

WITHDRAWN

DRAFT

10-1215-EX4

December 15, 2010

AMEND BOARD REPORT 10-0526-EX5
AMEND BOARD REPORT 10-0428-EX2
AMEND BOARD REPORT 09-1123-EX7
AMEND BOARD REPORT 09-0826-EX8
AMEND BOARD REPORT 08-0924-EX8
AMEND BOARD REPORT 08-0602-EX7

**APPROVE THE RENEWAL OF THE CHARTER SCHOOL AGREEMENT WITH
UNO CHARTER SCHOOL**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

Approve the renewal of the Charter School Agreement with UNO Charter School Network for an additional five-year period. A new Charter School Agreement applicable to this renewal term will be negotiated. The authority granted herein shall automatically rescind in the event a written Charter School Agreement is not executed by the Board and the charter school's governing board within 120 days of the date of this Board Report. The agreement authorized herein will only take effect upon certification by the Illinois State Board of Education. Information pertinent to this renewal is stated below.

This September 2008 amendment is necessary to authorize the UNO Charter School Network to (a) establish a two new campuses, an elementary campus in 2009 and a high school campus in 2010, to be located in a new facility at the intersection of south Homan Avenue and 51st Street (b) increase their at capacity enrollment by 1200 to 5830 and (c) clarify the relationship of any pre-kindergarten program to the charter school. The authority granted herein shall automatically rescind in the event a written Charter School Agreement is not executed by the Board and the charter school's governing board within 120 days of the date of this Board Report. The agreement authorized herein will only take effect upon certification by the Illinois State Board of Education.

This August 2009 amendment is necessary to (a) change the names of the UNO Charter School – Archer Heights Campuses, (b) identify a temporary location for the UNO Charter School – Octavio Paz Primary and Intermediate Campuses for the 2009-2010 school year only, (c) temporarily adjust the at capacity enrollment for each of the Octavio Paz Campuses for the 2009-2010 school year, (d) change the grade structure for each of the Octavio Paz Campuses, and (e) change the start date for the UNO Charter School – Gage Park Campus. The CEO asks that the Board grant a waiver from the Charter School Capital and Facility Budget Policy, 08-0326-PO1, as the notice to use this location was late due to exigent circumstances related to the structural repairs needed at the current facility of the Octavio Paz Primary Campus. The authority granted herein shall automatically rescind in the event a written Charter School Agreement is not executed by the Board and the charter school's governing board within 120 days of the date of this Board Report. The agreement authorized herein will only take effect upon certification by the Illinois State Board of Education.

This November 2009 amendment is necessary to authorize the UNO Charter School Network to (a) establish a new elementary school campus in the fall of 2011 to be located at a facility to be determined and (b) increase the overall at capacity enrollment at the charter school by 600 to 6430 students for the 2011-2012 school year. The obligation to secure and prepare the independent facility to open in the fall of 2011 is the responsibility of the charter school. This amendment is also necessary to clarify the authority period for subpart (e) in the preceding paragraph - change in the start date for the UNO Charter School – Gage Park Campus. Both require amendments to the Charter School Agreement. The authority granted herein shall automatically rescind in the event written amendments to the Charter School Agreement are not executed by the Board and the charter school's governing board within the timeframe specified in the amended Board Report identifying and approving the site location. The amended agreement authorized herein will only take effect upon certification by the Illinois State Board of Education.

This April 2010 amendment is necessary to authorize the UNO Charter School Network to (a) identify the independent facility at 2744 W. Pershing as the location for the UNO Charter School – Gage Park Campus, (b) identify the independent facility at 2651 W. 23rd Street as the permanent location for the UNO Charter School – Octavio Paz Campus, and (c) consolidate the UNO Charter School – Octavio Paz Primary Campus and the UNO Charter School – Octavio Paz Intermediate Campus into one attendance center identified by one unit number serving grades K-8. The authority granted herein shall automatically rescind in the event a written amendment to the Charter School Agreement is not executed by the Board and the charter school's governing

board within 120 days of the date of this amended Board Report. The amended agreement authorized herein will only take effect upon certification by the Illinois State Board of Education.

This May 2010 amendment is necessary to authorize the UNO Charter School Network to (a) change the start date of the UNO Charter School – Academy High School Campus from fall 2010 to fall 2011 and (b) modify the at capacity enrollments of certain UNO Charter School Campuses. The authority granted herein shall automatically rescind in the event a written amendment to the Charter School Agreement is not executed by the Board and the charter school's governing board within 120 days of the date of this amended Board Report. The amended agreement authorized herein will only take effect upon certification by the Illinois State Board of Education.

This December 2010 amendment is necessary to authorize the UNO Charter School Network to (a) establish one new campus to open in the fall of 2011 at a location to be determined, (b) increase the at capacity enrollment of the charter school by 630 to 7060 in the fall of 2011, (c) establish two new campuses to open in the fall of 2012 at locations to be determined, (d) increase the overall at capacity enrollment of the charter school by 1260 to 8320 in the fall of 2012 (e) change the name of the Academy High School Campus to the 51st and St. Louis Charter School Campus, (f) change the start date of the UNO Charter School – Academy High School Campus from fall 2011 to fall 2012, (g) increase the grades served at the Academy High School Campus to serve grades 6 through 12 and (h) increase the at capacity enrollment of the Academy High School Campus by 120 students to a new at capacity enrollment of 720 and (i) further increase the at capacity enrollment of the charter school by 120 students to 8440 in the fall of 2012. The authority granted herein shall automatically rescind in the event a written amendment to the Charter School Agreement is not executed by the Board and the charter school's governing board within 120 days of the date of this amended Board Report. The amended agreement authorized herein will only take effect upon certification by the Illinois State Board of Education.

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ORIGINAL AGREEMENT: The original Charter School Agreement (authorized by Board Report 97-1217-EX2) was for a term commencing July 1, 1998 and ending June 30, 2003 and authorized the operation of a charter school serving no more than 800 students in grades K – 8 on two campuses. The campus serving grades K – 3 was located at 2651 W. 23rd Street. The campus serving grades 4 – 8 was located at 2401 W. Congress. The charter and Charter School Agreement were subsequently renewed for a term commencing July 1, 2003 and ending June 30, 2008 (authorized by Board Report 03-0225-EX7) and authorized an increase in the maximum student enrollment to permit 1060 students in grades Pre-K – 8. The charter and Charter School Agreement were subsequently amended as follows:

- Board Report 05-0622-EX2: Approved the establishment of a new campus (Rufino Tamayo Campus) located at 5157 S. California and an increase of the enrollment cap to 1310. Also approved the change in charter school name from Octavio Paz Charter School to UNO Charter School.
- Board Report 05-1026-EX2: Approved the address correction for the Rufino Tamayo Campus to 5135 S. California.
- Board Report 06-0222-EX15: Approved the establishment of 2 new elementary campuses and to increase the at capacity enrollment of the Rufino Tamayo Campus to 297. The Bartolome de Las Casas Campus is located at 1641 W. 16th Street and was approved to open serving a maximum student enrollment of 261 students in grades K – 8. The Carlos Fuentes Campus is located at 2845

W. Barry and was approved to open a maximum student enrollment of 504 students in grades K – 8. The UNO Charter School enrollment cap increased to 2122 students.

- Board Report 06-1115-EX4: Approved the establishment of 4 additional campuses. The first campus (Brighton Park) is located at 2916 W. 47th Street, serves an at capacity of 522 students in grades K – 8. All remaining campuses are located at 4248 W. 47th Street. Two campuses (Archer Heights – North and Archer Heights – South) will serve a total of 522 students each in grades K – 8. The 3rd Archer Heights Campus will serve a total of 522 students in grades 9 – 12. The UNO Charter School enrollment cap increased to 4210 students.
- Board Report 07-0124-EX2: Approved the correction of the start date of the Brighton Park Campus to 2007.
- Board Report 07-0822-EX7: Approved the name change of the UNO Charter School - Brighton Park Campus to UNO Charter School – Officer Donald J. Marquez Campus.
- Board Report 07-0926-EX3: Approved the correction of the at capacity enrollment of the Bartolome de las Casas Campus to 297, the correction of the at capacity enrollment of the Carlos Fuentes campus to 576, and the correction of the entire enrollment capacity for all campuses to 4318.

The agreement incorporates an accountability plan where the school is evaluated by the board each year based on numerous factors related to its academic, financial and operational performance.

CHARTER RENEWAL PROPOSAL: UNO Charter School Network (UNO) submitted a renewal proposal on October 5, 2007, to continue the operation of the UNO Charter School under a unified mission. UNO has since modified its renewal proposal to include commitments to operate the eight (8) campuses unified through the use of uniform assessment plans and performance standards, curriculum and school calendar alignment, as well as standard governance, operational, employment, educational and admissions policies. The Charter School shall serve grades K - 12 with a maximum student enrollment of 4318 students.

In addition, the UNO Charter School Network was awarded pre-qualified status for a term commencing January 1, 2008 through December 31, 2011 to provide designated services in the form of opening a maximum of four (4) schools or campuses during the awarded pre-qualification period, with a maximum number of two (2) schools or campuses per year (authorized by Board Report 07-1114-EX4). Award of a subsequent agreement to UNO for the opening of these additional campuses during this pre-qualification period is contingent upon the school operator submitting timely responses to requests for additional information (RFI), in addition to the school operator meeting specific requirements as outlined in Board Report 07-1114-EX4.

UNO Charter School Network also submitted a material modification in February of 2008 to (a) formally recognize the existing Octavio Paz Primary Campus located at 2651 W. 23rd Street and the existing Octavio Paz Intermediate Campus located at 2401 W. Congress each as its own campus with an at capacity enrollment not to exceed 530 at each campus, (b) increase the at capacity enrollment of the Officer Donald J. Marquez, Archer Heights – North, Archer Heights – South and Archer Heights High School Campuses each to 600 and (c) increase the at capacity enrollment of the entire UNO Charter School Network from 4318 to 4630.

On June 28, 2008, UNO Charter School Network submitted a proposal in response to the Renaissance 2010 Request for Proposals to open two new campuses as a part of their pre-qualified status (authorized by Board Report 07-1114-EX4). It is anticipated that the new campuses will be located at the intersection of south Homan Avenue and 51st Street where UNO Charter School Network will begin construction of a new facility to house both campuses. UNO Charter School Network proposes to establish the UNO Charter School – Gage Park Campus, an elementary school expected to open at full capacity in the fall of 2009, serving 600 students in grades K-8. UNO Charter School Network proposes to establish the UNO Charter School – Academy High School Campus, expected to open in the fall of 2010, serving 150 students in grades 9. That campus will grow to serve an at capacity enrollment of 600 students in grades 9 through 12. The at capacity enrollment of the entire UNO Charter School Network will increase by 1200 students to 5830. A public hearing, as required by statute, was held on September 3, 2008 and an additional community form was held on September 16th.

The UNO Charter School Network is authorized to operate a pre-kindergarten program in the same building as

the charter school. The children enrolled in the pre-kindergarten will not be included in the enrollment of the charter school and the pre-kindergarten program will not be governed by the charter school agreement. To the extent the Board provides funding for the pre-kindergarten program, that program will be subject to a separate agreement with and separate funding authorized by the Office of Early Childhood Education. A material breach of any contract between the Board and UNO Charter School Network for operation of a pre-kindergarten program or the charter school may be treated as a breach of the other contract.

In July 2009, the UNO Charter School Network submitted a material modification to (a) change the names of the UNO Charter School – Archer Heights North Campus to the SPC Daniel Zizumbo Campus, UNO Charter School – Archer Heights South Campus to the PFC Omar E. Torres Campus, and the UNO Charter School – Archer Heights High School Campus to the Major Hector P. Garcia MD Campus; (b) identify the former De La Cruz facility at 2317 W. 23rd Place as a temporary location for the UNO Charter School – Octavio Paz Primary and Intermediate Campuses for the 2009-2010 school year only; (c) temporarily adjust the at capacity enrollment for the Octavio Paz Campuses for the 2009 – 2010 school year to 305 for the Primary Campus and 175 for the Intermediate Campus; (d) change the grade structure for the Octavio Paz Primary Campus to serve grades K through 5 and for the Octavio Paz Intermediate Campus to serve grades 6 through 8; and (e) change the start date for the UNO Charter School – Gage Park Campus from 2009 to 2010. A public hearing on the proposed changes was held on Friday, August 21, 2009. The hearing was recorded and a summary of the hearing is available for review.

On July 15, 2009, UNO Charter School Network submitted a proposal in response to the Renaissance 2010 Request for Proposals to open one new campus as a part of its pre-qualified status (authorized by Board Report 07-1114-EX4). The new campus is expected to open at full capacity in the fall of 2011 serving 600 students in grades K-8 at a site to be determined. The overall at capacity enrollment of the UNO Charter School Network will increase by 600 students to 6430 for the 2011-2012 school year. Public hearings, as required by statute, were held on June 23, 2009, September 10, 2009 and November 9, 2009. The public hearings were recorded and summary reports for all hearings are available for review.

In March 2010 UNO Charter School Network submitted a material modification to (a) identify the independent facility at 2744 W. Pershing as the location for the UNO Charter School – Gage Park Campus, (b) identify the independent facility at 2651 W. 23rd Street as the permanent location for the UNO Charter School – Octavio Paz Campus, and (c) consolidate the UNO Charter School – Octavio Paz Primary Campus and the UNO Charter School – Octavio Paz Intermediate Campus into one attendance center identified by one unit number serving grades K-8. A public hearing on the proposed changes was held on Tuesday, April 20, 2010. The hearing was recorded and a summary report is available for review.

In April 2010 UNO Charter School Network submitted a material modification to change the start date of the UNO Charter School – Academy High School Campus from fall 2010 to fall 2011. UNO Charter School Network also submitted a material modification to modify the at capacity enrollments at various UNO Charter School Campuses. The campuses and respective at capacity enrollment changes are listed in the table below. A public hearing on the proposed changes was held on Wednesday, May 12, 2010. The hearing was recorded and a summary report is available for review.

In August 2010 UNO Charter School Network submitted a proposal to do the following: (a) establish one new campus to open in the fall of 2011 at a location to be determined, (b) increase the at capacity enrollment of the charter school by 630 to 7060 in the fall of 2011, (c) establish two new campuses to open in the fall of 2012 at locations to be determined, (d) increase the overall at capacity enrollment of the charter school by 1260 to 8320 in the fall of 2012 (e) change the name of the Academy High School Campus to the 51st and St. Louis Charter School Campus, (f) change the start date of the UNO Charter School – Academy High School Campus from fall 2011 to fall 2012, (g) increase the grades served at the Academy High School Campus to serve grades 6 through 12 and (h) increase the at capacity enrollment of the Academy High School Campus by 120 students to a new at capacity enrollment of 720 and (i) further increase the at capacity enrollment of the charter school by 120 students to 8440 in the fall of 2012. A public hearing on these proposed changes was held on December 13, 2010.

Campus Name	Year Opened	Address	At Capacity Grades	2008 - 2009 Enrollment	At Capacity Enrollment
Octavio Paz Campus	1998	2651 W. 23 rd Street	K - 8	410 (in 10-11)	620
Rufino Tamayo	2005	5135 S. California	K - 8	261	315
Bartolome de las Casas	2006	1641 W. 16 th Street	K - 8	261	315
Carlos Fuentes	2006	2845 W. Barry	K - 8	522	630
Officer Donald J. Marquez	2007	2916 W. 47 th Street	K - 8	522	630
SPC Daniel Zizumbo Campus	2008	4248 W. 47 th Street	K - 8	522	670
PFC Omar E. Torres Campus	2008	4248 W. 47 th Street	K - 8	522	670
Major Hector P. Garcia MD Campus	2008	4248 W. 47 th Street	9 - 12	180	720
Gage Park Campus	2010	2744 W. Pershing	K - 8	600 (in 10-11)	630
<u>UNO 51st and St. Louis Charter High School Academy High School Campus</u>	<u>2011-12</u>	<u>51st Street and South St. Louis Avenue South Homan Avenue & 51st Street</u>	<u>96 - 12</u>	<u>150 720</u> (in <u>142-123</u>)	<u>600</u> <u>720</u>
Elementary School Campus	2011	TBD	K - 8	600 (in 11-12)	630
<u>UNO Elementary School Campus</u>	<u>2011</u>	<u>TBD</u>	<u>K - 8</u>	<u>600</u> (in <u>11-12</u>)	<u>630</u>
<u>Near West Elementary Campus</u>	<u>2012</u>	<u>TBD</u>	<u>K - 8</u>	<u>600</u> (in <u>12-13</u>)	<u>630</u>
<u>Northside Elementary Campus</u>	<u>2012</u>	<u>TBD</u>	<u>K - 8</u>	<u>600</u> (in <u>12-13</u>)	<u>630</u>

Once the new Gage Park and Academy High Campuses anticipated to open in the fall of 2010 and the fall of 2011 respectively are ready for occupancy, the Office of New Schools will propose amended Board Reports providing the full address for each of those campuses. The Charter School Agreement will be amended consistent with those amended Board Reports.

CONTINGENT APPROVAL: Approval to open the two new elementary school campuses in the fall of 2011, two new elementary school campuses and one high school campus in the fall of 2012 and the execution of an amendment to the Charter School Agreement are contingent upon a final review and approval of the new elementary school and high school campus proposals, an assessment of the District's need for this charter school campuses based upon demographics and student demands, any required subsequent public hearings, and Board approval of the proposed school site. These benchmarks will be communicated to the school operator in a formal Letter of Conditions with all deadlines to be met by March 15, 2011 for 2011 campuses and

March 15, 2012 for 2012 campuses. The Office of New Schools will oversee the enforcement of these deadlines; failure to meet these deadlines may, at the option of the Board, result in the rescission of the authority granted herein and the denial of the approval to open this new campus. A final review of this new campus proposal will be conducted by the Chief Executive Officer on or before April 15, 2011 or April 15, 2012 to determine final approval or denial of the new campus proposal and satisfactory resolution of all material issues related to the opening of the new elementary school campus.

The obligation to secure and prepare an independent facility for the two elementary school campuses opening in the fall of 2011, two new elementary school campuses and one high school campus in the fall of 2012 is the responsibility of the charter school. The Board is not undertaking any responsibility for securing a facility in the event the charter school is unable to do so.

CHARTER EVALUATION: After receiving the charter renewal proposal, the Office of New Schools conducted a comprehensive evaluation of UNO's performance and operations. This evaluation included a review of the proposal, facilities surveys, financial analysis, and academic site visits of the three campuses in which teaching and learning, leadership and governance, and the learning communities were assessed. Public hearings were conducted on January 9, 2008 and May 13, 2008 to receive public comment on the application to renew the Charter School Agreement with UNO Charter School Network for an additional five years. There was no public testimony, oral or written, from anyone in opposition of the renewal of UNO Charter School. In addition, the Office of New Schools evaluated the school's student performance. From 2003-2004 to 2006-2007, UNO received 22 out of 38 high ratings and 16 out of 38 middle ratings on their absolute student indicators found in the framework put forth by the district for assessing charter school pupil performance. Since 2003-2004, the charter schools attendance rate has averaged 94%. From 2003-2004 to 2006-2007, the percentage of students meeting/exceeding state standards on the ISAT Composite has increased by 10.3 percentage points (61.3% of students meeting/exceeding state standards to 71.6%). The charter school also met Adequate Yearly Progress targets for four consecutive years (2003-04 to 2006-07). Looking across all of the school performance indicators, UNO Charter School can be categorized as "Meeting Standards" for achieving pupil performance standards using the framework put forth by the district for assessing charter school pupil performance. The Office of New Schools recommends that, based on the school's performance on these and other accountability criteria, UNO Charter School be authorized to continue operating as a charter school.

RENEWAL TERM: The term of UNO Charter School Network's charter agreement is being extended for a five (5) year term commencing July 1, 2008 and ending June 30, 2013.

AUTHORIZATION: Authorize the General Counsel to include relevant terms and conditions, including any indemnities to be provided to the charter school, in the written Charter School Agreement and amendment, which shall reflect resolution of any and all outstanding issues between the Board and the governing body of the charter school including, but not limited to: site location, enrollment, funding, educational program, financial controls and practices, academic accountability and evaluations. Authorize the President and Secretary to execute the Charter School Agreement and amendment. Authorize the Acting Executive Officer of the Office of New Schools to issue a letter notifying the Illinois State Board of Education of the action (s) approved hereunder and to submit the approved proposal and signed Charter School Agreement to the Illinois State Board of Education for certification.

LSC REVIEW: Approval of Local School Councils is not applicable to this report.

FINANCIAL: The financial implications will be addressed during the development of the 2010-2011 2011-2012 and 2012-2013 fiscal year budgets. Since the School Code of Illinois prohibits the incurring of any liability unless an appropriation has been previously made, expenditures beyond FY11 are deemed to be contingent liabilities only, subject to appropriation in subsequent fiscal year budgets. The cost of UNO Charter School's total enrollment will be approximately \$32,910,000.00 in 2010-2011. If UNO Charter School applies to the Renaissance Schools Fund for funding for the new elementary school campus opening in the fall of 2011 and is not approved for such funding, the Board shall provide a one-time payment to the campus for planning positions in an amount not to exceed \$170,000.00.

GENERAL CONDITIONS:

Inspector General - Each Party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Board of Education has the authority to conduct certain investigations and

that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts - The agreement shall not be legally binding on the Board if entered into in violation of the Provisions of 105 ILCS 5/34-21.3, which restricts the employment of, or the letting of contracts to, former Board members during the one-year period following expiration or other termination of their terms of office.

Indebtedness - The Board's indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics - The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement

Approved:

J. Terence Patterson
Acting Executive Officer

Within Appropriation:

Diana Ferguson
Chief Financial Officer

Respectfully Submitted:

Terry Mazany
Chief Executive Officer

Approved as to Legal Form:

Patrick J. Rocks
General Counsel