

APPENDIX A

Deanna Rowe

From: Esther Davis [esdavis@intellischool.org]

Sent: Tuesday, September 08, 2009 8:15 AM

To: Ben (E-mail)

Cc: Patty (E-mail); Deanna Rowe

Subject: Resign from Board

Ben: As of today I am resigning from your Board. Please remove my name from all information given to the State Board of Charter Schools.

APPENDIX B

Name: Esther Davis

Email: bneashurschool@live.com

Business Name: BNE Ashur School

Phone Number: 623-399-6566

Message:

DeAnna I just want to make sure you got my email stating that Ben and I have worked out what needs to take place for me to work with him on his school. That I will working for BNE Ashur School if his charter is approved. Could you please respond to this email.

Also could you send me a list of the board members email and phone numbers for my record. Please email information to bneashurschool@live.com

Thank you so much Esther Davis

APPENDIX C

Heather Kelley

From: banipal benjamin [bneashurschool@yahoo.com]
Sent: Sunday, December 06, 2009 12:09 PM
To: Heather Kelley
Cc: Esther Davis
Subject: Re: Charter Application Information

Good Morning Ms. Kelley.

Regarding my Electrical business, I informed Arizona Corporation Commission that I will not be filling my annual report of this year, because of the business lost, and I asked them to send me a certificate of dissolution. Officially my electrical business went out on 10/23/2009 according to the certificate of dissolution.

On Wednesday Dec. 9th, as we are meeting with Ms. Martha Morgan. I can bring with me my full electrical business tax return and the letter of certificate of dissolution.

Regarding Esther Davis. She contacted Ms. DeAnna Rowe and informed her that she is not on our board of directors team. Esther will only be working for us as the School Principal. Does she still need to fill out the Attachment of background check that you sent me?

On Wednesday Dec. 9th I will file amendment to Arizona Corporation Commission, requesting to remove Esther Davis' name from our board of director list. I will bring a copy to you in that day.

Thank you.
Banipal Benjamin

--- On Fri, 12/4/09, Heather Kelley <Heather.Kelley@asbcs.az.gov> wrote:

From: Heather Kelley <Heather.Kelley@asbcs.az.gov>
Subject: Charter Application Information
To: "'bneashurschool@yahoo.com'" <bneashurschool@yahoo.com>
Date: Friday, December 4, 2009, 2:59 PM

Mr. Benjamin,

This email is to follow-up on your email communication dated November 29, 2009.

APPENDIX D

April 4, 2009

To: Arizona State Board for Charter Schools
1700 West Jefferson, Suite 164
Phoenix, AZ 85007

From: Western United State Diocese of the Holy Apostolic Catholic Assyrian Church of the East
17334 N. 63rd Ave.
Glendale, Arizona 85308
(602)588-0267

Re: BNE Ashur Charter School

I, Mar Aprim Khames the Bishop of the Assyrian Church, would like to extend our support to BNE Ashur Charter School. We have met with Mr. Banipal Benjamin the President of the BNE Ashur Organization, and we agreed to lease our existing Sunday school building which has about 5000 square feet of classroom space plus an additional 6700 square feet of Community Hall for use as a Multi-Purpose. Our church property has an additional 5 acres of land, where there is an existing playground and plenty of parking spaces if needed, we will also add modular classrooms to accommodate the growth of BNE Ashur Charter School in the future.

We agreed on the lease amount to be \$1.50 per Square Foot which is an average rate in this area, and to lease it for five years at which time we will renegotiate the lease (and every five years thereafter). We also agreed that we will not expect to collect the monthly lease fee from BNE Ashur School until it receives its first payment in July 2010 from the Arizona Department of Education. However, in the mean time we will allow BNE Ashur Charter School to move in, in April or May of 2010 if they wish that, so they can start their pre-opening set up and preparations.

Currently our church has over 600 active families; many of them reside in Surprise, Glendale, Peoria and Phoenix, most of them have children and all of them speak Semitic languages as a first language at home. Since the school is willing to teach these languages we believe BNE Ashur School will have a high enrollment of students from our church families. In addition to that, the comprehensive program of instruction that BNE Ashur Charter School will offer, is uniquely designed to address a mix of different ethnicities.

Therefore, we will advertise in our newsletter to inform our members about the venture with BNE Ashur Charter School, so the parents will have an early opportunity to enroll their students. We are thrilled to be involved in this venture and are looking forward to the approval and success of BNE Ashur Charter School as we have seen their dedication and commitment to serve our families and communities.

Sincerely,

+ Mar Aprim Khames

Mar, Aprem Khames,
Bishop of the Assyrian Church

APPENDIX E

The following information was found through the online search:

City of Glendale Notice of Public Hearing

A request by Francis Murad, representing The Assyrian Church of the East, for the approval of a Conditional Use Permit to operate a kindergarten through sixth grade charter school located in the RR-45 (Rural Residence) zoning district. The site is located at the southwest corner of 63rd Avenue and Greenbriar Drive (17334 North 63rd Avenue) and is 4.27 acres in size.

Hearing Minutes are as follows:

1. CUP09-03: A request by Francis Murad, representing The Assyrian Church of the East, for the approval of a Conditional Use Permit (CUP) to operate a kindergarten through sixth grade charter school located in the RR-45 (Rural Residence) zoning district. The site is located at the southwest corner of 63rd Avenue and Greenbriar Drive (17334 North 63rd Avenue) and is 4.27 acres in size. Staff Contact: Bill Luttrell, Senior Planner (Sahuaro District). Mr. Bill Luttrell, Planner, presented the staff report. Chairperson Michele Tennyson called for questions from the Commission. Commissioner Doug Ward commented on the temporary modular buildings proposed. He stated that the buildings did not look permanent; and, they were not being built as permanent structures. Mr. Luttrell indicated that the buildings were temporary structures. He explained that through the design review (DR) process, they are able to accomplish certain architecture abilities that provide opportunities for enhancement. Commissioner Ward remarked that those comments did not sound reassuring and he was still concerned that these temporary buildings will be permanently affixed and remain there forever. Mr. Luttrell asked the applicant to explain further. Chairperson Tennyson asked if the applicant would like to come forward to make a presentation. Mr. Francis Murad, applicant's representative, responded to Commissioner Ward's concerns. He stated that the buildings were being built very much like permanent buildings with similar costs. He explained that they were being built as temporary structures; however, should they go to Phase II, their intention is to go to a more permanent design building, through the approval process. Commissioner Ward asked why not build a permanent building if there was little difference in cost. Mr. Murad explained that they were not sure how well the school would do; therefore, the first phase will be done at minimal cost. He noted that they wanted to see if this project was viable and warranted the additional investment to make it more permanent and attractive. Vice Chairperson Patrick Sutliff asked that if approved, when he anticipates classes would start. Mr. Murad replied that they would start in the fall of 2010. Chairperson Tennyson inquired as to the driving force to create this school when there was concern with the attendance. Mr. Murad explained their church was, fairly, old with masses in Aramaic. He stated that they consider their church unique and would like the opportunity to continue teaching their language and history of the church. He noted that there were close to 700 families living in the valley with 120 families in the City of Glendale. Chairperson Tennyson remarked that language was indeed a gift and recognized his commitment in keeping it alive. Chairperson Tennyson asked staff what would happen if they received strong support and decide to move forward with permanent buildings. Mr. Jim May, AICP, Deputy Director for Current Planning, stated

that they would need to go through the DR process. He indicated that the City's intent is to construct any building to look like it was intergraded totally with the existing buildings on the site. Vice Chairperson Sutliff asked that if the nine classrooms they have currently were filled to capacity. Mr. Murad stated that the current classrooms were adequate for the 160 students. The new, temporary buildings would be strictly for office space. Commissioner Ward remarked that although he did not have a problem with the CUP, he had concerns with the temporary modular buildings. He asked that if it were possible to modify the motion to not include the modular buildings, and let that happen at a later date during the DR process. Mr. Murad reiterated that the modular buildings were being used in Phase I to see how well or viable this will be received. He noted that any modification to do otherwise in the form of permanent buildings, would present a hardship for them. Commissioner Ward stated that he understood his predicament; however, these buildings were not being presented as temporary buildings. He noted that the building was going to be architecturally modified to match the rest of the site and, therefore, would remain there forever. Mr. Murad explained that the buildings would have to match the site either way and once again cited his concerns on the certainty of the project. He added that should they be successful in Phase I, they will come back to the City for additional design approval for permanency. He indicated that the buildings would be surrounded by existing buildings and could not be seen from Greenbriar Street. He asked for the Commission's indulgence in this matter. Chairperson Tennyson asked how the buildings were sheltered from the east and west side. Mr. Murad explained that there were large, 30-foot trees along the perimeter as well as a wall around the facility. Chairperson Tennyson asked Mr. Jim May, Deputy Director for Current Planning, for guidance in this matter. Mr. May explained that the first phase buildings were for offices only, with additional classroom facilities added for additional enrollment. Chairperson Tennyson commented that temporary buildings already exist within the public school system, therefore there was a precedent set for this. Mr. May stated that she was correct. Commissioner Ward stated that he still believes there was no intent to do anything permanent, even if this should go to Phase II. Mr. May stated that their intent in the design review process was to get the exterior to match and integrate the buildings to the surroundings. He explained that they know of several other churches that have used similar approaches to this development. He noted that the buildings do stay for a long time and with the technology provided; these units can be very durable facilities and help breach some of the cost in construction. He stated that he was confident through the DR process; they can get the buildings to look like a permanent building on the site. Chairperson Tennyson commented that they were possibly using the wrong terminology when using "temporary" as opposed to "modular", since modular buildings were sometimes permanent buildings. Mr. May agreed. Commissioner John Kolodziej asked if they would be building the first or second modular in 2010. Mr. Murad replied it would be the first modular. He added they do not expect to enroll more than 160 students in the first or second year until they are certain it will be run efficiently. Chairperson Tennyson asked for any questions or comments from the Commission. There were none. Chairperson Tennyson opened the public hearing. As there were no comments from the public, the public hearing was closed. Chairperson Tennyson asked the applicant for any closing statements. Mr. Murad stated that they were asking for their approval to continue and maintain their culture, heritage and language. He explained his church was very old

and most of the members of the church are immigrants and refugees. He indicated they have schools in other cities, such as Los Angeles and Chicago. He noted there were three other sister churches in the valley using Aramaic in mass whose members would be interested in having their children learn this language. Chairperson Tennyson asked for any additional comments from the Commission. Commissioner Ward commented that they live in a city that prides itself on the types of structures it erects and does not believe this was a good precedent and will not support it. He noted he could support the conditional use permit for the school; however, could not support the modular buildings since they are not a long term permanent solution. Vice Chairperson Sutliff stated that he agreed with Commissioner Ward. He indicated in the staff report it stated that the applicant sees this as a long term interest for the neighborhood. He noted all indications point to permanency. Chairperson Tennyson called for a motion on CUP09-03. Vice Chairperson Sutliff MADE a MOTION to APPROVE Case No. CUP09-03 subject to the stipulations as recommended by staff. Commissioner Kolodziej SECONDED the motion. The motion passed 3 to 2. (Sutliff and Ward voted "nay".)