

**SECOND AMENDMENT TO PERFORMANCE AGREEMENT
BETWEEN
MIDLAND INDEPENDENT SCHOOL DISTRICT
AND
BEN MILAM INTERNATIONAL ACADEMY**

THIS SECOND AMENDMENT, is made and entered into as of May 19, 2026, between Midland Independent School District (the "District") and Ben Milam International Academy ("BMIA" or "Operating Partner" or "OP") (together, the "Parties").

WHEREAS, this agreement is for the amendment of the original Senate Bill 1882 Performance Agreement (the "Agreement") between the District and the OP with a commencement date of March 25, 2019 as amended on January 16, 2024; and

WHEREAS, the Agreements and amendment identified above, are attached hereto, and incorporated herein and marked Attachment A and B respectively, and all terms and conditions remain unchanged except as modified in this SECOND amended amendment; and

WHEREAS, the Parties have determined that certain provisions of the Agreement should be amended;

NOW, THEREFORE, it is agreed as follows:

1. Paragraph 8.02 is hereby deleted in its entirety and amended to read as follows:

Performance and Measurement, Methods, and Timeline. The Parties agree that achievement of annual student academic and financial performance targets agreed upon by the Parties and specified in Addendum A-3 will be determined using the methods, indicators, and timelines specified therein. The OP shall follow the reporting format utilized by the District in alignment with applicable elements of Board Goals and the schedules outlined in the Board Reporting Calendar (specified in Board Policy BBE Exhibits), agreed upon by the Parties on an annual basis. OP agrees to work to provide financial reports in coordination with MISD. OP also commits to use substantially all funds received pursuant to this Agreement towards the School. Nothing in this Amendment modifies, amends, or supersedes the academic performance (student outcome) goals agreed upon in the Performance Agreement dated March 25, 2019. This Amendment shall be effective the 17th day of May 2026. In all other respects, the Agreement is ratified and confirmed.

WITNESS our signatures on the dates set forth below

Midland Independent School District

By: 
President - Midland ISD Board of Trustees

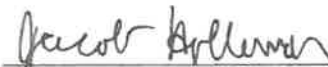
Date: 5.19.26

Midland Independent School District

By: 
Superintendent- Midland ISD

Date: 5.20.26

Ben Milam International Academy

By: 
President, Board of Directors - Ben Milam International Academy

Date: 05/01/27

Ben Milam International Academy

By: 
Executive Director - Ben Milam International Academy

Date: 05/01/26