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**AGENDA ITEM:** Compliance Matters – Cesar Chavez Learning Community, Inc.

**Issue**

On May 13, 2009, staff of the State Board for Charter Schools visited Aztlan Academy and Cesar Chavez Middle School, the two school sites operated by Cesar Chavez Learning Community, Inc. (“Charter Operator”). In addition to the visit being part of the Charter’s 10 Year Review process, the site visit was also made in an effort to evaluate each school’s implementation of a program of instruction aligned with the State Academic Standards. A letter was sent to the Charter Operator on June 4, 2009, in follow-up to the visit, requesting additional information. The Charter Operator responded to the request on June 26<sup>th</sup>. Additionally, previous communication and subsequent follow up with the Charter Operator regarding noncompliance issues related to the fiscal year 2008 annual financial audit and compliance questionnaire are included in this report.

From information gathered during the site visit and as a result of the review of additional information provided by the Charter Operator, evidence exists that supports Cesar Chavez Learning Community, Inc. is in breach of the following provisions of their charter contract, federal, state, or local laws:

- Failing to provide a comprehensive program of instruction aligned to the Arizona Academic Standards.
- Failing to ensure that the teachers of core academic subjects are “highly qualified” as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
- Failing to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2.
- Failing to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
- Failing to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.
- Failing to comply with federal immigration laws.
- Failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System.
- Failing to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with the General Retention Schedule for School Districts and Charter Schools published by the Arizona State Library, Archives and Public Records.

**Background and Additional Details**

**Lack of Evidence of a Comprehensive Program of Instruction.**

**Previous Board Action –**

The Board’s initial monitoring of the implemented Program of Instruction began on November 30, 2004, when staff conducted a program compliance audit of both sites. The findings of this audit and the subsequent audit conducted on May 2, 2005, included the following information that was subsequently incorporated into the **Findings of Fact** of a Consent Agreement and Order in May of 2005:

*18. On November 30, 2004, Board staff conducted a program compliance audit of the Aztlan and Chavez Charter Operators’ operation of their school sites and subsequently requested that the Charter Operators provide additional information in response to the Board staff’s findings.*

- 19. As a result of its November 30, 2004 program compliance audit, Board staff:*
- a. found no evidence of a curriculum aligned to the articulated Arizona Academic Standards;*
  - b. could not determine whether “ability grouped” students were being taught grade appropriate material aligned to the articulated Arizona Academic Standards;*
  - c. did not observe project based learning, as described in the Board staff’s Five Year Review document submitted by the Chavez Charter Operator; and*

- d. *additionally, for the Aztlan Charter Operator, could not determine that its school site provides high school courses that meet the Arizona state graduation requirements.*

20. *In furtherance of its program compliance audit of the Aztlan and Chavez Charter Operators' operation of their school sites, Board staff requested that the Charter Operators provide additional information in response to the Board staff's findings. By the December 30, 2004 deadline, the Aztlan and Chavez Charter Operators provided insufficient information in response to the request.*

21. *The Aztlan and Chavez Charter Operator provide additional information to Board staff on or about March 21, 2005. Upon evaluation of the material, Board staff found that it was insufficient to determine if the school sites had a curriculum aligned to the articulated Arizona Academic Standards, to determine whether "ability grouped" students were being taught grade appropriate material aligned to the articulated Arizona Academic Standards, and, for Aztlan Academy, additionally, to determine that the school site provides high school courses that meet the Arizona state graduation requirements.*

22. *In follow-up to the materials submitted and upon request of the Aztlan and Chavez Charter Operators, Board staff conducted another program compliance audit of the Aztlan and Chavez Charter Operators on May 2, 2005.*

23. *As a result of its May 2, 2005 program compliance audit, Board staff concluded that:*
- a. *effort has been made to teach grade appropriate material by separating middle school students from the high school students however, there was insufficient evidence to determine whether students were exposed to grade level content while being provided the lower level remediation; and*
  - b. *professional development has been focused on creating lesson plans aligned with the articulated standards and rubric development as evidenced by collected lesson plans; and*
  - c. *there is not enough evidence to demonstrate the scope and sequence of instruction for coursework within content areas or across grade levels or that content area courses incorporate the articulated standards.*

The **Conclusions of Law and Settlement Terms and Order** of the Consent Agreement and Order in May of 2005 states:

33. *The Aztlan and Chavez Charter Operators breached their Charter Contracts and A.R.S. § 15-183.E.3 when they failed to demonstrate provision of a comprehensive program of instruction and educational services according to educational standards established by law.*

51. *The Aztlan and Chavez Charter Operators shall schedule at least one staff in-service meeting prior to the beginning of the school year to conduct training to ensure that all teachers have a copy of the latest version of the Arizona Academic Standards and understand their use and application at the School. The Aztlan and Chavez Charter Operators shall calendar and document the completion of this meeting.*

52. *The Aztlan and Chavez Charter Operators shall develop a curriculum map for core content areas that encapsulate the content, skills and assessments taught or administered.*

53. *The Aztlan and Chavez Charter Operators shall incorporate citations of the Arizona Academic Standards into their lesson plans, assessments, rubrics, and curriculum map.*

54. *The Aztlan and Chavez Charter Operators shall have clear and irrefutable evidence that students have demonstrated an increase in their academic performance on state standards from one to three years in reading, writing, and math in a single academic year. Evidence will be available by July 15 of each year.*

55. *The Aztlan and Chavez Charter Operators shall adopt assessments in reading, writing, and math that demonstrate alignment to the Arizona Academic Standards and use this assessment to pre and post test all students each year. Written evidence of pre-test procedures will be available by the first day the school is in session each year. Evidence of pre and post test results will be available within 30 days of the start and end of each school year respectively.*

56. *The Aztlan and Chavez Charter Operators will utilize a portfolio assessment for each student that documents student progress in reading, writing, and math. The portfolio will include, at a minimum, student attendance data, teacher observations, interviews, surveys, work samples, and tests. The portfolio will signal where instruction needs strengthening. The portfolio assessment will be systematic in that the observations that are noted and the student products that are included relate to the Arizona Academic Standards. Evidence of student progress will be available quarterly.*

The middle school was designated as Underperforming in 2006 and 2007 and both schools went into NCLB School Improvement in 2005. Staff monitored both schools' academic progress through AZ Learns and NCLB School Improvement efforts. On April 28, 2008 Staff conducted a site visit to both schools. The schools were unable to provide lesson plans for all content areas. Additional follow-up was required. On May 13, 2009, Staff conducted another site visit.

#### **Findings from FY09 monitoring -**

##### Review of Lesson Plans and Conversations with Teachers Regarding the Alignment of Instruction to the State Academic Standards revealed the following at the high school, Aztlan Academy:

1. Based on a conversation with Mr. Taylor, the English teacher, and a review of the lesson plans he provided, there is no differentiation of instruction for the different grade levels of high school language arts classes.
  - Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
    - Lesson plans provided do not demonstrate any differentiation in instruction for 9<sup>th</sup> and 10<sup>th</sup> graders.
    - No evidence of the implementation of the lesson plans submitted was provided.
    - No lesson plans or evidence of an implemented curriculum for 11<sup>th</sup> and 12<sup>th</sup> grades were provided.
2. Based on a review of the schedule and conversations with school staff, the science courses offered to high school students are Chemistry and a project based science class.
  - Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
    - Lesson plans submitted for the course do not provide instruction in 45% of the Performance Objectives identified by the State as would generally be included in a high school chemistry class.
    - No evidence of the implementation of the lesson plans submitted was provided.
    - The school did not provide evidence of offering two credits of science in preparation for proficiency at the high school level on the AIMS test.
3. Based on a discussion with teachers, review of materials and classroom observations, there is no evidence to support the implementation of an adopted math curriculum.
  - Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:

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- No evidence of the implementation of the lesson plans submitted was provided.
  - No evidence to support that multiple instructors teaching the same course title are providing similar instruction.
4. Based on discussions with teachers and classroom observations, there is no evidence of the afternoon project-based classes being aligned to the State Academic Standards to support awarding high school core content credit when a project is completed.
- Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
    - No evidence of the implementation of the lesson plans submitted was provided.
    - No evidence that the project-based courses provide comprehensive instruction in any content area to support awarding high school core content credit.

**Conclusion:** The charter operator failed to provide evidence of the implementation of a language arts, math and science curriculum that aligns with the State Academic Standards and meets graduation requirements adopted by the State Board of Education. The charter operator failed to provide evidence of the successful completion of the subject area course requirements prescribed by the State Board of Education for graduation purposes.

Review of Lesson Plans and Conversations with Teachers Regarding the Alignment of Instruction to the State Academic Standards revealed the following at the middle school, Cesar Chavez Middle School:

1. Based on a review of the schedule provided, conversations with school staff, and review of available documents, there is evidence that a science course, Animal Science, is offered to all middle school students. There is no evidence to support the differentiation in content to meet performance objectives for the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade. Nor is there evidence to support that the course aligns with the Science Standard for these grade levels.
  - Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
    - Lesson plans submitted for the course do not provide evidence of instruction in a significant portion of science content to be provided for each grade level.
    - No evidence of the implementation of the lesson plans submitted was provided.
2. Middle school math lesson plans were not available for review.
  - Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
    - No evidence of the implementation of the lesson plans submitted was provided.
3. Based on a review of the schedule provided, conversations with school staff, and review of available documents, there is evidence that a social studies course, Chicano Studies, is offered to all middle school students. There is no evidence to support the differentiation in content to meet performance objectives for the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade. Nor is there evidence to support that the course aligns with the Social Studies Standard for these grade levels.
  - Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
    - Lesson plans submitted for the course do not provide evidence of instruction in a significant portion of social studies content to be provided for each grade level.
    - No evidence of the implementation of the lesson plans submitted was provided.
4. Based on discussions with teachers and classroom observations, there is no evidence of the afternoon project-based classes being aligned to the State Academic Standards for grades 6, 7 and 8.

- Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms deficiencies in the following areas:
  - No evidence of the implementation of the lesson plans submitted was provided.
  - No evidence that the project-based courses provide comprehensive instruction in any content area to support student progress toward meeting competency requirements.

**Conclusion:** The charter operator failed to provide evidence of the implementation of a middle school science, math, and social studies curriculum that aligns with the State Academic Standards. The charter operator failed to provide evidence of the successful implementation of the subject area course requirements prescribed by the State Board of Education.

**HQT Status of Core Content Area Teachers:**

A review of the Highly Qualified (HQ) Teachers Report submitted to the Arizona Department of Education (ADE) indicates not all core content teachers were reported and that there is no record of Arizona Educator Proficiency Assessment (AEPA) scores for teachers who were reported as HQ via AEPA testing.

- Review of materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter confirms the following areas:
  - Inconsistencies in HQ Teacher status reported to ADE and actual teaching assignments.
  - Tutors/Aides act as teachers of record
  - Support documents for HQ Teacher status was not provided.

**Conclusion:** The charter operator failed to provide evidence that its teachers are HQ in the content area of record. Under the No Child Left Behind Act, schools must ensure that the teachers of core academic subjects are “highly qualified” as that term is defined in the Act (20 U.S.C. § 6301 et seq.).

**Lack of Evidence of the Provision of Required Instructional Hours.**

**A Review of the Class Schedules revealed the following regarding Instructional Hours:**

1. The middle school bell schedules provided by the school did not meet the statutory hour requirements for sixth, seventh and eighth grade students. Specifically, the Cesar Chavez Middle School schedules fell approximately 64 hours short of providing the required 890 instructional hours to the sixth graders and approximately 242 hours short of providing the required 1,068 hours to the seventh and eighth graders. Although the exact amount of the discrepancy was not provided to the school during the visit, staff did share that, based on their initial review, there appeared to be a significant shortfall in the hours of instruction provided to the school’s seventh and eighth grade students.
2. On May 19<sup>th</sup>, this Office received a copy of the May 15<sup>th</sup> letter sent to parents of seventh and eighth grade students announcing a summer program on the Grand Canyon between June 1<sup>st</sup> and June 25<sup>th</sup>. The letter “strongly encourag[es] all of our 7<sup>th</sup> and 8<sup>th</sup> grade students to participate” and states “there will be lots of hands on science, history and art projects with focused time for Language Arts and math.”. In the event the school intends that this summer program supplement the shortfall of instructional hours through the school calendar year, it is not sufficient to do so. The summer program goes beyond the school’s stated 2008-2009 calendar year, the school cannot mandate seventh and eighth grade students to participate, and there is no documentation demonstrating that the instruction provided during the summer program covers the information that the students should have received during the school year, but did not due to the hour requirement not being met. Moreover, even if the summer program could be considered in the school’s hour calculation for fiscal year 2009, the school would still be approximately 128 hours short of meeting the instructional hour requirement.

- In the materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter, the Charter Operator stated, “CCLC school officials accepted the calculations of the AZ Charter Board staff member rather than recalculate the hour requirements for our 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders.”
- After reviewing information provided June 26<sup>th</sup> regarding the character building programs taught to all students during the homeroom period, Board staff recalculated the instructional hours to include the homeroom period. The instructional hour shortfall for 6<sup>th</sup> graders was eliminated with the addition of the homeroom period in the calculation. The instructional hour shortfall for the 7<sup>th</sup> and 8<sup>th</sup> graders was reduced to approximately 151 hours.
- In the June 26<sup>th</sup> materials, the Charter Operator stated that after Board staff’s visit, the middle school teachers immediately began planning for a summer school project-based learning (PBL) project on the Grand Canyon. Based on a review of the materials, the following was noted:
  - The information provided regarding 7<sup>th</sup> and 8<sup>th</sup> graders participation in the program did not align with information obtained from the ADE.
  - Regarding the program’s content, the June 26<sup>th</sup> response stated, “If AZ Charter School Board officials would like a copy of the lesson plans of our Grand Canyon PBL curriculum with its hands-on integrated activities, we would be happy to provide it. However, it would be appreciated if we could be given reasonable and appropriate time to prepare such a detailed document for your review.”
  - In summary, the June 26<sup>th</sup> materials regarding the Grand Canyon program: a) failed to provide information showing that the middle school’s calendar had been amended with the ADE to incorporate the program; b) failed to show that the program was required rather than optional for the 7<sup>th</sup> and 8<sup>th</sup> grade students; and c) failed to demonstrate the program covered the information that the students should have received during the school year, but did not due to the hour requirement not being met.
- The June 26<sup>th</sup> materials also referenced 18 hours “of extended field trips instruction related to their classroom studies” that all students participate in as well as 18 hours of overnight retreats related to the character building program. Sufficient information was not provided for Board staff to determine whether these hours should be included in the instructional hour calculation.

**Conclusion:** The Charter Operator failed to provide its 7<sup>th</sup> and 8<sup>th</sup> grade students with the minimum 1,068 instructional hours required by A.R.S. §15-901.A.2.

**Inconsistency in Attendance Counts and Failure to Comply with Attendance Uploads to ADE**

**A Review of Student Counts and the History of the Schools’ Data Uploads indicates the school is not in compliance with reporting requirements.**

1. Staff counted 110 students on campus during the site visit. Staff was not able to count the students in the Animal Science class who were at the “farm” or the graduating seniors who were off campus having their graduation pictures taken.
2. Based on information obtained from the Arizona Department of Education’s (ADE) website, the charter is reporting a total of 184 students as enrolled in Cesar Chavez Middle School and Aztlan Academy at the time of our visit.
3. During the visit, staff requested copies of the teacher marked rosters for May 13<sup>th</sup>, but left without picking them up. On May 14<sup>th</sup>, staff sent an email to Alex Neely requesting the rosters. The school indicated the rosters would be faxed on May 18<sup>th</sup>. Since the rosters hadn’t been received, staff contacted Alex Neely on May 19<sup>th</sup>. Alex Neely stated that the school’s fax machine has difficulty sending large faxes and that she would mail the rosters. On or about May 27<sup>th</sup>, staff left a message for Alex Neely regarding the rosters. As of the date of this letter, our Office still has not received them.
4. Staff reviewed the two schools’ attendance data upload history through ADE’s website. ADE’s website shows that Cesar Chavez Middle School last submitted student attendance data on March 19<sup>th</sup> while Aztlan last submitted data on January 13<sup>th</sup>.

5. Staff's review of the attendance data submitted to ADE also showed that the schools have reported zero absences for their students, so far, this year.

#### Fiscal Year 2009 Rosters

- May 13, 2009 Rosters – On June 8<sup>th</sup>, Board staff received rosters for May 13<sup>th</sup>. On June 9<sup>th</sup>, Board staff emailed the Charter Operator that the rosters provided covered the morning periods up until lunch, but that rosters for the afternoon instruction had not been provided. Board staff sent another email to the Charter Operator on June 29<sup>th</sup> regarding the rosters. Subsequent to the June 29<sup>th</sup> email, Board staff determined that the morning rosters for May 13<sup>th</sup> were incomplete as teacher rosters for at least four classes had not been provided.
- Rosters for the Rest of Fiscal Year 2009 – In a June 8<sup>th</sup> email, Board staff referenced the June 4<sup>th</sup> request for the fiscal year 2009 rosters and the deadline date of June 15<sup>th</sup>. On June 29<sup>th</sup>, Board staff emailed the Charter Operator regarding the rosters, which hadn't yet been received.

**Conclusion:** As of July 9, 2009, the Charter Operator has failed to provide the remaining rosters for May 13<sup>th</sup> and the rosters for the rest of fiscal year 2009. Under A.R.S. §39-121.01 school districts and charter schools are public bodies required to maintain all records reasonably necessary to maintain an accurate knowledge of their official activities and of any of their activities which are supported by state monies. In accordance with the November 2007 General Retention Schedule for School Districts and Charter Schools published by the Arizona State Library, Archives and Public Records, daily attendance records must be retained for four years after the fiscal year created or received.

#### Attendance-Related Matters Identified Through Review of May 13, 2009 Rosters

- The limited May 13<sup>th</sup> rosters provided for the two schools supported 154 students. Insufficient information was available to determine whether an additional 22 students were still attending the schools as of May 13<sup>th</sup>. In comparing the May 13<sup>th</sup> rosters to the attendance data submitted by the Charter Operator to ADE, the following inconsistencies were identified:
  - First, 59 students who are still being reported to the ADE as enrolled and attending do not show up on the May 13<sup>th</sup> rosters provided by the schools and 43 students who show up on the May 13<sup>th</sup> rosters do not appear on ADE reports.
  - Second, as of June 23<sup>rd</sup>, the schools have reported zero absences for their students during fiscal year 2009. Since the rosters for the year were not provided by the Charter Operator, Board staff was unable to verify the zero absences. However, based upon a review of the limited May 13<sup>th</sup> rosters provided, Board staff identified at least 64 absence periods. Due to the incomplete rosters, Board staff was unable to calculate a total number of full and partial day absences for May 13<sup>th</sup>.
  - Finally, as of June 23<sup>rd</sup>, all students attending the schools are being reported as 1.0 FTE. The limited May 13<sup>th</sup> rosters raise doubt as to whether all of the students are full-time. However, due to the May 13<sup>th</sup> rosters being incomplete and no rosters being provided for the rest of the fiscal year, Board staff was unable to make a determination.

**Conclusion:** The Charter Operator failed to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.

#### Attendance Uploads

- The materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter did not address this matter.
- As of June 23<sup>rd</sup>, no additional uploads have been submitted by either Cesar Chavez Middle School or Aztlan Academy based on Board staff's review information available through ADE's website.
- Further, uploads for the period of August 11, 2008 through January 13, 2009 for Aztlan Academy and for the period of August 11, 2008 through March 19, 2009 for Cesar Chavez Middle School did not comply with statutory requirements.

**Conclusion:** The Charter Operator failed to comply with A.R.S. §15-1042.G, which requires schools to electronically submit membership and absence information to the ADE at least once every 20 school days through the end of instruction.

**Lack of Evidence of Appropriate Verification of Employees.**

A Review of Personnel Files does not provide evidence that the schools have complied with federal and state employment eligibility verification requirements for all of its employees:

1. For two employees, staff could not find any I-9 documentation. For the remaining employees, the employer section of the I-9 forms contained in the personnel files had not been completed by the employer.
  2. This Office was unable to confirm that the school contracts for services for the purpose of conducting the employment verifications for the school.
  3. There is no evidence that the school verifies that contracted vendors comply with employment eligibility verification requirements.
- The materials submitted June 26, 2009 in response to the June 4<sup>th</sup> letter did not address these matters.

**Conclusion:** The Charter Operator failed to demonstrate that it has complied with federal laws regarding employment eligibility authorization and verification.

**Noncompliance Issues Related to the Fiscal Year 2008 Annual Financial & Compliance Audit**

The Charter Operator's fiscal year 2008 audit identified six issues that required the submission of a corrective action plan (CAP). After multiple requests and communication with the Charter Operator's bankruptcy consultant, the Charter Operator's business services provider and the Charter Operator, as of July 9<sup>th</sup>, one of the six issues is still outstanding.

Arizona State Retirement System

The fiscal year 2008 audit indicated that the Charter Operator owed the Arizona State Retirement System (ASRS) \$146,169 as of June 30, 2008.

On May 27<sup>th</sup>, the bankruptcy consultant indicated that all fiscal year 2009 ASRS payroll reports had been filed through the pay period ending May 5, 2009. While the reports had been submitted, the Charter Operator had not submitted the payment with all of the reports. The payment plan submitted to the federal bankruptcy court stated that the Charter Operator owed the ASRS \$138,480 for the period post Chapter 11. The plan indicated that \$44,780 had been paid to date (April 30<sup>th</sup>) and that the remainder would apparently be paid using federal stimulus monies.

On June 29<sup>th</sup>, the Charter Operator's business service provider stated that the reports and contributions for the payroll periods ending May 31<sup>st</sup> and June 15<sup>th</sup> had been submitted to ASRS.

On July 1<sup>st</sup>, the ASRS provided Board staff with information indicating that for the post-bankruptcy period, the Charter Operator owes the ASRS approximately \$78,000. This includes 15 payroll periods between June 30, 2008 and May 15, 2009. For two of the 15 payroll periods, ASRS received the employee contributions, but not the employer contributions.

**Conclusion:** The Charter Operator has failed to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System.

## Board Options

1. The Board may direct staff to monitor the charter operator's progress and provide additional updates as they become available.
2. The Board may withhold 10% of the school's funding for non-compliance including:
  - Failing to provide a comprehensive program of instruction aligned to the Arizona Academic Standards.
  - Failing to ensure that the teachers of core academic subjects are "highly qualified" as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
  - Failing to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2.
  - Failing to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
  - Failing to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.
  - Failing to comply with federal immigration laws.
  - Failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System.
  - Failing to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law.

In order to have the 10% withholding returned, Cesar Chavez Learning Community, Inc. must submit a corrective action plan that:

- Provides evidence the charter operator has provided a comprehensive program of instruction aligned to the State Academic Standards for each grade level and content area.
  - Provide evidence that each teacher of record of core academic subjects is "highly qualified" as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
  - Provides evidence of a school schedule and school calendar that demonstrates the minimum hours of instruction are provided.
  - Demonstrates that the charter operator has developed and implemented policies and procedures to report student attendance in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
  - Demonstrates that the charter operator has developed and implemented policies and procedures to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.
  - Demonstrates the verification of employment eligibility for every employee hired.
  - Provide evidence to the Board that the charter has submitted all delinquent reports and contributions to the ASRS and is current or has established a payment plan approved by the ASRS and also provide a written statement reflecting the changes the charter operator has made to its procedures to ensure that all future reports and contributions are submitted timely to the ASRS.
  - Demonstrates that the charter operator has developed and implemented policies and procedures to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law.
3. The Board may to issue a Notice of Intent to Revoke the charter contract of Cesar Chavez Learning Community, Inc. for any of the following:
    - Failing to provide a comprehensive program of instruction aligned to the Arizona Academic Standards.
    - Failing to ensure that the teachers of core academic subjects are "highly qualified" as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
    - Failing to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2.

- Failing to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
- Failing to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.
- Failing to comply with federal immigration laws.
- Failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System.
- Failing to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law.

The motion should also require that:

- Within 48 hours of receipt of the Notice the charter operator shall notify staff and parents/guardians of registered students of the Notice of Intent to Revoke and the Notice of Hearing and provide a school location where the copy may be reviewed;
  - Within 20 days of receipt of the Notice the charter operator shall provide copies of all correspondence and communications used to comply with the preceding provision; and
  - Within 20 days of receipt of the Notice the charter operator shall provide the Board with the names and mailing addresses of parents/guardians of all students registered with the school.
4. The Board may withhold 10% of the charter operators funding (Option #2) and issue a Notice of Intent to Revoke the charter contract of Cesar Chavez Learning Community, Inc. (Option #3).

**Staff Recommendation:** Option 4

The Board withhold 10% of the school’s monthly equalization payment for non-compliance including:

1. Failing to provide a comprehensive program of instruction aligned to the Arizona Academic Standards.
2. Failing to ensure that the teachers of core academic subjects are “highly qualified” as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
3. Failing to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2.
4. Failing to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
5. Failing to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.
6. Failing to comply with federal immigration laws.
7. Failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System.
8. Failing to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law.

And

In order to have the 10% withholding returned, Cesar Chavez Learning Community, Inc. must submit a corrective action plan that:

- Provides evidence the charter operator has provided a comprehensive program of instruction aligned to the State Academic Standards for each grade level and content area.
- Provide evidence that each teacher of record of core academic subjects is “highly qualified” as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
- Provides evidence of a school schedule and school calendar that demonstrates the minimum hours of instruction are provided.
- Demonstrates that the charter operator has developed and implemented policies and procedures to report student attendance in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
- Demonstrates that the charter operator has developed and implemented policies and procedures to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.

- Demonstrates the verification of employment eligibility for every employee hired.
- Provide evidence to the Board that the charter has submitted all delinquent reports and contributions to the ASRS and is current or has established a payment plan approved by the ASRS and also provide a written statement reflecting the changes the charter operator has made to its procedures to ensure that all future reports and contributions are submitted timely to the ASRS.
- Demonstrates that the charter operator has developed and implemented policies and procedures to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law.

Further:

The Board issues a Notice of Intent to Revoke the charter contract of Cesar Chavez Learning Community, Inc. for the following:

1. Failing to provide a comprehensive program of instruction aligned to the Arizona Academic Standards.
2. Failing to ensure that the teachers of core academic subjects are “highly qualified” as that term is defined under the No Child Left Behind Act, (20 U.S.C. § 6301 et seq.).
3. Failing to provide the minimum hours of instruction pursuant to A.R.S. §15-901.A.2.
4. Failing to report student attendance data in accordance with A.R.S. §§15-185.B.2, 15-901 and 15-902.
5. Failing to electronically submit membership and absence information to ADE at least once every 20 school days pursuant to A.R.S. §15-1042.G.
6. Failing to comply with federal immigration laws.
7. Failing to remain current with its reporting and member and employer contribution obligations to the Arizona State Retirement System.
8. Failing to maintain and retain teacher rosters as required by A.R.S. §39-121.01 and in accordance with Public Records Law.

And that:

- Within 48 hours of receipt of the Notice the charter operator shall notify staff and parents/guardians of registered students of the Notice of Intent to Revoke and the Notice of Hearing and provide a school location where the copy may be reviewed;
- Within 20 days of receipt of the Notice the charter operator shall provide copies of all correspondence and communications used to comply with the preceding provision; and
- Within 20 days of receipt of the Notice the charter operator shall provide the Board with the names and mailing addresses of parents/guardians of all students registered with the school.