

April 22, 2020

**AMEND BOARD REPORT 19-0123-EX5
AUTHORIZE RENEWAL OF THE FOUNDATIONS COLLEGE PREPARATORY CHARTER
SCHOOL AGREEMENT WITH CONDITIONS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

Authorize renewal of the Foundations College Preparatory Charter School Agreement (the "Charter School Agreement") with conditions for an additional four-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 April 2020 amendment is necessary to authorize the termination of the existing Charter School Agreement with Foundations College Preparatory School at the end of the 2019-2020 school year by mutual consent of the parties. Foundations College Preparatory School provided notice to the Office of Innovation and Incubation in March 2020 of its intent to close its charter school at the end of the 2019-2020 school year. Foundations College Preparatory School shall wind down and cease operations of its charter school and voluntarily return its charter to the Board effective as of July 1, 2020.

SCHOOL OPERATOR: Foundations College Preparatory School, an IL not-for-profit corporation
1233 W. 109th Place
Chicago, IL 60643
Phone: 773-413-8193
Contact Person: Micki O'Neil, Executive Director

CHARTER SCHOOL: Foundations College Preparatory Charter School
1233 W. 109th Place
Chicago, IL 60643
Phone: 773-413-8193
Contact Person: Micki O'Neil, Executive Director

OVERSIGHT: ~~Office of Innovation and Incubation~~ Office of Portfolio Management
42 W. Madison Street, 3rd Floor
Chicago, IL 60602
Phone: 773-553-1530
Contact Person: ~~Mary K. Bradley, Executive Director~~
Bing A. Howell, Chief Portfolio Officer

ORIGINAL AGREEMENT: The original Charter School Agreement (authorized by Board Report 14-0528-EX10) was for a term commencing July 1, 2014 and ending June 30, 2019 and authorized the operation of a charter school serving no more than 900 students in grades 6 through 12. The charter and Charter School Agreement were subsequently amended as follows:

- Board Report 15-0527-EX23: Corrected the office and school addresses from 1233 W. 109th Street to 1233 W. 109th Place.

CHARTER RENEWAL PROPOSAL: Foundations College Preparatory School submitted a renewal proposal on July 31, 2018 to continue the operation of Foundations College Preparatory Charter School ("Foundations College Prep"). The charter school shall continue to be located at 1233 W. 109th Place and shall continue to serve grades 6 through 12 with a maximum enrollment of 900 students.

The agreement will incorporate an accountability plan in which the charter school is evaluated by the Board each year based on numerous factors related to its academic, financial and operational performance.

On March 11, 2020, Foundations College Preparatory School provided written notice of its intent to close its charter school at the end of the 2019-2020 school year. In late March 2019, Foundations College Preparatory School notified all families of the closure of the charter school at the end of this school year. A remote public hearing on the proposed closure was held on Wednesday, April 1, 2020. The hearing was recorded and a summary report is available for review.

The Office of Portfolio Management recommends termination of the Charter School Agreement with Foundations College Preparatory School at the end of the 2019-2020 school year by mutual consent of the parties. Foundations College Preparatory School shall wind down and cease operations of its charter school and voluntarily return its charter to the Board effective as of July 1, 2020. Both parties shall enter into a termination agreement which shall include wind down procedures with respect to the charter school closure.

CHARTER EVALUATION: After receiving the charter renewal proposal, the Office of Innovation and Incubation conducted a comprehensive evaluation of Foundations College Prep's academic performance, financial viability, and legal and contract compliance. This evaluation included a review of the proposal, academic results, financial performance, governance documents, parental issues, facilities surveys, and special education documentation. A public hearing was held on November 14, 2018 for all contract and charter schools going through renewals to receive public comments, including Foundations College Prep. The Office of Innovation and Incubation recommends that, based on the school's performance on these and other accountability criteria, as well as the school's demonstration of intent to satisfy the "Additional Terms and Conditions" referred to herein below, Foundations College Prep be authorized to continue operating as a charter school.

RENEWAL TERM: The term of Foundations College Prep's charter and agreement is being extended for a four (4) year term commencing July 1, 2019 and ending June 30, 2023. As indicated in this April 2020 amended Board Report, the agreement shall be terminated at the end of the 2019-2020 school year by mutual consent of the parties. The charter for this school shall be returned to the Board effective as of July 1, 2020.

ADDITIONAL TERMS AND CONDITIONS: Additional terms and conditions will be communicated to the charter school by the Chief Executive Officer or her designee in a formal Letter of Conditions and will be included as an attachment to the Charter School Agreement with Foundations College Preparatory School.

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 termination agreement. Authorize the President and Secretary to execute the written Charter School Agreement and termination agreement. Authorize the Executive Director of the Office of Innovation and Incubation 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. Authorize the General Counsel to further negotiate and execute any amendments to the Charter School Agreement as required by the Illinois State Board of Education. Authorize the Chief Portfolio Officer of the Office of Portfolio Management to issue a letter notifying the Illinois State Board of Education of the termination of the Charter School Agreement, return of the charter to the Board, and any other information as may be necessary due to the closure of the charter school.

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

FINANCIAL: The financial implications will be addressed during the development of the ~~2019-2020~~ 2020-2021 fiscal year budget. Since the School Code of Illinois prohibits the incurring of any liability unless an appropriation has been previously made, expenditures beyond FY4920 are deemed to be contingent liabilities only, subject to appropriation in subsequent fiscal year budgets.

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 May 25, 2011 (11-0525-PO2), as amended from time to time, shall be incorporated into and made a part of the agreement.

Approved for Consideration:

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Bing Howell
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Bing A. Howell
Chief Portfolio Officer

Approved:

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Janice Jackson
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Janice K. Jackson
Chief Executive Officer

Approved as to Legal Form:

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Joseph T. Moriarty
General Counsel

