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**AGENDA ITEM:** Surrender Agreement – New America School – Phoenix

**Issue**

New America School – Phoenix has submitted a Voluntary Surrender and Charter Termination Agreement (“Surrender Agreement”).

**Background**

New America School – Phoenix is authorized to operate a school with the same name serving grades 9 through 12. On May 9, 2017, the charter holder notified staff that due to low enrollment numbers the school would not be opening for the 2017-2018 school year, which would have been its first year of operation.

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

## Appendix A

## **VOLUNTARY SURRENDER AND CHARTER TERMINATION AGREEMENT**

This Voluntary Surrender and Charter Termination Agreement (“Agreement”) is made by and between New America School – Phoenix (“Charter Operator”), a nonprofit corporation organized under the laws of the state of Arizona, and the Arizona State Board for Charter Schools (“Board”), collectively referred to herein as the “Parties”.

### **RECITALS**

1. The Charter Operator is authorized to operate New America School – Phoenix (“the School”) pursuant to A.R.S. § 15-181 et seq. and a charter contract (“Charter”) executed on May 10, 2016, between the Charter Operator and the Board.
2. Jose Leyba is the Charter Representative and person authorized to execute documents on behalf of the Charter Operator.
3. On May 9, 2017, the Charter Operator notified the Board that the School would not be opening for the 2017-2018 school year, its first year of operation, due to low enrollment numbers.

### **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 11:59 p.m. on March 1, 2018 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 for the operation of the School is terminated effective 11:59 p.m. on March 1, 2018 for the purpose of further performance.
4. This Agreement is not binding on the Parties until the Board accepts it by a majority

vote at a public meeting. This Agreement is effective as of 11:59 p.m. on March 1, 2018 upon its approval and execution by the authorized representative/signator 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 maintain, in accordance with the records retention schedules provided by the Arizona State Library, Archives and Public Records division of the Arizona Secretary of State's Office, any records created or received related to the operations of the School or the Charter Operator's responsibilities under its Charter.

7. Since the Charter Operator never operated the School, the Charter Operator is not entitled to receive and did not receive state equalization assistance funds.

8. The Charter Operator shall submit any outstanding grant reports and shall refund any outstanding grant monies in the amount determined by the Arizona Department of Education ("Department") in the manner directed by the Department.

9. 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.

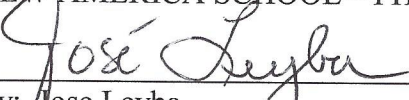
10. The Charter Operator understands that it has the legal right to consult with an attorney prior to entering into this Agreement.

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

ARIZONA STATE BOARD FOR CHARTER SCHOOLS


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By: Kathy Senseman  
President, Arizona State Board for Charter Schools  
Date: \_\_\_\_\_

NEW AMERICA SCHOOL – PHOENIX

  
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By: Jose Leyba  
Charter Representative, New America School – Phoenix  
Date: 2/13/18

COPY emailed this  
13 day of February, 2018 to:

Jose Leyba  
New America School – Phoenix  
[leyba.jose@gmail.com](mailto:leyba.jose@gmail.com)

By   
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