school committee. [↑](#footnote-ref-6)
6. 603 CMR 1.07(3) Transportation:

   (a) All students who reside in the school district in which a charter school is located shall be provided transportation by the district, provided that either: 1. transportation is provided to district students in the same grade; or 2. transportation is required by the student's individualized education program. If a district provides an alternative means of transportation for its students in a particular grade, such as public transportation passes, it may do so for charter school students in that grade. A district may not limit transportation to charter school students based upon attendance zones or other geographic subdivisions of the district. The district shall accommodate the school day and school year specified in the school's charter, provided that the charter school shall make reasonable accommodations in setting its daily starting and ending times to foster cost-efficient transportation arrangements.

   (b) A charter school shall annually notify the district in which it is located of its projected transportation needs no later than February 1st prior to the start of the school year, provided that newly chartered schools shall provide such notification as soon as practicable following receipt of its charter. Charter schools shall update their projected transportation needs by April 1st based on pre-enrollment data.

   (c) If a district and a charter school are unable to reach agreement on the district's provision of transportation for all or some of the students attending said school, the charter school may provide its own transportation. The school shall make every reasonable effort to provide such transportation in the most cost-effective manner possible, including but not limited to collaboration with the district. The school shall be reimbursed by the district for the actual costs incurred by the school or for the district's average per pupil cost for all in-district student transportation, whichever is less. Said reimbursements shall be subject to the commissioner's approval and shall be paid through the Department's charter tuition payment process. [↑](#footnote-ref-7)