

**BEFORE THE ARIZONA STATE BOARD
FOR CHARTER SCHOOLS**

In the matter of:

**Twenty First Century Charter Schools,
Inc.**

(a non-profit corporation)

and

Bennett Academy – Venture Campus

(a charter school).

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

This Agreement is entered into by Twenty First Century Charter Schools, Inc., (CTDS 078944000) a nonprofit corporation operating Bennett Academy – Venture Campus, a charter school, and the Arizona State Board for Charter Schools, by and through its authorized representatives, and provides the following terms and agreement:

1. Bennett Academy – Venture Campus (hereafter, “the School,”) is a charter school established pursuant to Arizona Revised Statutes (hereafter, “A.R.S.”) § 15-181 et seq. and sponsored by the Arizona State Board for Charter Schools (hereafter, “the Board”).
2. The School operates pursuant to a Charter Contract (hereafter, “Charter”) between Twenty First Century Charter Schools, Inc., a non-profit corporation, organized under the laws of the state of Arizona (hereafter, “the Charter Operator”), and the Board.
3. The Charter Representatives and the individuals authorized to sign for the Charter Operator are Nancy Bennett and Fred Bennett.
4. 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 grades Kindergarten through eighth.
5. The Charter between the Charter Operator and the Board was executed on July 25, 2001.
6. The Charter Operator voluntarily tenders and surrenders its Charter Contract to its sponsor, the Board, with the intent to voluntarily terminate its Charter Contract effective June 30, 2012 for the purpose of further performance.
7. The Charter Operator shall mail a complete copy of each student’s educational record to the student’s parent or legal guardian.

8. Student records will be maintained by Twenty First Century Charter Schools, Inc. at 2930 West Bethany Home Road, Phoenix, AZ, 85017.

9. The Charter Operator states that all necessary student level data has been submitted to the Arizona Department of Education through the Student Accountability Information System ("SAIS").

10. The Charter Operator is entitled to receive state equalization assistance funds for the 2011-2012 school year to which it is entitled under the provisions of Arizona law, but no more.

11. The Charter Operator is entitled to receive Classroom Site Funds for the 2011-2012 school year to which it is entitled under the provisions of Arizona law, but no more.

12. The Charter Operator agrees to refund any overpayment of state equalization assistance funds in the amount determined by the Arizona Department of Education in the manner directed by the Arizona Department of Education.

13. The Charter Operator agrees to refund any overpayment of Classroom Site Funds monies in the amount determined by the Arizona Department of Education in the manner directed by the Arizona Department of Education.

14. The Charter Operator agrees to submit any outstanding grant reports and to refund any outstanding grant monies or allocation of education funds to the Arizona Department of Education in the manner directed by the Arizona Department of Education.

15. The Charter Operator shall expend the Classroom Site Funds in a manner consistent with its intent as specified in A.R.S. § 15-977.

16. The Charter Operator shall expend the Instructional Improvement Funds in a manner consistent with its intent as specified in A.R.S. § 15-979.

17. The Board accepts the surrender of the Charter Contract of Twenty First Century Charter Schools, Inc. for the operation of Bennett Academy – Venture Campus.

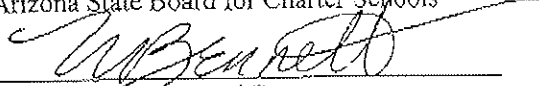
18. The Charter Contract between the Board and Twenty First Century Charter Schools, Inc. for the operation of Bennett Academy – Venture Campus is terminated effective June 30, 2012 for the purposes of further performance.

19. This Agreement is not binding on either party until both the Board and the Charter Operator's Governing Board accept it by a majority vote at a public meeting. This Agreement is effective immediately upon its approval and execution by the authorized representatives of the Board for Twenty First Century Charter Schools, Inc., and the Board.

20. 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.

21. Twenty First Century Charter Schools, Inc. understands that it has the legal right to consult with an attorney prior to entering into this Agreement.

22. Each party shall be responsible for its own attorneys' fees and costs in this matter.

Jake Logan
President
Arizona State Board for Charter Schools


Date: _____

Nancy Bennett or Fred Bennett
As Charter Representative
and the person authorized to sign on behalf of Twenty First Century Charter Schools, Inc.

Date: 7.30.2012

21st CENTURY CHARTER SCHOOLS, INC
Bennett Academy & Venture Academy Board Meeting
Bennett Academy – 2930 W. Bethany Home Rd, Phoenix AZ 85017

July 2, 2012 – 3:45 p.m.

Board Members:

(P=present, E=excused, A=absent)

Bennett Academy

Nancy Bennett (P)
Nancy Dillon (E) – Proxy to Nancy Bennett
Diane Horn (P)
Jak Keyser (P)
Larry Wiersum (A)

Venture Academy Board

Fred Bennett (P)
Marta Blanco-Brown (P)
Allison Elison (E) proxy to Fred Bennett
Lisa Hahn (E)

Guests: Jim Rohrbacker, Wendy Abbott, Bob Brown, Sandra Richmond

AGENDA:

The meeting was called to order by Dr. Nancy Bennett at 3:50 p.m

Minutes of June 4, 2012 Regular Meeting

Motion by Fred Bennett and seconded by Diane Horn to approve the minutes of June 4, 2012, as printed, was passed by affirmation.

Item #1: Adopted Budget SY 2012-13 – Bob Brown

The 21st Century Charter Schools, Inc. (dba Bennett Academy) 2012-13 Proposed Budget was already approved by the Board on June 4, 2012. There have been no changes to the Proposed Budget.

Motion by Nancy Bennett: That the Board adopt the 2012-13 Proposed Budget as printed. Seconded by Diane Horn; motion passed unanimously.

Item #2: Venture Academy D Rating Analysis & Discussion – Fred & Nancy Bennett

Fred Bennett has spoken with DeAnna Rowe, Executive Director of the AZ State Board for Charter Schools, and asked if there would be any problem if we surrendered the Venture Academy Charter. She affirmed that it would be a good idea; the D rating would evaporate.

Discussion and information presented to the Board:

- ◆ The Bennetts gave a brief history on the difficult start up of Venture Academy. Ratings have been Highly Performing, Performing, C and now D.
- ◆ How can we fix it? Can't get a C next year; would have to get a B or A. The changes have to occur in the classroom. Instruction has to be intense, successful and evaluated along the way.
- ◆ Wendy was asked to give an account of what may have contributed to the D rating. She mentioned that VA's enrollment is composed of 20% special ed students (10% is normal), 2 students experienced extreme abnormalities prior to the AIMS tests, and due to her half-time as principal she wasn't able to adequately monitor the classroom instruction.
- ◆ Note: Dr. Bennett and Diane have already done a 5-year plan for VA which we could use.

There were 3 options presented to the Board:

1. Fix the problem and keep the Venture Charter open. An appeal of the D Rating has been filed with the State.
2. Surrender the Charter and expand Bennett Academy to include the Dunlap location (the D Rating goes away as if it never occurred).
3. Close the school and rent site to another school.

At 4:35 pm, Nancy Bennett requested that the Board go into Executive Session. Bob Brown, Jim Rohrbacker and Wendy Abbott were excused. At 5:10 pm, the Executive Session ended, and those excused were called back to resume the Regular Board meeting.

Motion by Nancy Bennett: That the Board wait on its decision to either surrender the Venture Academy charter or stay as Venture Academy until the result of the appeal filed with the State is known on July 25, 2012. Seconded by Jak Keyser; motion passed unanimously.

Nancy Bennett asked all Board members to send their opinions/recommendations on this issue to her via email within a couple of days. She also called for an Emergency Meeting of the Board for July 5, 2012, at 12:00 noon at Bennett Academy. Agenda: To continue the discussion, after the Board has had time to consider the options.

Adjournment:

The meeting of the Corporate Board was adjourned at 5:27 p.m. Motion made by Diane Horn and seconded by Jak Keyser passed unanimously.

Respectfully submitted,

Sandra Richmond
Board Secretary

21st CENTURY CHARTER SCHOOLS, INC
Bennett Academy & Venture Academy Emergency Board Meeting
Bennett Academy – 2930 W. Bethany Home Rd, Phoenix AZ 85017

July 5, 2012 – 12:00 p.m.

Board Members:

(P=present, E=excused, A=absent)

Bennett Academy

Nancy Bennett (P)

Nancy Dillon (E)

Diane Horn (P)

Jak Keyser (P)

Larry Wiersum (P – by teleconference)

Venture Academy Board

Fred Bennett (P)

Marta Blanco-Brown (P)

Allison Elison (E) proxy to Diane Horn

Lisa Hahn (P)

Guests: Jim Rohrbacker, Wendy Abbott, Bob Brown, Sandra Richmond

AGENDA:

The meeting was called to order by Dr. Nancy Bennett at 12:22 p.m

Minutes of July 2, 2012 Regular Meeting

Motion by Fred Bennett and seconded by Diane Horn to approve the minutes of July 2, 2012, as printed, was passed unanimously.

Item #1: Venture Academy D Rating Analysis & Discussion – Fred & Nancy Bennett

The Bennetts had just come from a meeting with DeAnna Rowe, Executive Director of the AZ State Board for Charter Schools. One of the concerns they discussed was the logistics of keeping a building full of students, if they surrender the Venture Academy Charter. They were told that a “new site notification” would have to be filed and that it is an easy process. [Something else to consider: If the Venture Academy Five-Year Plan is not accepted, the State could pull the Venture Academy Charter.]

There were 3 options presented to the Board at the last meeting on July 2:

1. Fix the problem and keep the Venture Charter open. An appeal of the D Rating has been filed with the State.
2. Surrender the Charter and expand Bennett Academy to include the Dunlap location (the D Rating goes away as if it never occurred).
3. Close the school and rent site to another school.

Responses from the Board members via email to Dr. Bennett favored 1) to surrender the Venture Academy Charter or 2) fix the problem, hoping that the appeal would be favorable.

Motion by Fred Bennett: That the Board seek the input from the Principals; seconded by Jak Keyser; motion passed.

Wendy Abbott, VA Principal, and Jim Rohrbacker, BA Principal, both felt that we should surrender the Venture Academy Charter. Wendy mentioned that Venture hasn't required placement tests for incoming students and have allowed Kindergarteners to enroll if 5 years old by December 31st; this was due to a desire to increase enrollment. Changes to these practices could improve the quality of students enrolled.

Challenges/situations to consider if charter is surrendered:

- Change of school name confusing for VA parents: *Diane reminded us that the parents are aware of the change already approved to **Bennett Academy-Venture Campus**.*
- Start-up demands on budget (1st funding payment is Sept. 2): \$20,000 for building improvements at Dunlap site; \$11,000 for computers at BA; \$2200 for furniture at BA. *Bob said we could cover these expenses out of current cash flow.*
- Just submitted budgets for both charter schools. *Bob stated that the budgets can be amended at any time.*
- Enrollment of students; release from Venture and enroll in Bennett Academy.
- Physical plant. *No problem since it is owned by the Bennetts.*
- Inventory. *No problem since it is owned by the same entity (21st Century Charter Schools, Inc.)*
- Staff. *Leadership has to change; Fred Bennett has accepted to serve as Principal at the Venture site until someone is hired. Contracts are not null & void since issued by 21st Century Charter Schools, Inc. Marta made the point that we need to state specific expectations in the new Principal's contract.*
- Educational level at Venture. *Has to improve; however, new site could have separate rating which wouldn't affect Bennett Academy's rating.*

Dr. Bennett stated that the following policies are being implemented at the Venture campus:

- Placement testing will be required of all new students, to determine actual grade level. Bennett AIMS passage policy to be adopted at Venture site.
- Every teacher will be provided with assistance for individualized student instruction, if needed.
- Children who can Exceed should Exceed.
- The principal will make more classroom visits.
- Teachers will be trained to use the quarterly exams to determine a student's academic deficiencies and then provide a plan to correct problems.
- Every 2 weeks students Individual Plans should be evaluated and discussed in one-on-one meetings with Dr. Bennett

Item #2: 21st Century Charter Schools Inc Board Approval to Surrender Venture Academy Charter – Nancy Bennett

Motion by Jak Keyser: That we surrender the Venture Academy Charter back to the State. Seconded by Diane Horn; the motion passed unanimously.

Motion by Jak Keyser: That a Student Lottery Selection Process be instituted immediately at the Venture Site and a summary total be determined by July 13, 2012; enrollment stays open until a cap at maximum capacity (157) is reached. Seconded by Nancy Bennett; the motion passed unanimously.

Motion by Nancy Bennett: That members of the Venture Academy Board be absorbed into the 21st Century Charter Board of Directors at their discretion. Seconded by Larry Wiersum; the motion passed unanimously.

Dr. Bennett committed to be more involved and plans to meet with teachers at both campuses on a regular basis.

Adjournment:

The meeting of the Corporate Board was adjourned at 1:48 p.m. Motion made by Nancy Bennett and seconded by Jak Keyser passed unanimously.

Respectfully submitted,

Sandra Richmond
Board Secretary