



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Special Order Request

☐ Yes ☒ No

Time

Open Agenda

☐ Yes ☒ No

ITEM No.:

L-4.

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 East Preparatory Academy - 5391

REQUESTED ACTION:

Approve the Second Amendment to the Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset East Preparatory Academy - 5391.

SUMMARY EXPLANATION AND BACKGROUND:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset East Preparatory Academy – 5391, desires to amend its charter school agreement to co-locate its charter school location with Somerset Academy Hollywood Charter School - 5387 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 East Preparatory Academy 5391 ES (3) Second Amendment Somerset East Preparatory Academy 5391 Agreement (4) Approved ARF L7 62414 (5) Approved ARF F18 81809

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 2:45:05 PM

Approved In Open
Board Meeting On:

JUL 28 2015

By:

Donna Fournier

School Board Chair

Electronic Signature

Form #4189 Revised 12/12

RWR/LMB/JP/RS:ac

Continuation of Summary Explanation and Background:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset East Preparatory Academy – 5391, desires to amend its charter school agreement to co-locate its charter school location with Somerset Academy Hollywood Charter School - 5387 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 East Preparatory Academy – 5391 is in District 1.

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 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 East Preparatory Academy - 5391

The original agreement with Somerset Academy, Inc. was approved at the May 15, 2009, Regular School Board Meeting, Item F-2. At the May 18, 2009, Regular School Board Meeting, Item F-18, Somerset Academy, Inc. was approved as a first amendment of its Charter School Agreement to change its school name and location. On June 24, 2014, Regular School Board Meeting, Item L-7, Somerset Academy, Inc. Charter School Renewal Agreement was approved.

Somerset Academy, Inc. desires to amend its charter agreement by sharing its location and co-locating with Somerset Academy Hollywood – 5387, 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: 2000 South State Road 7, 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, 2014, and ending June 30, 2029.

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

Somerset East Preparatory Academy - 5391 is in District 1.

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

**Somerset East Preparatory Academy – 5391
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 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 May 5, 2009, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter elementary and middle K-6 school, known as "Somerset Academy East Preparatory" in Broward County, Florida and the Agreement was revised by a First Amendment on August 18, 2009; 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 Charter School, 5387 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 School's enrollment capacity is reduced to a maximum for the charter of 500 students. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment

Somerset East Preparatory Academy – 5391
Second Amendment to Charter School Agreement

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 Charter School at 2000 South State Road 7, 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 500 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

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.

Somerset East Preparatory Academy – 5391
Second Amendment to Charter School 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.

FOR THE SCHOOL

(Corporate Seal)

Somerset Academy, Inc.

Attest: _____

Secretary

– or –

by: _____

David Concepcion, Board Chair

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.

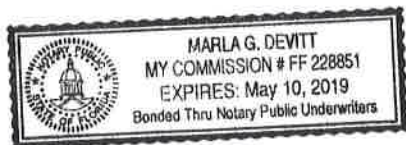
My commission expires:

(SEAL)

My commission expires:

Marla G. Devitt
Signature – Notary Public

Marla G. Devitt
Printed Name of Notary Public



**Somerset East Preparatory Academy – 5391
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

Meeting Date 6/24/14	SCHOOL BOARD OF BROWARD COUNTY, FLORIDA		Agenda Item Number 1-7
<input type="checkbox"/> Open Agenda <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Special Order Request <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
TITLE: Charter School Renewal Agreement - Somerset Academy, Inc.			
REQUESTED ACTION: Approve the Charter School Renewal Agreement for Somerset Academy, Inc., on behalf of Somerset Academy East Preparatory - 5391.			
SUMMARY EXPLANATION AND BACKGROUND: The terms and conditions for the operation of a charter school are set forth by the governing board of the charter school, and The School of Broward County, Florida, in a written contractual agreement that constitutes a school's charter. Pursuant to Section 1002.33(8)(b), Florida Statutes, a school's Charter School Agreement may be renewed subject to a program review and provided that none of the statutory grounds for non-renewal have been documented. The Superintendent's Charter School Review Committee reviewed and analyzed the renewal program review from Somerset Academy, Inc., on behalf of Somerset Academy East Preparatory - 5391, and has recommended a renewal of its Charter Agreement.			
It is requested that The School Board of Broward County, Florida, approve the renewal of the Charter School Agreement for Somerset Academy, Inc., on behalf of Somerset Academy East Preparatory - 5391, for a fifteen-year period. An Executive Summary is attached which specifies the grounds for the fifteen-year renewal.			
A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12 th 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: http://agenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda .			
This Agreement has been approved as to form and legal content by the Office of the General Counsel.			
SCHOOL BOARD GOALS:			
X • Goal 1: High Quality Instruction X • Goal 2: Continuous Improvement X • Goal 3: Effective Communication			
FINANCIAL IMPACT:			
There is no financial impact to the District.			
EXHIBITS: (List)			
• Executive Summary • Charter Renewal Agreement			
BOARD ACTION:		SOURCE OF ADDITIONAL INFORMATION:	
APPROVED		Jody Perry 754-321-2135	
(Per Official School Board Records Office Only)		Name Phone	

Leslie M. Brown

Chief Portfolio Officer

Portfolio Services

Approved in Open Board Meeting on:

JUN 24 2014

158:

January 6, 1989

Revised 12/02

RWR/TAIS/PRS/K¹

School Board Chair

AGENDA REQUEST FORM
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Meeting Date 8/18/09	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; text-align: center;">Open Agenda Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td><td style="width: 50%; text-align: center;">Time Certain Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td></tr></table>	Open Agenda Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Time Certain Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Agenda Item Number F-18												
Open Agenda Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Time Certain Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>															
TITLE: Charter School Agreement with Somerset Academy, Inc. regarding Somerset Academy West Davie																
REQUESTED ACTION: Approve the updated Charter School Agreement with Somerset Academy, Inc. which includes standard contract changes and updates the name and location of Somerset Academy West Davie to Somerset Academy East Preparatory.																
SUMMARY EXPLANATION AND BACKGROUND: Somerset Academy, Inc. desires to update its charter school agreement to change the name and location of Somerset Academy West Davie to Somerset Academy East Preparatory, for the 2009-2010 school year and subsequent years. The updated agreement includes newly approved statutory language and additional standard provisions recommended by district staff. This agreement has been approved as to form and legal content by the School Board Attorney. A copy of the full applications is available in the Board Members' office on the 14 th floor of the KC Wright Building, the public stand in the lobby of the KCW Building.																
SCHOOL BOARD GOALS: <table border="0" style="width: 100%;"><tr><td style="width: 15%;"><input checked="" type="checkbox"/> • Goal One:</td><td>Raise achievement of all students to ensure graduation from high school and readiness for post-secondary education.</td></tr><tr><td><input type="checkbox"/> • Goal Two:</td><td>Improve the health and wellness of students and personnel.</td></tr><tr><td><input checked="" type="checkbox"/> • Goal Three:</td><td>Provide a safe and secure physical and technological environment for all students and employees.</td></tr><tr><td><input type="checkbox"/> • Goal Four:</td><td>Promote innovation which focuses on best practices and quality efforts that improve our best-in-class position.</td></tr><tr><td><input type="checkbox"/> • Goal Five:</td><td>Recruit, develop, retain, and recognize high performing and diverse faculty and personnel.</td></tr><tr><td><input type="checkbox"/> • Goal Six:</td><td>Build strong partnerships with family, business, community and government at the classroom, school, area, and district level.</td></tr><tr><td><input type="checkbox"/> • Goal Seven:</td><td>Ensure district's leadership as an environmental steward through innovative ecology and energy conservation programs.</td></tr></table>			<input checked="" type="checkbox"/> • Goal One:	Raise achievement of all students to ensure graduation from high school and readiness for post-secondary education.	<input type="checkbox"/> • Goal Two:	Improve the health and wellness of students and personnel.	<input checked="" type="checkbox"/> • Goal Three:	Provide a safe and secure physical and technological environment for all students and employees.	<input type="checkbox"/> • Goal Four:	Promote innovation which focuses on best practices and quality efforts that improve our best-in-class position.	<input type="checkbox"/> • Goal Five:	Recruit, develop, retain, and recognize high performing and diverse faculty and personnel.	<input type="checkbox"/> • Goal Six:	Build strong partnerships with family, business, community and government at the classroom, school, area, and district level.	<input type="checkbox"/> • Goal Seven:	Ensure district's leadership as an environmental steward through innovative ecology and energy conservation programs.
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<input type="checkbox"/> • Goal Seven:	Ensure district's leadership as an environmental steward through innovative ecology and energy conservation programs.															
FINANCIAL IMPACT: There is no financial impact to the district.																
EXHIBITS: (List) <ul style="list-style-type: none">• Charter School Agreement with Somerset Academy, Inc.• Approved Charter Application																
BOARD ACTION: <div style="text-align: center; font-size: 1.2em; font-weight: bold; margin-top: 10px;">APPROVED</div> <small>(For Official School Board Records' Office Only)</small>		SOURCE OF ADDITIONAL INFORMATION: Name: Leslie Brown Phone: 754-321-2130 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:

AUG 18 2009

[Signature]

By:

Revised November 26, 2006

JFN/J.W.HARRISON/J. PERRY/S.TANKSLEY

School Board Chair