

CONTRACT REVISIONS DISCUSSED

Changes in the gray-shaded sections are believed to have been included in all contracts.

4.3 **Commencement or Continuation**Release of **Operations, Public School Funds.**

The GOVERNING BODY acknowledges that the School may not receive State Equalization Guarantee ("SEG") funding as determined by the Department unless it is approved for commencement of operations or final contract approval, which requires until:

- 4.3.1 A current NMCI determination, certificate of occupancy and the occupancy permit for educational use are provided for each authorized site listed herein (and each site subsequently approved by the COMMISSION); AND:-
- 4.3.2 For a new charter school, the COMMISSION has determined that the GOVERNING BODY has satisfied all conditions imposed by the COMMISSION at initial approval and has demonstrated readiness to operate through the completion of the COMMISSION's Implementation Year Checklist; OR:-
- 4.3.3 Upon a request for renewal, the COMMISSION has determined that the GOVERNING BODY has satisfied all conditions imposed by the COMMISSION.

4.5.6 **Non-Profit Foundation Declaration IF NONE**

The School does not have a relationship with a non-profit foundation, the primary purpose of which is to provide financial support to the School. If a relationship should occur, the school shall provide the agreement governing the relationship between the School and the foundation as Attachment F. The members of the foundation's Board of Directors and its Executive Director shall be provided, along with a signed conflict of interest disclosure from each member, as Attachment G.

4.5.7 **Other Third Party Relationship Declaration IF NONE**

- 4.5.7.1 **Legal Agreement Provided.** The GOVERNING BODY or School does not have a legal relationship with a third party entity that is distinct from a relationship with a non-profit foundation described above. If the school establishes a third party relationship, the legal agreement governing the relationship between the School and the third party entity shall be included as Attachment H.
- 4.5.7.2 **Prior Approval Required.** If a third party relationship is established, changes to the document set out as Attachment H, or to its legal relationship and agreements with a third party entity requires the prior approval of the COMMISSION, which approval shall not be unreasonably withheld.
- 4.5.7.3 **Compliance.** If a third party relationship is established, the legal agreement in Attachment H shall comply with all provisions of this Contract and State law, and the School shall not be governed by, and is financially independent from, a third party entity.
- 4.5.7.4 **Compliance Review.** If a third party relationship is established, the COMMISSION shall be permitted to review the legal agreement and other relevant documents and records to determine whether the legal relationship between the School and a third party entity complies with all provisions of this Contract and State law, and to determine that the School is not governed by, and is financially independent from a third party entity.

- 5.4.2 **REMOVED Establish Vacancies by Grade.** The School must annually, prior to beginning the annual enrollment process, establish the number of vacancies by grade level available for student enrollment in that year. That number will govern the enrollment throughout the school year. AND RENUMBER 5.4.3 to 5.4.2

- 5.6.2 **Waivers Required.** To the extent such waiver is available, the School and its insurers ~~providing the required coverage~~ shall waive all rights of recovery against the State and the COMMISSION, their agents, officials, assignees and employees

- 5.9.2.3 **Report Conviction of Licensed or Certified Employee.** The Head Administrator shall report to the Department and the COMMISSION any known conviction of a felony or misdemeanor involving moral turpitude of a licensed or certified employee.
A discussion was had about incorporating HB 128, SCHOOL PERSONNEL BACKGROUND & TRAINING. No changes were made.

5.11.4.2 **School Improvement Plan.** If the School fails to meet its academic performance indicators in any year it must develop, submit, and begin implementing a School Improvement Plan within 60 days of the release of the academic performance information. The COMMISSION will not evaluate the quality of, or approve, the Plan. The COMMISSION may evaluate at implementation of the Plan at any time, including through its annual site visits, and provide feedback to the School regarding fidelity of implementation and effectiveness of the Plan in improving the School's performance. If the school had an improvement plan, it shall not be the sole basis for non-renewal.

5.11.4.3 **Corrective Action Plan.** The GOVERNING BODY shall ensure that the School complies with any requirement of the COMMISSION to develop, submit to the COMMISSION, and implement a Corrective Action Plan ("CAP") to address deficiencies in its organizational or financial performance. ~~The COMMISSION will not evaluate the quality of, or approve, the CAP.~~ The COMMISSION may evaluate implementation of the CAP at any time, including through its site visits, and provide feedback to the School regarding fidelity of implementation and effectiveness of the plan in improving the School's performance. If the school had a corrective action plan, it shall not be the sole basis for non-renewal.

Minor changes proposed by Staff

4.2.2 **Designated Licensed Business Official and CPO.** Have a designated licensed school business official and State Certified Chief Procurement Officer ("CPO") and provide their CPO certification [Attachment I]. The COMMISSION shall be notified of all changes to the designated licensed business official or CPO within 30 days.

4.2.4 **Board of Finance Revocation.** If at any time, the GOVERNING BODY's qualification as a board of finance is revoked by the COMMISSION or the Department, the COMMISSION shall consider whether to commence revocation proceedings to revoke the charter. If the COMMISSION decides not to revoke the charter, the GOVERNING BODY shall be required to develop and successfully implement a Corrective Action Plan to address the conditions and causes that raised for consideration the revocation of the board of finance designation.

~~Since the Commission does not have the authority to revoke the Board of Finance, the above should be clarified. An attorney pointed out that the School "should not be required to sign a document that appears to grant by contract authority, that which does not exist in law."~~

5.8 **Student Attendance and Instructional Hours.**

In accordance with the Attendance for Success Act, maintain records to document daily student attendance and shall make such records available for inspection upon request of the COMMISSION. The School shall comply with the number of overall instructional hours required by State law, based on the grade levels served, which may be verified through budget reporting- and school academic calendars.