

**Arizona State Board for Charter Schools  
July 13, 2009  
Arizona Department of Education  
1535 W. Jefferson Street  
Phoenix, Arizona 85007  
Room 417**

**MINUTES**

**Members Present-**

Christy Farley- President  
Norm Butler- Vice President (telephonically)  
Mary Gifford- Superintendent Designee  
Lynne Adams – Public Member  
Ruby Alvarado-Hernandez – Public Member  
Dana Krals – Public Member  
Jake Logan – Public Member

**Members Absent**

Magdalena Verdugo – Charter School Operator

Meeting began at 9:37 a.m.

**Agenda Item A:** Pledge of Allegiance

**Agenda Item B:** Moment of Silence

**Agenda Item C: Roll Call:**

Heather Kelley called the roll and confirmed a quorum. Mr. Butler joined the meeting telephonically at 9:46 a.m.

**Agenda Item D: Call to the Public**

Each Call to the Public request submitted related directly to an agenda item. President Farley stated that each call to the public request would be heard during the specific agenda item.

**Agenda Item E: Arizona Charter Schools Association Update**

Andrea Plucker, AZ Charter School Association Membership Development Manager, gave a brief PowerPoint presentation. Ms. Plucker spotlighted Northland Prep Academy which has been designated as one of the top 100 high schools in the country and has students that have been nationally recognized for their media report on the impact of decisions made in Washington. Additionally, a Northland Prep student won an honorable mention in a national essay contest for the United States Institute of Peace. Ms. Plucker outlined for the Board the Association's Performance Management Program which includes Data Boot Camp and Data Basic Training classes to help teachers and school leaders use data to their advantage to improve student achievement. Ms. Plucker provided the Board with an overview of the Associations efforts to provide cost-saving resources to the schools which includes group health insurance, joint purchasing programs for classroom and office supplies and furniture, and the Technology Alliance – Partnership with Microsoft.

President Farley thanked the Association for highlighting schools across the state and asked Ms. Plucker to provide the Board with the numbers of schools participating in the Data Boot Camp and Basic Training and the Joint Purchasing Program at the next Board meeting.

**Agenda Item F: Superintendent's Report**

Superintendent's Designee Mary Gifford reported that ADE is reviewing how the legislative bills will impact the schools. ADE has also notified the schools regarding the ARRA explaining what federal funds will be sent to schools.

**Agenda Item G: Executive Director's Report**

1. [Status of charters with previous and/or on-going board actions](#): Bradley Academy of Excellence, Inc., Dove Learning, Inc., Phoenix Advantage Charter School, Inc., Shonto Governing Board of Education, Inc., Discovery Plus Academy, and Sierra Summit Academy.

Ms. Rowe provided an update of on-going Board actions and schools under compliance monitoring. Ms. Rowe stated that additional compliance items would be discussed later in the agenda. Ms. Rowe reported that Shonto Governing Board of Education, Inc, which is listed on the agenda as Item I.4 has demonstrated that they are in compliance and therefore could be removed from the agenda. President Farley removed the item.

## 2. Legislative Update

Ms. Rowe stated that the legislative bills are being tracked and staff will provide a legislative summary at the September meeting. Additionally, Ms. Rowe stated that there would not be a Board retreat in August, but would like to include a study session into the September meeting to discuss Renewal.

### **Agenda Item H: Consent Agenda**

1. Akimel O’Otham Pee Posh Charter School, Inc. – Increase grades served
2. Arizona Upgrade Academy – Decrease grades served
3. The Odyssey Preparatory Academy, Inc. – Increase grades served
4. Research Based Education Corporation – USFRCS and Procurement Law Exception
5. Vision Charter School, Inc. – Change in Program of Instruction

#### **MOTION**

Lynne Adams made a motion to approve the consent agenda as presented. Mary Gifford seconded the motion.

#### **Motion passed unanimously**

### **Agenda Item J: Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract**

Ms. Rowe provided the Board with background information related to the Voluntary Surrender and Termination of the Charter Contract for **Beginning Academy, Inc.** Ms. Rowe reported that staff has received the signed Agreement and has requested copies of the board minutes from Beginning Academy, Inc. approving the terms of the Agreement.

#### **MOTION**

Lynne Adams made a motion to accept the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for Beginning Academy, Inc. on the condition that, on or prior to September 1, 2009, Beginning Academy, Inc. submits minutes from its board meeting at which it approved the terms of the Agreement. Mary Gifford seconded the motion.

#### **Motion passed unanimously**

Ms. Rowe provided the Board with background information related to the Voluntary Surrender and Termination of the Charter Contract for **Tucson Urban League Incorporated.** Ms. Rowe stated that representatives from the charter are available by telephone if the Board had questions.

#### **MOTION**

Lynne Adams made a motion to accept the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for Tucson Urban League Incorporated as presented. Mary Gifford seconded the motion.

#### **Motion passed unanimously**

Ms. Rowe provided the Board with background information related to the Voluntary Surrender and Termination of the Charter Contract for **YCFA Achieve Academy.**

#### **MOTION**

Lynne Adams made a motion to accept the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for YCFA Achieve Academy as presented. Mary Gifford seconded the motion.

## **Motion passed unanimously**

### **Agenda Item I: Compliance Matters**

Ms. Rowe provided the Board with the staff report and overview of non-compliance and areas of concern related to **Cesar Chavez Learning Community, Inc.** as provided in the Board materials. Sister Judy Bisignano, charter representative for Cesar Chavez Learning Community, Inc. presented information to the Board and answered questions raised by board members. Claudia Douglas from ADI Business Solutions, on behalf of Cesar Chavez Learning Community, Inc., answered questions related to financial concerns.

### **MOTION**

Lynne Adams made a motion to withhold 10% of the school's monthly equalization payment for non-compliance including: Failure to provide a comprehensive program of instruction aligned to the Arizona Academic Standards, failure to ensure that the teachers of core academic subjects are "highly qualified" as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.), failure to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2.

4. Failing to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902, failure to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G, failure to comply with federal immigration laws related to I-9's., failure to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System, and failure to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law. In order to have the 10% withholding returned, Cesar Chavez Learning Community, Inc. must submit a corrective action plan that provides evidence the charter operator has provided a comprehensive program of instruction aligned to the State Academic Standards for each grade level and content area, provide evidence that each teacher of record of core academic subjects is "highly qualified" as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.), provides evidence of a school schedule and school calendar that demonstrates the minimum hours of instruction are provided for each grade level, demonstrate that the charter operator has developed and implemented policies and procedures to report student attendance in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902, demonstrate that the charter operator has developed and implemented policies and procedures to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G, demonstrate the verification of employment eligibility for every employee hired, provide evidence to the Board that the charter has submitted all delinquent reports and contributions to the ASRS and is current or has established a payment plan approved by the ASRS and also provide a written statement reflecting the changes the charter operator has made to its procedures to ensure that all future reports and contributions are submitted timely to the ASRS, and demonstrate that the charter operator has developed and implemented policies and procedures to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law. Further, the Board issues a Notice of Intent to Revoke the charter contract of Cesar Chavez Learning Community, Inc. for the following: Failure to provide a comprehensive program of instruction aligned to the Arizona Academic Standards, failure to ensure that the teachers of core academic subjects are "highly qualified" as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.), failure to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2, failure to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902, failure to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G, failure to comply with federal immigration laws, failure to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System and failure to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law. Within 48 hours of receipt of the Notice the charter operator shall notify staff and parents/guardians of registered students of the Notice of Intent to Revoke and the Notice of Hearing and provide a school location where the copy may be reviewed; within 20 days of receipt of the Notice the charter operator shall provide copies of all correspondence and communications used to comply with the preceding provision; and within 20 days of receipt of the Notice the charter operator shall provide the Board with the names and mailing addresses of parents/guardians of all students registered with the school. Mary Gifford seconded the motion.

## **Motion passed unanimously**

Ms. Rowe provided the Board with a staff report and overview of the monitoring and non-compliance and areas of concern for **North Star Charter School** as provided in the Board materials. The following individuals presented information to the Board and answered questions: Kurt Huzar, charter representative and board member of North Star Charter School, reported on the on-going conflicts at North Star Charter School, Leslie Martin from Resolutions reported that she was hired by North Star Charter School to review the attendance and student records and to assist the school in cleaning it up to be compliant. Ms. Martin reported on the condition of the records. Steve Durant, IT consultant for North Star Charter School,

provided the Board with an overview of his role with the charter holder which provided him access to student detail information. Mr. Durant also reported on his efforts to assist ADE and the Board staff obtain electronic data from North Star Charter School. Christine Ahern, Director of Education and teacher at North Star Charter School, provided the Board with information related to the report cards, transcripts, graduation requirements and her role in determining Highly Qualified status. Roger Hall, attorney for Aldine Dickens provide a summary of the recent activities and challenges for Aldine Dickens at North Star Charter School, Inc. Aldine Dickens, charter founder and teacher, spoke to the documents that she had previously provided the Board and answered the Board's questions regarding identifying students for graduation. Linda Simmons, Cosmetology teacher provided information regarding the augmentation for the previous year graduates and graduation requirements.

#### **MOTION**

Lynne Adams made a motion to direct the Board to withhold 10% of the school's monthly equalization payment for non-compliance including: failing to provide the minimum course of study and competency requirements for graduation of pupils from high school and the issuance of a high school diploma, failing to maintain and secure records pursuant to Public Records Law including student cumulative files for all students enrolled during FY08 and FY09, personnel files for all employees during FY08 and FY09, verification that teachers are highly qualified under the NCLB Act for FY08 and FY09 and financial records for FY08 and FY09, failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System and failure to comply with fingerprinting statutes and FERPA. In order to have the 10% withholding returned, North Star Charter School, Inc. must submit a corrective action plan that demonstrates each student that was awarded a diploma in FY 08 and FY 09 successfully completed all graduation requirements, establishes policies and procedures for ensuring that student academic records are retained in accordance with records retention requirements, provides copies of grade books for each course offered that documents assignments required and grades earned to receive credit for a course, establishes policies and procedures for the maintenance and retention of grade books in accordance with records retention requirements, demonstrates that student cumulative files are appropriately maintained and retained, demonstrates that personnel files are appropriately maintained and retained, demonstrates that financial records are appropriately maintained and retained, and provides evidence to the Board that the charter has submitted all delinquent reports and contributions to the ASRS and is current or has established a payment plan approved by the ASRS and also provide a written statement reflecting the changes the charter operator has made to its procedures to ensure that all future reports and contributions are submitted timely to the ASRS. Further, the Board issues a Notice of Intent to Revoke the charter contract of North Star Charter School, Inc. for the following: failing to provide the minimum course of study and competency requirements for graduation of pupils from high school and the issuance of a high school diploma, failing to maintain and secure records pursuant to Public Records Law, including student cumulative files for all students enrolled during FY08 and FY09, personnel files for all employees during FY08 and FY09, verification that teachers are highly qualified under the NCLB Act for FY08 and FY09, and financial records for FY08 and FY09, failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System and failure to comply with fingerprinting statutes and FERPA. Within 48 hours of receipt of the Notice the charter operator shall notify staff and parents/guardians of registered students of the Notice of Intent to Revoke and the Notice of Hearing and provide a school location where the copy may be reviewed, within 20 days of receipt of the Notice the charter operator shall provide copies of all correspondence and communications used to comply with the preceding provision, and within 20 days of receipt of the Notice the charter operator shall provide the Board with the names and mailing addresses of parents/guardians of all students registered with the school. Mary Gifford asked to amend the motion to add: Demonstrates that is has adopted policies and procedures that comply with FERPA. The school also demonstrates policies and procedures for all employees, contractors and independent contractors that they comply with Fingerprint Clearance Card statutes and background checks. Lynne Adams amended the motion. Mary Gifford seconded the motion.

#### **Motion passed unanimously**

Andrea Leder presented the Board with the staff report and an overview of the non-compliance issues and areas of concern for **Shonto Governing Board of Education, Inc. dba Shonto Preparatory School** as provided in the Board materials. Ms. Leder reported that Shonto Governing Board of Education, Inc. submitted their FY08 audit prior to the meeting. Dr. Richard McClements, charter representative, provided the Board with information related to the charter's efforts to address the areas of concern.

#### **MOTION**

Lynne Adams made a motion to direct the Shonto Governing Board of Education, Inc. dba Shonto Preparatory School to prepare a corrective action plan and submit to the charter school board staff by July 31<sup>st</sup>, 2009 that identifies the procedures that the school is going to take to make certain that student performance on AIMS is timely submitted to the ADE going

forward and also indicates the steps taken to rectify the failure to submit the data for fiscal year 2007 and 2008. To the extent that the corrective action is not submitted or the corrective action plan submitted is not deemed insufficient by the staff, then 10% will be withheld from Shonto Governing Board of Education, Inc. dba Shonto Preparatory School monthly state aid apportionment for failure to timely submit the corrective action plan and to submit AIMS test data in fiscal year 2007 and 2008. The corrective action plan has to include procedures that are adopted to ensure fiscal year 2009 test data for students enrolled in the charter school is released to ADE, that testing procedures and protocols are established and training is provided to the staff to ensure that future testing data and documents are appropriately packaged and shipped so that results for all students enrolled in the charter school are appropriately documented for performance profile purposes and also the steps that the school has taken to rectify the failure to submit that data for fiscal year 2007 and 2008. Ruby Alvarado-Hernandez seconded the motion.

**Motion passed unanimously**  
(Absent: M. Gifford)

Martha Morgan presented the Board with the staff report including the results of the monitoring and site visit. Ms. Morgan provided an overview of the non-compliance issues and areas of concern for **Sierra Summit Academy** as provided in the Board materials. Sierra Summit Academy principal, Mr. Gargiul addressed the Board and answered questions.

**MOTION**

Lynne Adams made a motion to add to the basis of the current 10% withholding of Sierra Summit Academy's monthly State apportionment and require a corrective action plan for failure to provide a comprehensive program of instruction aligned to the State Academic Standards as demonstrated by lack of a curriculum and lack of an evaluation process to assess integration of Standards into instructional practices, and failure to comply with federal immigration laws. A corrective action plan for the new items would include: demonstration of a curriculum aligned to the State Academic Standards and demonstration of an evaluation of the integration of Standards into instructional practices as required in the annual Declarations of Curricular and Instructional Alignment to the State Academic Standards; and demonstration of verification of employment eligibility for every employee hired. Jake Logan seconded the motion.

**Motion passed unanimously**

**Agenda Item K: Board Comments**

There were none.

**Agenda Item L: Minutes**

1. June 8, 2009 Regular Session

Norm Butler requested the removal of the phrase "to make the application process more streamlined" and revise it to say, "to make sure we are comfortable with the limits set." from Agenda Item G: Policy, Rule, and Contracts Subcommittee Update.

**MOTION**

Ruby Alvarado-Hernandez motioned to accept the minutes of June 8, 2009 with the requested change. Mary Gifford seconded the motion.

**Motion passed unanimously**

2. June 22, 2009 Special Session

**MOTION**

Mary Gifford made a motion to approve the minutes of the Special Session of June 22, 2009 as presented. Ruby Alvarado-Hernandez seconded the motion.

**Motion passed unanimously**  
(Absent: J. Logan)

**Agenda Item M: Adjournment**

The meeting adjourned at approximately 2:14 p.m.

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Signature

Date