Andrea Leder

From: Andrea Leder
Sent: Wednesday, May 22, 2013 8:24 AM
To: 'gfilstrup@nweccharter.com'
Cc: Martha Morgan
Subject: RESPONSE REQUIRED - Renewal Application Financial Sustainability Submission

Importance: High

Gordon Ilstrup:
On March 29, 2013, New World Educational Center submitted a renewal application package to the Arizona State Board for Charter Schools.

As part of the financial sustainability submission, New World provided copies of minutes from meetings held on December 26, 2011, November 19, 2012 and January 28, 2013, including executive session minutes from December 26, 2011 and January 28, 2013. Pursuant to A.R.S. §38-431.03(B), executive session minutes are confidential. Under the Open Meeting Law, executive sessions may only be held for certain purposes [A.R.S. §38-431.03(A)] and must be properly noticed [A.R.S. §38-431.02(B) and (I) and A.R.S. §38-431.03(E)]. Further, the motion to go into executive session must reference the statutory purpose [A.R.S. §38-431.03(A)] and legal action involving a final vote or decision shall not be taken at an executive session except as specified in the law [A.R.S. §38-431.03(D)]. Based upon a review of the minutes provided for December 26, 2011, November 19, 2012 and January 28, 2013, it appears the charter holder did not fully adhere to Open Meeting Law requirements related to executive sessions.

By **5 p.m. on Wednesday, May 29, 2013**, please provide a written response regarding the matters identified above. At a minimum, the response should include: a) any information the charter holder has that would demonstrate it complied with Open Meeting Law requirements related to executive sessions for the meetings held on December 26, 2011 and January 28, 2013; and b) the specific steps taken by the charter holder to ensure Open Meeting Law compliance going forward. This information will be provided to the Board when it considers New World's renewal application package on June 10, 2013.

For additional information regarding Open Meeting Law requirements, please visit the Arizona Ombudsman's website at http://www.azleg.gov/ombudsman/meetings.asp (once on this website go to "Publications") and http://www.azleg.gov/ombudsman/presentations.asp. The charter holder may also want to seek legal advice on how it should proceed.

If you have any questions, please let me know.

Thanks,
Andrea

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NEW WORLD EDUCATIONAL CENTER

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RECEIVED

MAY 29 2013

Re: Response to Your Email Dated May 22, 2013

Dear Ms. Leder:

Thank you for your email to me dated May 22, 2013. I appreciate your feedback on the documents you reviewed. Set forth below are responses to the matters you raised in your email.

I. Compliance with Arizona's Open Meeting Laws.

Based upon your email, we reviewed the statutes you cited. It seems that the Board inadvertently violated provisions of Arizona's open meeting laws relating to executive sessions at its December 26, 2011 and January 28, 2013 Board meetings. Therefore, NWEC does not have additional information to provide to you that would demonstrate it complied with Open Meeting Law requirements relating to the Board meetings held on those two dates.

II. Specific Steps NWEC Will Take to Ensure Future Compliance with Open Meeting Laws.

Since receiving your email, NWEC has taken the following steps to ensure the Board's future compliance with Arizona's Open Meeting laws:

1. We have copied the "Open Meeting Law" chapter of the Agency Handbook published by the Arizona Attorney General's Office. A copy of the Chapter has been disseminated to each Board Member, including the individual who is charged with developing the Board Meeting agendas;

2. We have spoken to outside legal counsel, Denise Lowell-Britt, of Udall Shumway, PLC. Ms. Lowell-Britt has 25 years' experience representing educational entities and has conducted many Open Meeting Law (OML) presentations and in-services for school districts and charter schools. Ms. Lowell-Britt will provide a formal OML training on Monday, June 24, 2013 at 12:00 noon. Attendees will include the person(s) responsible for preparing and posting meeting notices and agendas and recording meeting minutes, as well as all current Board members. If you wish, NWEC will provide you with the materials used for this training. A copy of Ms. Lowell-Britt's resume or other information is available upon your request or at the firm's website at www.udallshumway.com; and

3. In order to ensure that no additional inadvertent violations occur prior to June 24, 2013, NWEC will consult with legal counsel before it schedules any additional executive sessions at any regular or special Board meetings held prior to June 24, 2013.

I hope this letter is fully responsive to your May 22, 2013 email. Please do not hesitate to contact me via email or telephone at gfilstrup@nweccharter.com or 602-238-9577 if you any questions or need any additional information.

I will contact you in the next day or two to determine if the specific steps outlined above meet with the expectations of the Arizona State Board for Charter Schools or if you have recommendations for different or additional actions steps NWEC should take to address the matters raised in your May 22, 2013 email.

Sincerely,

Gordon F. Ilsrup
Charter Representative
New World Educational Center