
AGENDA ITEM: Good Cause Extension Request – Arizona Agribusiness & Equine Center, Inc.

Issue

Arizona Agribusiness & Equine Center, Inc. applied for and was granted a charter through the replication process on May 12, 2008 to serve grades 9-12 with an identified start date of August 2008. As part of the application, the applicant agrees and signs a statement acknowledging that the charter contract must be executed within twelve months of the date of approval.

As a condition to signing the charter contract, the approved applicant must provide proof of a secured facility. Arizona Agribusiness & Equine Center, Inc. has submitted a purchase contract for property and is waiting for a response from the seller. If accepted, the applicant anticipates it will take 12 months to complete the facility on the offer to purchase is accepted. Arizona Agribusiness & Equine Center, Inc. is requesting a Good Cause Extension to the signing and execution of the charter contract until July 1, 2010.

If the Board approves the extension of the signing and execution of the charter contract, Board staff shall review the approved application to determine whether additions or substantive changes are necessary to bring the application current with policy, rule, state or federal law. The approved applicant must submit the requested changes to the Board staff 90 days prior to the opening of the school. State aid funding will not initiate until the Board staff have determined that the requested submission is complete and sufficient and all other requirements of the Board have been fulfilled.

Policy Statement for a Good Cause Extension to the Charter Contract

Communications with School

On January 27, 2009, a letter was sent to the applicant notifying them of the pending expiration of the approved charter.

On February 10, 2009, the Board received the request for a Good Cause Extension for Arizona Agribusiness & Equine Center, Inc.

On February 23, 2009, an email notification was sent to the applicant notifying them that the item would be forwarded to the Board on March 9, 2009 for consideration.

Board Options

If the Board determines that the extension should be granted, the motion should include the length of time for the extension to sign the charter and a requirement that the approved applicant submit any documentation necessary to bring the application current with policy, rule, state or federal law at least 90 days prior to the signing of the contract.

1. Approve the Good Cause Extension to the signing and execution of the charter contract for Arizona Agribusiness & Equine Center, Inc. until July 1, 2010 with a planned opening date of Fall 2010-2011 and that the applicant submit any documentation necessary to bring the application current with policy, rule, state or federal law at least 90 days prior to the signing of the contract.
2. Deny the request for a Good Cause Extension. If the request is denied, the applicant has the option to reapply for a charter through the replication application process or the new charter application process.

Staff Recommendation

Staff's recommendation is option 1 above.



Arizona Agribusiness & Equine Center at District Office

3636 N. Central Ave. • Suite 850 • Phoenix, AZ 85012

Phone: 602.297.8500 • Fax: 602.297.8540

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February 4, 2009

Arizona State Board for Charter Schools
Ms. Heather Kelley
Contracts & Administrative Services
1700 West Washington Street, Room 164
Phoenix, AZ 85007

Ms. Kelley,

AAEC received your letter in regards to our replication charter expiring May 12th 2008. You noted that we would need to provide proof of a secured facility. The letter then states that we may request a Good Cause Extension for the signing and execution of the charter contract. We have submitted a "purchase contract" for the property which we have identified, however we have not received an answer back from the seller. The seller has told us that they are in the process of securing a current appraisal on the identified property and will then entertain our offer. The purchase contract is awaiting their approval from their Governing Board which meets intermittently. We would like to request a Good Cause for Extension since we are in the negotiation stage of acquiring property for our replication charter. It would be discouraging if we cannot get this transaction done prior to the February 20th deadline and have to go through the replication process again. We are hoping that the contract be accepted by April 30th 2009. The sellers Governing Board meets once approximately every two months. AAEC will plan to provide services by July 1st of 2010. We are doing a "new build" and based on our experience this process takes at least 12 months from start to finish.

Sincerely,

Linda Proctor Downing
Executive Director
Arizona Agribusiness & Equine Center Inc.



Arizona State Board for Charter Schools

1700 W. Washington Street, Room 164
Phoenix, AZ 85007



Phone: (602) 364-3080
Fax: (602) 364-3089

January 27, 2009

Linda Proctor Downing
Arizona Agribusiness & Equine Center, Inc.
P.O. Box 84108
Phoenix, AZ 85071

Dear Ms. Downing:

This letter is to inform you that the approved replication charter application for Arizona Agribusiness & Equine Center, Inc. expires on May 12, 2009. As stated in the charter application that was signed by you on May 5, 2008, "The pilot replication applicant acknowledges that if approved to operate a charter school, he/she must execute a charter contract with the Arizona State Board for Charter Schools within twelve months of the date of approval of the charter by the Arizona State Board for Charter Schools. A charter that is not timely signed expires."

Please contact me if at your earliest convenience to schedule an appointment to sign the charter contract for Arizona Agribusiness & Equine Center, Inc. Proof of a secured facility is required to sign the charter contract. Arizona Agribusiness & Equine Center, Inc. may request a Good Cause Extension for the signing and execution of the charter contract, if a request is submitted no later than February 20, 2009. If you fail to request a Good Cause Extension, the approved charter will expire May 12, 2009 with no further notice. You may submit a new replication application if you choose to re-apply.

Please feel free to contact me at 602.364.3080 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Heather Kelley". The signature is fluid and cursive.

Heather Kelley
Contracts & Administrative Services Manager

Heather Kelley

From: Heather Kelley
Sent: Monday, February 23, 2009 12:20 PM
To: Linda Proctor-Downing (ldowning@aaechighschools.com)
Subject: Request for a Good cause Extension

Linda,

On February 10, 2009, our office received your letter requesting a Good Cause Extension to the signing and execution of the charter contract for Arizona Agribusiness & Equine Center Estrella Mountain. The request will be forwarded to the Board for consideration on March 9, 2009. The meeting will begin at 9:30 a.m. at 1700 W. Washington St. Room B-56. Please plan on being in attendance and being available to answer questions.

Please feel free to contact me if you have any questions.

Thank you,

Heather Kelley
Contracts & Administrative Services Manager
Arizona State Board for Charter Schools
1700 W. Washington St., #164
Phoenix, AZ 85007
Ph: (602) 364-3085
Fax: (602) 364-3089
heather.kelley@asbcs.az.gov

2/23/2009