



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

<b>MEETING DATE</b>	May 3 2016 10:15AM - Regular School Board Meeting	<b>Special Order Request</b>	<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>ITEM No.:</b>	<b>AGENDA ITEM</b>	<b>Time</b>		
L-3.	CONSENT ITEMS			
	<b>CATEGORY</b>			
	L. OFFICE OF PORTFOLIO SERVICES			
	<b>DEPARTMENT</b>	<b>Open Agenda</b>		
	Charter Schools/Management Support	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

**TITLE:**  
First Amendment to Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Academy Miramar Middle – 5406

**REQUESTED ACTION:**  
Approve the First Amendment to the Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Academy Miramar Middle – 5406.

**SUMMARY EXPLANATION AND BACKGROUND:**  
Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Miramar Middle – 5406, desires to amend its charter school agreement to extend the term of the agreement and increase its contract capacity from 325 to 480 for the 2016-2017 school year and subsequent years. The current location of the school has provided documentation that supports this increase.  
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 Agreement 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 Middle School 5406 Executive Summary (3) Somerset Academy Miramar Middle 5406 First Amendment (4) Somerset Miramar Occupancy Load (5) Approved ARF F9 072211 RSBM

**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*  
Monday, April 25, 2016 4:00:15 PM

Approved In Open Board Meeting On: MAY 03 2016  
By: *Rosalind Arguel*  
School Board Chair

Continuation of Summary Explanation and Background:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Miramar Middle – 5406, desires to amend its charter school agreement to extend the term of the agreement and increase its contract capacity from 325 to 480 for the 2016-2017 school year and subsequent years. The current location of the school has provided documentation that supports this increase.

Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by 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 is located in District 2.

The governing board members of Somerset Academy, Inc., reside in Miami-Dade County, 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

### Amendment of Charter School Agreement Somerset Academy, Inc. Somerset Academy Miramar Middle - 5406

School Name	Somerset Academy Miramar Middle
Implementation Year	2006 – 2007
Termination Date of Current Charter Agreement	June 30, 2016
Location	12601 Somerset Blvd. Miramar, Florida 33027
District	2
Grades Approved to Serve	6-8
Grades Currently Serving	6-8
Benchmark Enrollment	426
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	A
School Grade 2013-2014	A
School Grade 2012-2013	A
School Grade 2011-2012	A
School Grade 2010-2011	A

On May 2, 2006, The School Board of Broward County, Florida, approved an initial charter agreement with Somerset Academy, Inc., for a term of five years. On July 22, 2011, The School Board of Broward County, Florida, approved a renewal of the agreement with Somerset Academy Middle School terminating on June 30, 2016.

On July 29, 2011 the Florida Department of Education notified Somerset Academy Middle School, 5406 that the Department had verified that the charter school had met the criteria for high-performing charter school status pursuant to s. 1002.331, Florida Statutes which states:

1002.331 High Performing Charter Schools-

(1) A charter school is high-performing if it:

(a) Received at least two school grades of “A” and no school grade below “B” pursuant to s. 1008.34 during each of the previous 3 school years.

\* \* \*

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.

\* \* \*

(e) Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)19 and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

Due to a scrivener’s error, the renewal agreement indicated a term of 5 years rather than 15 years. The charter school desires to amend the current agreement to extend the term of the agreement to school year 2026 to incorporate an additional 10 years to provide the full renewal term available to it by law.

As permitted in s. 1002.331(2)(a), Florida Statutes, the charter school has informed the Sponsor of its desire to increase its contract capacity from 325 to 480. The combined contract capacities for the co-located schools does not exceed the stated total occupancy load of 1,221. The current location of the school has provided documentation that supports this increase.

Somerset Academy Miramar Middle – 5406 is located in District 2.

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

**Somerset Academy Miramar Middle - 5406  
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 3<sup>rd</sup> day of May 2016, 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 July 22, 2011, 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 Miramar Middle" in Broward County, Florida: 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 extend the term of the agreement to June 30, 2026, and to increase its contract capacity.

**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 2.B: **Term of Charter** Unless terminated earlier pursuant to Section 1002.33, Florida Statutes or upon the terms contained herein, this charter shall cover a term of Fifteen (15) years commencing on July 1, 2011 and ending on June 30, 2026.

**Somerset Academy Miramar Middle - 5406  
First Amendment to Charter School Agreement**

Section 2.B.4.a: **High Performing Charter School:** As per Section 1002.331 Florida Statutes, a State designated high-performing charter school may increase its student enrollment, contract capacity, not to exceed the current facility capacity and expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limits established above. A high-performing charter school shall notify the Sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

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 increased to a maximum for the charter of 480 students. 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 October FTE reporting period. A student may not be transferred by the School to another charter school or district school except upon 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.

**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

**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.

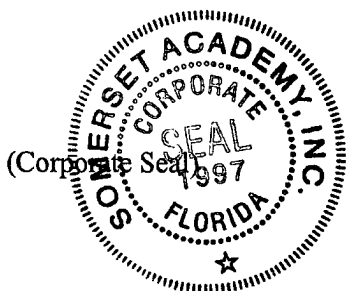
**1.05 Authority** Each person signing the First Amendment to the Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to the Agreement.

**Somerset Academy Miramar Middle - 5406  
First Amendment to Charter School 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 Miramar Middle - 5406  
First Amendment to Charter School Agreement



FOR THE SCHOOL

Somerset Academy, Inc. (Not for Profit)

Attest: \_\_\_\_\_

Secretary

*[Signature]*  
\_\_\_\_\_  
Witness

Witness

by: \_\_\_\_\_

David Concepcion, Board Chair

*[Signature]*

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of March, 2016 by David Concepcion, Board Chair, Somerset Academy, Inc. (Not for Profit) on behalf of Somerset Academy Miramar Middle - 5406. He took an oath and is personally known to me or has produced N/A as identification.

My commission expires:

(SEAL)



CAROLINA L. ROMERO  
MY COMMISSION # FF 126204  
EXPIRES: June 9, 2018  
Bonded Thru Budget Notary Services

My commission expires: June 9, 2018

*[Signature]*  
\_\_\_\_\_  
Signature - Notary Public

Carolina L. Romero  
Printed Name of Notary Public



Somerset Academy Miramar Middle - 5406  
First Amendment to Charter School Agreement

FOR THE SPONSOR



(Corporate Seal)

ATTEST:

A handwritten signature in cursive script, appearing to read "Robert W. Runcie".

Robert W. Runcie  
Superintendent of Schools

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By A handwritten signature in cursive script, appearing to read "Rosalind Osgood".  
Dr. Rosalind Osgood, Chair

Approved as to Form and Legal Content:

A handwritten signature in cursive script, appearing to read "Michael J. [unclear]".  
Office of the General Counsel



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

Meeting Date <b>7/22/11</b>	<table border="1"> <tr> <td><b>Open Agenda</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td><b>Time Certain Request</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> </tr> </table>	<b>Open Agenda</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Time Certain Request</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Agenda Item Number <b>F-9</b>
<b>Open Agenda</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Time Certain Request</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

<b>TITLE:</b> Charter School Renewal Agreement and Renewal Application – Somerset Academy, Inc. (Somerset Academy Middle School Miramar).	
<b>REQUESTED ACTION:</b> Approve the Charter School Renewal Agreement and Renewal Application for Somerset Academy, Inc. (Somerset Academy Middle School Miramar).	
<b>SUMMARY EXPLANATION AND BACKGROUND:</b> <p>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 Board of Broward County, Florida in a written contractual agreement that constitutes a school's charter. Pursuant to Section 1002.33(7)(b), a school's charter school agreement may be renewed subject to a 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 application from Somerset Academy, Inc. (Somerset Academy Middle School Miramar).</p> <p>It is requested that SBBC approve the renewal of the charter agreement and application for Somerset Academy, Inc. A Florida Non-Profit Corporation (Somerset Academy Middle School Miramar) for a fifteen-year period. An Executive Summary is attached which specifies the grounds for the fifteen-year renewal.</p> <p>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></p> <p>This item has been approved as to form and legal content by the School Board Attorney.</p>	
<b>SCHOOL BOARD GOALS:</b>	
<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.	
<b>FINANCIAL IMPACT:</b> There is no financial impact to the district.	
<b>EXHIBITS: (List)</b> <ul style="list-style-type: none"> <li>• Executive Summary</li> <li>• Charter School Renewal Agreement</li> <li>• Charter School Renewal Application</li> </ul>	
<b>BOARD ACTION:</b> <b>APPROVED</b> <small>(For Official School Board Records' Office Only)</small>	<b>SOURCE OF ADDITIONAL INFORMATION:</b> 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:

**JUL 22 2011**

*Bayron Williams*

School Board Chair

By:

Revised July 2008

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