

AGENDA ITEM: Institute for Transformative Education – Request for a Good Cause Extension

Issue

Due to difficulties in securing appropriate facilities, Institute for Transformative Education is requesting a Good Cause Extension to the signing and execution of their charter contract.

[Policy Statement for a Good Cause Extension to the Charter Contract](#)

Background

Institute for Transformative Education (ITE) was granted a charter on January 10, 2011 to open a school in Tucson for the 2011-12 school year, serving grades 9-12. As part of the new application, the approved applicant agrees and signs a statement acknowledging that they must execute the charter contract within twelve (12) months of the date of approval. As a condition to signing the charter contract, the approved applicant must provide proof of a secured facility. Due to difficulties securing an appropriate facility, Institute for Transformative Education is requesting a Good Cause Extension to the signing and execution of the charter to begin providing services for the 2012-2013 school year.

On July 12, 2011, Board staff received a letter from Dr. Judith Anderson of ITE with an update to the status of the ITE charter. She stated that the applicant had been unable to locate an appropriate facility to open in the fall of 2011, but that they had been awarded a CSP grant and anticipated being able to open in the fall of 2012. At the time, Dr. Anderson wrote that they did not believe they needed an extension, but that one may later become necessary.

On January 17, Board staff received a letter from Dr. Anderson with a request for a Good Cause Extension. The letter stated that ITE had faced difficulties in finding a suitable facility, and had decided to build its own. ITE has entered negotiations to buy a piece of property in Tucson, but the sale was not completed in time to sign the contract before the deadline. The applicant has architectural plans which have received preliminary approval from the City of Tucson, and expects to close on the property between January 23 and February 13.

On January 18, 2012, Board staff sent a letter to Dr. Anderson and Dr. Fernandez, authorized representatives of ITE, informing the applicant that they had missed the deadline of January 10, 2012 for executing the charter contract. The letter also reminded the approved applicant that, as part of the application, the authorized representative signed a statement acknowledging that if approved to operate a charter school, the contract must be executed within twelve months of the date of approval by the Board and that a one-time good cause extension request could be submitted no later than March 10, 2012.

On January 30, 2012, Board staff received a letter from Dr. Anderson providing an update on the real estate purchase of ITE. The purchase contract closed on January 26 and ITE owns a school site and intends to begin the construction of school facilities, immediately. ITE is requesting a six-month Good Cause Extension, until July 10, 2012.

Board Options:

Option 1: The Board may approve the Good Cause Extension. Staff recommends the following language for consideration: I move, based on the information contained in the Board materials and presented today, that the Board approve the Good Cause Extension to the signing and execution of the charter contract for Institute for Transformative Education such that the contract is executed in time for the 2012-13 school year. Further that, as a condition of signing, the approved applicant shall submit any documentation necessary to bring the new application package current with policy, rule, state or federal law at least 90 days prior to the signing of the contract. Should the approved applicant not meet the new application requirements at the time set for the signing of the contract, the matter must be brought back to the Board prior to the execution of a charter contract.

Option 2: The Board may deny the request for a Good Cause Extension. The following language is provided for consideration: I move, based on the information contained in the Board materials and presented today, that the Board deny the request for a Good Cause Extension to the signing and execution of the charter contract for Institute for Transformative Education. If the request is denied, Institute for Transformative Education has the option to reapply for a charter through the application process.



January 12, 2012

Ms. DeAnna Rowe, Executive Director
Arizona State Board for Charter Schools
1700 West Washington, Suite 164
Phoenix, AZ 85007

Dear Ms. Rowe and Board Members:

Pursuant to the Board's Good Cause Extension Policy, I am writing to request a good cause extension of the deadline to sign the Institute for Transformative Education's (ITE) charter contract. ITE is requesting that the deadline to sign its contract be extended one year – to January 10, 2013.

The Board approved ITE's charter application at its January 10, 2011 meeting, and therefore, without an extension, ITE was required to sign its charter contract on or before January 10, 2012. It was unable to do so because it has not yet secured a school site.

After its application was approved by the Board, ITE immediately began to attempt to locate a suitable school site. Prior to submitting its application, it had preliminarily considered potential leases of several spaces, but none of those sites ultimately panned out. It then turned its attention to locating available land on which it could build its own facilities. After evaluating several potential sites, in August 2011, ITE entered into a real estate purchase contract and deposited earnest money into escrow for a site located at 1350 and 1380 S. Belvedere Avenue in Tucson. Since August, ITE has been working with the property owner to complete the necessary due diligence prior to the closing of the transaction. Although ITE was optimistic that the sale would close in time for it to sign its charter contract by the January 10 deadline, that did not happen. The transaction has not yet closed, but given the additional issues that must be resolved before closing, the current estimated closing date is on or before February 13, 2012. ITE hopes to close earlier than February 13 – it is planning to close prior to January 23 – but cannot guarantee that will occur.

ITE already has architectural plans for the facilities it plans to build on the property. A site plan has received preliminary approval by the City of Tucson and is in the final stages of review. Assuming that the transaction closes by January 23, the contractor plans to break ground on that date. The preliminary construction schedule projects a completion date in early August, which would allow ITE to open the Western Institute for Leadership Development in time to operate for the upcoming school year.



Although ITE anticipates signing its charter contract in the next several months, it is requesting a one year extension of the deadline in the event that the real property purchase is terminated for some reason. ITE does not anticipate that that will occur, but if it does, ITE will need additional time to find another suitable school site.

This request is timely submitted, and I believe that it includes appropriate evidence of ITE's good faith and prompt efforts to acquire a school site. If you need additional information to support this request, please let me know. Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Judith Anderson", written over a horizontal line.

Dr. Judith Anderson
CEO, Institute for Transformative Education