



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	Jun 15 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-11.

TITLE:
Second Amendment to Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Academy Key Middle School

REQUESTED ACTION:
Approve the Second Amendment to the Charter School Agreement with Somerset Academy, Inc. on behalf of Somerset Academy Key Middle School – 5413.

SUMMARY EXPLANATION AND BACKGROUND:
Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Pompano Middle School - 5413, desires to amend its charter school agreement to change the name of the school from "Somerset Academy Pompano Middle School" to "Somerset Academy Key Middle School."
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) Somerset Academy Pompano Middle ES (3) Somerset Academy Key Charter Middle 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
5/27/2016, 2:51:23 PM

Approved In Open Board Meeting on:

JUN 15 2016

By: *Rosalind Orjuelo*
School Board Chair

Continuation of Summary Explanation and Background:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Pompano Middle School - 5413, desires to amend its charter school agreement to change the name of the school from "Somerset Academy Pompano Middle School" to "Somerset Academy Key Middle School." Additionally, Somerset Academy, Inc., desires to change the location of the school and co-locate with Somerset Academy Key High School for the 2016-2017 school year and subsequent years.

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.

The Charter School will be located at: 959 SE 6th Avenue, Deerfield Beach, Florida 33441, which is in District 7.

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

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
Somerset Academy, Inc.
Somerset Academy Key Middle School – 5413

School Name	Somerset Academy Key Middle School
Implementation Year	2013-2014
Termination Date of Current Charter Agreement	June 30, 2018
Previous Address	1101 NW 33 rd Street Pompano Beach, Florida 33064
New Address	959 SE 6 th Avenue Deerfield Beach, Florida 33441
Grades Approved to Serve	6-8
Grades Currently Serving	6
Current Enrollment	20
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2014-2015	F
School Grade 2013-2014	B

On June 19, 2012, The School Board of Broward County, Florida, approved Somerset Academy, Inc., to defer the opening of Somerset Academy Pompano Middle School until the 2013-2014 school year. On June 11, 2013, The School Board of Broward County, Florida, approved a Charter School Agreement enabling Somerset Academy, Inc., to open a charter school named Somerset Academy Pompano Middle School - 5413. This contract is effective for five years and ends on June 30, 2018.

On May 3, 2016, The School Board of Broward County, Florida approved Somerset Academy, Inc., to amend the Charter School Agreement enabling the school to change its address. The term of the charter shall remain the same, covering five years commencing on July 1, 2013, and ending June 30, 2018.

Somerset Academy, Inc., desires to amend its charter agreement by changing the name of “Somerset Academy Pompano Middle – 5413” to Somerset Academy Key Middle – 5413.”

Somerset Academy, Inc., also desires to change the location of the school and to co-locate with Somerset Academy Key High School for the 2016-2017 school year and subsequent years.

The term of the charter shall remain the same, covering five years commencing on July 1, 2013, and ending June 30, 2018.

The charter school will relocate to: 959 SE 6th Avenue, Deerfield Beach, Florida 33441, for the 2016-2017 and subsequent school years.

Somerset Academy Key Middle School - 5419 is located in District 7.

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

**Somerset Academy Key Charter Middle School
f/k/a Somerset Academy Pompano Middle School - 5413
Second Amendment to Charter School Agreement**

SECOND AMENDMENT TO THE CHARTER SCHOOL AGREEMENT

This Second Amendment to the CHARTER AGREEMENT is made and entered into as of this 15th day of June 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"],
for
Somerset Academy Key Charter Middle School #5413 f/k/a Somerset Academy Pompano
Middle School (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 June 11, 2013, 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 Pompano Middle School" 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 change the name of the school to Somerset Academy Key Charter Middle School; and

WHEREAS, the School desires to amend its Agreement to relocate and to acknowledge the co-location with Somerset Academy Key Charter High School, and;

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.

**Somerset Academy Key Middle School
f/k/a Somerset Academy Pompano Middle School - 5413
Second Amendment to Charter School Agreement**

1.02 Amendments: The following portion of the Charter School Agreement shall be amended to provide as follows:

Section 6.A.1: **Facility Location:** The School will located at
959 SE 6th Avenue, Deerfield Beach, FL 33441.

Section 6.C.1: **School's Street Address:** The School will be located at
959 SE 6th Avenue, Deerfield Beach, FL 33441.

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. Shared use of a facility amendment to the charter agreements of all co-located Schools.

Section 6.C.5.a **Entity Disclosure:** The School will co-locate with Somerset Academy Key Charter High School at 959 SE 6th Avenue, Deerfield Beach, FL 33441. Due to the co-located use of its facility, the School's enrollment capacity is reduced to a maximum for the charter of 495 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) This Second Amendment to the Charter School Agreement; then
- (b) This First Amendment to the Charter School Agreement; then
- (c) The Charter Agreement; and
- (d) 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.

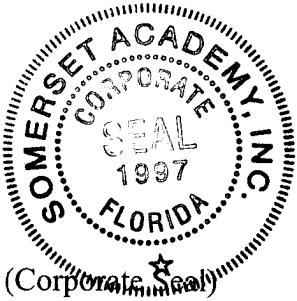
1.05 Authority Each person signing the Second Amendment to the Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Second Amendment to the Agreement.

**Somerset Academy Key Middle School
f/k/a Somerset Academy Pompano Middle School - 5413
Second Amendment to Charter School Agreement**

IN WITNESS WHEREOF, the Parties hereto have executed this Second 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 Key Charter Middle School
f/k/a Somerset Academy Pompano Middle School - 5413
Second Amendment to Charter School Agreement



FOR THE SCHOOL

Somerset Academy, Inc.

Attest: _____
Secretary

by: _____
David Concepcion, Board Chair

- or -

Witness

Witness

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 11th day of April, 2016 by David Concepcion, Board Chair of Somerset Academy, Inc. on behalf of Somerset Academy Key Charter Middle School f/k/a Somerset Academy Pompano Middle School – 5413.

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

My commission expires:



Signature – Notary Public

My commission expires:

5/10/2019


Marla G Devitt
Printed Name of Notary Public

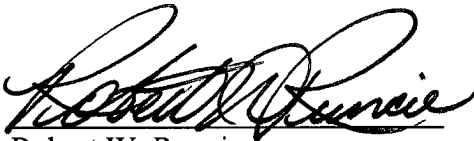
Somerset Academy Key Charter Middle School
f/k/a Somerset Academy Pompano Middle School - 5413
Second Amendment to Charter School Agreement

FOR THE SPONSOR

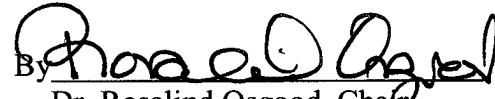
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ATTEST:

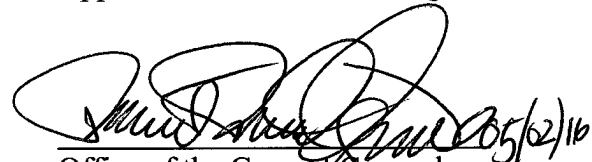



Robert W. Runcie
Superintendent of Schools

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By 
Dr. Rosalind Osgood, Chair

Approved as to Form and Legal Content:


Office of the General Counsel 05/02/16