



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	May 17 2016 10:15AM - Regular School Board Meeting
AGENDA ITEM	CONSENT ITEMS
CATEGORY	L. OFFICE OF PORTFOLIO SERVICES
DEPARTMENT	Charter Schools/Management Support

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.

TITLE:
Second Amendment to Charter School Agreement with The National Ben Gamla Charter School Foundation, Inc.

REQUESTED ACTION:
Approve the Second Amendment to the Charter School Agreement with The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Charter School South Broward - 5392 and Ben Gamla Charter School Hallandale - 5025.

SUMMARY EXPLANATION AND BACKGROUND:
Section 1002.331(7)(a)19c, Florida Statutes, states, "A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement.
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 ES 5392 and 5025 Consolidation (3) Ben Gamla Charter School South Broward 5392 Second Amendment

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
4/22/2016, 2:50:32 PM

Approved In Open Board Meeting On: **MAY 17 2016**
By: *Roalind Orjuel*
School Board Chair

Continuation of Summary Explanation and Background:

Section 1002.331(7)(a)19c, Florida Statutes, states, “A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school’s governing board and the approval of both parties to the agreement. Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle.”

The Sponsor has conducted annual reviews of the charter schools’ academic progress, operational performance and financial viability and both charters schools are operating within the scope of the charter agreements for The National Ben Gamla Charter School Foundation, Inc.

The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Charter School South Broward - 5392 and Ben Gamla Charter School Hallandale - 5025, desires to consolidate the two co-located K-8 schools allowing Ben Gamla Charter School South Broward - 5392, to continue to serve its students as well as those students previously served by Ben Gamla Charter School Hallandale – 5025. The consolidation will conclude the agreement between Sponsor and the Foundation for the Charter School known as Ben Gamla Charter School Hallandale – 5025.

The National Ben Gamla Charter School Foundation., on behalf of Ben Gamla Charter School Hallandale - 5025, desires to conclude its Charter School Agreement, as of June 30, 2016, as part of the consolidation of the K-8 schools.

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

Ben Gamla Charter School South Broward

5392

Grades	K-8
Benchmark Day Enrollment Count	415
Current Enrollment	411
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	C
School Grade 2013-2014	B
School Grade 2012-2013	C

Ben Gamla Charter School Hallandale

5025

Grades	6-7
Benchmark Day Enrollment Count	37
Current Enrollment	37
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	F
School Grade 2013-2014	C
School Grade 2012-2013	No Grade

Section 1002.33(7)(a)19c Florida Statutes, provides as follows:

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement.

Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle. [Emphasis added]

The Sponsor has conducted annual reviews of the charter schools' academic progress, operational performance and financial viability and while both charter schools are operating within the scope of the charter agreements, Ben Gamla Charter School Hallandale – 5025, received a grade of F. Pursuant to 1002.33(n)1, Florida Statutes, a single F designation does not constitute grounds for termination. Additionally, the hold harmless nature of the 2014-2015 designated grades would not allow for such action. A grade of F does not impact the charter school's ability to consolidate under current state law.

Ben Gamla Charter School Hallandale – 5025, desires to consolidate with Ben Gamla Charter School South Broward – 5392, thereby concluding its Charter School Agreement (known as 5025), as of June 30, 2016.

Ben Gamla Charter School South Broward - 5392, desires to amend its Charter School Agreement to allow it to serve students previously enrolled in Ben Gamla Charter School Hallandale – 5025, as well as students assigned to Ben Gamla Charter School South Broward – 5392, thereby effecting a charter school consolidation as prescribed by state statute.

The original agreement with Ben Gamla Charter School South Broward – 5392, was approved at the June 6, 2009, Regular School Board Meeting, Item F-20. The term of the agreement was July 1, 2009 to June 30, 2014. The charter agreement was renewed at the June 24, 2014 Regular School Board Meeting, Item L-6. The term of the agreement was July 1, 2014 to June 30, 2019.

The original agreement with Ben Gamla Charter School Hallandale – 5025, was approved at the July 22, 2011, Regular School Board Meeting, Item F-4.

This statutorily permissible consolidation does not impact current charter student placement but limits the contract capacity of the remaining charter school 5392, to a total of 900.

Ben Gamla Charter School South Broward – 5392, is located within District 5.

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

**SECOND AMENDMENT TO
CHARTER SCHOOL AGREEMENT**

This Second Amendment to the CHARTER SCHOOL AGREEMENT (“Second Amendment”) is made and entered into as of this 17th 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

THE NATIONAL BEN GAMLA CHARTER SCHOOL FOUNDATION, INC.,
a Florida not-for-profit organization [hereinafter referred to as “Foundation”],
and having its principal place of business located at
2620 Hollywood Boulevard, Hollywood, FL 33020

WHEREAS, the Sponsor and Foundation entered into a charter school agreement for Ben Gamla Charter School South Broward (Master School Identification Number 5392) (“Ben Gamla Charter School South Broward 5392”) on or about June 6, 2009, which incorporates by reference the Foundation’s charter school application wherein the Foundation was authorized to operate Ben Gamla Charter School South Broward – 5392, as a charter school in Broward County, Florida; and

WHEREAS, the Sponsor and Foundation entered into another charter school agreement for Ben Gamla Charter School Hallandale (Master School Identification Number 5025) (“Ben Gamla Charter School Hallandale 5025”) on or about July 22, 2011, which incorporates by reference the Foundation’s charter school application wherein the Foundation was authorized to operate Ben Gamla Charter School Hallandale – 5025, as a charter school in Broward County, Florida; and

WHEREAS, Section 2.B.4 of the charter school agreements permits the amendment of those agreements during their terms through mutual agreement of the parties, provided such modifications are agreed to in writing and executed by both parties; and

WHEREAS, the Sponsor and Foundation previously agreed on June 24, 2014, to renew the charter school agreement for Ben Gamla Charter School South Broward – 5392, and to acknowledge co-location with Ben Gamla Charter School Hallandale – 5025; and

Ben Gamla Charter School South Broward - 5392
Ben Gamla Charter School Hallandale - 5025
Second Amendment to Charter School Agreement

WHEREAS, the parties desire to consolidate Ben Gamla Charter School Hallandale – 5025 and Ben Gamla Charter School South Broward – 5392, to continue to serve its students as well as those students previously served by Ben Gamla Charter School Hallandale – 5025, in which the consolidation will conclude the agreement between Sponsor and the Foundation for the charter school known as Ben Gamla Charter School Hallandale – 5025.

NOW, THEREFORE, and in consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the parties hereby amend the Amended Agreement as follows:

1.01 Recitals: The foregoing recitals are true and correct and are incorporated within this Second Amendment by reference.

1.02 Effective Date: This Second Amendment to Charter School Agreement pertaining to the amendment of the charter school agreement for Ben Gamla Charter School South Broward – 5392, shall be effective as of July 1, 2016, and the charter school agreement between the parties pertaining to Ben Gamla Charter School Hallandale – 5025, shall conclude on June 30, 2016.

(a) As of the effective date, the School shall continue to be known as “Ben Gamla Charter School South Broward.” All references to “Ben Gamla Charter School Hallandale” (Ben Gamla Charter School Hallandale 5025) are deleted.

1.03 Amendments: The following portions of the charter school agreement for Ben Gamla Charter School South Broward – 5392, 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 shall remain at 900. 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.



(Corporate Seal)

FOR THE SCHOOL

The National Ben Gamla Charter School
Foundation, Inc.

by: *Debra Klein*
Debra Klein, Board Chair

Attest: _____
Secretary

M Machado
or
Witness
S Sedesley
Witness

STATE OF FLORIDA

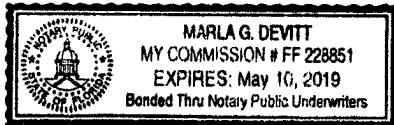
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 30th day of March, 2016 by Debra Klein, as Board Chair 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)



My commission expires: 5/10/2019

Marla G Devitt
Signature - Notary Public

Marla G Devitt
Printed Name of Notary Public

Ben Gamla Charter School South Broward - 5392
Ben Gamla Charter School Hallandale - 5025
Second Amendment to Charter School Agreement

FOR THE SPONSOR



(Corporate Seal)

ATTEST:

A handwritten signature in black ink, appearing to read "Robert W. Runcie".

Robert W. Runcie
Superintendent of Schools

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By A handwritten signature in black ink, appearing to read "Rosalind Osgood".
Dr. Rosalind Osgood, Chair

Approved as to Form and Legal Content:

A handwritten signature in black ink, appearing to read "Justin [unclear]".
Office of the General Counsel 03/31/16