



MATERIAL MODIFICATION APPLICATION TIMELINE AND GUIDELINES

August	Guidelines and Material Modification Application (MMA) posted on ISBE webpage .
October 15	MMA is due to statecharters@isbe.net .
October-November	Initial Application Review <ul style="list-style-type: none">• Review of MMA and due diligence by ISBE staff.• Requests for clarification or additional information at the discretion of ISBE staff.
November-December	Additional In-Depth Review and Recommendation <ul style="list-style-type: none">• Site visit, if applicable.• ISBE public meeting, if deemed necessary.• Recommendation developed by ISBE staff and submitted to the state superintendent.• Final decision by state superintendent or referral to the State Board for final action, at the superintendent's sole discretion.
December-January	ISBE Board Action (if applicable) <ul style="list-style-type: none">• MMA recommendation discussed by the State Board in public meeting. (School officials may attend and provide public comment.)• State Board vote on the MMA in public meeting.
January-April	Negotiations on Amended Charter Agreement
July 1	Amended Agreements Become Effective

MMA timeline subject to change at agency discretion. Material modifications approved pursuant to this process will be in effect for the following school year. ISBE will consider approving changes or adjustments to go into effect during the current academic year in instances related to life, health, or safety concerns.

INTRODUCTION

As a charter school authorizer, the Illinois State Board of Education (ISBE) may execute an initial charter agreement for a term of five years or a charter renewal agreement for a term of up to 10 years. This guidance sets forth a process for how a state-authorized charter school can legally modify its agreement with ISBE during a charter term. A change to any term in the executed charter agreement must be agreed to by ISBE before it can take effect. Changes that ISBE has defined as “material” require greater scrutiny, in accordance with the process outlined herein.

JURISDICTION

The Illinois Charter Schools Law [105 ILCS 5/Art. 27A] affords jurisdiction to charter school authorizers to negotiate modifications or revisions to elements of an existing charter agreement during the term of the charter. Any revision or modification to a charter school agreement must be approved by the authorizer and the charter school governing board.

MATERIAL MODIFICATION

A “material modification” is defined as any major change to a school’s academic model, operational function, or organizational structures negotiated in the school’s charter agreement. ISBE has compiled a list of the adjustments or changes that are considered material modifications or revisions. The school must complete the MMA provided herein before such changes will be approved:

- A. Significant changes to the academic program or curricular focus.
- B. Transfer of charter to a different entity.
- C. Bifurcation, addition, or relocation of school facility/campus.
- D. Enrollment increases beyond the enrollment maximum.
- E. Change to school calendar to accommodate a year-round educational model.
- F. Change in grade level(s) to be served.
- G. Partnership, employment, or termination of an Education/Charter Management Organization.
- H. Altering the mission of the charter.
- I. Altering the targeted student population.
- J. Any change to the charter agreement with respect to the National School Lunch Program (7 CFR 210 (2012)).
- K. Any change to the charter agreement with respect to the provision of student transportation.

Note: This list is not meant to be exhaustive. Schools must contact ISBE regarding **any** proposed changes to the charter agreement to determine if they qualify as material and to enable ISBE to evaluate compliance with the charter agreement and applicable laws.

ELIGIBILITY

Charter schools authorized by ISBE are eligible to seek a material modification if the following standards are met:

- A. School must be in “Good Standing” as measured by the State Authorized Charter School Accountability System.
- B. School must not be in “Improvement Status” as defined by ISBE’s Every Student Succeeds Act Accountability System unless the MMA is directly related to implementation of the school improvement plan.
- C. School must be in compliance with applicable law and regulations in the areas of special education and English learner programming. School must not be under a Corrective Action Plan (CAP) due to deficiencies in special education and/or English learner programming unless the MMA is directly related to the implementation of the CAP.
- D. School must adhere to MMA deadlines and timely submit responses to any ISBE requests for additional information as may be needed to analyze the MMA.

CRITERIA

A request for a material revision or modification must contain a **rationale** and **evidence of support from the existing charter school board, school leadership, and school community**.

ISBE will weigh the following in its decision to approve or deny a request to modify a charter agreement:

- A. School's compliance with applicable law.
- B. The best interests of students the school serves/intends to serve.
- C. School's current and historical academic, organizational, and fiscal performance.
- D. School's capacity and proposed plan to manage organizational and/or fiscal implications of modification.
- E. Evidentiary support or lack thereof for the requested modification.
- F. Public support or lack thereof for the requested modification.
- G. In the case of bifurcation or relocation requests, evidence of community outreach/engagement **in the targeted community**, including at minimum, active engagement through public meetings, evidence of support from impacted community members, and evidence of active engagement/dialogue and support from local political leaders.
- H. Demonstrated need by the school for change or adjustment.

GUIDANCE FOR STAKEHOLDERS

A material revision or modification to a charter agreement may impact the broader community where the charter school is located or proposes to be located/relocated. Community stakeholders, including parents, students, teachers, civic leaders and resident district administrators, will have the following opportunities to provide input on MMA applications:

- A. Stakeholders may submit written comments via email to statecharters@isbe.net during the evaluation period (generally October and November).
- B. ISBE reserves the right to hold a public meeting for the charter school to present the requested revision/modification and the public to provide comments.
- C. If the state superintendent has referred the MMA to the State Board for final action, public comments may be made during the regularly scheduled public participation segment of the State Board meeting(s) at which the MMA decision is considered and rendered.

PROCESS

ISBE will only consider MMAs on an annual basis unless exceptional circumstances justify a different timeline. Material modifications will generally only be granted for future school year(s). ISBE will consider approving changes or adjustments to go into effect during the current academic year in instances related to life, health, or safety concerns.

ISBE staff and evaluators will assess the rationale for the request and responses to the MMA to develop a recommendation to the state superintendent. The evaluation may involve facility site visits, school interviews, stakeholder focus groups, and review of public information related to the charter school and resident district. A public meeting may also be scheduled for matters of significant public interest. ISBE reserves the right to request additional information as needed to complete a comprehensive evaluation of the request.

The state superintendent will review staff's recommendation and will approve or deny the MMA or, at his/her sole discretion, make a recommendation to ISBE's Board and request that body to take final action at one of its regularly scheduled public meetings.