

CONTRACT AMENDMENT NO. 2
OF THE CONTRACT TO CHARTER A PUBLIC SCHOOL ACADEMY
BETWEEN THE
THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF THE
CITY OF MUSKEGON HEIGHTS
(AUTHORIZING BODY)

AND THE
MUSKEGON HEIGHTS PUBLIC SCHOOL ACADEMY SYSTEM
(PUBLIC SCHOOL ACADEMY)

REVISED AS OF OCTOBER 28, 2016

CONTRACT AMENDMENT NO. 2

In accordance with Article IX of the Terms and Conditions, incorporated as part of the Contract to Charter a Public School Academy and Related Documents, issued by THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF THE CITY OF MUSKEGON HEIGHTS BOARD (the “**District Board**”) to MUSKEGON HEIGHTS PUBLIC SCHOOL ACADEMY SYSTEM (the “**System**”) on July 9, 2012, as amended on April 26, 2014 (the “**Contract**”), the parties hereby agree to amend the Contract as follows:

1. Amend the Terms and Conditions by deleting the existing Terms and Conditions and replacing them with the Second Amended and Revised Terms and Conditions attached at Tab 1 of this Contract Amendment No. 2, except that any exhibit or schedule not amended by this Contract Amendment No. 2 will remain effective without modification unless later amended as provided under the Contract.
2. Amend Exhibit A (Method of Selection) by replacing the Resolution incorporated into Order 2012-8 adopted by the Emergency Manager on July 6, 2012 with the Resolution incorporated in Order 2016-9 adopted by the Emergency Manager on October 20, 2016 and attached at Tab 2 of this Contract Amendment No. 2.
3. Amend Schedule 1: Articles of Incorporation, by deleting the existing Articles of Incorporation of the System and replacing them with the Restated Articles of Incorporation attached under Tab 3 of this Contract Amendment No. 2.
4. Amend Schedule 2: Bylaws, by deleting existing Bylaws and replacing them with the First Amended and Restated Bylaws attached under Tab 4 of this Contract Amendment No. 2.
5. Amend Schedule 4: Oversight Agreement, by deleting the exiting Oversight Agreement and replacing it with the First Amended and Restated Oversight Agreement attached at Tab 5 of this Contract Amendment No. 2.
6. Amend Schedule 5: Staff Responsibilities, by deleting the exiting State Responsibilities and replacing it with the Staff Responsibilities (as amended and restated) attached at Tab 6 of this Contract Amendment No. 2.
7. Amend Schedule 6: Physical Plant Description, by deleting the existing Physical Plant Description and replacing it with the Physical Plant Description (as First Amended and Restated) attached at Tab 7 of this Contract Amendment No. 2.

8. Amend Schedule 7a: Governance Structure, by deleting the existing description of Governance Structure and replacing it with the Governance Structure (as First Amended and Restated) attached at Tab 8 of this Contract Amendment No. 2.
9. Amend Schedule 7c: Curriculum, by deleting the existing description of Curriculum and replacing it with the Curriculum (as amended and restated) attached at Tab 9 of this Contract Amendment No. 2.
10. Amend Schedule 7d: Methods of Pupil Assessment, by deleting the existing description of Methods of Pupil Assessment and replacing it with the Methods of Pupil Assessment (as First Amended and Restated) attached at Tab 10 of this Contract Amendment No. 2.

Except as noted below, this amendment is hereby approved by the District Board and the System Board through their authorized designees and shall have an effective date of October 28, 2016. The amendment identified in paragraph 2 above is automatically incorporated into the Contract without any further action of the parties.

Each party is signing this amendment on the date stated opposite that party's signature. The date of this amendment will be the date this is signed by the last party to sign it (as indicated by the date associated with that party's signature).

The parties acknowledge that Steven M. Schiller as the emergency manager for the School District of the City of Muskegon Heights (the "**Emergency Manager**") is authorized under the Local Financial Stability and Choice Act, 2012 PA 436, as amended, MCL 141.1541 to 141.1575 (the "**Act**"), to act for and in the place and stead of the District Board, the authority of the District Board to exercise power for and on behalf of the School District of the City of Muskegon Heights (the "**District**") under law is suspended and vested in the Emergency Manager under the Act, and the Emergency Manager is authorized under the Act to exercise solely, for and on behalf of the District, all other authority and responsibilities affecting the District that are prescribed by law to the District Board and superintendent of the District.

Date: October 20, 2016

**BOARD OF EDUCATION OF THE
SCHOOL DISTRICT OF THE CITY OF
MUSKEGON HEIGHTS**

By: _____


Steven M. Schiller
Emergency Manager

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Date: October 24, 2016

**MUSKEGON HEIGHTS PUBLIC
SCHOOL ACADEMY SYSTEM**

By: 
Carmella M. Ealom
Board President

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