

# APPENDIX B

## REQUIRED DOCUMENTS

**LEMAN ACADEMY OF EXCELLENCE  
Board Meeting**

**September 11, 2017  
10:00 AM  
7720 North Silverbell Road, Tucson, Arizona**

**Minutes**

|  |   |
|--|---|
| <b>Members Present-</b><br><br>Kevin Leman<br>Dennis O'Reilly<br>Joseph Higgins<br>Wendell Neal<br>Anthony Wingate (via phone)   | <b>Members Absent-</b>  |
| <b>Agenda Item A:<br/>Roll Call</b>  | Dennis O'Reilly called the roll at 9:58 and confirmed a quorum.   |
| <b>Agenda Item B:<br/>Call to the Public</b>   | Bethany Papajohn, Principal of Leman Academy Oro Valley, was in attendance.   |
| <b>Agenda Item C:<br/>Previous Meeting Minutes</b>   | <p>The governing board reviewed the minutes of the July 13, 2017 board meeting.</p> <p style="text-align: center;"><b>Motion</b></p> <p>Joe Higgins made the motion to approve the minutes of the previous meeting.</p> <p>Wendell Neal seconded the motion.</p> <p><b>Motion passed unanimously</b></p>  |
| <b>Agenda Item D:<br/>Proposed by [REDACTED] that the Governing Board consider admitting her son, [REDACTED], whose DOB is [REDACTED], into Kindergarten for the 2017-2018 school year</b> | <p>There was discussion by the governing board about admitting [REDACTED] into Kindergarten at Leman Academy based on the letter and evidence that the parent sent to the school. The board further discussed the criteria it should take for a younger child to be admitted into Kindergarten. Based on Head of Schools report and analysis, it was decided to deny [REDACTED] entrance into Kindergarten for the 2017-2018 school year.</p> <p style="text-align: center;"><b>Motion</b></p> <p>Wendell Neal made the motion to deny entrance based on Head of Schools report and analysis.</p> |

|   |   |
|---|---|
|   | <p>Joe Higgins seconded the motion.</p> <p><b>Motion passed unanimously</b></p>   |
| <p><b>Agenda Item E:</b><br/> <b>Proposed Charter Contract</b><br/> <b>Amendment: Site Expansions for East Tucson and East Valley/Mesa/Chandler</b></p> | <p>There was discussion by the governing board about site expansions for East Tucson and the East Valley/Mesa/Chandler.</p> <p><b>Motion</b></p> <p>Joe Higgins made the motion to instruct staff to make application for the addition of a new site to the existing Leman Academy of Excellence Arizona Charter contract; location to be East Tucson.</p> <p>Tony Wingate seconded the motion.</p> <p><b>Motion passed unanimously</b></p> <p><b>Motion</b></p> <p>Dennis O'Reilly made the motion to instruct staff to make application for the addition of a new site to the existing Leman Academy of Excellence Arizona Charter contract; location to be East Valley/Mesa/Chandler.</p> <p>Tony Wingate seconded the motion.</p> <p><b>Motion passed unanimously</b></p> |
| <p><b>Agenda Item F:</b><br/> <b>Principal Reports: Oro Valley, Sierra Vista, Marana</b></p>  | <p>There was discussion by the governing board about Vice Principals, leadership development and master teacher program. There was also discussion on teaching staff changes. A verbal report was given by Bethany Papajohn on the new campus, Oro Valley, regarding student services, professional development and discipline. There was some discussion about discipline issues.</p>  |
| <p><b>Agenda Item G:</b><br/> <b>Adjournment</b></p>  | <p>Since there were no further agenda items, the meeting was adjourned by Wendell Neal at 10:51 AM.</p>   |

## Occupancy Compliance Assurance and Understanding



### Arizona State Board for Charter Schools

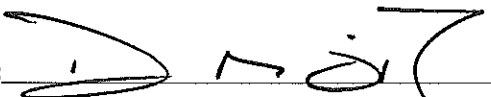
#### Occupancy Compliance Assurance and Understanding

The Arizona State Board for Charter Schools (Board), at a meeting held on June 8, 2009, approved a revised policy that requires new and existing charter holders to submit a copy of a valid Certificate of Occupancy and current Fire Marshal's Inspection Report for each location where educational services will be provided prior to the initiation of state equalization payments.

The Board will request that the Arizona Department of Education (ADE) withhold state equalization assistance payments for 1) new charter schools that have signed a charter contract, 2) new schools under existing charter contracts, and 3) schools under existing charter contracts moving from one location to another, until the school has submitted valid copies of the required Certificate of Occupancy and current Fire Marshal's Inspection Report for the new educational facility.

Once Board staff has verified that the appropriate documents for each school location have been received, the Board office will notify the Charter Holder and the ADE School Finance Unit's Charter School Payment Manager that the school is eligible for payment. The ADE School Finance Unit will mark the school eligible for payment and a payment will generate in the next payment cycle if all other requirements of ADE School Finance have been met. Schools eligible for payment by the 20<sup>th</sup> of any month will generate a payment for the next month's payment cycle. Schools marked eligible after the 20<sup>th</sup> of any month will not generate a payment in next month's payment cycle. No off-system payments will be made.

| Charter Holder Information                       |                                   |
|--|-----------------------------------|
| Name of Charter Holder Entity                    | LEMAN ACADEMY OF EXCELLENCE, INC  |
| School Location(s) for which the request applies | EAST MESA - POWER ROAD AND ELLIOT |

| Signature   |
|---|
| By signing below, I understand the Board's policy and that I am required to submit an educational use Certificate of Occupancy and a current Fire Marshal's Inspection Report to the Board office for each school facility operated by the Charter Holder. These documents must be verified by Board staff prior to occupancy of the building and prior to receipt of equalization payments for students enrolled at this school. |
| I acknowledge that if these documents are not submitted prior to occupancy, the school's opening date may be postponed and/or the Board may take action as allowed by statute and the charter contract.   |
| Charter Representative Signature:  Date: 9.13.2017  |



## Arizona State Board for Charter Schools

### Agricultural Land Regulation Assurance and Understanding

Arizona Revised Statute §15-183 (U) states, "Charter schools may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the charter school may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the charter school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement."

#### Charter Holder Information

Name of Charter Holder Entity

LEMAN ACADEMY OF EXCELLENCE, INC.

Name of Charter School

LEMAN ACADEMY OF EXCELLENCE

#### Check box below to indicate which statement applies



The charter school is not located less than one-fourth mile from agricultural land.



The charter school is located less than one-fourth mile from agricultural land and attached is the written agreement with the owner agreeing to comply with the buffer zone requirements and evidence that the agreement has been filed in the office of the county recorder as a restrictive covenant running with the title to the land.



The charter school is located less than one-fourth mile from agricultural land and the entity is currently working with the owner to create a written agreement to comply with the buffer zone requirements and will record the agreement in the office of the county recorder as a restrictive covenant running with the title to the land. I acknowledge that if these documents are not submitted prior to occupancy, the school's opening date may be postponed and/or the Board may take action as allowed by statute and the charter contract.

#### Signature

BY SIGNING BELOW, I UNDERSTAND AND AFFIRM THAT THE FOREGOING INFORMATION PROVIDED BY ME FOR THE ABOVE LISTED CHARTER HOLDER IS TRUE AND CORRECT. FURTHERMORE, IF ANY PART OF THE INFORMATION PROVIDED PROVES TO BE FALSE, I RECOGNIZE THAT IT SHALL BE JUST CAUSE FOR REVOCATION OF THE CHARTER BY THE ARIZONA STATE BOARD FOR CHARTER SCHOOLS.

Charter Representative Signature:

Date: 9.14.2017



**PERFORMANCE**  
CHARTER SCHOOL DEVELOPMENT

July 31, 2017

Kathy Senseman, President  
Arizona State Board for Charter Schools  
P.O. Box 18328  
Phoenix, Arizona 85009

RE: Leman Academy of Excellence

Dear Mrs. Senseman

The purpose of this letter is to inform the Board of Directors at the Arizona State Board of Charter Schools that Performance Charter School Development is currently working with Leman Academy of Excellence to acquire, finance and construction necessary improvements at the former "Hillcrest Academy" site at 3761 S Power Road, in Mesa Arizona and at a new site located in southeast Tucson at the SWC of Golf Links Road and Houghton Road.

After a multiple bid process, our firm has come to terms with the current owner of the former Hillcrest Academy, Bank of Oklahoma and we anticipate an executed purchase contract signed by the end of the current week with a closing date in the middle of November 2017.

Additionally, we are working with Leman Academy of Excellence to acquire, construct and finance a ground up project in Tucson, Arizona located at the SWC of Golf Links Road and Houghton Road. This site is already under contract and is contingent upon the school's ability to expand at this location.

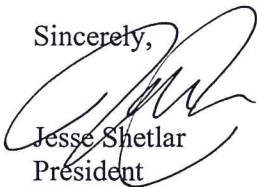
Performance Charter School Development and Leman Academy of Excellence have verbally agreed to terms on the general finance structure; however, we are awaiting the subject decision of the Arizona State Board of Charter Schools' in relation to Leman Academy of Excellence's ability to expand before we can finalize.

Our firm is headquartered in Houston, Texas with offices in Tempe, Arizona and Boise, Idaho. Our sponsor has completed over 300 projects across 22 states over 40 years. I personally have been involved in the charter school industry for the last seven years, most recently as the National Lender for Charter Schools for Mutual of Omaha Bank. Over that time frame, I was involved in approximately \$300 million in charter school projects. Additionally, I was a corporate member of the Arizona and Texas charter school associations. Furthermore, I was a member of the Business Advisory Council for the Arizona Charter School Association.

Based on my experience in this sector, I hold Leman Academy of Excellence and its management team in the highest regard and look forward to working with them on these projects.

Please let us know if you have any questions

Sincerely,



Jesse Shetlar  
President



**ENGELMAN | BERGER, PC**  
ATTORNEYS AT LAW

**WILLIAM H. ANGER**  
(602) 222-4972  
wha@eblawyers.com

September 14, 2017

Arizona State Board of Education  
1700 W. Washington Street  
Phoenix, Arizona 85007

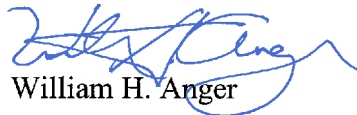
**Re:** Application of Leman Academy for premises located at 3761 S. Power Road,  
Mesa, AZ 85212 (the "Property")

Dear State Board of Education:

I am writing to you on behalf of my client, BOKF Power Road Holdings LLC ("BOKF"), the current owner of the Property, to confirm that BOKF, as seller, has entered into a purchase and sale agreement with Performance Charter School Development LLC, as buyer, for the Property.

Sincerely,

**ENGELMAN BERGER, P.C.**

  
William H. Anger

WHA/mkk



**STATE OF ARIZONA**  
**DEPARTMENT OF PUBLIC SAFETY**  
Level One Fingerprint Clearance Card

Name: DENNIS M. OREILLY

Birth Date: 12/26/1960 Issue Date: 4/2/2013

M 195 62 HAZ BRO  
Sex Weight Height Eyes Hair

Card Number: 2A01083079 Expire Date: 4/2/2019

IVP0342608

THIS FINGERPRINT CLEARANCE CARD WAS ISSUED  
PURSUANT TO ARS 41-1758

DPS(AOCT) P.O. BOX 18390 Phoenix, AZ 85005



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/14/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|   |  |
|---|--|
| PRODUCER<br><br><b>Krell Financial Group</b><br><b>3303 East Baseline Rd. Suite 106</b><br><b>Gilbert, AZ 85234</b>                         | CONTACT NAME: <b>Carolyn Svorinic</b>  |
|   | PHONE (A/C, No, Ext): <b>480-345-9737</b> FAX (A/C, No): <b>480-345-9736</b> |
|   | E-MAIL ADDRESS: <b>Carolyn@krellfinancial.com</b>                            |
|   | INSURER(S) AFFORDING COVERAGE  |
|   | INSURER A: <b>Philadelphia Insurance Companies</b>                           |
| INSURED<br><br><b>LEMAN ACADEMY OF EXCELENCE</b><br><b>KATHERINE L DETERMAN</b><br><b>7720 N. SILVERBELL RD.</b><br><b>TUCSON, AZ 85743</b> | INSURER B: <b>Philadelphia</b>   |
|   | INSURER C:   |
|   | INSURER D:   |
|   | INSURER E:   |
|   | INSURER F:   |

## COVERAGES

CERTIFICATE NUMBER: 00000000-41373

REVISION NUMBER: 11

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE   | ADDL INSD                    | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS   |
|----------|---|------------------------------|----------|---------------|-------------------------|-------------------------|--|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC<br>OTHER: |                              |          | PHPK1638951   | 04/14/2017              | 04/14/2018              | EACH OCCURRENCE \$ <b>1,000,000.00</b><br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b><br>MED EXP (Any one person) \$ <b>5,000</b><br>PERSONAL & ADV INJURY \$ <b>1,000,000.00</b><br>GENERAL AGGREGATE \$ <b>2,000,000.00</b><br>PRODUCTS - COMP/OP AGG \$ <b>2,000,000.00</b> |
| A        | <input type="checkbox"/> AUTOMOBILE LIABILITY<br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY               |                              |          | PHPK1638951   | 04/14/2017              | 04/14/2018              | COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b><br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$   |
| A        | <input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CLAIMS-MADE<br>DED RETENTION \$   |                              |          | PHUB580122    | 04/14/2017              | 04/14/2018              | EACH OCCURRENCE \$ <b>5,000,000</b><br>AGGREGATE \$ <b>5,000,000</b>   |
|          | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below  | Y/N <input type="checkbox"/> | N/A      |               |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$   |
| B        | <b>Student Accident</b>   |                              |          | PHPA002659    | 04/17/2016              | 04/04/2018              | Each \$ <b>50,000</b>  |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

BOKF, NA DBA Bank of Arizona, as trustee on behalf of the industrial development authority of the County of Pima, it's successors and/or assigns as thier respective interests may appear 3001 E Camelback Rd, Ste 100, Phoenix, AZ 85016

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(CFS)

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