



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Special Order Request

☐ Yes

☒ No

Time

Open Agenda

☐ Yes

☒ No

ITEM No.:

L-7.

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 Charter High School – 5005

REQUESTED ACTION:

Approve the First Amendment to the Charter School Agreement with The National Ben Gamla Charter Foundation, Inc., on behalf of Ben Gamla Charter High School – 5005.

SUMMARY EXPLANATION AND BACKGROUND:

The National Ben Gamla Charter School Foundation, Inc., a Florida non-profit corporation, on behalf of Ben Gamla Charter High School – 5005, desires to amend its charter school agreement to relocate the school to a new location and co-locate with Ben Gamla Preparatory Charter High School – 5182 and Ben Gamla Preparatory Charter School – 5204 which required a decrease in the contract enrollment capacity of the school 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) Ben Gamla Charter High School ES (3) First Amendment Ben Gamla Charter High 5005 Agreement (4) Approved Item F3 72211 RSBM-07022015093237

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 2:15:06 PM

Approved In Open
Board Meeting On:

By:

JUL 28 2015

School Board Chair

Electronic Signature

Form #4189 Revised 12/12

RWR/LMB/JP/RS:ac

Continuation of Summary Explanation and Background:

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

The Charter School will be located at 2650 Van Buren Street, Hollywood, Florida 33020, which is 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 Charter High School - 5005

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 July 22, 2011, The School Board of Broward County, Florida, approved a Charter School Agreement authorizing The National Ben Gamla Charter School Foundation, Inc., (Ben Gamla Charter High School - 5005), to enter into a Charter School Agreement with The School Board of Broward County, Florida, that became effective July 1, 2011, and covers a term of five years commencing July 1, 2011 and ending June 30, 2016.

The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Charter High School - 5005, desires to amend its Charter School Agreement to relocate the school to a new location and co-locate with Ben Gamla Preparatory Charter High School – 5182 and Ben Gamla Preparatory Charter School – 5204. 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, 2011, and ending on June 30, 2016.

Ben Gamla Charter High School - 5005 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 Charter High School - 5005
First Amendment to Charter School Agreement**

FIRST AMENDMENT TO THE CHARTER SCHOOL AGREEMENT

This First Amendment to the ~~CHARTER~~ **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 July 22, 2011, 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 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 desires to amend its Agreement to relocate the school to a new location and co-locate with Ben Gamla Preparatory Charter High School – 5182 and Ben Gamla Preparatory Charter School - 5204 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

Ben Gamla Charter High School - 5005
First Amendment to Charter School Agreement

School's enrollment capacity is reduced to a maximum for the charter of 109 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.C.1: **School's Street Address:** The School will be at: 2650 Van Buren Street, Hollywood, Florida 33020.

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. At no time will the total enrollment of all the schools and charter school sharing any such facility exceed the Certificate of Occupancy, Certificate of Use or Fire Permit capacities of the facility.

Section 6.C.5.a **Entity Disclosure:** The School will colocate with Ben Gamla Preparatory Charter High School – 5182 and Ben Gamla Preparatory Charter School – 5204 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 109 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) First Amendment to the Charter School Agreement; then
- (b) The Charter School Agreement; then
- (c) The Charter Application

Ben Gamla Charter High School - 5005
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

Ben Gamla Charter High School - 5005
First Amendment to Charter School Agreement

FOR THE SCHOOL



(Corporate Seal)

The National Ben Gamla Charter School
Foundation, Inc.

by: Debra Klein
Name and Title

Attest: _____
Secretary

- or -

Sharon A. Miller
Witness

Art Neubel
Witness

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 16th day of June, 2012 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.

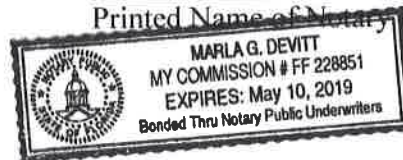
My commission expires:

(SEAL)

Marla G. Devitt
Signature – Notary Public

My commission expires:

Printed Name of Notary Public



**Ben Gamla Charter High School - 5005
First Amendment to Charter School Agreement**


FOR THE SPONSOR

(Corporate Seal)

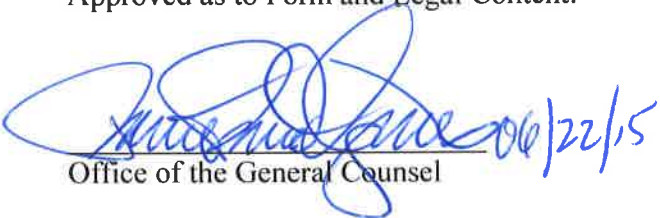
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By 
Donna P. Korn, Chair


Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:


Office of the General Counsel 06/22/15

AGENDA REQUEST FORM
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Meeting Date <div style="border: 1px solid black; padding: 2px; text-align: center;">7/22/11</div>	<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Open Agenda Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></div><div style="width: 45%;">Time Certain Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></div></div>	Agenda Item Number <div style="border: 1px solid black; padding: 2px; text-align: center;">F - 3</div>
TITLE Charter School Agreement -- The National Ben Gamla Charter School Foundation, Inc., (Ben Gamla Charter High School)		
REQUESTED ACTION: Approve the Charter School Agreement for The National Ben Gamla Charter School Foundation, Inc., (Ben Gamla Charter High School).		
SUMMARY EXPLANATION AND BACKGROUND: 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. 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. This is an opening of a new charter school. A copy of the Charter School Agreement between The School Board of Broward County, Florida, and The National Ben Gamla Charter School Foundation, Inc., a Florida Non-Profit Corporation (Ben Gamla Charter High School), is available in the Board Members' office on the 14 th floor of the KC Wright Building. All officers of the non-profit corporation reside within Broward County. This agreement has been approved as to form and legal content by the School Board Attorney.		
SCHOOL BOARD GOALS: <div style="margin-left: 20px;"><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.</div>		
FINANCIAL IMPACT: There is no financial impact to the district.		
EXHIBITS: (List) 1. Agreement - The National Ben Gamla Charter School Foundation, Inc., (Ben Gamla Charter High School) 2. Approved ARF for F-6, RSBM 11/10/09		
BOARD ACTION: <div style="text-align: center; font-size: 1.2em; font-weight: bold; margin-top: 10px;">APPROVED</div>	SOURCE OF ADDITIONAL INFORMATION: Leslie M. Brown 754-321-2130 Jody Perry 754-321-2135	
(For Official School Board Records' Office Only)	Name	Phone

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

Approved in Open Board Meeting on:

JUL 22 2011

By:

Revised July 2008

DC/J.W.HARRISON/L.M.BROWN/J.PERRY/jc



School Board Chair