AGENDA ITEM: Compliance Matters – Demonstration of Sufficient Progress Submission Required

Issue
Legacy Education Group failed to submit its Demonstration of Sufficient Progress (DSP), which was due January 7, 2015.

Background
A.R.S. § 15-183.R requires the Board to ground its action in evidence of the charter holder's performance in accordance with the performance framework, which includes the academic performance expectations of the charter school and the measurement of sufficient progress toward the academic performance expectations. The Board's Academic Performance Framework and Guidance document includes an Academic Intervention Schedule that requires the submission of required documents when the charter holder fails to meet the Board's academic expectations. Charter Holders operating a school that failed to meet the Board's academic performance expectations and that had earned a letter grade of D were required to submit a DSP due on January 7, 2015. Charter Holders assigned DSPs in this group were identified as having earned a letter grade that the Board has identified as Falls Far Below. All Dashboards for this Charter Holder are included in the portfolio.

A Demonstration of Sufficient Progress is used by the Board to determine whether a charter holder that fails to meet the Board's academic expectations has demonstrated sufficient progress toward the academic performance expectations. Because the charter holder has failed to submit a DSP, the charter holder has failed to demonstrate sufficient progress toward the academic performance expectations. A.R.S. § 15-183.I.3 states, in part, that the Board may revoke a charter at any time if the charter school fails to meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

A.R.S. § 15-185.H provides for the withholding of up to 10% of a charter holder's monthly apportionment of state aid when it determines that the charter school is not in compliance with the laws of this state or with its charter. Because the charter holder has failed to submit a DSP, it has failed to demonstrate sufficient progress toward the Board's academic performance expectations and is not in compliance with its charter.

Timeline
On October 27, 2014, Legacy Education Group was notified that Board staff had posted a list to its website that identified Charter Holders assigned to a DSP, which included Legacy Education Group. The posted list identified the assignment date and due date of all required submissions. On December 8, 2014, Legacy Education Group was notified that the Charter Holder was required to submit a DSP because East Valley High School did not meet the Academic Performance Expectations set forth by the Board. The notification stated that all required submissions were due on January 7, 2015. Legacy Education Group did not timely submit a DSP Report to the Board on January 7, 2015.

Board Options
Option 1: The Board may approve withholding 10% of the charter holder's monthly state aid apportionment. Staff recommends the following language for consideration: I move to find Legacy Education Group in noncompliance with state law and their charter contract for their failure to demonstrate sufficient progress toward the Board's academic performance expectations through the submission of a Demonstration of Sufficient Progress and approve withholding 10% of the Charter Holder's monthly State aid apportionment until a complete Demonstration of Sufficient Progress is submitted.

Option 2: The Board may vote to issue a Notice of Intent to Revoke the charter contract. The following language is provided for consideration: I move to issue a Notice of Intent to Revoke the charter contract of Legacy Education Group for failure to meet or demonstrate sufficient progress toward the Board's academic performance expectations set forth in the Board's performance framework.

- Within 48 hours of receipt of the Notice the charter operator shall notify staff and parents/guardians of registered students of the Notice of Hearing on Intent to Revoke Charter 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.

I further move that the Board approve withholding 10% of each charter holder's monthly State aid apportionment until a complete Demonstration of Sufficient Progress is submitted.

Option 3: The Board may decide to take no action at this time.