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

Issue

Successful Beginnings Charter School has requested the voluntary surrender and termination of its charter effective June 30, 2013.

Background:

The charter was signed on April 17, 2009.

The charter operator currently serves approximately 32 students in kindergarten through grade three at its location in Show Low.

On February 8, 2013, the Charter Operator notified the Board that the school will be ceasing its operations and provision of instruction to students effective June 30, 2013 because the cost of operating a school with the current regulatory requirements is cost prohibitive.

The Charter Operator's governing board accepted the terms of the agreement at a public meeting and an agreement signed by the charter representative was provided.

Board Options

Option 1: The Board may vote to approve the surrender agreement as presented. Staff recommends the following language: I move to approve the Voluntary Surrender and Termination of the Charter Contract for Successful Beginnings Charter School as presented.

Option 2: The Board may choose not to approve the Voluntary Surrender and Termination of the Charter Contract for Successful Beginnings Charter School and include direction as to how it would like staff to proceed.

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

This Consent Agreement for the Voluntary Surrender and Termination of the Charter Contract (“Agreement”) is made by and between SUCCESSFUL BEGINNINGS CHARTER SCHOOL (“Charter Operator”), a nonprofit corporation organized under the laws of the state of Arizona and authorized to operate SUCCESSFUL BEGINNINGS CHARTER SCHOOL, a charter school, and the Arizona State Board for Charter Schools (“Board”) collectively referred to herein as the “Parties.”

JURISDICTION

The Board is charged by Arizona Revised Statutes (“A.R.S.”) §§ 15-182(E)(1) and (2) and 15-183(R) with granting charter status to qualifying applicants for charter schools and exercising general supervision over the charter schools it sponsors. An approved plan to establish a charter school is effective for fifteen years. A.R.S. § 15-183(I). The charter may be amended at the request of the governing body of the charter school and on approval of the Board. A.R.S. § 15-183(G). The Board may revoke a charter of a school it sponsors at any time if the charter school breaches one or more provisions of its charter. A.R.S. § 15-183(I)(3). The charter may be renewed for successive period of twenty years if the Board deems that the charter school is in compliance with its own charter and Title 15, Chapter 1, Article 8, A.R.S. A.R.S. § 15-183(I)(1).

RECITALS

1. The Charter Operator is authorized to operate SUCCESSFUL BEGINNINGS CHARTER SCHOOL (“the School”), a charter school established pursuant to A.R.S. § 15-181 *et seq.*

2. The School is authorized to operate pursuant to a charter contract executed on April 17, 2009 between the Charter Operator and the Board (“Charter”).

3. Pursuant to A.R.S. § 15-183 and the Charter, the Board sponsors the Charter Operator to operate one school site to serve students in K-3 grades.

4. Ms. Eve Hoskins is the Charter Representative and person authorized to execute documents on behalf of the Charter Operator.

5. On February 8, 2013, the Charter Operator notified the Board that the school was ceasing its operations and provision of instruction to students effective June 30, 2013 because the cost of operating a school with the current regulatory requirements is cost prohibitive.

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 June 30, 2013 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 June 30, 2013 for the purpose of further performance.

4. This Agreement is not binding on the Parties until both the Board and the Charter Operator’s governing board accept it by the number of votes necessary to pass a measure at a public meeting. This Agreement is effective immediately upon its approval and execution by the authorized representatives 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 mail a complete copy of each student's educational record to the student's parent or legal guardian for each student enrolled in the school in the 2012-2013 school year.

7. The Charter Operator shall notify the Board of the location of the School's student educational records no later than June 30, 2013.

8. The Charter Operator shall submit all requisite student level data for its receipt of state equalization funding for 2012-2013 school year to the Arizona Department of Education through the Student Accountability Information System ("SAIS").

9. The Charter Operator is entitled to receive state equalization assistance funds for the 2012-2013 school year to which it is entitled under the school funding formula provided in Arizona law, but no more.

10. The Charter Operator shall refund any overpayment of state equalization assistance funds in the amount determined by the Arizona Department of Education ("Department") in the manner directed by the Department.

11. The Charter Operator is entitled to receive Classroom Site Funds for the 2012-2013 school year to which it is entitled under the provisions of Arizona law, but no more. The Charter Operator shall expend the Classroom Site Funds in a manner consistent with its intent as specified in A.R.S. § 15-977.

12. The Charter Operator shall refund any overpayment of Classroom Site Funds in the amount determined by the Department in the manner directed by the Department.

13. The Charter Operator shall submit any outstanding grant reports and shall refund any outstanding grant monies or allocation of education funds in the amount determined by the Department in the manner directed by the Department.

14. 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.

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

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

ARIZONA STATE BOARD FOR CHARTER SCHOOLS

By: Jake Logan
President, Arizona State Board for Charter Schools
Date: _____

SUCCESSFUL BEGINNINGS CHARTER SCHOOL



By: Eve Hoskins
Charter Representative, Successful Beginnings Charter School
Date: 2/19/13

COPY mailed this
_____ day of _____, 2013 to:

Successful Beginnings Charter School
Attention: Eve Hoskins, Charter Representative
841 E. McNeil St.
Show Low, AZ 85901

By _____

Successful Beginnings Charter School
Governing Board Meeting Minutes

February 19, 2013

Welcome and Call to Order by Board President at 5:35pm at the Charter School

In attendance: Eve Hoskins, Janet Tamburo, Melisa Hay and Rance Pullin

Absent: Marce Wildman

1. Approval of Consent Agenda –

A. Minutes from January 22, 2013 - Melisa moved to approve. Eve seconded. All approved.

Accounts payable items – Melisa moved to approve, Janet seconded. All approved.

2. Agenda/Action Items –

A. Decision and vote on the Consent Agreement for the Voluntary Surrender and Termination of the Charter School. – Eve presented the Consent Agreement and explained how it would work. Janet moved to approve. Eve seconded. All approved.

3. Agenda Information Items:

A. Enrollment update – Eve gave update on current enrollment numbers for 2012-2013 –

K – 18, 1st – 8, 2nd – 7, 3rd – 6.

B. Financial Update – Eve will meet with Claudina Douglas at ADI Business Solutions the first week of March. She will present updated financials at the March Board Meeting.

C. School Activities/Successes – Third grade spelling scores are very good.

The SPED children are doing very well. David Tremonti will oversee them until the end of the school year.

Communications/Call to the Public –

No requests

Adjournment – Next Meeting Date...March 19, 2013

Meeting was adjourned at 6:05pm.