



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
 Yes No

Time

Open Agenda
 Yes No

ITEM No.:
L-4.

TITLE:
Second Amendment to Charter School Agreement with The Learning Excellence Foundation of West Broward County, Inc.

REQUESTED ACTION:
Approve the Second Amendment to the Charter School Agreement with The Learning Excellence Foundation of West Broward County, Inc., on behalf of Imagine Charter School at Weston – 5111.

SUMMARY EXPLANATION AND BACKGROUND:
 Section 1002.331(7)(c), 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) Imagine Charter School at Weston ES (3) Second Amendment to Charter School Agreement Imagine Charter School at Weston 5111 (4) Imagine Charter School at Weston CO (5) Imagine Charter at Weston Letter (6) Email from Captain Oberrieth RE Imagine Weston

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 5:26:24 PM

Approved In Open Board Meeting On: **MAY 17 2016**
 By: *Rosalind Arguel*
 School Board Chair

Continuation of Summary Explanation and Background:

Section 1002.331(7)(c), 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 Learning Excellence Foundation of West Broward County, Inc., on behalf of Imagine Charter School at Weston – 5111, desires to amend its Charter School Agreement by modifying the grade levels served to include those grade 6-8 students previously enrolled in Imagine Middle School West – 5042, which has been operated by Imagine West Broward, Inc., thereby establishing a consolidated K-8 charter school. It also desires to increase its contract capacity from 1050 to 1075 students. The current location of the school has provided documentation that supports this increase.

Imagine West Broward, Inc., on behalf of Imagine Middle School West – 5042, desires to conclude its Charter School Agreement, as of June 30, 2016, as part of the consolidation of the two charter 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

The Learning Excellence Foundation of West Broward, Inc.
Imagine Charter School at Weston – 5111

Grades	K-5
Benchmark Day Enrollment Count	701
Current Enrollment	703
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	A
School Grade 2013-2014	A
School Grade 2012-2013	A

Imagine West Broward, Inc.
Imagine Middle School West - 5042

Grades	6-8
Benchmark Day Enrollment Count	259
Current Enrollment	259
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	A
School Grade 2013-2014	A
School Grade 2012-2013	A

The original agreement with The Learning Excellence Foundation of West Broward County, Inc., was approved at the May 15, 2001, Regular School Board Meeting, Item I-2. On August, 18, 2008, the Charter School Agreement with The Learning Excellence Foundation of West Broward County, Inc., on behalf of Imagine Charter School at Weston– 5111, was renewed for a term of five years at the Regular School Board Meeting, Item F-26. On August 7, 2012, The Learning Excellence Foundation of West Broward County, Inc., on behalf of Imagine Charter School at Weston – 5111, received the 1st Amendment of its Charter School Agreement to recognize the School’s state designation as a high-performing charter school and modifying the length of contract to June 30, 2025, at the Regular School Board Meeting, Item E-1.

The original agreement with Imagine West Broward, Inc., was approved at the May 15, 2012, Regular School Board Meeting, Item F-2. This agreement is effective for a five-year period, commencing on July 1, 2012 and to conclude on June 30, 2017.

Section 1002.33(7)(c), Florida Statutes, states: “A charter may be modified during its initial term or nay renewal term recommendation of the sponsor or the charter school’s governing board and the approval of both parties to the agreement. Modification may include, but 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 Learning Excellence Foundation of West Broward County, Inc., desires to amend its Charter School Agreement by modifying the grade levels served to include grades 6-8 students previously enrolled in Imagine Middle School West – 5402, and to increase its contract capacity from 1050 to 1075 students thereby establishing a consolidated K-8 charter school. The current location of the school has provided documentation that supports this increase.

Imagine West Broward, Inc., desires to conclude its Charter School Agreement known as Imagine Middle School West – 5042 as of June 30, 2016, as part of the establishment of the consolidated K-8 charter school.

Imagine Charter School at Weston is located in District 6.

The governing board members of The Learning Excellence Foundation of West Broward County, Inc., reside in Broward County, Florida.

SECOND AMENDMENT TO THE CHARTER SCHOOL AGREEMENT

This Second Amendment to the CHARTER AGREEMENT 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 Learning Excellence Foundation of West Broward County, Inc.
a Florida not-for-profit organization [hereinafter referred to as "School"],
and having its principal place of business located at
2500 Glades Circle, Weston, Florida 33327.

and

Imagine West Broward, Inc.
a Florida not-for-profit organization [hereinafter referred to as "Grades 6-8 School"],
and having its place of business located at
2500 Glades Circle, Weston, Florida 33327.

WHEREAS, the Sponsor and School entered into a charter school agreement ("Grades K-5 Agreement") on or about May 15, 2001, which incorporates by reference the School's Charter School Application wherein the School was authorized to operate a charter, serving Grades K-5 known as "Imagine Charter School at Weston" in Broward County, Florida; and

WHEREAS, on August 7, 2012, the School entered into an Amendment modifying the term of its contract to fifteen (15) years; and

WHEREAS, the Sponsor and Grades 6-8 School entered into a charter school agreement ("Grades 6-8 Agreement") on or about May 15, 2012, which incorporates by reference the Grades 6-8 School's Charter School Application wherein the Grades 6-8 School was authorized to operate a charter, serving Grades 6-8 known as "Imagine Middle School West" in Broward County, Florida; and

WHEREAS, Section 2.B.4 of the Grades K-5 School's Agreement and the Grades 6-8 School's Agreement permit those amendments of those agreements during the terms through mutual agreement of the parties, provided such modifications are agreed to in writing and executed by both parties; and

**Imagine Charter School at Weston - 5111
Second Amendment to Charter School Agreement**

WHEREAS, the parties desire to expand the grades served by the School to include those previously served by Grades 6-8 School and to conclude the Grades 6-8 Agreement between the Sponsor and the Grades 6-8 School; and

WHEREAS, the parties desire to increase the contact capacity of the School to acknowledge the enrollment of the 6-8 grade levels; and

WHEREAS, the parties desire to change the grades served by the School to consolidate grades K-8 into one charter as authorized by Section 1002.33(7)(c), Florida Statutes.

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 School's Amended Agreement shall be effective as of July 1, 2016 and the Grades 6-8 Agreement shall conclude on June 30, 2016.

1.03 Amendments: The following portions of the School's Amended Agreement shall be amended to provide as follows:

(a) As of the effective date, the School shall be known as "Imagine Charter School at Weston." All references to the previous name of the School are deleted and replaced with "Imagine Charter School at Weston."

(b) Paragraph 2.1 of the School's Amended Agreement is deleted and replaced with the following:

"2.1 The School's approved Application (Appendix IA) to operate a grades K-5 charter school and IMAGINE WEST BROWARD, INC., approved application (Appendix IB) to operate a Grades 6-8 charter school are appended hereto and are incorporated herein by reference. If any provision of this Charter School Agreement is inconsistent with Appendix IA or Appendix IB, the provisions of this Charter School Agreement shall prevail."

(c) Section 4.A of the School's charter school agreement is deleted and replaced with the following:

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

**Imagine Charter School at Weston - 5111
Second Amendment to Charter School Agreement**

a maximum for the charter of 1075 students. 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".

1.04 School Number: The School will continue to be identified by Master School Identification Number: 5111.

1.05 Order of Precedence Among Agreement Documents: In the event of a conflict between the provisions of the School's Amended Agreement 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;
- (d) The Charter Application, Appendix 1A; and
- (e) The Charter Application, Appendix 1B.

1.06 Other Provisions, as Amended, Remain in Force: Except as expressly provided herein, all other portions of the School's Amended Agreement remain in full force and effect.

1.07 Authority: Each person signing this Second Amendment to the Agreement on behalf of a party individually warrants that he or she has full legal power to execute this Second Amendment to the Agreement.

**Imagine Charter School at Weston - 5111
Second 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

Imagine Charter School at Weston - 5111
Second Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)

The Learning Excellence Foundation of
West Broward County, Inc.

Attest: _____
Secretary

by: Pat Sandoe Governing Board
Name and Title President

- or -
Judy King
Witness
Madeline M. Latham
Witness

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 11th day of April, 2016 by
Patrick Sandoe
Name of Person on behalf of
the Governing Entity

of _____
The Learning Excellence Foundation of
West Broward County, Inc.

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

My commission expires:

(SEAL)



My commission expires:

Susana Morales-Padilla
Signature - Notary Public
Susana Morales-Padilla
Printed Name of Notary Public

Imagine Charter School at Weston - 5111
Second Amendment to Charter School Agreement

FOR THE SCHOOL
GRADES 6-8

(Corporate Seal)

Imagine West Broward, Inc.

Attest: _____
Secretary

by: [Signature]
Name and Title Governing Board President

- or -
[Signature]
Witness
[Signature]
Witness

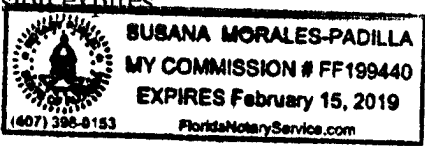
STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 11th day of April, 2016 by
Patrick Sandoe
Name of Person on behalf of
the Governing Entity
of _____
Imagine West Broward, Inc

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

My commission expires:

(SEAL)



My commission expires:

[Signature]
Signature - Notary Public
Susana Morales-Padilla
Printed Name of Notary Public

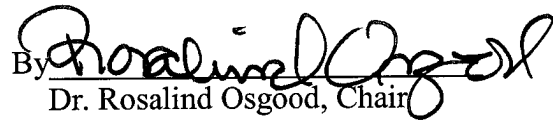
Imagine Charter School at Weston - 5111
Second Amendment to Charter School Agreement



(Corporate Seal)

FOR THE SPONSOR

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

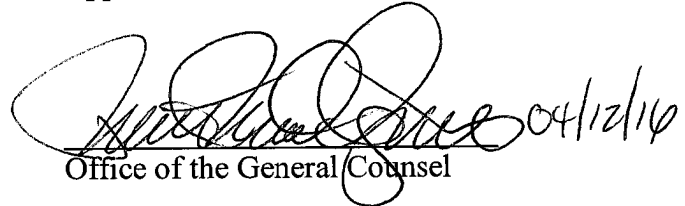
By 
Dr. Rosalind Osgood, Chair

ATTEST:



Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:



04/12/14
Office of the General Counsel



THE
CITY OF WESTON
CERTIFICATE OF USE

Issue Date: 8/8/2012

Certificate Number: CU-3426

Business Name: IMAGINE CHARTER SCHOOL AT
WESTON

Business Owner: LEARNING EXCELLENCE
FOUNDATION AT WEST BROWARD
INC & IMAGINE WEST BROWARD, INC

Business Type: Commercial

Business Address: 2500 GLADES CR.

Property Zoning: COMMUNITY FACILITY

Folio Number: 493935040010

Limitation: SCHOOL

City of Weston
David Tringo, Building Director
3265 Meridian Parkway • Ste. 100
Weston, FL 33331

THIS CERTIFICATE OF USE MUST BE
CONSPICUOUSLY DISPLAYED FOR
PUBLIC VIEW AT BUSINESS LOCATION.


CERTIFICATE APPROVED BY



March 9, 2016

Jody Perry, Director
Charter Schools Management/Support
The School Board of Broward County, Florida
600 SE 3rd Avenue
12th Floor
Ft. Lauderdale, FL 33301

Dear Ms. Perry:

The Learning Excellence Foundation of West Broward County Inc. dba Imagine Charter School at Weston (MSID #5111) and Imagine West Broward Inc. dba Imagine Middle School West (MSID # 5042) would like to consolidate. Please consider this request under Florida Statutes Section 1002.33(7) (c).

Florida Statute Section 1002.33(7) (c) 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."

Imagine Weston (MSID #5111) and Imagine West Middle (MSID #5042) have the same Board members on their respective Boards. In addition, they are physically located on the same campus. Both Boards are requesting that the schools be consolidated as one school maintaining the name of The Learning Excellence Foundation of West Broward County, Inc. dba Imagine Charter School at Weston with the MSID #5111.

I am attaching a copy of Imagine Weston's CO and a copy of the Architect's certification of the capacity sent to Captain Oberrieth, Fire Marshall at the City of Weston, and an e-mail sent to the Facilities Department at the SBBC.

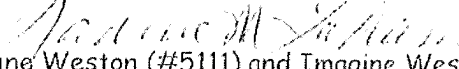
Imagine Weston currently meets the State Class Size Reduction requirements and will continue to do so through this consolidation. There are a total of 51 classrooms. This year 3 of the classrooms are being used for "specials" and/or pullout rooms. However, if the enrollment changes, these classrooms may be used as academic classrooms and will not exceed the Architect's certification capacity or class size reduction.

On behalf of both Boards, I am thanking you for your prompt attention to this matter. If you have any questions and/or concerns, please feel free to contact me.

Sincerely,


Patrick Sandoe

Governing Board Chair, Imagine Weston (#5111) and Imagine West Middle (#5042)

Nadine Laham 
Principal, Imagine Weston (#5111) and Imagine West Middle (#5042)

From: [Oberrieth, Robert](#)
To: [Manny Synalovski](#)
Cc: [Jacquelyn Vernon](#); [Karl Huber](#); [Bouchillon, Harris](#)
Subject: RE: Imagine Charter School - 2500 Glades Circle, Weston, FL
Date: Wednesday, August 15, 2012 2:15:25 PM

Mr. Synalovski,

In reference to your inquiry of the Imagine Charter School located at 2500 Glades Circle, Weston Florida. After the review of your Capacity Certification and research of the Florida Fire Prevention Code 2010 Edition, NFPA 101 Table 7.3.1.2, I confirm that your calculations of the maximum capacity and occupant load of the facility are correct. If you have any other questions please feel free to contact me.

Robert J. Oberrieth, Captain

Broward Sheriff's Office

Department of Fire Rescue & Emergency Services

Fire Marshal's Bureau

City of Weston

2601 West Broward Blvd. Room 3061

Ft. Lauderdale FL. 33312

Ph. 954-831-8210

Fax. 954-831-8218

robert_oberrieth@sheriff.org



Peace Service and Integrity

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

From: Manny Synalovski [<mailto:msynalovski@synalovski.com>]
Sent: Wednesday, August 15, 2012 10:46 AM
To: Oberrieth, Robert
Cc: Jacquelyn Vernon; Karl Huber
Subject: Imagine Charter School - 2500 Glades Circle, Weston, FL

Captain Oberrieth,

Attached please find copy of the Certificate of Use issued by the City of Weston on 8/8/12 for the above referenced property.

Also, attached please find copy of our signed and sealed Capacity Certification for the facility.

Please review the above and your relevant records and confirm the maximum capacity of the facility.

Thank you, Manny

Manny Synalovski, via, LinkedIn

Principal



Michael S. Conducci and Associates

1800 Eller Drive, Suite 500

Fort Lauderdale, FL 33316

T 954.961.6806

F 954.961.6807

Think Conducci... Think Success



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