

SECOND AMENDMENT TO THE CHARTER AGREEMENT

This Second Amendment to the Charter Agreement is entered into effective as of the 10 day of June, 2021 by and between the State Charter School Board (SCSB) and the Governing Board of Mountain Heights Academy collectively referred to as the “Parties.”

RECITALS

A. An Application by Mountain Heights Academy to create and operate a charter school was approved by the SCSB, and on or about September 10, 2009 the Parties entered into an agreement (the “Charter Agreement”), wherein Mountain Heights Academy was authorized by the SCSB to operate a public charter school in Utah, among other things.

B. The Parties now desire to amend the Charter Agreement as follows:

1. Mountain Heights Academy has made changes to their charter school purposes, key elements, and mission specific metric. Mountain Heights adopts Exhibit A 2021 in place of the formerly adopted Exhibit A.

NOW THEREFORE, in consideration of the mutual covenants and representations set forth herein, and in reliance on the action taken by the SCSB and the Governing Board of Mountain Heights Academy the parties hereby agree as follows:

1. Except as set forth in this Second Amendment, the Charter Agreement and First Amendment is unaffected and shall continue in full force and effect in accordance with its terms. If there is a conflict between this Second Amendment and the terms of the Charter Agreement or the First Amendment, the terms of this Second Amendment shall prevail.
2. The Parties represent and warrant that this Second Amendment has been duly authorized by their governing boards and constitutes a legal, valid, and binding obligation.
3. This Second Amendment may be signed by the Parties in separate counterparts, each of which, when so executed and delivered, shall be deemed an original.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to the Charter Agreement to be duly executed and delivered by their respective authorized representative.

STATE CHARTER SCHOOL BOARD

MOUNTAIN HEIGHTS ACADEMY

DocuSigned by:
By: Bryan Bowles
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DocuSigned by:
By: Jen Christensen
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Vice Chair, State Charter School Board

Chair, School Board of Directors



A DECADE of SUCCESS
Mountain Heights Academy

Mountain Heights Academy
Charter Agreement
Exhibit "A"

No portions of Exhibit "A" may be changed unless amended pursuant to Charter Agreement Section 5.3

1. Name: The name of the Charter School shall be Mountain Heights Academy.
2. Applicant: A Charter Agreement is granted to OpenContent Foundation, which applied on February 8, 2008.
3. Location: The charter school shall be established statewide throughout Utah, which is material to its authorization.
4. Mission statement: The Charter School mission statement, as set forth in the application is: "Our mission is to use innovative technology, service learning, student-centered instruction and personal responsibility to empower students to succeed."
5. The mission adopted for operational purposes is: "to develop connected and successful learners"
6. Purpose(s) of the charter school: The Charter School purposes consistent with U.C.A. §53G-5-104 include:
 - a. Create new professional opportunities for educators that allow for the creation and use of open educational resources (OER) so that teachers have greater control over the content used in the classrooms. Moreover, teachers may be able to work from home and may be provided with a laptop.
 - b. Establish new models of public schools and a new form of accountability for schools that emphasizes the measurement of learning outcomes and the creation of innovative measurement tools through the use of an online Learning Management System (LMS), allowing for the integration of curriculum benchmarks, helping track student progress on a continuous basis. Service learning opportunities and end-of-term demonstrations create a new form of public accountability. Openly-licensed curriculum materials create an unprecedented level of transparency into the classroom experience.

7. Key elements of the charter school: The key elements of the Charter School, as set forth in the application, are programs and processes that make this school unique. They are included in the State Charter School Board annual review as assurances and included in the School Accountability Framework Comprehensive reviews.
- a. Maintains a large enough student population to offer all programmatic elements listed in the approved charter application.
 - b. Provides in-person experiences for students to supplement and support the digital experience.
 - c. Aims to construct an active and flexible learning environment that motivates students and builds meaningful learning relationships.
 - d. Provides individualized instruction and one-on-one tutoring.
 - e. Encourages service learning each semester which is supported by inter-disciplinary projects.
 - f. Works with various state colleges and universities to allow for online college-level study during high school.
 - g. Course lessons may be provided both synchronously and asynchronously.
 - h. Teachers are trained in the curricular emphasis and effectiveness goals of MHA as well as participating in planning how to accomplish MHA's performance goals as outlined in Exhibit A.
 - i. Uses formative, state-mandated, and other assessment results, which are discussed in horizontal and vertical PLCs, to inform instruction and ensure core-standards are taught.
 - j. School and teachers initiate regular communication with parents at least weekly.

8. Opening School Year: 2009-2010

9. Grade levels and maximum enrollment:

School Year	Enrollment by grade band				Total Enrollment
	K	1-6	7-8	9-12	
2009-2010	0	0	0	125	125
2010-2011	0	0	0	250	250
2011-2012 (amended)	0	0	0	600	600
2012-2013	0	0	0	1000	1000

2013-2014
(amended) 0 0 500 1000 1500

10. Enrollment preferences permitted by board policy and 53G-6-502: (Remove any that were not approved in the application or supported by current board policy).

- a. Children, then grandchildren of founding parents,
- b. Children, then grandchildren of the governing board,
- c. Siblings of students currently, then previously enrolled,
- d. Children of school employees.

11. Structure of governing board: (from currently approved bylaws)

- a. Number of board members: 5-9
- b. Appointment of board members: Election, by the governing board
- c. Board members' terms of office: Three, three-year terms
- d. Meetings: Regularly, no fewer than six times per year

12. Administrative rules waived (if applicable): NONE

13. Additional school specific standards used to assess School Achievement in the Charter School Accountability Framework:

Measure	Metric	Targets			
		Exceeds	Meets	Does Not Meet	Falls Far Below
Mission Specific	Institutional contribution to OER repository in the following content areas i) Leadership OER, ii) Teacher Competency OER, iii) Instructional Design OER, and iv) Ed Tech OER	Fully-developed OER contributions in each of the 4 designated content areas.	Fully-developed OER contributions in 3 of the 4 designated content areas.	Fully-developed OER contributions in 2 of the 4 designated content areas.	Fully-developed OER contributions in 1 of the 4 designated content areas.
Mission Specific	Student course completion rate of a minimum of 80%	100%	80%	<79%	<59%
Relative Academic	Proficiency on end-of-year state	School wide proficiency	School wide proficiency	School wide proficiency	School wide proficiency

Performance	mandated tests compared to other statewide online LEAs	is higher in all tested subjects.	is higher in most tested subjects.	is lower in some tested subjects.	is lower in each tested subject.
Student Academic Gain	Percentage of students achieving at least 75% in math and a 70% in reading on a national norm-referenced test, such as STAR, NWEA, MAP, etc.	80% / 75%	75% / 70%	65% / 60%	55% / 50%

14. State Accountability: As defined by statute and implemented by the Utah State Board of Education by rule or Federal plan.

15. Student Engagement, Financial, and Governance Measures: Defined by the SCSB, as required by rule and statute. School will be held to the approved Charter School Accountability Framework (subject to update and revision).