

CHARTER SCHOOL OPERATING AGREEMENT

There shall be a *Charter School Operating Agreement* executed between the Orleans Parish School Board (OPSB) and the governing board operator of each OPSB-authorized charter school, which shall define the rights and responsibilities of each party. A charter school without a signed operating agreement does not have legal authority to operate and may be prohibited from opening, receiving student-based funds and/or occupying or continuing to occupy an OPSB facility.

In accordance with La. Rev. Stat. Ann. §17:10.7.1, the School Board shall approve charter operating agreements for all charter schools under the School Board's jurisdiction that are limited to provisions which are common to all such charter contracts, unless terms specific to an individual school are authorized pursuant to OPSB policy in accordance with applicable state law. Pursuant to this requirement, the Superintendent shall present a common charter operating agreement to the School Board for approval. Authorized school specific terms (e.g. grade levels served, educational mission and goals, and admission requirements) may be included in an appendix to the common operating agreement.

Once a charter school has been approved for an initial or renewal term and has satisfied all conditions established by OPSB, the Superintendent shall develop and ensure the execution of an operating agreement for the charter school prior to July 1st of the school year in which the operating agreement will take effect. The School Board President shall be authorized to sign the charter operating agreement on behalf of OPSB, or, in the absence of the President, the Vice-President, and a duly authorized officer of the charter board shall be authorized to sign the charter agreement on behalf of the charter school.

Modifications / Amendments to Charter Operating Agreement

Modifications to the common charter operating agreement and amendments to individual charter operating agreements may be made in accordance with the procedures outlined below.

1. Modifying the Common Charter Operating Agreement. The School Board may approve modifications to the common charter operating agreement upon recommendation of the Superintendent. Modifications approved by the School Board shall be incorporated into all new and renewal charter operating agreements executed on or after the date of approval.
2. Material Amendments to Individual Charter Operating Agreement. Material amendments are amendments to school-specific terms of the charter operating agreement initiated by the charter school's governing board that fundamentally affect a school's mission, governance, organizational structure, or education program. For the purposes of this policy, material amendments shall include, but

not be limited to, changes to a charter school's:

- A. Grade levels served;
- B. Mission;
- C. Essential characteristic(s) of the Educational Program;
- D. Assignment of or changes in contractual relationships with an Educational Management Organization (EMO) or Charter Management Organizations (CMO) providing or planning to provide substantially all of the school's educational services;
- E. Change in Local Education Agency (LEA) status;
- F. Enrollment preferences.

Requests for proposed material amendments must be submitted to OPSB in writing for consideration. Upon recommendation of the Superintendent, the School Board may vote to approve, deny or modify the request for a material amendment by a ~~two-thirds~~ majority vote at a public meeting, in accordance with La. Rev. Stat. Ann. §17:3992(B).

3. Non-Material Amendments to Individual Charter Operating Agreement: Non-material amendments to the charter operating agreement are those that do not fundamentally affect a school's mission, governance, organizational structure, or education program. For the purposes of this policy, non-material amendments shall include, but not be limited to changes to:
- A. School name;
 - B. School location;
 - C. Charter Board President.

Requests for proposed non-material amendments must be submitted to the Superintendent in writing, along with a copy of the resolution of the Charter Board authorizing the proposed change, and shall be considered for approval by the Superintendent.

Amendments to OPSB Charter School Policies

The School Board recognizes that the development of policies governing its charter schools should be a cooperative and engaging process, to the extent practicable. To ensure that any proposed new charter school policy or policy amendment is carefully vetted and charter operators are provided with a reasonable opportunity to provide feedback, the School Board shall adhere to the following procedures in addition to those set forth in Policy *BD*, *School Board Policy*.

1. The preliminary development of a new policy or policy amendment governing charter schools shall be the responsibility of the Superintendent and staff with the assistance of the General Counsel. The Superintendent shall provide charter

schools with written notification of his/her intent to propose a new charter school policy or policy amendment affecting charter schools through announcement at a School Board meeting, posting to the School Board website and e-mailed notification to charter school operators.

2. After the notice of intent is provided to charter operators and prior to presentation of any proposed new policy or policy amendment to the School Board for consideration, the Superintendent shall facilitate a process to engage school operators in the development and review of such policy.
3. The proposed new policy or policy amendment shall be provided to charter operators no later than seven days prior to its first reading at a public meeting in accordance with Policy *BD, School Board Policy*. A charter operator may request the Superintendent delay the first reading for a period not to exceed 30 days.
4. Fiscal Impact Study: The Superintendent may conduct a fiscal impact study to quantify the anticipated cost of the proposed policy or policy amendment on the charter schools under the jurisdiction of OPSB, in accordance with the following guidelines:
 - A. A charter school or the Policy Committee shall submit a request for a fiscal impact study at or prior to the first reading of the proposed policy
 - B. The Superintendent shall present the fiscal impact study and a recommendation at the second reading.
 - C. The School Board may delay implementation of the new or amended policy for up to one year by a majority vote. The School Board shall consider said delay in implementation if the fiscal impact study demonstrates that the proposed policy may have:
 - (1) a system-wide cost greater than or equal to 4.5% of the aggregate revenue for all Orleans Parish public schools under OPSB's jurisdiction, as reflected by the cumulative adopted budgets of those schools; or
 - (2) a cost to an individual charter school greater than or equal to 7.5% of its adopted budget; or
 - (3) a cost to an individual Local Education Agency (LEA) which may result in a charter school violating the 70% instructional expenditure requirement, as promulgated by BESE policy and/or the most recent Minimum Foundation Program (MFP) resolution.

Any affirmative vote to delay implementation based on the fiscal impact to an individual charter school shall be applicable to all charter schools under

the jurisdiction of OPSB.

5. The School Board shall not consider new policy or policy amendments that alter a charter school's mission or the essential characteristics of a charter school's education program, or that impede a charter school's operational autonomy in the areas specified by La. R.S. § 17:10.7.1.

Approved: March 16, 2017

Ref: La. Rev. Stat. Ann. §§17:10.7.1, 17:3971, 17:3991, 17:3992; Bulletin 126, Charter Schools, Louisiana Department of Education; Board minutes, 3-16-17, 4-20-17.