



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Special Order Request

☐ Yes ☒ No

Time

Open Agenda

☐ Yes ☒ No

ITEM No.:

L-1.

MEETING DATE

Jul 28 2015 10:15AM - Regular School Board Meeting

AGENDA ITEM

CONSENT ITEMS

CATEGORY

L. OFFICE OF PORTFOLIO SERVICES

DEPARTMENT

Charter Schools/Management Support

TITLE:

First Amendment to Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Academy Hollywood Middle School - 5419

REQUESTED ACTION:

Approve the First Amendment to the Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Academy Hollywood Middle School - 5419.

SUMMARY EXPLANATION AND BACKGROUND:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Hollywood Middle - 5419, desires to amend its charter school agreement to change the location of the charter school and to co-locate with Somerset Preparatory Charter Middle - 5441 for the 2015-2016 school year and subsequent years. A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12th floor of the K.C.W. Administration Center.

A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at:

<https://webappe.browardschools.com/eagenda>.

See Supporting Docs for continuation of Summary Explanation and Background.

This Amendment has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:

☒ Goal 1: High Quality Instruction ☒ Goal 2: Continuous Improvement ☒ Goal 3: Effective Communication

FINANCIAL IMPACT:

There is no financial impact to the District.

EXHIBITS: (List)

(1) Continuation of Summary Explanation and Background (2) Somerset Academy Hollywood Middle 5419 Co-location ES (3) First Amendment Somerset Academy Hollywood Middle School 5419 Agreement (4) Approved ARF E11 611132015-05-14-144548

BOARD ACTION:

APPROVED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Jody Perry

Phone: 754-321-2135

Name:

Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Leslie M. Brown - Chief Portfolio Services Officer

Signature

Leslie M. Brown

Thursday, July 02, 2015 2:02:41 PM

Approved In Open
Board Meeting On:

By:

JUL 28 2015

Donna Fournier

School Board Chair

Continuation of Summary Explanation and Background:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Hollywood Middle - 5419, desires to amend its charter school agreement to change the location of the charter school and to co-locate with Somerset Preparatory Charter Middle - 5441 for the 2015-2016 school year and subsequent years.

Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by the charter school and The School Board of Broward County, Florida, in a written contractual agreement. This agreement shall constitute a school's charter.

The Charter School will be located at Somerset Preparatory Charter Middle – 5441, 9300 Pembroke Road, Miramar, Florida 33025, which is located in District 2.

A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12th floor of the K.C.W. Administration Center.

A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at: <https://webappe.browardschools.com/eagenda>.

EXECUTIVE SUMMARY
Somerset Academy, Inc.
Somerset Academy Hollywood Middle School - 5419

The original agreement with Somerset Academy, Inc. was approved at the June 11, 2013, Regular School Board Meeting, Item E-11.

Somerset Academy, Inc. desires to amend its charter agreement by changing the location of Somerset Academy Hollywood Middle School - 5419 for school year 2015-2016 and subsequent years.

The charter school will relocate to: 9300 Pembroke Road, Miramar, Florida 33025 for the 2015-2016 and subsequent school years, and co-locate with Somerset Preparatory Charter Middle - 5441. At the direction of The School Board of Broward County, Florida, this amendment was renegotiated to include a decrease in the charter school enrollment contract capacity of the charter agreement. This decrease of the charter school's enrollment contract capacity allows for the alignment of the co-located schools' contract capacity and the site's certificate of occupancy.

The term of the charter shall remain the same, covering five years commencing on July 1, 2013, and ending June 30, 2018.

The Mayor and the City Manager for the City of Miramar have been notified of the change.

Somerset Academy Hollywood will be in District 2.

The governing board members of **Somerset Academy, Inc.** reside in Miami, Florida.

**Somerset Academy Hollywood Middle School - 5419
First Amendment to Charter School Agreement**

FIRST AMENDMENT TO THE CHARTER SCHOOL AGREEMENT

**This First Amendment to the CHARTER AGREEMENT is made and entered into as of
this 28th day of July 2015, by and between:**

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA,
a body corporate operating and existing under the laws of the State of Florida
[hereinafter referred to as "Sponsor"],
and having its principal place of business located at
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

Somerset Academy, Inc.
a Florida not-for-profit organization [hereinafter referred to as "School"],
and having its principal place of business located at
6340 Sunset Drive, Miami, Florida 33143.

WHEREAS, the parties entered into a Charter School Agreement ("Agreement") on or about June 11, 2013, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter middle school 6-8, known as "Somerset Academy Hollywood Middle School" in Broward County, Florida

WHEREAS, Section 2.B.4 of the Agreement permits the amendment of the Agreement during its term through mutual agreement of the parties, provided such modifications are agreed to in writing and executed by both parties; and

WHEREAS, the School desires to amend its Agreement to co-locate with Somerset Preparatory Charter Middle School, 5441, which will require a decrease in the contract enrollment capacity of the school.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and terms herein set forth, the parties agree as follows:

1.01 Recitals: The foregoing recitals are true and correct and are incorporated within this Charter by reference.

1.02 Amendments: The following portion of the Charter School Agreement shall be amended to provide as follows:

Section 4.A: **Eligible Students:** The School shall enroll all eligible students in accordance with Section 1002.33(10), Florida Statutes, up to the maximum school enrollment capacity approved by the Sponsor through its approval of this Agreement. Furthermore, the

Somerset Academy Hollywood Middle School - 5419
First Amendment to Charter School Agreement

School's enrollment capacity is reduced to a maximum for the charter of 193 students. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment capacity provided herein. The parties agree that the approved school enrollment capacity is the minimum enrollment that will support the School's operations at an adequate level under its approved budget. If the School fails to achieve the minimum school enrollment capacity as provided herein by the October FTE reporting period, such shall be considered good cause for termination or non-renewal for failure to meet generally accepted standards of the school management as provided in Section 1002.33(8)(a)(2), Florida Statutes, unless the School provides the Sponsor a revised and balanced budget within sixty (60) days of the October FTE reporting period. A student may not be transferred by the School to another charter school or district school except upon the prior written consent of the student's parent/guardian or of the student (if an adult). The School agrees that any transfer or withdrawal of students shall be conducted in accordance with the Sponsor's student transfer and withdrawal policies and procedures. Parents may withdraw a student from the School at any time. In such event, the student shall either return to the student's regularly assigned district school or to another school with an appropriate program.

Section 6.A.1: **Facility Location:** The School will be located at:
9300 Pembroke Road, Miramar, Florida 33025.

Section 6.C.1: **School's Street Address:** The Charter School is
located at: 9300 Pembroke Road, Miramar, Florida 33025.

Section 6.C.5: **Shared Use of a Facility with Other Entities:** The School shall disclose to the Sponsor the identity of any entity with whom it will share the facility or space or share any temporary facility during the term of this Charter. Shared use of a facility amendment to the charter agreements of all co-located Schools.

Section 6.C.5.a **Entity Disclosure:** The School will co-locate with Somerset Preparatory Charter Middle School - 5441 at 9300 Pembroke Road, Miramar, Florida 33025. The School shall enroll all eligible students in accordance with Section 1002.33(1), Florida Statutes. Due to the co-located use of its facility, the School's enrollment capacity is reduced to a maximum for the charter of 193 students. The School's enrollment, when combined with the enrollment of any other co-located schools, may not exceed the building capacity established by the applicable certificate of occupancy. If the combined enrollment of the co-located schools should exceed the building capacity established by the applicable certificate of occupancy Sponsor may terminate the charter school agreement of each of the co-located schools for good cause.

1.03 Order of Precedence Among Agreement Documents: In the event of a conflict between the provisions of the agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- (a) This First Amendment to the Charter School Agreement; then
- (b) The Charter Agreement; and
- (c) The Charter Application

Somerset Academy Hollywood Middle School - 5419
First Amendment to Charter School Agreement

1.04 Other Provisions, as Amended, Remain in Force: Except as expressly provided herein, all other portions of the agreement remain in full force and effect.

1.05 Authority Each person signing the First Amendment to the Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to the Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to Charter School Agreement as of the day and year first above written.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

Somerset Academy Hollywood Middle School - 5419
First Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)



Attest: _____

Secretary

Somerset Academy, Inc.

by: _____

David Concepcion, Board Chair

– or –

Witness

Witness

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 12th day of June, 2015 by

David Concepcion
Name of Person on behalf of
the Governing Entity

of _____
Somerset Academy, Inc.

He/She took an oath and is personally known to me ~~or has produced~~ _____ as
identification.

My commission expires:

(SEAL)

My commission expires:

Marla G. Devitt
Signature – Notary Public

Marla G. Devitt
Printed Name of Notary Public



**Somerset Academy Hollywood Middle School - 5419
First Amendment to Charter School Agreement**


FOR THE SPONSOR

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By 
Donna P. Korn, Chair


Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:


Office of the General Counsel

| | | | |
|--|---|--|----------------------------|
| Meeting Date 6/11/13 | THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA | | Agenda Item Number E-11 |
| Open Agenda ___ Yes <u>X</u> No | | Special Order Request ___ Yes <u>X</u> No | |
| TITLE: New Charter School Agreement - Somerset Academy, Inc., (Somerset Academy Hollywood Middle School) | | | |
| REQUESTED ACTION: Approve a new Charter School Agreement for Somerset Academy, Inc., (Somerset Academy Hollywood Middle School). | | | |
| SUMMARY EXPLANATION AND BACKGROUND: <p>On November 15, 2011, The School Board of Broward County, Florida, approved a charter application for Somerset Academy, Inc. On June 19, 2012, Somerset Academy, Inc., was approved to defer the opening of the school until the 2013-2014, school year. Somerset Academy Hollywood Middle School will serve students grades 6-8, and will open in August 2013.</p> <p>Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by the charter school and The School Board of Broward County, Florida, in a written contractual agreement. This agreement shall constitute a school's charter.</p> <p>In accordance with Florida Statutes, The School Board of Broward County, Florida, shall monitor and review the charter's revenues, expenditures and progress toward the goals established in the charter. This is for an opening of a new charter school.</p> <p>A copy of all supporting documents is available at the Charter Schools Support Department on the 12th floor of the K.C.W. Administration Center.</p> <p>A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at: http://agenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda.</p> <p>This Agreement has been approved as to form and legal content by the Office of the General Counsel.</p> | | | |
| SCHOOL BOARD GOALS: X • Goal 1: High Quality Instruction ___ • Goal 2: Continuous Improvement X • Goal 3: Effective Communication | | | |
| FINANCIAL IMPACT: There is no financial impact to the District. | | | |
| EXHIBITS: (If any) • New Charter Agreement • Approved ARF for E-21, RSBM 11/15/11 • Approved ARF for E-14, RSBM 6/19/12 | | | |
| BOARD ACTION: <div style="border: 1px solid black; padding: 5px; display: inline-block;"> APPROVED </div> | | SOURCE OF ADDITIONAL INFORMATION: Jody Perry 754-321-2135 | |
| (For Official School Board Records' Office Only) | | Name _____ Phone _____ | |

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Maurice L. Woods *M.L.W.*
Chief Strategy & Operations Officer
Office of Strategy & Operations
 Approved in Open Board Meeting on:

JUN 11 2013

By:

Laurie Rich Levinson

School Board Chair