



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

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

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

**ITEM No.:**  
L-3.

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

**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 Preparatory Charter High School 5182 and Ben Gamla Charter High School 5005.

**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) Executive Summary Ben Gamla 5182 Consolidation (3) Ben Gamla Preparatory Charter School 5182 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  
Tuesday, May 03, 2016 5:20:19 PM

Approved In Open Board Meeting On: MAY 17 2016  
By: [Signature]  
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 Preparatory Charter School – 5182 and Ben Gamla Charter High School - 5005, desires to consolidate the two co-located high schools allowing Ben Gamla Preparatory Charter High School – 5182, to continue to serve its students as well as those students previously served by Ben Gamla Charter High School – 5005. The consolidation will conclude the agreement between Sponsor and the Foundation for the Charter School known as Ben Gamla Charter High School – 5005.

The National Ben Gamla Charter School Foundation., on behalf of Ben Gamla Charter High – 5005, desires to conclude its Charter School Agreement, as of June 30, 2016, as part of the consolidation of the high schools.

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

### Ben Gamla Charter High School 5005

Grades	9-12
Benchmark Day Enrollment Count	69
Current Enrollment	66
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	C
School Grade 2013-2014	C
School Grade 2012-2013	C

### Ben Gamla Preparatory Charter High School 5182

Grades	9-12
Benchmark Day Enrollment Count	148
Current Enrollment	156
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade	N/A – First year charter school

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 both charter schools are operating within the scope of the charter agreements.

Ben Gamla Charter High School - 5005, desires to consolidate with Ben Gamla Preparatory High School - 5182, thereby concluding its Charter School Agreement (known as 5005), as of June 30, 2016.

Ben Gamla Preparatory Charter High School - 5182, desires to amend its Charter School Agreement to allow it to serve students previously enrolled in Ben Gamla Charter High School - 5005, as well as students assigned to Ben Gamla Charter High School - 5182, thereby effecting a charter school consolidation as prescribed by state statute.

The original agreement with Ben Gamla Charter High School – 5005, was approved at the July 22, 2011, Regular School Board Meeting, Item F-3. The term of the agreement is July 1, 2011 to June 30, 2016. On July 28, 2015, the Charter School Agreement with Ben Gamla Charter High School - 5005, was amended to allow for the relocation and co-location with Ben Gamla Preparatory Charter High School – 5182, and Ben Gamla Preparatory Charter School – 5024, at the Regular School Board Meeting, Item L-7.

The original agreement with Ben Gamla Preparatory Charter High School – 5204, was approved at the April 21, 2015, Regular School Board Meeting, Item L-6. The original agreement acknowledged the school’s co-location with Ben Gamla Preparatory Charter School - 5204. On July 28, 2015, Ben Gamla Preparatory High School -5182, was amended to allow for the co-location with Ben Gamla Charter High School – 5005, and to decrease the enrollment capacity of the co-located high schools to comply with the school site’s certificate of occupancy at the Regular School Board Meeting, Item L-6.

This statutorily permissible consolidation does not impact current charter student placement but limits the contract capacity of the remaining charter school, Ben Gamla Preparatory High School – 5182, to a total of 400.

Ben Gamla Preparatory High School - 5182, is located within District 1.

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 17<sup>th</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

**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 High School (Master School Identification Number 5005) (“Ben Gamla Charter High School – 5005”) 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 High School – 5005, as a charter school in Broward County, Florida; and

**WHEREAS,** the Sponsor and Foundation entered into another charter school agreement on or about April 21, 2015, which incorporates by reference the Foundation’s charter school application, wherein the Foundation was authorized to operate an additional charter school in Broward County, Florida known as “Ben Gamla Preparatory Charter High School (Master School Identification Number 5182) (“Ben Gamla Preparatory Charter High School – 5182”); and

**WHEREAS,** the Sponsor and Foundation entered into another charter school agreement on or about April 21, 2015, which incorporates by reference the Foundation’s charter school application, wherein the Foundation was authorized to operate another charter school in Broward County, Florida known as “Ben Gamla Preparatory Charter School (Master School Identification Number 5204) (“Ben Gamla Preparatory Charter School – 5204”); 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

Ben Gamla Charter High School - 5005  
Ben Gamla Preparatory Charter High School - 5182  
Second Amendment to Charter School Agreement

**WHEREAS**, the Sponsor and Foundation previously agreed on July 28, 2015, to amend the charter school agreement for Ben Gamla Charter High School – 5005, to permit its relocation and co-location with Ben Gamla Preparatory Charter High School – 5182, and Ben Gamla Preparatory Charter School – 5204 ; and

**WHEREAS**, on July 28, 2015, the Sponsor and Foundation amended their charter school agreement for Ben Gamla Preparatory Charter High School – 5182, to change its location and co-locate with Ben Gamla Charter High School – 5005, and Ben Gamla Preparatory Charter School – 5204 ; and

**WHEREAS**, the parties desire to consolidate the two co-located high schools, Ben Gamla Charter High School – 5005 and Ben Gamla Preparatory Charter High School – 5182; allowing Ben Gamla Preparatory Charter High School – 5182, to continue to serve its students as well as those students previously served by Ben Gamla Charter High School – 5005, in which the consolidation will conclude the agreement between Sponsor and the Foundation for the charter school known as Ben Gamla Charter High School – 5005.

**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 Preparatory Charter High School – 5182, shall be effective as of July 1, 2016, and the charter school agreement between the parties pertaining to Ben Gamla Charter High School – 5005, shall conclude on June 30, 2016.

(a) As of the effective date, the School shall continue to be known as “Ben Gamla Preparatory Charter High School – 5182.” All references to “Ben Gamla Charter High School” (Ben Gamla Charter High School – 5005) are deleted.

1.03 Amendments: The following portions of the charter school agreement for Ben Gamla Preparatory Charter High School – 5182, 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 increased to a maximum for the charter of 400 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.

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 co-locate with 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 shall be limited to a maximum for the charter of 400 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.

1.04 **School Number:** The charter school will continue to be identified by Master School Identification Number 5182.

1.05 **Order of Precedence among Agreement Documents:** In the event of a conflict between the provisions of the charter school agreement for Ben Gamla Preparatory Charter High – 5182, and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- (a) This Second Amendment to the Agreement;
- (b) The First Amendment to the Agreement;
- (c) The Agreement; then
- (d) The Charter Application, Appendix IA.

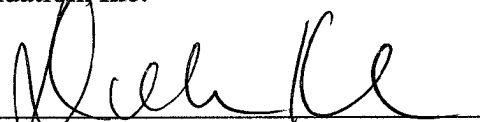


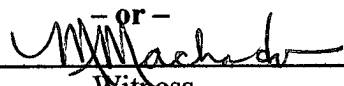
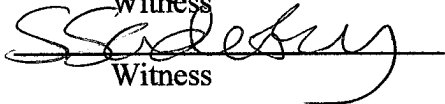
**FOR THE SCHOOL**

(Corporate Seal)

The National Ben Gamla Charter School  
Foundation, Inc.

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

by:   
Debra Klein, Board Chair

- or -  
  
Witness  
  
Witness

STATE OF FLORIDA

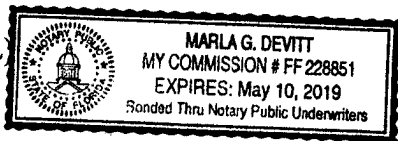
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 30<sup>th</sup> 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.

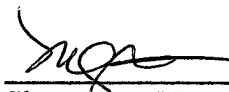
My commission expires:

(SEAL)



My commission expires:

5/10/2019

  
Signature - Notary Public

Marla G Devitt  
Printed Name of Notary Public



**FOR THE SPONSOR**



THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By *Rosalind Osgood*  
Dr. Rosalind Osgood, Chair

*Robert W. Runcie*  
Robert W. Runcie  
Superintendent of Schools

Approved as to Form and Legal Content:

*[Signature]* 03/31/16  
Office of the General Counsel