

Process for Change in Charter School Authorizer

Updated for State Fiscal Year 2015

This document provides instructions for an approved authorizer to submit a change in authorizer request to the commissioner of the Minnesota Department of Education (MDE). The request is submitted by the proposed new authorizer on behalf of a charter school. A change in authorizer request is reviewed against the terms and conditions set forth in an authorizer's commissioner-approved authorizer application and statutory requirements.

Minnesota Statutes, section 124D.10, Subdivision 23(c):

If the authorizer and the charter school board of directors mutually agree not to renew the contract, a change in authorizers is allowed. The authorizer and the school board must jointly submit a written and signed letter of their intent to the commissioner to mutually not renew the contract. The authorizer that is a party to the existing contract must inform the proposed authorizer about the fiscal, operational, and student performance status of the school, as well as any outstanding contractual obligations that exist. The charter contract between the proposed authorizer and the school must identify and provide a plan to address any outstanding obligations from the previous contract. The proposed contract must be submitted at least 105 business days before the end of the existing charter contract. The commissioner shall have 30 business days to review and make a determination. The proposed authorizer and the school shall have 15 business days to respond to the determination and address any issues identified by the commissioner. A final determination by the commissioner shall be made no later than 45 business days before the end of the current charter contract. If no change in authorizer is approved, the school and the current authorizer may withdraw their letter of nonrenewal and enter into a new contract. If the transfer of authorizers is not approved and the current authorizer and the school do not withdraw their letter and enter into a new contract, the school must be dissolved according to applicable law and the terms of the contract.

Please note:

- An eligible organization must be currently approved to authorize charter schools prior to submitting a change in authorizer request to MDE (per Minn. Stat. § 124D.10, Subd 3(c)).
- An approved authorizer must first review and evaluate the school's change in authorizer request according to Minnesota Statutes, section 124D.10, Subdivision 3(d)(3) and the process articulated in their commissioner-approved authorizer application prior to submitting a request to MDE.
- Only one change in authorizer request will be considered and reviewed by MDE for a school at any given point in time; if multiple requests for one school are submitted to MDE, the first request received will be the request reviewed.

Instructions:

Address the requirements contained below to submit a change in authorizer (CIA) request to MDE. CIA requests contain four parts:

- **Part A – Forms and Assurances:** This information is necessary to verify the proposed authorizer meets statutory eligibility criteria and helps MDE appropriately process the request.
- **Part B – Authorizer Summary:** This information is necessary to verify alignment with the terms and conditions of the proposed authorizer's commissioner-approved authorizer application.
- **Part C – Proposed Contract:** This information is necessary per Minnesota Statutes, section 124D.10, Subdivision 23(c).

- **Part D – Attachments:** This information verifies compliance with Minnesota Statutes, section 124D.10, Subdivision 23(c).

NOTE: *Tips are provided to help ensure successful CIA requests. Instructions provided in the tips may not be specifically required by statute, but are designed to ensure submission of a comprehensive request.*

Part A – Forms and Assurances

The following elements are required for a CIA request:

- I. Complete the Change in Authorizer Request Cover Sheet (Form 1).
- II. Complete the Authorizer Eligibility Certification (Form 2) and include attachments, if applicable.
- III. Complete the Authorizer Assurance and Certification (Form 3).
- IV. Complete the School Assurance and Certification (Form 4)

Part B – Authorizer Summary

- I. Proposed Authorizer Capacity – Minnesota Statutes, section 124D.10, Subdivision 3(d)(2). Please limit this part to two single-spaced pages.

Explain how the approval to authorize this school is consistent with the “Capacity and Infrastructure” section of your approved authorizer application.

- TIP: In discussing how the addition of this school is consistent with the “Capacity and Infrastructure” section of your approved authorizer application, include the size and type of schools in your existing portfolio.
- TIP: Clearly identify the authorizer liaison and other individual(s) who will oversee the school and indicate the amount of personnel time dedicated to the oversight of this school.
- TIP: Explain the need for any changes in the capacity or structure of your organization if this CIA request is approved.

- II. Proposed Authorizer’s Review Process – Minnesota Statutes, section 124D.10, Subdivision 3(d)(3).

Consistent with the commissioner-approved authorizer application, describe the application and review process used to determine approval of this CIA request.

- TIP: Provide a summary of *review data*, such as quantitative results (e.g., scores, ratings, rankings) and qualitative results (e.g., evaluative comments, interview feedback, strengths and weaknesses) generated by the *proposed authorizer’s review process*.
- TIP: Provide a one-page summary of *review process activities* conducted by the proposed authorizer (e.g., review activities, timeline/key dates, names of reviewers, involvement of organizational leadership in process, final action). Include specific page number citation(s) from the commissioner-approved authorizer application to demonstrate the CIA request review was consistent with approved plans.
- TIP: Provide a one-page *analysis of the review process results that justifies approval* of a change in authorizer for this school. Describe how any weaknesses identified during the review process were specifically addressed before submission to MDE.

Part C – Contract

Two critical aspects of an authorizer’s oversight work are establishing the initial performance contract with a charter school and deciding whether or not to renew that contract. The charter contract is the cornerstone of the charter school model, as it articulates and safeguards the rights and responsibilities of both parties.

Provide the proposed contract (i.e. draft contract) with the charter school that addresses:

- All required statutory contract provisions (Minn. Stat. §124D.10, Subds. 6(1-15), 15(c), and 23(c));
- How weaknesses or outstanding contractual obligations identified by the current authorizer will be specifically addressed in the new contract (see 17 below); and
- How any weaknesses identified through the proposed authorizer’s review process will be specifically addressed in the new contract (see 7 and 13 below).

Required contract provisions are summarized below. Additional guidance is available on the [Authorizer Resources](#) page of MDE’s Charter Schools website.

Statutory Contract Provisions – Updated for 2015!

Minnesota Statutes, section 124D.10, Subdivisions 6(1-15), 15(c), and 23(c) address charter contract requirements. A charter contract must be in writing and contain at least the following 17 elements (except element 8, see below):

1. A declaration that the charter school will carry out the primary purpose in Subdivision 1 (improve **all** pupil learning and **all** student achievement) and how the school will report its implementation of the primary purpose;
2. A declaration of the additional purpose or purposes in Subdivision 1 that the school intends to carry out and how the school will report its implementation of those purposes;
3. A description of the school program and the specific academic and nonacademic outcomes that pupils must achieve;
4. A statement of admission policies and procedures;
5. A governance, management, and administration plan for the school;
6. Signed agreements from charter school board members to comply with all federal and state laws governing organizational, programmatic, and financial requirements applicable to charter schools;
7. The criteria, processes, and procedures that the authorizer will use to monitor and evaluate fiscal, operational, and academic performance consistent with Subdivision 15, paragraphs (a) and (b);
8. For contract renewal, the formal written performance evaluation of the school that is a prerequisite for reviewing a charter contract under Subdivision 15 (**this is not applicable for a change in authorizer contract**)
9. Types and amounts of insurance liability coverage to be obtained by the charter school consistent with Subdivision 8(k);
10. Consistent with Subdivision 25, paragraph (d), a provision to indemnify and hold harmless the authorizer and its officers, agents, and employees from any suit, claim, or liability arising from any operation of the charter school, and the commissioner and department officers, agents, and employees notwithstanding section 3.736;
11. The term of the initial contract, which may be up to five years plus an additional preoperational planning year, and up to five years for a renewed contract or a contract with a new authorizer after a transfer of authorizers, if warranted by the school's academic, financial, and operational performance;
12. How the board of directors or the operators of the charter school will provide special instruction and services for children with a disability under Minnesota Statutes, sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability;
13. The specific conditions for contract renewal that identify performance **of all students** under the primary purpose of Subdivision 1 as the most important factor in determining contract renewal;
14. The additional purposes under Subdivision 1, paragraph (a), and related performance obligations under clause (7) contained in the charter contract as additional factors in determining contract renewal;
15. The plan for an orderly closing of the school under chapter 317A, whether the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract, that includes establishing the responsibilities of the school board of directors and the authorizer and notifying

- the commissioner, authorizer, school district in which the charter school is located, and parents of enrolled students about the closure, information and assistance sufficient to enable the student to re-enroll in another school, the transfer of student records under Subdivision 8 paragraph (p), and procedures for closing financial operations;
16. The agreed-upon fee structure (Minn. Stat. § 124D.10, Subd. 15(b)); and
 17. Identify and provide a plan to address any outstanding obligations from the previous contract (only applies to CIA contracts; Minn. Stat. § 124D.10, Subd. 23(c)).

Part D – Attachments

- I. Attachment 1 – The charter school and its existing authorizer must “jointly submit a written and signed letter of their intent to the commissioner to mutually not renew the contract” (Minn. Stat. § 124D.10, Subd. 23(c)). Attach a copy of the signed letter to the commissioner. Label the signed letter, “Attachment 1.”
- II. Attachment 2 – A copy of the *current authorizer’s evaluation* report to “inform the proposed authorizer about the fiscal, operational, and student performance status of the school, as well as any outstanding contractual obligations that exist” (per Minn. Stat. § 124D.10, Subd. 23(c)). Label the report, “Attachment 2.”

Submission – Updated for 2015!

Timeline: Change in authorizer requests must be submitted according to the following statutory timeline for existing contracts that expire on June 30, 2015 (Minn. Stat. § 124D.10, Subd. 23(c)):

- **Friday, January 30, 2015** – Last day for proposed authorizer to submit transfer request to MDE to authorizer a transfer school beginning July 1, 2015 – [105 business days before end of contract on June 30, 2015]*
- Monday, March 16, 2015 – Commissioner’s determination of transfer request – [30 business days]*
- Monday, April 6, 2015 – Authorizer response to MDE if determination was not favorable [15 business days] *
- Monday, April 27, 2015 – Commissioner’s final determination [45 business days before the end of contracts on June 30]

**Timeline will adjust if a CIA request is submitted to MDE prior to the January 30 deadline.*

Instructions:

- Only complete change in authorizer requests will be reviewed.
- Page numbers should be included throughout the submission. Identify and sequence materials **in order** according to the outline above.
- When completing forms, type requested information into grey form fields **before** printing. Double-check to make sure all required signatures are present and visible.
- Assurance and Certification forms (Forms 3 and 4) need to be signed and dated by appropriate parties before being scanned with other elements.
- Submit change in authorizer requests electronically. Scan elements from Parts A-B as *one PDF*, Part C (proposed charter contract) as a *second PDF* and Part D as a *third PDF*. Email the three PDF attachments to: mde.charterschools@state.mn.us.
- MDE will confirm receipt of an affidavit within two business days of submission. Please contact Jodi Brenden Amir at (651) 582-8297 if a confirmation is not received within two business days of submission.

NEED ASSISTANCE?

Please email or call Jodi with questions. If submitting questions via email, reference “Change in Authorizer Request” in the subject line of your message.

**Change in Authorizer Request
Cover Sheet – Form 1**

NAME OF PROPOSED AUTHORIZER:

NAME OF CURRENT AUTHORIZER:

NAME AND LEA NUMBER OF CHARTER SCHOOL:

Proposed Authorizer Main Contact Information

(Name, title, email address, phone number and mailing address)

Current Authorizer Main Contact Information

(Name, title, email address, phone number and mailing address)

Charter School Main Contact Information

(Name, title, email address, phone number and mailing address)

Proposed Change in Authorizer Effective Date

Change in Authorizer Request Authorizer Eligibility Certification – Form 2

NAME OF PROPOSED AUTHORIZER:

NAME OF CURRENT AUTHORIZER:

NAME AND LEA NUMBER OF CHARTER SCHOOL:

Check the appropriate box (Minn. Stat § 124D.10, Subd 3(b)):

- Independent school district school board, intermediate school district board, or education district organized under Minnesota Statutes, sections 123A.15 to 123A.19.
- Charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986 (exclusions apply; see Minn. Stat § 124D.10, Subd 3(b) for complete information.)

Include the following documentation immediately after this form; clearly label each attachment:

Attachment A: Documentation of the authorizer's *current* status under section 501(c)(3) of the Internal Revenue Code of 1986. TIP: Search the [IRS website](#), print results screen with date.

Attachment B: Documentation to evidence the authorizer's *current* membership with the [Minnesota Council of Nonprofits](#) or the [Minnesota Council on Foundations](#) (membership must be active when the affidavit is submitted).

Attachment C: Documentation of the authorizer's "active" registration with the Office of the Minnesota Attorney General when the affidavit is submitted to MDE. TIP: Search the [Attorney General's website](#), print results screen with date.

Attachment D: Documentation to evidence the organization has been incorporated in the state of Minnesota and has been operating continuously as a nonprofit for at least five years from the date of affidavit submission. TIP: Search the [Minnesota Business and Lien System](#) on the Minnesota Secretary of State's website, print results screen with date.

Attachment E: Documentation to verify the organization does not operate a charter school. TIP: Include a signed letter, on organizational letterhead, to verify this requirement.

- Institution of higher education; check the authorizer category the organization meets:
- Minnesota private college that grants two- or four-year degrees and is registered with the Minnesota Office of Higher Education under Minnesota Statutes, section 136A;
 - Community college, state university, or technical college, governed by the Board of Trustees of the Minnesota State Colleges and Universities; or
 - The University of Minnesota.
- Chambers of Commerce, Boards of Trade, Exchanges – a nonprofit corporation subject to chapter 317A, described in section 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may authorize one or more charter schools if the charter school has operated for at least three years under a different authorizer and if the nonprofit corporation has existed for at least 25 years.

Include the following documentation immediately after this form; clearly label each attachment:

Attachment A: Documentation of the authorizer's *current* status under section 501(c)(6) of the Internal Revenue Code of 1986. TIP: Search the [IRS website](#), print results screen with date.

Attachment B: Documentation to evidence the organization has been incorporated in the state of Minnesota and has been operating continuously as a nonprofit for at least 25 years from the date of affidavit submission. TIP: Search the [Minnesota Business and Lien System](#) on the Minnesota Secretary of State's website, print results screen with date.

- Single-Purpose Authorizer – Charitable, nonsectarian organization formed under section 501(c)(3) of the Internal Revenue Code and incorporated in the state of Minnesota whose sole purpose is to charter schools.

Include the following documentation immediately after this form; clearly label each attachment:

Attachment A: Documentation of the authorizer's *current* status under section 501(c)(3) of the Internal Revenue Code of 1986. TIP: Search the [IRS website](#), print results screen with date.

Attachment B: Documentation of the authorizer's "active" registration with the Office of the Minnesota Attorney General when the affidavit is submitted to MDE. TIP: Search the [Attorney General's website](#), print results screen with date.

**Change in Authorizer Request
Authorizer Assurance and Certification – Form 3**

NAME OF PROPOSED AUTHORIZER:

NAME OF CURRENT AUTHORIZER:

NAME AND LEA NUMBER OF CHARTER SCHOOL:

Pursuant to Minnesota Statutes, section 124D.10, the authorizer assures the commissioner of education that the authorizing organization will: (initial each line)

_____ Ensure that the charter school's primary purpose is to improve all pupil learning and all student achievement per Minnesota Statutes, section 124D.10, Subdivision 1(a).

_____ Monitor the charter school's compliance with all applicable federal, state and local laws, ordinances, rules, regulations and provisions governing the operation of a charter school in Minnesota should the CIA request be approved by the commissioner of the Minnesota Department of Education.

_____ Issue a charter contract with the school that meets the provisions of Minnesota Statutes, section 124D.10, Subdivisions 6, 15(c), and 23(c), including defining "the rights and responsibilities of the charter school for governing its educational program, controlling its funds, and making school management decisions."

_____ Abide by their commissioner-approved "process to be used for providing ongoing oversight of the school consistent with the contract expectations that assures that the schools chartered are complying with both the provisions of applicable law and rules, and with the contract."

_____ Follow its commissioner-approved "process for making decisions regarding the renewal or termination of the charter school based on evidence that demonstrates the academic, organizational, and financial competency of the school, including its success in increasing all student achievement (as the primary purpose and most important factor) and meeting the goals of the charter school agreement."

_____ Along with the fully executed charter contract upon approval of the CIA request, complete and submit to the commissioner of the Minnesota Department of Education the Assurances for Authorizers relating to leases with sectarian organizations and other matters regarding the accommodation of religion in public schools.

Certification: I hereby assure and agree to fully comply with the above assurances and all applicable federal, state and local laws, ordinances, rules, regulations and provisions governing the authorization of a charter school and will submit documents and certifications as required of approved authorizers in Minnesota.

Authorizer's Identified Official with Authority

(Provide the name, title and signature of person with legal authority to certify on behalf of the authorizer.)

Name:	Title:
Signature:	Date:

**Change in Authorizer Request
School Assurance and Certification – Form 4**

NAME OF PROPOSED AUTHORIZER:

NAME OF CURRENT AUTHORIZER:

NAME AND LEA NUMBER OF CHARTER SCHOOL:

Pursuant to Minnesota Statutes, section 124D.10, the charter school assures the commissioner of education that the charter school will: (initial each line)

_____ Ensure that the charter school's primary purpose is to improve all pupil learning and all student achievement per Minnesota Statutes, section 124D.10, Subdivision 1(a).

_____ Comply with all applicable federal, state and local laws, ordinances, rules, regulations and provisions governing the operation of a charter school in Minnesota should the CIA request be approved by the commissioner of the Minnesota Department of Education.

_____ Operate the charter school according to the terms and conditions of this CIA request and the charter contract with the school's new authorizer should the CIA request be approved by the commissioner of the Minnesota Department of Education.

_____ Annually complete and submit to the commissioner of the Minnesota Department of Education the Assurances for Charter Schools relating to leases with sectarian organizations and other matters regarding the accommodation of religion in public schools.

Certification: I hereby assure and agree to fully comply with the above assurances and all applicable federal, state and local laws, ordinances, rules, regulations and provisions governing the operation of a charter school and will submit documents and certifications as required of charter schools in Minnesota.

School's Identified Official with Authority

(Provide the name, title and signature of person with legal authority to certify on behalf of the charter school, usually the chair of the school's board of directors.)

Name:	Title:
Signature:	Date:

Change in Authorizer Request – Review Rubric

(for informational purposes only)

Proposed Authorizer:		Current Authorizer:		Charter School:		Date Request Received:		Review Completed:	
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The Charter Center applies the following definitions to the review rubric items:

Promising Practice: The authorizer’s fulfillment of this element meets “Satisfactory” criteria and demonstrates a promising practice of effective authorizing

Satisfactory: The documentation evidences compliance with state law and the authorizer’s fulfillment of their commission-approved plan.

Unsatisfactory: The documentation does not evidence compliance with state law and/or the authorizer’s fulfillment of their commissioner- approved plan. Specific deficiencies will be identified.

Part A – Submission Eligibility & Request Forms	All Items Included & Correct <input type="checkbox"/> Missing or Incorrect Items <input type="checkbox"/>
Feedback:	

Part B– Authorizer Summary	
B.I – Proposed Authorizer Capacity	Promising Practice <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Feedback:	
B.II – Proposed Authorizer Review Process	Promising Practice <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Feedback:	

Part C – Contract	
C.I – Proposed Charter Contract With the School	Promising Practice <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Feedback:	

Part D – Attachments	
D.I – Attachment 1 – Copy of Letter to Commissioner	Promising Practice <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Feedback:	
D.II – Attachment II – Copy of Current Authorizer’s Evaluation Report	Promising Practice <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/>
Feedback:	