
AGENDA ITEM: L. Charter Renewal – Lake Havasu Charter School, Inc.

Issue

Lake Havasu Charter School, Inc. failed to submit an application for renewal of its charter and was notified by certified mail on July 2, 2010 that, having failed to submit a renewal application to the Board, its charter will expire on August 25, 2011.

On October 22, 2010 staff received a request from the school to be placed on the next Board meeting agenda. During the Call to the Public at the November 19, 2010 Board meeting, representatives from Lake Havasu Charter School, Inc., requested the Board consider allowing the charter holder to be considered for renewal in the next renewal pool, stating that it did not receive notification of its opportunity to renew its charter. Ms. Hauchrog, Administrator for Lake Havasu Charter School, stated that the Board's charter renewal email notifications were sent to an email address that "was answered up at the administrative desk". Ms. Hauchrog also stated, "We never saw the emails come in and thus we had no knowledge of anything until July 7th."

Background

Arizona Revised Statutes § 15-183(I)(1) states:

At least eighteen months before the expiration of the approved plan, the sponsor shall notify the charter school that the charter school may apply for renewal. A charter school that elects to apply for renewal shall file an application for renewal at least fifteen months before the expiration of the approved plan. In addition to any other requirements, the application for renewal shall include a detailed business plan for the charter school, a review of fiscal audits and academic performance data for the charter school that are annually collected by the sponsor and a review of the current contract between the sponsor and the charter school. The sponsor may deny the request for renewal if, in its judgment, the charter school has failed to complete the obligations of the contract or has failed to comply with this article. A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school at least twelve months before the expiration of the approved plan to allow the charter school an opportunity to apply to another sponsor to transfer the operation of the charter school. If the operation of the charter school is transferred to another sponsor, the fifteen year period of the current charter shall be maintained.

The Board discussed the development of the Renewal Application over a number of meetings from August 16, 2007 through July 31, 2009. The notice, agenda and meeting materials for all Board meetings are available on the Board's website. The Renewal Application was approved by the Board on September 28, 2009 and was made available on the Board's website on or before November 3, 2009. In accordance with A.R.S. § 15-183(I)(1), the Board's adopted renewal application process provides for the Board to notify its charter operators of eligibility to apply for renewal at least 18 months prior to the expiration of the charter and for the charter operators' the submission of a renewal application at least 15 months before the expiration of the charter.

The renewal process adopted by the Board provides for the charter holder to be notified of its opportunity to apply for renewal via the email address of the charter representative. The notification

process utilizes the email capabilities of the Board's web-based data management system which allows for a streamlined, efficient notification system. Pages 4 and 5 of the Application address the importance of the authorized charter representative's email address. ([See renewal app_001](#))

On January 14, 2010, Board staff confirmed the email address of Lake Havasu Charter School Inc.'s authorized charter representative through the Board's databases. Both systems identify lhcs1@frontiernet.net as the email address of Richard Tatham, the charter representative for Lake Havasu Charter School, Inc. ([See email address record_001](#))

On February 19, 2010, an email ("Information regarding renewal eligibility") providing renewal notification information, including the date on which the charter operator would become eligible to apply for renewal and the deadline date on which the application would be due to the Board, was sent with High Importance to lhcs1@frontiernet.net by Board staff. The system confirmed its delivery to the recipient. Two subsequent emails regarding the renewal process were sent to the same address on February 26, 2010 and May 11, 2010. ([See renewal notices_001](#))

A review of Lake Havasu Charter School, Inc.'s file at the Board's office also provides instances of the use of this email address. For example, on January 9, 2009, a cover sheet faxed by Patti Hauchrog at Lake Havasu Charter School, Inc. provides mailing, telephone and fax information and includes the email address lhcs1@Frontiernet.net. Also, on November 9, 2009, an email ("November Board Meeting Notice – AFR") was sent by Board staff to lhcs1@frontiernet.net. On December 1, 2009, the system confirmed its delivery to the recipient. ([See samples of email use_001](#))

Lake Havasu Charter School, Inc. was notified by certified mail on July 2, 2010 that, having failed to submit a renewal application to the Board, its charter will expire on August 25, 2011.

On or about September 15, 2010, Ms. Hauchrog, Administrator for Lake Havasu Charter School, contacted the Board to discuss the status of the charter. Staff outlined the timeframes and procedures for the renewal application process and discussed possible next steps for the charter holder, including applying for a new charter and identifying a charter holder in good standing that would be interested in adding a site to its charter in Lake Havasu to serve the students.

On October 7, 2010, staff received a request for copies of email correspondence sent to the charter holder regarding the renewal process. On October 14, 2010, the request was satisfied.

On October 22, 2010, Ms. Hauchrog, made a request for Lake Havasu Charter School, Inc. to be placed on the next Charter Board agenda. On October 26, 2010 staff responded to the email, requesting a description of the intended discussion or request of the Board. On October 28, 2010, a letter was received with stated the purpose of the request was so that the Lake Havasu Charter Board and staff would have an opportunity to address the renewal application and the missed deadline. Upon review of the request for inclusion on the agenda, it was determined that the purpose of addressing the Board was informational in nature and most appropriate to share during the Call to the Public and notified the School as such. ([See meeting request_001](#))

During the Board's discussion of Board Comments and Future Meeting Dates at its November 19, 2010 meeting, Members asked that this matter be placed on the agenda for discussion.

Options:

The Board may take no action.

The Board may seek legal advice.