

**AGENDA ITEM:** Surrender Agreement – New Visions Academy, Inc.

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**Issue**

New Visions Academy, Inc. has submitted a Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract (“Surrender Agreement”).

**Background**

New Visions Academy, Inc. operates New Visions Academy-St. John's Campus serving grades 9 through 12. On July 14, 2015, the charter representative notified staff that due to low enrollment at the school, the school will not be opening for the 2015-2016 school year.

According to information provided by the charter representative, parents and students have been notified of the closure and were provided assistance in enrolling in other schools.

A copy of the proposed terms of the Surrender Agreement is included in Appendix A below.

**Board Options**

The Board may adopt the terms of the Surrender Agreement. Staff recommends the following language for consideration: I move that the Board adopt the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for New Visions Academy, Inc.

## Appendix A

## **CONSENT AGREEMENT FOR THE VOLUNTARY SURRENDER AND TERMINATION OF THE CHARTER CONTRACT**

This Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract ("Agreement") is made by and between New Visions Academy, Inc. ("Charter Operator"), a nonprofit corporation organized under the laws of the state of Arizona and operating New Visions Academy – St. John's Campus, a charter school, and the Arizona State Board for Charter Schools ("Board") collectively referred to herein as the "Parties."

### **JURISDICTION**

The Board is charged by Arizona Revised Statutes ("A.R.S.") §§ 15-182(E)(1) and (2) and 15-183(R) with granting charter status to qualifying applicants for charter schools and exercising general supervision over the charter schools it sponsors. An approved plan to establish a charter school is effective for fifteen years. A.R.S. § 15-183(I). The charter may be amended at the request of the governing body of the charter school and on approval of the Board. A.R.S. § 15-183(G). The Board may revoke a charter of a school it sponsors at any time if the charter school breaches one or more provisions of its charter. A.R.S. § 15-183(I)(3). The charter may be renewed for successive period of twenty years. A.R.S. § 15-183(I)(1).

### **RECITALS**

1. The Charter Operator operates New Visions Academy – St. John's Campus ("the School"), a charter school established pursuant to A.R.S. § 15-181 *et seq.*
2. The School operates pursuant to a renewal charter contract ("Charter") effective on July 1, 2015 between the Charter Operator and the Board. Prior to the renewal charter contract, the School operated two school sites pursuant to a transfer charter contract between the Charter Operator and the Board. The transfer charter contract expired June 30, 2015.

3. Pursuant to A.R.S. § 15-183 and the Charter, the Board sponsors the Charter Operator to operate one school site to serve students in grades nine through twelve.

4. Ann Shaw and Leonard Bustos are the Charter Representatives and each are persons authorized to execute documents on behalf of the Charter Operator.

5. On July 14, 2015, the Charter Operator notified the Board that the School would not open for the 2015-2016 school year due to low enrollment.

### **AGREEMENT**

The Parties agree as follows:

1. The Charter Operator voluntarily tenders and surrenders the Charter to its sponsor, the Board, with the intent to voluntarily terminate its Charter effective July 1, 2015 for the purpose of further performance.

2. The Board accepts the surrender of the Charter for the operation of the School.

3. The Charter between the Charter Operator and the Board is terminated effective July 1, 2015 for the purpose of further performance.

4. This Agreement is not binding on the Parties until both the Board and the Charter Operator's governing board accept it by the number of votes necessary to pass a measure at a public meeting. This Agreement is effective immediately upon its approval and execution by the authorized representatives of the Charter Operator and the Board.

5. If the Board rejects this Agreement or any part of it, then this Agreement is null and void, and not binding on the Charter Operator or the Board.

6. The Charter Operator shall mail a complete copy of each student's educational record to the student's parent or legal guardian for each student enrolled in the School and in New Visions Academy (previously operated as a school site in Cottonwood, Arizona) in the 2014-2015 school

year.

7. By August 5, 2015 the Charter Operator shall identify and notify the Board of the custodian of all student records of the School, New Visions Academy, and New Visions Academy – Star Valley (previously operated as a school site in Payson). The notification shall include the physical address of the location of the records. All student records shall be maintained in accordance with the Student Records Retention Schedule provided by the Arizona Library and Archives division of the Arizona Secretary of State’s Office.

8. The Charter Operator states that it has submitted all requisite student level data for its receipt of state equalization funding for the 2014-2015 school year to the Arizona Department of Education through the Student Accountability Information System (“SAIS”).

9. The Charter Operator is entitled to receive state equalization assistance funds for the 2014-2015 school year to which it is entitled under the school funding formula provided in Arizona law, but no more.

10. The Charter Operator shall refund any overpayment of state equalization assistance funds in the amount determined by the Arizona Department of Education (“Department”) in the manner directed by the Department.

11. The Charter Operator is entitled to receive Classroom Site Funds for the 2014-2015 school year to which it is entitled under the provisions of Arizona law, but no more. The Charter Operator shall expend the Classroom Site Funds in a manner consistent with its intent as specified in A.R.S. § 15-977.

12. The Charter Operator shall refund any overpayment of Classroom Site Funds in the amount determined by the Department in the manner directed by the Department.

13. The Charter Operator shall submit any outstanding grant reports and shall refund any

outstanding grant monies or allocation of education funds in the amount determined by the Department in the manner directed by the Department.

14. The Charter Operator shall expend the Instructional Improvement Funds for the 2014-2015 school year to which it is entitled under the provisions of Arizona law, but no more. The Charter Operator shall expend the Instructional Improvement Funds in a manner consistent with its intent as specified in A.R.S. § 15-979.

15. Nothing in this Agreement is intended to prevent the Charter Operator from exercising its rights under statutes or regulations to contest amounts determined by the Department to be owed by the Charter Operator.

16. The Charter Operator understands that it has the legal right to consult with an attorney prior to entering into this Agreement.

17. The Parties shall be responsible for their own attorneys' fees and costs in this matter.

ARIZONA STATE BOARD FOR CHARTER SCHOOLS

\_\_\_\_\_  
By: Janna Day  
President, Arizona State Board for Charter Schools  
Date: \_\_\_\_\_

NEW VISIONS ACADEMY, INC.  
  
\_\_\_\_\_  
By: Ann Shaw  
Charter Representative, New Visions Academy, Inc.  
Date: \_\_\_\_\_

COPY mailed this  
\_\_\_\_\_ day of \_\_\_\_\_, 2015 to:

New Visions Academy, Inc.

Attention: Ann Shaw, Charter Representative  
P.O. Box 1539  
Cottonwood, AZ 86326

By Ann Shaw



Minutes of the  
*New Visions Academy*  
**Governing Board Meeting**  
For  
August 3, 2015

Members present:

- Ann Shaw
- Leonard Bustos
- Leisa Crosby (via Telephone)
- Jessy Jenkins (via Telephone)

**1. CALL TO ORDER**

President Shaw called the meeting to order at 4:10 pm.

**2. REVIEW AND APPROVAL OF AMENDMENT TO ARTICLE X OF THE BY-LAWS.**

All members of the governing board approved the wording and general intent of the amendment to Article X of the New Visions Academy by-laws. It has been adopted as a governing policy as of the date of this meeting.

**3. REVIEW AND APPROVAL OF SURRENDER AGREEMENT.**

All members of the governing board expressed their willingness to submit to the term of the surrender agreement drafted by the Arizona State Board for Charter Schools. As a result, the signed agreement along with the minutes of the meeting will be sent to ASBCS for that board's final approval.

**4. ADJOURN.**

The meeting was adjourned at 4:15.