

Arizona State Board for Charter Schools
August 9, 2010
1700 W. Washington Street
Phoenix, Arizona 85007
Room 164

MINUTES

Members Present-

Norm Butler – President
Ruby Alvarado-Hernandez – Vice President (joined telephonically at 10:00 a.m. till 10:38 a.m.)
Mary Gifford – Superintendent Designee (joined telephonically at 9:39 a.m.)
Peter Bezanson– Charter School Operator
Janna Day – Public Member
Dana Krals – Public Member
Jake Logan – Business Member

Members Absent

Doug Ducey – Business Member
Rep. Montenegro - Advisory Member
Steve Parsons – Charter School Teacher

Meeting began at 9:39 a.m.

Agenda Item A: Pledge of Allegiance

Agenda Item B: Moment of Silence

Agenda Item C: Roll Call:

Bianca Martinez called the roll and confirmed a quorum.

Agenda Item D: Call to the Public

There were no requests to address the Board

Agenda Item E: Superintendent’s Report

Ms. Gifford stated that she had no report.

Agenda Item F: Executive Director’s Report

Ms. Rowe began her report with the introduction of Bianca Martinez, the newest member of the staff and serving in the capacity of Constituent Services Specialist.

Ms. Rowe stated that certain agenda items had been identified for which one or more Board members had a conflict of interest and that Member Alvarado-Hernandez was available for a limited portion of the meeting. Therefore, agenda items would be taken out of order to ensure a quorum for the item.

1. Status of Charters with previous and/or on-going Board actions: Back-to-Basics, Bradley Academy of Excellence, Inc., Gila Educational Group, Global Education Foundation, Inc., Legacy Schools, Phoenix Advantage Charter School, Inc., Scottsdale Horizons Charter School, Vechij Himdag Alternative School, Inc.

Ms. Rowe updated Board members to the On-going Actions document included in their materials and stated that there were two updates. First, staff reviewed the information provided regarding Back-to-Basics School at the Board meeting last month and determined additional information and clarification were required. The information was requested of the school in a letter dated July 29. The same letter was also sent to Scottsdale Horizons Charter School.

2. Policy, Rule and Contracts Subcommittee Meeting

Ms. Rowe updated the Board that per their request, a meeting date was established for the Policy, Rules and Contracts

Subcommittee to review the recently revised language in the charter contracts. The meeting has been set for Tuesday, August 24, 2010 beginning at 2:00 p.m. and will be held in the Board meeting room. In addition to the contract language, staff has been compiling other matters regarding amendments and notifications that staff would like to include on the agenda for the 24th.

3. Release of 2010 Legislative Summary

Ms. Rowe updated Board members on legislation passed in the most recent legislative sessions. Andrea Leder compiled a succinct document of most education legislation that may impact the charter schools. The document has links to the bill language so that schools and other stakeholders can quickly review the documents and determine what, if any, action should be taken to maintain compliance. The document was sent to the listserv and is posted on the homepage of the Board's website.

Items taken out of order

Agenda Item H. Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for D.W. Higgins Institute.

DeAnna Rowe introduced the item stating that a signed copy of the Voluntary Surrender and Termination of the Charter Contract for D.W. Higgins Institute has been received along with the board minutes approving the terms of the agreement.

MOTION

Dana Krals made a motion to accept the Consent Agreement for Voluntary Surrender and Termination of the Charter Contract for D.W. Higgins. Jake Logan seconded the motion.

Motion passed unanimously

Agenda Item I. Charter Renewal Applications

1. Bright Beginnings School, Inc.

Karen Edris, Charter Representative for Bright Beginnings School, Inc. addressed the Board and answered questions pertaining to what she attributed to the school's success. Ms. Edris stated that she attributes success to the teachers, family and the variety of methods to reach students. Ms. Edris was reminded by the Board of the importance of remaining compliant with the charter, including the timely submission of audits.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Bright Beginnings School, Inc. Peter Bezanson seconded the motion.

Motion passed unanimously

2. Flagstaff Arts and Leadership Academy, Inc.

Becky Daggett, Executive Director for Flagstaff Arts and Leadership Academy, Inc., addressed the Board and answered questions regarding the decline in high school math and reading performance. Ms. Daggett stated that there was variability in students and the teacher who had taught for 1 ½ years had now left and two new teachers were hired. Ms. Daggett stated that the principal of the academy is also concerned with the decline in scores and will be working with these new teachers. When asked about the addition of 7th and 8th graders, Ms. Daggett stated that the middle school was identified as a reliable market and was added to increase enrollment necessary to obtain funding for bonds. Ms. Daggett was reminded by the Board of the importance of remaining compliant with the charter, including the timely submission of audits. When asked about the lack of a budget having been submitted as part of the renewal application, Ms. Daggett stated that a budget had been created, but apparently did not upload properly. She offered a copy of the budget as it had been intended to be submitted.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Flagstaff Arts and Leadership Academy, Inc. Peter Bezanson seconded the motion.

Motion passed unanimously

3. Flagstaff Junior Academy

Dulcie Ambrose, Executive Director for Flagstaff Junior Academy, shared her perspective of then and now after having been with the school for thirteen years. Her community has remained the same while growing in enrollment to a point that there are now waiting lists at each grade level. The school programs now include fine arts, outdoor education, drama, sports and field trips. When asked about the decrease in math performance, Ms. Ambrose stated that she was unhappy with middle school math and now has a concrete plan with closer monitoring. She also shared that the school will be taking a closer look at data and are focusing on goals and objectives. Both grade level and school wide meetings will focus on data.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Flagstaff Junior Academy. Peter Bezanson seconded the motion.

Motion passed unanimously

Ruby Alvarado-Hernandez join telephonically

Agenda Item G. Consent Agenda

1. Ahwatukee Foothills Prep Early College High School, Inc. – USFRCS and Procurement Law Exceptions

MOTION

Dana Krals made a motion to approve the Consent Agenda item 1. Jake Logan seconded the motion.

Motion passed unanimously

(Recused: Gifford)

2. Anthem Preparatory Academy - USFRCS and Procurement Law Exceptions
3. AZ-Tec High School – Change number of instructional hours
4. Florence Crittenton Services of Arizona, Inc. - USFRCS and Procurement Law Exceptions
5. Haven Montessori Children's House, Inc. – Increase grade levels served
6. Ideabanc, Inc. – Change Operator Status
7. Leading Edge Academy Maricopa - USFRCS and Procurement Law Exceptions
8. Life Skills Center of Arizona, Inc. – Change graduation requirements
9. Montezuma Public Charter Middle School – Increase grade levels served
10. New Destiny Leadership Charter School – Procurement Law Exception
11. Nosotros – Increase grade levels served
12. Opportunities for Youth, Inc. – Procurement Law Exception

MOTION

Dana Krals made a motion to approve the Consent Agenda items 2-12. Jake Logan seconded the motion.

Motion passed unanimously

(Recused: Dr. Bezanson)

Agenda Item L. Compliance Matters- Scottsdale Horizons Charter School

Janna Day stated that she would need to recused herself.

As an introduction Ms. Rowe reported that on May 10, 2010, the Board voted to withhold 10% of Scottsdale Horizons Charter School's monthly State aid apportionment for failure to report student attendance data in accordance with statute. Additionally, the Board found that there was a basis on which to revoke the charter contract for Scottsdale Horizons Charter School, but given the fact that the charter holder's renewal application would be considered in July, the Board decided it should proceed with the withholding in May, but not issue a Notice of Intent to Revoke the Charter until after a determination to renew the charter has been made.

Ms. Rowe further stated that on July 12, 2010, the Board voted to deny the request for charter renewal and to not grant a renewal contract for Scottsdale Horizons Charter School. The Board also asked staff to place Scottsdale Horizons Charter School on the next Board meeting agenda for consideration of a Notice of Intent to Revoke the charter contract. At that meeting, in addition to expressing concerns that no documentation regarding the corrective action plan had been received, Board members also expressed a concern that the Montage school operating under this charter has moved without providing appropriate notification to the Board. Since the meeting, the Staff has received the appropriate documents for the new

location for the Montage campus. Staff has also reviewed the documents provided by Ms. Winship at the last meeting, on Scottsdale Horizons Charter School's behalf. The review of those documents began this past month and staff has requested clarification from the school on a number of items. No part of the corrective action has yet been deemed complete. On July 26th, staff received a letter from Ms. Marcia Lee, the Charter Representative for Scottsdale Horizons Charter School, requesting a formal hearing be set regarding the Board's decision not to renew the charter and has also requested a pre-hearing conference in the matter.

Ms. Rowe reminded the Board that the information previously provided in May of this year regarding the current non-compliance and subsequent 10% withholding was included in the meeting materials.

Deanna Rader, Attorney for Scottsdale Horizons Charter School addressed the Board on behalf of her client and stated that the school is looking at a succession and transition plan to another charter as an efficient means to take care of the students. Ms. Rader stated that the issuance of a notice of intent to revoke could interfere with the school's ability to implement such a plan and asked the Board to table any action until a future meeting. In responding to the Board's question with regard to the progress to such a plan, Ms. Rader stated that the interested party is also a client and is currently reviewing the financial status of the school.

In response to the Board's questions regarding the timing of hearings, Ms. Rowe and Ms. Anderson explained the process for the appeal of non renewal and the time frames for hearings conducted by OAH.

To the extent that the areas of non-compliance are consistent for both Back-to-Basics and Scottsdale Horizons, Ms. Rader stated that her client would be agreeable to combining the matters into a single hearing.

This item was tabled for no more than 30 days.

Break from 10:37am to 10:45am, Ruby Alvarado-Hernandez did not return

Agenda Item I. Charter Renewal Applications (continued)

4. Franklin Phonetic Primary School, Inc.

Cindy Franklin, Charter Representative and Candy Andrews, Business Manager for Franklin Phonetic Primary School., Inc. addressed the Board and answered questions pertaining to various components of the application having been omitted or not finalized and FCC violations. She stated that a flow diagram was included to explain how the governing process flows and that with regard to financials the school has always had good audits and have managed to keep their doors open. Ms. Franklin apologized for the incompleteness. Ms. Franklin stated she was not aware of all of the segments of the application and was not aware the application was incomplete when submitted in June, stating it was probably an oversight on their part. As for the FCC violations, Ms. Franklin stated the school has now put in place a policy that suspends employees whose cards expire and that employees are no longer allowed on campus without a valid fingerprint clearance card.

When asked about whether the matter could be tabled so that the school could submit the missing components of the application so that the quality of application would reflect the quality of the school, Ms. Rowe clarified for the Board that due to the timing of renewal consideration, tabling the matter until the charter holder submits a complete application is not an option. Ms. Rowe stated that staff would like to have a discussion with the Board regarding what action staff might take in the future when a charter holder submits an incomplete application.

In response to Board comments that the school seemed to take the application requirements lightly in spite of the fact that its consideration impacts the potential for a 20 year contract, Ms. Franklin stated that they tried to submit the application the best that they could. She stated that running a charter school is a difficult occupation, especially an excellent school. She further stated that all personnel have given 100% and have put the focus on the students and student achievement and apologized if the paperwork was lacking. Ms. Franklin added that the school places its emphasis on its pedagogy and would be glad to supply any further documents if the application is approved.

In the Board's discussion of the precedent that would be set, Ms. Rowe stated that when staff makes a recommendation regarding renewal it looks at the charter performance overall and that while frustrated with the limited information included in the application, staff was able to determine in reviewing past compliance and academic performance there was no reason not to recommend renewal. While contingencies are an option, staff is not recommending contingencies.

Ms. Franklin stated it is difficult to complete a business plan with fluctuating state aid and that their plan has been to do the best they can with the money they are given each year, to which the Board responded that everyone else who has been up

for renewal has been able to submit a plan.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Franklin Phonetic Primary School, Inc. Jake Logan seconded the motion.

Motion passed 5-1

(No: Bezanson)

In explaining his vote, Dr. Bezanson stated that he would have supported a contingency but understands the arguments against it.

5. Khalsa Montessori Elementary Schools

Satwant Khalsa, Charter Representative for Khasla Montessori Elementary Schools, addressed the Board and answered questions regarding the school's ability to achieve quality AIMS scores in a Montessori environment. Mr. Khalsa addressed the quality program, including teachers who have dedicated their lives to develop classrooms of high expectations and requiring mastery before moving on. Mr. Khalsa also added the school is able to meet its goals by properly implementing the Montessori method and making adjustments to accommodate the state standards, including weekly teacher meetings to address the requirements. Mr. Khasla was reminded by the Board of the importance of remaining compliant with the charter, including the timely submission of audits. In response to the question of whether the school is a resource or model to others, Mr. Khasla stated they are open to being observed to serve as a guide for other schools, but each community is different. Mr. Khalsa stated there are no plans to expand because their plan was to grow to a certain size and they are at that size.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Khalsa Montessori Elementary Schools. Peter Bezanson seconded the motion.

Motion passed unanimously

6. Montessori Day Public Schools, Chartered

Peg and Ed Huffman, Charter Representatives for Montessori Day Public Schools, Chartered, addressed the Board and answered questions regarding the AIMS fluctuation from 2007- 2010. Ms. Huffman stated they have had bubbles and demographic changes. The challenge is in the Senior Elementary group and there is work to do. Ms. Huffman stated the school has added another teacher to that level to help. With regard to conclusions the school has made in the evaluation of data, Ms. Huffman stated they'd attributed it to a change in teaching staff and the loss of a few students. Mr. Huffman stated that the Sunnyslope community is transient and studies show students need to be in the program for two or more years before he/she will perform well. The Chandler community is much more stable. Ms. Huffman stated to help drive improvement the school will add more staff resources and add more practice for the students in the formatting of the math test.

In response to Board questions regarding why the school did not have a performance management plan as part of the application, Ms. Rowe stated that because of the academic data available at the time, a determination was made that the appropriate application criteria for this charter holder was the completion of the data analysis and their plan for monitoring benchmark assessments.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Montessori Day Public Schools, Chartered. Jake Logan seconded the motion.

Motion passed unanimously

7. Tempe Preparatory Academy

Hugh Hallman, Head Master, Barbara White, Business Manger and Elizabeth Ortiz, President of the Board for Tempe Preparatory Academy, addressed the Board and answered questions in reference to serving students with low AIMS scores or low academic achievement and the qualifications of teachers. Mr. Hallman responded that the students are selected on

lottery and the demographic of the school is consistent with the surrounding school district. Students have the option to learn with passionate people. Teachers teach in multiple subject areas and are hired based on their passion and qualifications. Mr. Hallman was reminded by the Board of the importance of remaining compliant with the charter, including the timely submission of audits. Mr. Hallman asked to speak to the items and specifically stated that public safety is the first step of the job that they do. The findings have been based on paperwork processes which have been corrected. Additionally, the employment contract now has a provision that anyone required to have a card must maintain the card. Failure to do so is considered an E.O.D (Event of departure). With regard to the internal audit issues, the systems have now been separated and the state should have complete confidence that its resources are protected. With regard to the number of compliance issues included in the report, Ms. White stated that while new to the position, she believes the prior issues have now been addressed. Mr. Hallman stated that the school will seek excellence in future audits. In response to a question regarding a late budget submission, Mr. Hallman stated that it was the result of the timing of the release of the forms and the administrative offices being closed.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Tempe Preparatory Academy. Peter Bezanson seconded the motion.

Motion passed unanimously

8. Tertulia

Gabriella Ketcham, Charter Representative for Tertulia addressed the Board stating that she is saddened by the staff recommendation and wanted to address the items in the report: Ms. Ketcham stated that previous audits were late but believes they have corrected the issue. The performance plan outlines some aggressive steps being taken to improve student achievement which will be carried out through the restructuring process and with the additional funding through the school improvement process. They expect to make AYP in the future. The school is working with an external consultant to help them with NCLB compliance and to complete the outstanding items that are listed in the report. The budgets that were not submitted as part of the application was an oversight on her part and she inadvertently left them out. The omission wasn't identified until reading the staff report. The budgets were complete and are being used to drive what is happening now.

In response to the Board's statement that in reading the report, it appears the school is making the changes now as part of renewal and not as part of its processes over time, Ms. Ketcham stated that the charter holders that ran the school for the first 10 or 11 years have moved on and that she had been the director since 2006, which was a difficult transition year and not a lot happened at that time. She could not speak to what occurred previously, but did state that since she came on board the school has done a lot of work cleaning up systems. The data person was lost and that was a huge turnover for the school. Someone had to be brought in to clean up the data and the information that was coming into play. Also they had been reducing the administrative staff to use the funds for other things. The school didn't have an adopted reading or math program so that had to happen early on. Then they incorporated an updated curriculum. Throughout the years they have been making changes, but renewal has prompted some of what they are thinking about now such as decentralizing financial operations.

In response to a question about the student population, Ms. Ketcham stated they 95% of students are ELL and low SES status. The school is in downtown Phoenix and was the chosen location for the school. School has 1 class at each grade level and just over the last couple of years there has been high student turnover and teacher turnover.

In regard to questions from the Board related to the changes in the business operations, Ms. Ketcham stated that her background is in education and the operations side has been a huge learning curve. It's been difficult on the financial end and she has a bookkeeper who has been working with the school to clean up systems and put responsibility on others with expertise. Now cutting back on enrollment and grade levels and reducing facilities to move ahead with the systems that have been fixed.

President Butler stated that the application addresses changes that are happening this year which included board changes, teacher changes, hiring a social worker, curriculum, professional development and facilities changes, and that not knowing the impact of the changes but having the report that shows where the school has been and the decrease in performance in 2010 raises questions with regard to a new 20 year contract.

MOTION

Dana Krals made a motion that based upon a review of the information provided by the applicant and the contents of the application which includes the academic performance, the fiscal compliance, and legal and contractual compliance of the

charter holder over the charter term, I move to deny the request for charter renewal and to not grant a renewal contract for Tertulia. Specifically, the charter holder, during the term of the contract, failed to meet the obligations of the contract or failed to comply with federal or state law when it:

1. Failed to provide a learning environment that will improve pupil achievement in accordance with A.R.S. § 15-181(A) and failed to include a Budget Plan and month-by-month projection that demonstrates a viable plan for improving pupil achievement in accordance with the requirements of the renewal application;
2. Failed to timely submit the annual financial audits in accordance with A.R.S. §§ 15-183(E) (6) and 15-914.
3. Failed to comply with federal monitoring and reporting requirements for the receipt of No Child Left Behind (NCLB) monies. Peter Bezanson seconded the motion.

Motion passed unanimously

9. Victory High School

Dr. Shirley Branham, Charter Representative, Ms. Robin, Business Manager and Jacque Jackson, the secretary of the corporate board of Victory High School addressed the Board and answered questions regarding the school's 8% pass rate in the AIMS math and responded to how the school is going to improve to meet the State's average. Dr. Branham stated that there were very few students who were tested and the contention of the math department is that those scores can easily be brought up. Dr. Branham stated the school has implemented computer programs, Saxon math, and has added classroom monitors to help with classroom management. Ms. Robin stated the school currently has 15 10th graders and believes that working on its retention and recruitment will provide additional students which will result in a true sample size for correct data. President Butler stated that the student/ teacher ratio at the school should result in reaching the targets in the performance management plan.

In responding to a question regarding what the math experience is for a student who is one of five students in the math class, Dr. Branham responded that they know the students very well. The students tend to come to the school performing below grade level and that the three general education students were educated at an accelerated rate and will do well this year.

Dr. Branham stated that the budget has been developed to include marketing and advertising to help recruit and retain students. Additionally, the surrounding feeder schools have made improvements in recent years which will raise the level of the incoming students at this school.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and grant a renewal contract for Victory High School. Jake Logan seconded the motion.

Motion passed 4-2
(No: Bezanson & Butler)

In explaining his vote, Dr. Bezanson stated that while he hopes he's wrong, he can't see the school meeting the thresholds.

In explaining his vote, President Butler stated that it's hard to see the school meeting the targets and additionally, the student to teacher ratio in math makes it challenging to harmonize why the results aren't showing.

Agenda Item J. Charter Renewal and Transfer Application for Tucson Youth Development, Inc.

Arnold Palacio, Charter Representative, along with Jay Slaughter, Principal, and Kathleen Bibby, Chief Fiscal Officer for Tucson Youth Development, Inc., provided background on the fiscal viability, instructional staff, demographics of the organization and the population served by the school and answered questions pertaining to the decrease in math scores and whether or not the school goals can be met. Mr. Palacio stated that the school has implemented different math programs and resources identified in the performance management plan including recently added NWEA, more direct instruction, and are working on content mastery with end of course mastery as well as re-teaching necessary concepts to help increase those scores. Mr. Palacio is very confident that they can move rapidly in the right direction in reaching the State average in math. Mr. Palacio was reminded by the Board of the importance of remaining compliant with the charter, including the timely submission of audits.

MOTION

Dana Krals made a motion that based upon the information in the application, academic performance over the charter term, fiscal compliance, and legal and contractual compliance, I move to approve the renewal application and transfer of the sponsorship from the State Board of Education to the Arizona State Board for Charter School and grant a renewal contract for Tucson Youth Development, Inc. Jake Logan seconded the motion.

Motion passed unanimously

Agenda Item K. Good Cause Extension Request for Consideration

1. Ball Charter Schools (Eastside)

Ms. Rowe stated as indicated in the staff report the charter was originally granted through the Replication Application with a start date of August 2008 and their proposal now is asking for an additional extension to the year 2012.

George Ellis, Principal of Dobson Academy, addressed the Board and stated that they have two schools which have been approved for replication and for which they have previously requested an extension. Mr. Ellis stated they got right up to escrow this past summer but, unfortunately didn't get the property.

President Butler stated that replication applications were intended to be a quick process for a school that is performing well and has identified a location for expansion. That isn't the case here since the school is requesting an extension to 2012. Mr. Ellis stated that the intent is to continue to search for schools and get them up and operating in a prudent manner. Mr. Ellis introduced two board members, Michael Dyer and Steven Yee who addressed the school's efforts to find locations and the financial issues that have delayed their efforts including changes in growth in targeted areas.

MOTION

Dana Krals moved to approve the Good Cause Extension to the signing and execution of the charter contract for Ball Charter Schools (Eastside) until August of 2012 with a planned opening date of Fall 2012-2013. The Extension is granted based on the applicant's submission of any documentation necessary to bring the application current to policy, rule, state or federal law at least 90 days prior to the signing of the contract. This includes uploading the replication application through the Board's web-based application systems. Should the charter holder not meet the replication application requirements at the time of the web-based submission, the matter must be brought back to the Board prior to the execution of the charter contract. Jake Logan seconded the motion.

During discussion, Dr. Bezanson asked for clarification as to who is to say in 2012 that the school will still meet the replication requirements and what does it mean that the school will need to upload the web-based application. Ms. Rowe stated that staff will re-qualify the school at the time the school locates a site and submits the web-based application and explained that the web-based application language was included to ensure that at the time the charter holder is ready to open, the school – rather than the Board's staff – will input the content of the application in as much as we should be completely web-based by 2012.

Motion passed 5-1

(No: Butler)

For a matter of record, President Butler stated that he didn't think the replication application is that troublesome and that rather than sit on it until 2012, it seems more appropriate to submit a new replication application.

2. Ball Charter Schools (Westside)

President Butler acknowledged that the same discussion that pertained to Eastside was probably appropriate for Westside and that unless anyone wished to discuss it further he would entertain a motion.

MOTION

Dana Krals moved to approve the Good Cause Extension to the signing and execution of the charter contract for Ball Charter Schools (Westside) until August of 2012 with a planned opening date of Fall 2012-2013. The Extension is granted based on the applicant's submission of any documentation necessary to bring the application current to policy, rule, state or federal law at least 90 days prior to the signing contract. This includes uploading the replication application through the Board's web-based application systems. Should the charter holder not meet the replication application requirements at the time of the web-based submission, the matter must be brought back to the Board prior to the execution of the charter

contract. Jake Logan seconded the motion.

Motion passed 5-1
(No: Butler)

3. Educational Enterprises, Inc

Paul Kremer, Authorized Representative for Educational Enterprises, Inc. addressed the Board and answered questions pertaining to how close the school is to obtaining a facility. Mr. Kremer stated they plan to open in August 2011 and are working very diligently to find a location and open up the school's second location.

MOTION

Dana Krals moved to approve the Good Cause Extension to the signing and execution of the charter contract for Educational Enterprises, Inc. until July 1, 2011 with a planned opening date of Fall 2011-2012 and that the applicant submit any documentation necessary to bring the application current to policy, rule, state or federal law at least 90 days prior to the signing contract. Peter Bezanson seconded the motion.

Motion passed unanimously

Agenda Item M. Temporary Suspension Request for Consideration- Academy of Arizona, Inc.

DeAnna Rowe introduced the item and updated the Board on how the process has proceeded with her initial conversations with the school and where we are to date.

Ms. Rowe stated that in early July, she engaged in my first discussion with Academy of Arizona representatives about the Board's policy for the Temporary Suspension of a charter school. Given the school is currently identified as one of the State's Persistently Lowest Achieving schools (PLA), it seemed appropriate to discuss the possibility of the school regrouping for a year and reopening with an improved academic program. However, things would need to move quickly because the first day of school had been calendared for August 2nd.

Ms. Rowe further stated that while the school was hesitant to notify its staff and parents that it would not be opening before the Board actually considered the request for a suspension, given the timing of the discussion, she had explained to the school that it was 1) not appropriate to start the school year if the charter operator had no intention of completing the school year, and 2) while the representative suggested delaying the start date for the school in case the Board did not respond favorably to the request, she stated that she did not feel it was appropriate to lead the students on to the fact that they might have a school, only to cancel after the Board approved the suspension. And that further if in fact the school decided that it didn't have a quality academic program to operate this year, which was the reason for requesting the suspension, that it wasn't in fact fair to the students to then go ahead and continue the operation.

In providing additional information regarding the communication, Ms. Rowe stated:

- On July 15, staff received a copy of the letter that was intended to be sent to parents of enrolled students notifying them the school would not be opening.
- On July 19, staff received information that the site administrator who was to oversee the suspension process had been released of her responsibilities and a representative of the corporate office would be overseeing the closure of the school.
- On July 20, while at the school, Ms. Rowe spoke with staff who confirmed that parents had not yet been notified of the closure.
- On July 21, Ms. Rowe stopped back by the school in the morning and observed a chain and lock on the front doors and a sign on the front door that said the school was closed. Later that day, after communication with the corporate office Ms. Rowe did received notification that in fact on July 21, the letters were mailed to the parents notifying them that the school would not be opening.
- On July 28 the suspension agreement was sent to the Academy of Arizona, as it appears in the materials that were included in your packet and developed with legal counsel.
- On or about July 29th, after compiling the staff report for the Board, which is included your meeting materials, Ms.

It is Ms. Rowe's understanding that the school met this morning to discuss the terms of the Suspension Agreement. Leicester Allen, the charter representative, provided Ms. Rowe with a copy of the agreement signed by their Board and he is here to answer any questions you may have.

Ms. Rowe clarified that at this time there is no Surrender Agreement to consider, but that staff does not recommend signing the Suspension Agreement. If the Board does not approve the Suspension Agreement, the school would be in violation of its charter given it did not open this year. The charter holder may choose to surrender its charter or the Board may choose to revoke the charter at a later date if a Surrender Agreement is not established.

Leicester Allen, Charter Representative addressed the Board and stated that he has not had previous communication with Ms. Rowe. Mr. Allen stated that he did express, in looking over the history of the school, that they were not satisfied with the students' learning or the budget and had approached the staff. However, there was interference in the communication caused by the previous principal at the school. Mr. Allen stated that they are serious about improving test scores and understand the importance of that and stated that the area is quite transient and 100% free and reduced. He further stated that he felt reorganization now, rather than at the time of renewal, was appropriate and to that end they've begun the work by bringing on Dr. Connie Calloway. Although not submitted timely, the audits were submitted.

In responding to a question regarding the appearance that a massive reorganization of the school is required and whether surrendering the charter, rather than suspending the charter for a year, which might not be massive enough, is required, why that isn't the right thing to do. Mr. Allen stated that everything is not broken. They already have a facility and don't need to start from scratch. In response to a follow-up question regarding whether tinkering would be sufficient, Mr. Allen stated that there were years when the school did much better and they are looking at ways of broadening the attraction of demographics. Mr. Allen then introduced Dr. Calloway who stated that the school is experiencing turbulence due to the economics, the school's location and high unemployment rates, 40% of the homes are single parent and there is a high incarceration rate. Dr. Calloway stated that she feels at least a year would be needed for planning and retraining to prepare to open the doors to meet the needs of the students. Dr. Calloway identified areas of the Department of Education's Standards and Rubric for school improvement as focal areas for the school. Dr. Calloway also stated that the school has learned from a review of the data and, based on experience, can now provide the best option of a positive environment for our students.

Dr. Bezanson stated that because the school is identified as one of the lowest performing Title I schools in the state that it is appropriate to start fresh.

President Butler asked how the school can call students who are no longer enrolled in the school as their students and why they want to hold on to the charter. Ms. Calloway stated she can speak in terms of curriculum and the commitment of families. The school has had requests about whether they will be re-opening and feels they need to be a choice and will work with those teachers and administrators that want to be a part of the restructuring.

Mr. Logan stated that in reviewing the historical noncompliance of the school, it appears that starting fresh would be better and questioned whether there would be continuity and whether the objectives could be better achieved with a new charter. Dr. Calloway stated that she can't speak to prior performance but has plans for what should be done moving forward.

MOTION

Jake Logan made a motion to deny the request for suspension in operation of the charter school and request that the school work with the staff to surrender the charter contract. Janna Day seconded the motion.

Motion passed unanimously

Agenda Item N. Board Comments

Jake Logan requested the possibility of discussing the meetings being held at a later time on Mondays.

Agenda Item O. Approval of Minutes

1. June 14, 2010 Regular Session

MOTION

Dana Krals made a motion to approve the June 14, 2010 minutes. Peter Bezanson seconded the motion.

Motion passed unanimously

2. July 12, 2010 Regular Session

MOTION

Dana Krals made a motion to approve the July 12, 2010 minutes. Peter Bezanson seconded the motion.

Motion passed unanimously

Agenda Item P: Adjournment

The meeting adjourned at approximately 1:04 p.m.

Signature

Date