
AGENDA ITEM: Charter Renewal – Mountain Oak School, Inc.

Issue

Mountain Oak School, Inc. failed to submit an application for renewal of its charter by May 24, 2013 and was notified by email on May 29, 2013 that, having failed to submit a renewal application to the Board, its charter will expire on August 24, 2014.

On May 30, 2013, Mountain Oak School, Inc. submitted a renewal application after the deadline date on which the application was due to the Board. Mountain Oak School, Inc. is requesting that the Board accept the renewal application submitted untimely so that Mountain Oak School, Inc. may be considered at a subsequent Board meeting.

Background

Arizona Revised Statutes § 15-183(l)(1) states: I. An approved plan to establish a charter school is effective for fifteen years from the first day of the fiscal year the charter school is in operation, subject to the following:

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. 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 sponsor shall make data used in making renewal decisions available to the school and the public and shall provide a public report summarizing the evidence basis for each decision. The sponsor may deny the request for renewal if, in its judgment, the charter holder has failed to do any of the following:

- (a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework or any improvement plans.
- (b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.
- (c) Complete the obligations of the contract.
- (d) Comply with this article or any provision of law from which the charter school is not exempt.

On February 21, 2013, Board staff provided the charter holder, through its authorized representative, Ms. Anna Carnegie Marx, 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

(February 24, 2013), the deadline date on which the application would be due to the Board (May 24, 2013), and information on the availability of the charter holder's renewal application as well as instruction on how to access the application.

On May 29, 2013, Board staff notified Anna Carnegie Marx, authorized representative for Mountain Oak School, Inc., that the charter for Mountain Oak School Inc. will expire on August 24, 2013 because no renewal application was submitted by the charter holder.

On May 30, 2013, Board staff received a phone call from the principal of Mountain Oak School, Cynthia Rbe, requesting options for addressing Mountain Oak School, Inc.'s failure to timely submit a renewal application. Board staff conveyed options for the charter holder, which included applying for a new charter through the new application process, exploring charters with a similar mission and program of instruction as prospects for adding the school to a different charter, and completing and submitting the renewal application with a request that the Board consider accepting the application although it was not submitted timely.

On May 30, 2013, Cynthia Rbe notified Board staff, by email, of the intent of Mountain Oak School, Inc. to complete and submit a renewal application.

On May 30, 2013, Mountain Oak School, Inc. submitted a renewal application through the online database to the Board.

Charter Holder Renewal Application Requirements

Mountain Oak School, Inc. met the Board's academic performance expectations as set forth in the Performance Framework adopted by the Board and was waived from submitting the Academic Performance Section of the renewal application. The charter holder was required to submit the Financial Sustainability portion of the Detailed Business Plan Section of the renewal application. At the time the charter holder became eligible to apply for renewal, the charter holder's organizational membership on file with the Board was consistent with the information on file with the Arizona Corporation Commission and the charter holder was waived from submitting the Organizational Membership portion of the Detailed Business Plan Section.

Board Options:

Option 1. The Board may deny the request of Mountain Oak School, Inc. that the Board accept the untimely submitted application for renewal of its charter. The following language is provided for consideration: I move to deny the request of Mountain Oak School, Inc. to accept the untimely submitted application for renewal of its charter. Mountain Oak School, Inc. was timely notified by the Board on February 21, 2013 that it may apply for renewal of its charter, but Mountain Oak School, Inc. failed to file a timely application for renewal at least 15 months before the expiration of its charter as required under A.R.S. 15-183(l)(1).

Option 2. The Board may approve the request to accept for consideration Mountain Oak School, Inc.'s untimely submitted application for renewal of its charter. Staff recommends the following language for

consideration. Because the overall rating for Mountain Oak Charter School's academic performance currently meets the Board's academic performance expectations, I move to approve the request to accept for consideration Mountain Oak School, Inc.'s untimely submitted application for renewal of its charter on the condition that within 7 calendar days of today's date that Mountain Oak School, Inc. acknowledge the following:

- that Mountain Oak School, Inc. failed to make a timely and sufficient application for renewal of its charter under A.R.S. 15-183(l)(1);
- that Mountain Oak School, Inc. agrees to waive the Board's timeframe for written notice of its decision on Mountain Oak School, Inc.'s application in order to give the Board additional time, if necessary, to consider Mountain Oak School, Inc.'s application for renewal of its charter;
- and that Arizona law does not allow Mountain Oak School, Inc. to operate beyond the charter expiration date if Mountain Oak School, Inc.'s request for renewal of its charter is denied.