
AGENDA ITEM: Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for Superior School

Background Information

Superior School, an Arizona non-profit corporation, operates Superior School in Surprise, Arizona, and serving approximately 90 students in grades 9-12. The Board entered into a contract with Superior School on May 10, 2001.

On February 24, 2010, staff received the Voluntary Surrender and Termination of the Charter Contract for Superior School to be effective June 30, 2010. The Charter Holder provided minutes approving the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter.

Superior School currently shares space with Arizona Charter Academy. Arizona Charter Academy serves students in grades K-12. Arizona Charter Academy will accept all currently enrolled students from Superior School and has agreed to provide a 2nd calendar track to start at a later time to accommodate those students. Additionally, all student records will be transferred from Superior School to Arizona Charter Academy.

Board Options – Superior School

1. Accept the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for Superior School;
2. Reject the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for Superior School.

Staff Recommendation:

Option 1: Accept the terms of the Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract for Superior School.



Superior School

16025 N. Dysart Road Surprise, AZ 85374 Phone (623) 875-5975 FAX (623) 875-5985

RECEIVED FEB 24 2010

February 22, 2010

Mrs. Deanna Rowe
Arizona State Board for Charter Schools
1700 W. Washington
Room 164
Phoenix, AZ 85007

Re: Voluntary Surrender and Termination of Superior Charter Contract

Dear Mrs. Rowe,

Enclosed please find the completed Consent Agreement for Voluntary Surrender and Termination of Superior School's Charter Contract as well as supporting documentation. As you are aware, Superior School currently has evening hours and shares space with Arizona Charter Academy. Due to changing demographics and the on-line options that are available for students, we are concerned the original mission of the school will not best meet the needs of future students.

As a result, we have decided in the best interest of our student to merge the school with Arizona Charter Academy, a K-12 school that resides in the same location. In an effort to accommodate current Superior students, Arizona Charter Academy has agreed to provide a 2nd track that will start later in the day and will accept all currently enrolled Superior students for the 2010-2011 school year. In addition, all student records will be transferred to Arizona Charter Academy to assure a smooth transition.

It is our belief that Surrendering Superior's Charter and moving the students toward Arizona Charter Academy will not only provide more options for students, but will best meet their future academic needs.

Thank you for your help regarding this matter. Should you need any additional information or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Melissa Holdaway
Chief Operating Officer

**BEFORE THE ARIZONA STATE BOARD
FOR CHARTER SCHOOLS**

In the matter of:

SUPERIOR SCHOOL
(a non-profit corporation)

and

SUPERIOR SCHOOL
(a charter school)

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

This Agreement is entered into by Superior School, by and through its authorized agent, and the Arizona State Board for Charter Schools, by and through its authorized representatives, and provides the following terms and agreement:

1. Superior School ("School") is a charter school established pursuant to Arizona Revised Statutes ("A.R.S.") § 15-181 *et seq.*
2. The Charter for the School is held by Superior School ("Charter Operator"), a non-profit corporation, organized under the laws of the state of Arizona. The Arizona State Board for Charter Schools ("Board") is the Charter Operator's sponsor.
3. The charter contract was signed by Dr. John Atkinson, as the person authorized to sign for the Charter Operator.
4. Pursuant to A.R.S. § 15-183 and the Charter Contract, the Board sponsors the Charter Operator to operate one School site to serve students in kindergarten and grades one through twelve.
5. The Charter Contract was executed on May 10, 2001.
6. On May 1, 2003, the Charter Contract was amended to add Melissa Holdaway as the Charter Representative.
7. On November 22, 2006, the Charter Contract was amended to delete Dr. John Atkinson as the Charter Representative and add Heather Henderson as the Charter Representative.

8. On May 28, 2004, the Charter Contract was amended to serve grades nine through twelve.
9. The Charter Operator voluntarily tenders and surrenders its Charter Contract to its sponsor, the Board, with the intent to voluntarily terminate its Charter Contract effective June 30, 2010 for the purpose of further operation.
10. The Charter Operator shall notify each student and/or the student's parent or legal guardian that their educational record can be obtained at Success School/Arizona Charter Academy at 16025 N. Dysart Road, Surprise, AZ 85378.
11. The Charter Operator agrees that all necessary student level data has been submitted to the Arizona Department of Education through the Student Accountability Information System ("SAIS").
12. The Charter Operator is entitled to receive state equalization assistance funds for the 2009-2010 school year to which it is entitled under the school funding formula provided in Arizona law, but no more.
13. The Charter Operator is entitled to receive Classroom Site Funds for the 2009-2010 school year to which it is entitled under the provisions of Arizona law, but no more.
14. The Charter Operator agrees to refund any overpayment of state equalization assistance funds in the amount determined by the Arizona Department of Education in the manner directed by the Arizona Department of Education.
15. The Charter Operator agrees to refund any overpayment of Classroom Site Funds monies in the amount determined by the Arizona Department of Education in the manner directed by the Arizona Department of Education.
16. The Charter Operator agrees to submit any outstanding grant reports and to refund any outstanding grant monies or allocation of education funds to the Arizona Department of Education in the manner directed by the Arizona Department of Education.
17. The Charter Operator shall expend the Classroom Site Funds in a manner consistent with its intent as specified in A.R.S. § 15-977.
18. The Charter Operator shall expend the Instructional Improvement Funds in a manner consistent with its intent as specified in A.R.S. § 15-979.
19. The Board accepts the surrender of the Charter Contract of Superior School for the operation of Superior School.
20. The Charter Contract between the Board and Superior School for the operation

of Superior School is terminated effective June 30, 2010 for the purposes of further operation.

21. This Agreement is not binding on either party until both the Board and the Charter Operator's Governing Board accept it by a majority vote at a public meeting. This Agreement is effective immediately upon its approval and execution by the authorized representatives of the Board for Superior School and the Board.

22. 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.

23. Superior School understands that it has the legal right to consult with an attorney prior to entering into this Agreement.

24. Each party shall be responsible for its own attorneys' fees and costs in this matter.

DATED: This 22nd day of February, 2010.

Superior School

By 

Melissa Holdaway, as Charter Representative and authorized signer for Superior School

And

DATED: This 22nd day of February, 2010.

Superior School

By 

Heather Henderson, as Charter Representative and authorized signer for Superior School

DATED: This ____ day of _____, 2010.

The Arizona State Board for Charter Schools

By _____

Norm Butler, President of the Arizona State Board for Charter Schools



Minutes of Corporate Board Meeting February 25, 2010
Superior School

Date: February 25, 2010

Location: Superior School
16025 N. Dysart Road
Surprise, AZ 85374

Present: Melissa Holdaway
Heather Henderson
Monika Fuller

Public: None

Absent: None

Call to Order: The meeting was called to order at 2:05 p.m.

Public Comment: None

Executive Session: None

Action Items:

1. **Approval of prior board meeting minutes:** Heather Henderson moved to approve the minutes from the September 26, 2009 meeting as submitted. Melissa Holdaway seconded. Motion carried unanimously.
2. **Approval of Voluntary Surrender and Termination of Superior Charter Contract on June 30, 2010:** The Charter Surrender was discussed and reviewed. Melissa Holdaway moved to approve as submitted. Monika Fuller seconded. Motion carried unanimously.

Other: Discussed next steps to termination of Superior Charter and 501(c)3 corporation.

Adjournment: Monika Fuller moved to adjourn the meeting at 2:55 p.m. Melissa Holdaway seconded. Motion carried unanimously

Submitted by:

Heather A. Henderson
Secretary

Minutes of Governing Board Meeting February 18, 2010

Superior School

Date: February 18, 2010

Location: Superior School
16025 N. Dysart Road
Surprise, AZ 85374

Present: Melissa Holdaway
Heather Henderson
Tracy Irwin
Madeline Loconti-Winney

Absent: Cassandra Carter

Public: None

Call to Order: The meeting was called to order at 4:35 p.m.

Public Comment: None

Executive Session: None

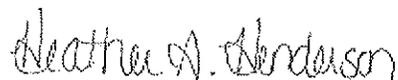
Action Items:

1. **Approval of prior board meeting minutes:** Melissa Holdaway moved to approve the minutes from the October 8, 2009 meeting as submitted. Tracy Irwin seconded. Motion carried unanimously.
2. **Approval of Voluntary Surrender and Termination of Superior Charter Contract on June 30, 2010:** The Charter Surrender was discussed and reviewed. Madeline Loconti-Winney moved to approve as submitted. Heather Henderson seconded. Motion carried unanimously.

Other: None

Adjournment: Madeline Loconti-Winney moved to adjourn the meeting at 5:26 p.m. Heather Henderson seconded. Motion carried unanimously

Submitted by:



Heather A. Henderson
Secretary