
AGENDA ITEM: Charter Renewal – Shonto Governing Board of Education, Inc.

Issue

Shonto Governing Board of Education, Inc. failed to submit an application for renewal of its charter and was notified by email on November 30, 2011 that, having failed to submit a renewal application to the Board, its charter will expire on February 18, 2013.

On January 4, 2012, Shonto Governing Board of Education, Inc. submitted a renewal application after the deadline date on which the application was due to the Board. Shonto Governing Board of Education, Inc. is requesting that the Board accept the renewal application submitted untimely so that Shonto Governing Board of Education, Inc. be considered at a subsequent Board meeting.

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 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. ([renewal app](#))

On August 11, 2011, Board staff provided (by email) the charter holder, through its authorized representative, on record at the time as Dr. Richard McClements, with Renewal Notification Information, which included notification of the renewal process, the date on which the charter holder would become eligible to apply for renewal (August 18, 2011), the deadline date on which the application would be due to the Board (November 18, 2011), and information on the availability of the charter holder's renewal application as well as instructions on how to access the application. ([see renewal notices](#))

On August 11, 2011, Board staff received a delivery failure notice for the email addressed to Dr. McClements at mclements@mail.shonto.bia.edu, which was the email address in the Board's database. Within fifteen minutes after receiving the delivery failure notice, staff located an alternative email address and sent the same email to Dr. McClements at mclements@shontoprep.org, receiving notice that delivery was complete. An additional email was sent to Dr. McClements requesting updated information be sent to the Board office. ([see email deliveries](#))

On August 19, 2011, Shonto Governing Board of Education, Inc. submitted (by fax) a Charter Representative Notification Request to change the authorized representative from Dr. Richard McClements to Ms. Sharon Singer. The requested change was approved and became effective on September 7, 2011. ([see rep change request](#))

On November 30, 2011, Board staff notified (by email) Sharon Singer, authorized representative for Shonto Governing Board of Education, Inc., that the charter for Shonto Governing Board of Education, Inc. will expire on February 18, 2013 because no renewal application was submitted by the charter holder. ([see charter expiration notice](#))

On December 2, 2011, Board staff received an email from Sharon Singer requesting options for addressing Shonto Governing Board of Education, Inc.'s failure to submit a renewal application timely. ([see Singer email 1](#))

On December 7, 2011, Board staff conveyed, by email, options for the charter holder, which included completing and submitting the renewal application, by January 4, 2012, with a request that the Board consider accepting the application although it was not submitted timely. ([see options email](#))

On December 13, 2011, Sharon Singer notified Board staff, by email, of the intent of Shonto Governing Board of Education, Inc. to complete and submit a renewal application. ([see Singer email 2](#))

On January 4, 2012, Shonto Governing Board of Education, Inc. submitted a renewal application through the online database to the Board.

Board Options

1. Take no action;
2. Motion to deny the request of Shonto Governing Board of Education, Inc. that the Board accept the untimely submitted application for renewal of its charter; finding that Shonto Governing Board of Education, Inc. was timely notified by the Board on August 11 and 18, 2011 that it may apply for renewal of its charter, but that Shonto Governing Board of Education, Inc. failed to file a timely application for renewal at least 15 months before the expiration of its charter contract as required under A.R.S. 15-183(I)(1);
3. Motion to accept for consideration Shonto Governing Board of Education, Inc.'s untimely submitted application for renewal of its charter on the condition that within 7 calendar days of today's date that Shonto Governing Board of Education, Inc. acknowledge the following: that Shonto Governing Board of Education, Inc. failed to make a timely and sufficient application for renewal of its charter under A.R.S. 15-183(I)(1); that Shonto Governing Board of Education, Inc. agrees to waive the Board's timeframe for written notice of its decision on Shonto Governing Board of Education, Inc.'s application in order to give the Board additional time, if necessary, to consider Shonto Governing Board of Education, Inc.'s application for renewal of its charter; and that Arizona law does not allow Shonto Governing Board of Education, Inc. to operate beyond the charter expiration date if Shonto Governing Board of Education, Inc.'s request for renewal of its charter is denied.

Staff's Recommendation

Staff's recommendation is Option #3. Because there was a change in charter representative and other school officials around the time the charter holder was notified it became eligible for renewal and information may not have been exchanged in the transition, staff recommends Option #3.

