



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

**Special Order Request**☐ Yes☒ No**Time****Open Agenda**☐ Yes☒ No**ITEM No.:****L-2.****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:**

Second Amendment to Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Preparatory Charter Middle School - 5441

**REQUESTED ACTION:**

Approve the Second Amendment to the Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Preparatory Charter Middle School - 5441.

**SUMMARY EXPLANATION AND BACKGROUND:**

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Preparatory Charter Middle - 5441, desires to amend its charter school agreement to co-locate its charter school location with Somerset Academy Hollywood Middle Charter School - 5419 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 Preparatory Charter Middle School 5441 ES (3) Second Amendment Somerset Preparatory Charter Middle School 5441 Agreement (4) Approved ARF F10 51810 (5) Approved ARF F7 6711

**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 2:04:39 PM

Approved In Open  
Board Meeting On:

By:

**JUL 28 2015**

School Board Chair

Continuation of Summary Explanation and Background:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Preparatory Charter Middle - 5441, desires to amend its charter school agreement to co-locate its charter school location with Somerset Academy Hollywood Middle Charter School - 5419 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.

Somerset Preparatory Charter Middle School – 5441 is in District 2.

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

A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12<sup>th</sup> 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 Preparatory Charter Middle School - 5441

The original agreement with Somerset Academy, Inc. was approved at the May 18, 2010, Regular School Board Meeting, Item F-10. At the June 7, 2011, Regular School Board Meeting, Item F-7, Somerset Academy, Inc., was approved as a first amendment of the Charter School Agreement to change locations.

Somerset Academy, Inc. desires to amend its charter agreement by sharing its location and co-locating with Somerset Academy Hollywood Middle School - 5419 for school year 2015-2016 and subsequent years. 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 charter school is located at: 9300 Pembroke Road, Miramar, Florida 33025 for the 2015-2016 and subsequent school years.

The term of the charter shall remain the same, covering five years commencing on July 1, 2010, and ending June 30, 2015.

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

Somerset Preparatory Charter Middle School - 5441 is in District 2.

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

**Somerset Preparatory Charter Middle School - 5441  
Second Amendment to Charter School Agreement**

**SECOND AMENDMENT TO THE CHARTER SCHOOL AGREEMENT**

**This Second Amendment to the CHARTER AGREEMENT is made and entered into as of this 28<sup>th</sup> 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 May 18, 2010, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter middle 6-8 school, known as "Somerset Preparatory Charter Middle School" in Broward County, Florida and the Agreement was revised by a First Amendment on June 7, 2011; and

**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 Academy Hollywood Middle Charter School, 5419, 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

**Somerset Preparatory Charter Middle School - 5441**  
**Second Amendment to Charter School Agreement**

capacity approved by the Sponsor through its approval of this Agreement. Furthermore, the School's enrollment capacity is reduced to a maximum for the charter of 600 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.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 by two or more charter Schools for more than sixty (60) calendar days shall require an amendment to the charter agreements of all co-located Schools.

Section 6.C.5.a **Entity Disclosure:** The School will co-locate with Somerset Academy Hollywood Middle Charter School 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 600 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 Second Amendment to the Charter School Agreement; then
- (b) The Charter Renewal Agreement; then
- (c) First Amendment to the Charter School Agreement; and
- (d) The Charter Application

**Somerset Preparatory Charter Middle School - 5441  
Second 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 Second Amendment to the Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Second Amendment to the Agreement.

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

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK**

Somerset Preparatory Charter Middle School - 5441  
Second Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)

Attest:

Secretary

– or –

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Somerset Academy, Inc.

by:

David Concepcion, Board Chair

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 15<sup>th</sup> 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.

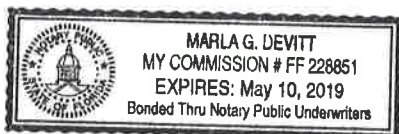
My commission expires:

(SEAL)

My commission expires:

Marla G. Devitt  
Signature – Notary Public

Marla G. Devitt  
Printed Name of Notary Public



**Somerset Preparatory Charter Middle School - 5441  
Second 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



**AGENDA REQUEST FORM**  
**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

Meeting Date <div style="border: 1px solid black; padding: 2px; text-align: center;">05/18/10</div>	<div style="display: flex; justify-content: space-around;"><div>Open Agenda ___ Yes    <u>X</u> No</div><div>Time Certain Request ___ Yes    <u>X</u> No</div></div>	Agenda Item Number <div style="border: 1px solid black; padding: 2px; text-align: center;">F-10</div>
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<b>TITLE:</b> Charter School Agreement - Somerset Academy, Inc. (Somerset Preparatory Charter Middle School)							
<b>REQUESTED ACTION:</b> Approve the charter school agreement for Somerset Academy, Inc. (Somerset Preparatory Charter Middle School)							
<b>SUMMARY EXPLANATION AND BACKGROUND:</b> <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, FL in a written contractual agreement. This agreement shall constitute a school's charter. In accordance with Florida Statutes, The School Board shall monitor and review the charter's revenues, expenditures and progress toward the goals established in the charter.</p> <p>The application by Somerset Academy, Inc. (Somerset Preparatory Charter Middle School) was approved at the November 10, 2009 School Board Meeting, Item F-25. A copy of this application is available at the Charter Schools Support office on the 13<sup>th</sup> floor of the KC Wright Building.</p> <p>A copy of the agreement between The School Board of Broward County, Florida and Somerset Academy, Inc. (Somerset Preparatory Charter Middle School) is available in the Board Members' office on the 14<sup>th</sup> floor of the KC Wright building and on the public stand in the lobby of the KC Wright Building.</p> <p>This agreement has been approved as to form and legal content by the School Board Attorney.</p>							
<b>SCHOOL BOARD GOALS:</b> <div style="display: flex; padding-left: 20px;"><div style="width: 10%;"><input checked="" type="checkbox"/> *Goal One: <input type="checkbox"/> *Goal Two: <input checked="" type="checkbox"/> *Goal Three: <input type="checkbox"/> *Goal Four: <input type="checkbox"/> *Goal Five: <input type="checkbox"/> *Goal Six: <input type="checkbox"/> *Goal Seven:</div><div style="width: 90%;"><p>Raise achievement of all students to ensure graduation from high school and readiness for post-secondary education.</p><p>Improve the health and wellness of students and personnel.</p><p>Provide a safe and secure physical and technological environment for all students and employees.</p><p>Promote innovation which focuses on best practices and quality efforts that improve our best-in-class position.</p><p>Recruit, develop, retain, and recognize high performing and diverse faculty and personnel.</p><p>Build strong partnerships with family, business, community and government at the classroom, school, area, and district level.</p><p>Ensure district's leadership as an environmental steward through innovative ecology and energy conservation programs.</p></div></div>							
<b>FINANCIAL IMPACT:</b> There is no financial impact to the district.							
<b>EXHIBITS: (list)</b> 1. Agreement - Somerset Academy, Inc. (Somerset Preparatory Charter Middle School) 2. Approved ARF for F-25, RSBM 11/10/09							
<b>BOARD ACTION:</b> <div style="text-align: center; margin-top: 20px;"><b>APPROVED</b></div> <small>(For Official School Board Records' Office Only)</small>	<b>SOURCE OF ADDITIONAL INFORMATION:</b> <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 70%;">Leslie M. Brown</td><td style="width: 30%; text-align: right;">754-321-2130</td></tr><tr><td>Jody Perry</td><td style="text-align: right;">754-321-2135</td></tr><tr><td style="border-top: 1px solid black;">Name</td><td style="border-top: 1px solid black; text-align: right;">Phone</td></tr></table>	Leslie M. Brown	754-321-2130	Jody Perry	754-321-2135	Name	Phone
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Jody Perry	754-321-2135						
Name	Phone						

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
**JOANNE W. HARRISON, Ed.D., DEPUTY SUPERINTENDENT**  
**EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

Approved in Open Board Meeting on:

**MAY 18 2010**



School Board Chair

By:

Revised July 2008

(J.W.HARRISON/L.M.BROWN/J.PERRY/S.TANKSLEY)

**AGENDA REQUEST FORM**  
**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

Meeting Date <div style="border: 1px solid black; padding: 2px; text-align: center;">6/7/11</div>	<div style="display: flex; justify-content: space-between;"><div>Open Agenda <div style="display: flex; justify-content: space-between;"><span>Yes</span><span><input checked="" type="checkbox"/> No</span></div></div><div>Time Certain Request <div style="display: flex; justify-content: space-between;"><span>Yes</span><span><input checked="" type="checkbox"/> No</span></div></div></div>	Agenda Item Number <div style="border: 1px solid black; padding: 2px; text-align: center;">F-7</div>
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<b>TITLE:</b> <div style="border: 1px solid black; padding: 5px; min-height: 40px;">First Amendment to Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Preparatory Charter Middle School (5441).</div>					
<b>REQUESTED ACTION:</b> <div style="border: 1px solid black; padding: 5px; min-height: 40px;">Approve the First Amendment to the Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Preparatory Charter Middle School (5441) to change the location of the charter school and for the Sponsor to include new provisions in the Charter School Agreement.</div>					
<b>SUMMARY EXPLANATION AND BACKGROUND:</b> <div style="border: 1px solid black; padding: 5px; min-height: 150px;">It is requested that SBBC approve the First Amendment to the Charter School Agreement with Somerset Academy, Inc. to change the location of Somerset Preparatory Charter Middle School (5441) for the 2011-2012 school year and subsequent years and for the Sponsor to include new provisions in the Charter School Agreement.  A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at: <a href="http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda">http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda</a>.  This agreement has been approved as to form and legal content by the School Board Attorney.</div>					
<b>SCHOOL BOARD GOALS:</b> <div style="border: 1px solid black; padding: 5px; min-height: 100px;"><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input checked="" type="checkbox"/> •</div><div>Goal One: Raise achievement of all students to ensure graduation from high school and readiness for post-secondary education.</div></div><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input type="checkbox"/> •</div><div>Goal Two: Improve the health and wellness of students and personnel.</div></div><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input checked="" type="checkbox"/> •</div><div>Goal Three: Provide a safe and secure physical and technological environment for all students and employees.</div></div><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input type="checkbox"/> •</div><div>Goal Four: Promote innovation which focuses on best practices and quality efforts that improve our best-in-class position.</div></div><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input type="checkbox"/> •</div><div>Goal Five: Recruit, develop, retain, and recognize high performing and diverse faculty and personnel.</div></div><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input type="checkbox"/> •</div><div>Goal Six: Build strong partnerships with family, business, community and government at the classroom, school, area, and district level.</div></div><div style="display: flex; margin-bottom: 5px;"><div style="width: 20px; text-align: center;"><input type="checkbox"/> •</div><div>Goal Seven: Ensure district's leadership as an environmental steward through innovative ecology and energy conservation programs.</div></div></div>					
<b>FINANCIAL IMPACT:</b> <div style="border: 1px solid black; padding: 5px; min-height: 40px;">There is no financial impact to the district.</div>					
<b>EXHIBITS: (List)</b> <div style="border: 1px solid black; padding: 5px; min-height: 40px;">Executive Summary First Amendment to Charter School Agreement with Somerset Academy, Inc. ARF - 5/18/10, RSBM - Item P-10</div>					
<b>BOARD ACTION:</b> <div style="text-align: center; font-weight: bold; font-size: 1.2em; margin: 10px 0;">APPROVED</div> <div style="font-size: 0.8em;">(For Official School Board Records' Office Only)</div>	<b>SOURCE OF ADDITIONAL INFORMATION:</b> <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 60%;">Name Leslie Brown</td><td style="width: 40%;">Phone 754-321-2130</td></tr><tr><td>Jody Perry</td><td>754-321-2135</td></tr></table>	Name Leslie Brown	Phone 754-321-2130	Jody Perry	754-321-2135
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Jody Perry	754-321-2135				

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
**JOANNE W. HARRISON, Ed.D, DEPUTY SUPERINTENDENT**  
**EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

Approved in Open Board Meeting  
on:

**JUN - 7 2011**

By:

Revised November 28, 2006

JWH/J.W.HARRISON/L.BROWN/J.PERRY/S.TANKS/

School Board Chair