

### **Issue**

Excel Preparatory Academy, a charter school operated by Excel Preparatory Academy, Inc. is unable to open for the 2011-2012 school year. The charter holder has requested a suspension of the school's operation pursuant to the [Board Policy Regarding Temporary Suspension of Charter School Operation](#). The Charter Holder's submission is located in Appendix A. The charter holder's submission did address all of the required items indicated in the Board's policy.

### **Background**

Excel Preparatory Academy Inc., a non-profit corporation, entered into a charter contract with the Board on April 13, 2011 to operate one school site – Excel Preparatory Academy. The charter contract was solely for grade 9. A request for temporary suspension was submitted on August 18, 2011. The suspension of the charter impacts four students. According to the charter representative parents of enrolled students have been contacted by the executive director via e-mail and a personal phone call. Assistance was provided to enrolled families by providing contact information for four similar schools as alternate options for enrollment.

Communication between staff, the charter holder, and Arizona Department of Education staff is summarized below. Full e-mail documents are located in Appendix B.

- **August 1 , 2011**
  - The charter holder contacted staff to provide notice that the school had not met enrollment goals and was requesting information regarding their options.
  
- **August 12 , 2011**
  - The charter holder stated that the student count was insufficient to support costs and the school will not be opening for FY12. The charter holder also stated that they would contact school finance regarding returning funds.
  - Staff provided the charter holder with a link to the Board's Temporary Suspension Policy and gave a deadline of August 19 for receiving documents. Staff also offered the option of surrendering the charter. If no information was received by August 19, the charter holder was informed that the charter would be considered for a Notice of Intent to Revoke on the September agenda.
  
- **August 17 , 2011**
  - The charter holder submitted the requested information to staff.
  - Staff requested additional information from the charter holder regarding the return of funds and the plan for resuming operation in FY12.
  
- **August 18 , 2011**
  - The charter holder provided revised documents to include additional information in the plan but did not yet have proof of return of funds.
  
- **September 6 , 2011**
  - Staff requested an update on the repayment of funds and informed the charter holder that if proof was not available the notification request would be moved to the October agenda.
  
- **September 7 , 2011**
  - The charter holder notified staff that funds were never deposited into their account and school finance was in the process of getting a statement from the treasurer's office to confirm this.
  - Staff notified the charter holder that this request would be moved to the October agenda to provide time to confirm information regarding funds.

- The charter holder indicated that they were working to get the information and requested to be kept on the September agenda.
- **September 15 , 2011**
  - Staff informed the charter holder that the request would be moved to the October agenda.
  - The charter holder forwarded an e-mail received from School Finance. The e-mail stated that since the school did not provide account information to the state treasurer's office, funds were never transferred. School Finance stated that funds from the state treasurer's office were received by ADE on September 13.

### **Compliance**

There are currently no outstanding compliance issues with Excel Preparatory Academy, Inc.

### **Academic Performance**

Excel Preparatory Academy has not yet opened. Graphs are not available.

### **Board Options**

1. Approve the request for a temporary suspension of operation for the 2011-2012 school year for Excel Preparatory Academy, Inc. operating Excel Preparatory Academy with the requirements that by January 1, 2012 Excel Preparatory Academy, Inc. will submit:
  - the required documents to amend the grade levels served to include grades 10, 11, and 12 as it has described the addition of grades a necessity for its financial operations, and
  - a start-up and 3-year operating budget for the minimum number of students needed to cover the operational costs of a charter school.
2. Deny the request for a temporary suspension of operation of a charter school and direct staff to work with the charter holder on the terms of a surrender agreement to be considered by the Board at the next regularly scheduled meeting. If such an agreement cannot be reached, staff will provide the Board with documentation to consider a Notice of Intent to Revoke the charter at a future Board meeting.

### **Staff Recommendation**

Option 1.

# APPENDIX A

## **Internal Policy Regarding Temporary Suspension of Charter School Operation**

Requests for temporary suspension must be submitted to the Board's Staff in writing prior to the date on which the requested suspension will begin. In addition, requests must indicate the following items:

### **1. The length of suspension requested;**

Excel Preparatory Academy (EPA) is requesting twelve (12) month suspension

### **2. The reason for the suspension;**

Would like to re-open in August of 2012 with all four grade levels (9-12), we were not able to recruit enough students for grade 9 to cover costs.

### **3. The school sites or grades for which the suspension is requested;**

The suspension is requested for grade (9) nine

### **4. The number of students impacted by the suspension;**

Four (4) students were impacted by the suspension. However, the families were told prior to enrollment of the possibility of the school not opening if enrollment goals were not met.

### **5. A description of the state and federal revenues received to date and the impact of suspension on the these revenues;**

No impact, no funds were used. \$2700.00 was received and returned.

### **6. A plan to resume operation of the charter school, including any efforts that will be undertaken to remedy the reason for the suspension request; and**

EPA will submit curriculum for grades 10-12 to open in August of 2012 offering grades 9-12. We will remain in contact with our families with needs for grades 10-12. We feel opening up with all four grade levels will provide our school with the greatest advantage to serve families within the community.

In addition:

1. EPA will submit curriculum for grades 10-12 ( to serves as a 9-12 high school) no later than January 1, 2012;
2. EPA will submit a start-up and 3-year operating budget for the minimum number of students needed to cover costs, and,
3. EPA will surrender the charter, if, by August 1, 2012, 185 enrollment forms are not received, the school will not open and the charter will be surrendered.

**7. Detailed measures with a timeline that will be taken by the charter school operator to alleviate any disruption to students and parents that may be caused by the suspension, including parental notification procedures and efforts to assist parents in locating alternative public schools for their children.**

Parents were contacted via a letter sent through the United States Post Office and via email, and a personal phone call from the executive director. In addition, EPA provided assistance to parents by offering similar school choice options.

The following four schools were offered as options to parents:

Great Hearts Academies - Mesa Prep  
1303 S. Lindsay Road  
Mesa, AZ 85204

AAEC – Red Mountain Campus  
2165 N. Power Rd  
Mesa, AZ. 85215

Learning Foundation and Performing Arts Alta Mesa  
5761 E. Brown Rd.  
Mesa, AZ 85205

East Valley Academy  
1727 West Main  
Mesa, AZ 85201

Board staff will prepare information to be presented to the Board that includes the items listed above as well as the following:

- The status of compliance with all applicable federal, State and local laws, and with all of the terms of the charter.
- The academic standing as defined by federal and state laws (e.g. A.R.S. § 15- 241).
- A statement regarding the impact on students in the current and continuing school year.

# APPENDIX B

**Deanna Rowe**

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**From:** george.martin@excelprep.org  
**Sent:** Thursday, September 15, 2011 2:41 PM  
**To:** Deanna Rowe  
**Subject:** Fw: FY2012 funding return

Hello Deanna,

The email below was received today from the ADE in regards to the funds. Please let me if you would any additional documents.

Regards,

Sent from my Verizon Wireless BlackBerry

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**From:** "Liu, Xin" <Xin.Liu@azed.gov>  
**Date:** Thu, 15 Sep 2011 13:58:09 -0700  
**To:** 'george.martin@excelprep.org' <george.martin@excelprep.org>  
**Cc:** Infantolino, Jamie <Jamie.Infantolino@azed.gov>  
**Subject:** FY2012 funding return

Hi George,

This email is to inform you that your funding for August 1<sup>st</sup> payment was never go through to your bank account, since your school did not provide the account information to the state treasurer's office. We ADE School Finance already asked the state treasury to return the funding \$2,327.32 back to ADE and we received the funding by 9/13/2011 according to our Accounting unit.

Please let me know if you have any questions.

Thanks,

***Xin Liu***

Fiscal Operation Manager  
Arizona Department of Education, School Finance  
p: 602-364-2262  
F: 602-542-3099  
e: [Xin.Liu@azed.gov](mailto:Xin.Liu@azed.gov)

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NOTICE: This e-mail (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. It may contain information that is privileged and confidential under state and federal law. This information may be used or disclosed only in accordance with law, and you may be subject to penalties under law for improper use or further disclosure of the information in this e-mail and its attachments. If you have received this e-mail in error, please immediately notify the person named above by reply e-mail, and then delete the original e-mail. Thank you.

## Deanna Rowe

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**From:** Deanna Rowe  
**Sent:** Thursday, September 15, 2011 9:07 AM  
**To:** 'george.martin@excelprep.org'  
**Subject:** RE: Excel Prep  
**Attachments:** image001.jpg; image002.jpg; image003.jpg

George,

What is the latest on the funds? I will put your request on the October agenda, but without some documentation as to the status of the funds, staff will not be able to support the request.

DeAnna

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**From:** george.martin@excelprep.org [mailto:george.martin@excelprep.org]  
**Sent:** Wednesday, September 07, 2011 6:13 PM  
**To:** Deanna Rowe  
**Subject:** Re: Excel Prep

Hi Deanna,

I have been working hard with the State to get this information from them. I will call Sue again in the morning to see if I can something tomorrow to send to you. Please if possible Ms. Rowe keep us on the agenda.

Regards,

Sent from my Verizon Wireless BlackBerry

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**From:** Deanna Rowe <Deanna.Rowe@asbcs.az.gov>  
**Date:** Wed, 7 Sep 2011 16:53:01 -0700  
**To:** george.martin@excelprep.org<george.martin@excelprep.org>  
**ReplyTo:** Deanna Rowe <Deanna.Rowe@asbcs.az.gov>  
**Subject:** Re: Excel Prep

Thanks George. I pulled it from the Sept agenda. We'll address it next month when we have the info confirmed.

DeAnna

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**From:** "george.martin@excelprep.org" <george.martin@excelprep.org>  
**Date:** Wed, 7 Sep 2011 14:59:33 -0700  
**To:** Deanna Rowe<Deanna.Rowe@asbcs.az.gov>  
**ReplyTo:** "george.martin@excelprep.org" <george.martin@excelprep.org>  
**Subject:** Re: Excel Prep

Hi Deanna,

Funds were never deposited into our account, I confirmed that with Sue from school finance (602-364-2262).

She is working on getting a statement from the treasures office. She state she would have something emailed to me within the next couple of days. She also stated to me to have your office contact her for confirmation.

Thanks

Sent from my Verizon Wireless BlackBerry

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**From:** Deanna Rowe <Deanna.Rowe@asbcs.az.gov>  
**Date:** Tue, 6 Sep 2011 12:17:10 -0700  
**To:** 'george.martin@excelprep.org' <george.martin@excelprep.org>  
**Subject:** RE: Excel Prep

Hi George,  
I'm finalizing the September agenda. Do you have evidence of the funds being returned to ADE? If not, I will have to hold off on the request until October.

DeAnna

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**From:** george.martin@excelprep.org [mailto:george.martin@excelprep.org]  
**Sent:** Thursday, August 18, 2011 5:07 PM  
**To:** Deanna Rowe  
**Subject:** RE: Excel Prep

Hi Deanna,

The document is attached with the new changes; I will get you proof of funds being returned. Please let me know if I need to make any additional changes. I really appreciate your help and direction.

Thanks

**George Martin**  
Executive Director  
Excel Preparatory Academy

Ph. 480.242.7364  
Fax: 1.866.699.1792  
[www.excelprep.org](http://www.excelprep.org)



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----- Original Message -----

Subject: RE: Excel Prep  
From: Deanna Rowe <[Deanna.Rowe@asbcs.az.gov](mailto:Deanna.Rowe@asbcs.az.gov)>  
Date: Wed, August 17, 2011 6:22 pm  
To: "'george.martin@excelprep.org'" <[george.martin@excelprep.org](mailto:george.martin@excelprep.org)>

Hi George,

In addition to the information submitted, please provide documentation from ADE that the funds have been returned. Additionally, for information under number 6, please clarify and/or add the following:

1. modify the content about the submission of additional grades to include a timeframe for submission. My suggestion is that your deadline be no later than January 1, and
2. by that same date, provide a start-up and 3 year operating budget for the minimum number of students that must be enrolled for your plan to work.
3. Consider adding a statement: If, by July 1, 2012 XX (fill in with an appropriate number) enrollment forms are not received, the school will not open and the charter will be surrendered.

If you have any questions, please let me know.

Thanks.  
DeAnna

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**From:** [george.martin@excelprep.org](mailto:george.martin@excelprep.org) [mailto:[george.martin@excelprep.org](mailto:george.martin@excelprep.org)]  
**Sent:** Wednesday, August 17, 2011 6:01 PM  
**To:** Deanna Rowe  
**Cc:** Wendi Trudell ([WENDI.TRUDELL@AZED.GOV](mailto:WENDI.TRUDELL@AZED.GOV)); Bianca Martinez  
**Subject:** RE: Excel Prep

Hello Deanna,

Attached you will find the form to request a temporary suspension. Please let me know if I need to provide you with anything else for the request of a temporary suspension.

Regards

**George Martin**  
Executive Director  
Excel Preparatory Academy

Ph. 480.242.7364  
Fax: 1.866.699.1792  
[www.excelprep.org](http://www.excelprep.org)



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----- Original Message -----

Subject: RE: Excel Prep  
From: Deanna Rowe <[Deanna.Rowe@asbcs.az.gov](mailto:Deanna.Rowe@asbcs.az.gov)>  
Date: Fri, August 12, 2011 11:03 am  
To: "'george.martin@excelprep.org'" <[george.martin@excelprep.org](mailto:george.martin@excelprep.org)>  
Cc: "Wendi Trudell ([WENDI.TRUDELL@AZED.GOV](mailto:WENDI.TRUDELL@AZED.GOV))" <[WENDI.TRUDELL@AZED.GOV](mailto:WENDI.TRUDELL@AZED.GOV)>, Bianca Martinez <[Bianca.Martinez@asbcs.az.gov](mailto:Bianca.Martinez@asbcs.az.gov)>

Thank you for the information, George. If you would like to file a Temporary Suspension request, please submit the necessary information in writing to this office.

<http://asbcs.az.gov/pdf/Board%20Policies/TemporarySuspension-InternalPolicy.pdf> I will need to receive the information by August 19<sup>th</sup> so that the Board may consider your request at its September

12 meeting. If you would like to surrender the charter, I would be happy to create the surrender agreement. I will need notification by August 19<sup>th</sup> for this as well. If I do not receive additional information, I will put the charter on the September agenda for consideration of a Notice of Intent to Revoke for failing to comply with the terms of the charter contract.

I have copied School Finance on this email so that no future funds will be released to Excel Preparatory Academy. I look forward to hearing from you soon.

DeAnna

DeAnna Rowe  
Executive Director  
State Board for Charter Schools  
1700 W Washington St., Room 164  
Phoenix, AZ 85007  
602-364-3080  
<http://asbcs.az.gov>

*Working to improve public education in Arizona by sponsoring charter schools that provide quality educational choices.*

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**From:** [george.martin@excelprep.org](mailto:george.martin@excelprep.org) [mailto:[george.martin@excelprep.org](mailto:george.martin@excelprep.org)]  
**Sent:** Friday, August 12, 2011 10:37 AM  
**To:** Deanna Rowe  
**Subject:** RE: Excel Prep

Hi Deanna,

We do not have the student count to support cost and will not be able to open this year. I will contact school finance today about send the funds back to ADE.

Regards,

**George Martin**  
Executive Director  
Excel Preparatory Academy

Ph. 480.242.7364  
Fax: 1.866.699.1792  
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----- Original Message -----

Subject: RE: Excel Prep  
From: Deanna Rowe <[Deanna.Rowe@asbcs.az.gov](mailto:Deanna.Rowe@asbcs.az.gov)>

Date: Mon, August 01, 2011 1:37 pm

To: "george.martin@excelprep.org" <george.martin@excelprep.org>

Please call me. 602-364-3080

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**From:** george.martin@excelprep.org [mailto:george.martin@excelprep.org]

**Sent:** Monday, August 01, 2011 1:04 PM

**To:** Deanna Rowe

**Subject:** Excel Prep

Hi Ms. Rowe,

I am contacting you to inform you that we did not meet our enrollment goals and will be up and running this year. I followed our charter to the letter and even added recruiting strategies. At this time I am contacting you to find what our options may be if any.

Regards,

**George Martin**

Executive Director

Excel Preparatory Academy

Ph. 480.242.7364

Fax: 1.866.699.1792

[www.excelprep.org](http://www.excelprep.org)



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