



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Special Order Request

☐ Yes ☒ No

Time

Open Agenda

☐ Yes ☒ No

ITEM No.:

L-6.

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 The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Preparatory Charter High School - 5182

REQUESTED ACTION:

Approve the First Amendment to the Charter School Agreement with The National Ben Gamla Charter Foundation, Inc., on behalf of Ben Gamla Preparatory Charter High School - 5182.

SUMMARY EXPLANATION AND BACKGROUND:

The National Ben Gamla Charter School Foundation, Inc., a Florida non-profit corporation, on behalf of Ben Gamla Preparatory Charter High School - 5182, desires to amend its charter school agreement to co-locate with Ben Gamla Charter High School - 5005 which will require a decrease in the contract enrollment capacity for the 2015-2016 school year and subsequent years. This agreement contains an acknowledgment of co-location with Ben Gamla Preparatory Charter School - 5204. 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) Ben Gamla Preparatory Charter High School ES (3) First Amendment Ben Gamla Preparatory Charter High 5182 Agreement (4) Approved Item L2 42115 RSBM-07022015093132

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 2:07:41 PM

Approved In Open
Board Meeting On:

By:

JUL 28 2015

School Board Chair

Continuation of Summary Explanation and Background:

The National Ben Gamla Charter School Foundation, Inc., a Florida non-profit corporation, on behalf of Ben Gamla Preparatory Charter High School - 5182, desires to amend its charter school agreement to co-locate with Ben Gamla Charter High School – 5005 which will require a decrease in the contract enrollment capacity for the 2015-2016 school year and subsequent years. This agreement contains an acknowledgment of co-location with Ben Gamla Preparatory Charter School – 5204.

Ben Gamla Preparatory Charter High School – 5182 will be located in District 1.

The governing board members of The National Ben Gamla Charter School Foundation, Inc., reside in Broward County, Florida and Baltimore, Maryland.

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

The National Ben Gamla Charter School Foundation, Inc. Ben Gamla Preparatory Charter High School - 5182

Amendment to the Charter Agreement

The terms and conditions for the operation of a charter school are set forth by the governing board of the charter school and by The School Board of Broward County, Florida, in a written contractual agreement that constitutes a school's charter.

On April 21, 2015, The School Board of Broward County, Florida, approved a Charter School Agreement authorizing The National Ben Gamla Charter School Foundation, Inc., (Ben Gamla Preparatory Charter High School - 5182), to enter into a Charter School Agreement with The School Board of Broward County, Florida, that will become effective July 1, 2015, and covers a term of five years commencing July 1, 2015 and ending June 30, 2020. This agreement contains an acknowledgment of co-location with Ben Gamla Preparatory Charter School – 5204.

The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Preparatory Charter High School - 5182, desires to amend its Charter School Agreement to co-locate with Ben Gamla Charter High – 5005. This first amendment includes 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 sites' certificate of occupancy.

Starting with the 2015 – 2016 school year, the charter school will be located at 2650 Van Buren Street, Hollywood, Florida 33020.

The term of the Charter shall remain the same, covering five years commencing on July 1, 2015, and ending on June 30, 2020.

Ben Gamla Preparatory Charter High School - 5182 will be located in District 1.

The governing board members of The National Ben Gamla Charter School Foundation, Inc., reside in Broward County, Florida and Baltimore, Maryland.

**Ben Gamla Preparatory Charter High School - 5182
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

The National Ben Gamla Charter Foundation, Inc.
a Florida not-for-profit organization [hereinafter referred to as "School"],
and having its principal place of business located at
2620 Hollywood Blvd., Hollywood, Florida 33020

WHEREAS, the parties entered into a Charter School Agreement ("Agreement") on or about April 21, 2015, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter high school (9-12), known as "Ben Gamla Preparatory Charter High 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 has disclosed its intent to co-locate with Ben Gamla Preparatory Charter School – 5204;

WHEREAS, the School desires to amend its Agreement to co-locate with Ben Gamla Charter High School - 5005 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:

Ben Gamla Preparatory Charter High School - 5182
First Amendment to Charter School Agreement

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 291 students in accordance with the restrictions placed on the school by the City of Hollywood enumerated in an email from the governing board chair to the district (Appendix 1). The School's enrollment capacity is further limited by the capacity of the certificate of use, certificate of occupancy, or fire permit issued by the municipality where the school is located. 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 at: 2650 Van Buren Street, Hollywood, Florida 33020.

Section 6.C.4: 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. The School shall disclose the names of the colocated entities to the parents of all students enrolled in the school annually in writing and will place the names of the other entities on its state mandated website.

Section 6.C.5: Entity Disclosure: The School will colocate with Ben Gamla Charter High – 5005 at 2650 Van Buren Street, Hollywood, Florida 33020. Due to the co-located use of its facility, the School's enrollment capacity is reduced to a maximum for the charter of 291 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.

**Ben Gamla Preparatory Charter High School - 5182
First Amendment to Charter School Agreement**

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) First Amendment to the Charter School Agreement; then
- (b) The Charter School Agreement; then
- (c) 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 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.

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**Ben Gamla Preparatory Charter High School - 5182
First Amendment to Charter School Agreement**

FOR THE SCHOOL

(Corporate Seal)

The National Ben Gamla Charter School
Foundation, Inc.

Attest: _____

Secretary

or -

Sharon G. Miller

Witness

Pat Deibel

Witness

by: Debra Klein
Name and Title

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 16th day of June, 2015 by

Debra Klein
Name of Person on behalf of

of _____
The National Ben Gamla Charter School
Foundation, Inc.

the Governing Entity

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

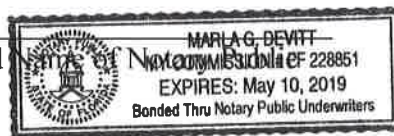
My commission expires:

(SEAL)

[Signature]
Signature - Notary Public

My commission expires:

Printed



**Ben Gamla Preparatory Charter High School - 5182
First Amendment to Charter School Agreement**


FOR THE SPONSOR

(Corporate Seal)

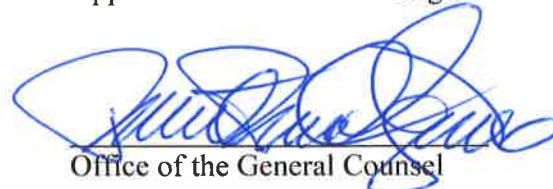
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By 
Donna P. Korn, Chair


Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:

 06/22/15
Office of the General Counsel



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Special Order Request	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
Time	
Open Agenda	
<input type="radio"/> Yes	<input checked="" type="radio"/> No

ITEM No.:

L-2.

MEETING DATE

Apr 21 2015 10:15AM - Regular School Board Meeting

AGENDA ITEM

CONSENT ITEMS

CATEGORY

L. OFFICE OF PORTFOLIO SERVICES

DEPARTMENT

Charter Schools/Management Support

TITLE:

New Charter School Agreement - The National Ben Gamla Charter School Foundation, Inc., (Ben Gamla Preparatory Charter High School)

REQUESTED ACTION:

Approve a new Charter School Agreement for The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Preparatory Charter High School.

SUMMARY EXPLANATION AND BACKGROUND:

On November 5, 2013, The School Board of Broward County, Florida, approved a charter application to open a new charter school for the start of the 2014-2015 academic year. At the June 24, 2014, Regular School Board Meeting, item L-10 The National Ben Gamla Charter School Foundation, Inc., was approved to defer the opening of the school until the 2015-2016 academic year. Ben Gamla Preparatory Charter High School will serve students in grades 9-12 and will open in August 2015. A copy of all supporting documents are 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 are 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 Agreement has been 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) Ben Gamla Preparatory Charter High Agreement (3) Approved ARF for L-3 RSBM 11/51/13 (4) Approved ARF Deferral for L-10 RSBM 6/24/14

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

March 31, 2015 11:05:23 AM EDT

Approved In Open
Board Meeting On:

APR 21 2015

By:

Donna Kohn

School Board Chair