



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

<b>MEETING DATE</b>	Nov 1 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-1.	CONSENT ITEMS			
	<b>CATEGORY</b>			
	L. OFFICE OF PORTFOLIO SERVICES			
	<b>DEPARTMENT</b>			
	Charter Schools/Management Support	<b>Open Agenda</b>		
		<input type="radio"/> Yes		
		<input checked="" type="radio"/> No		

**TITLE:**  
First Amendment to Charter School Agreement with Excelsior Charter of Broward, Inc.

**REQUESTED ACTION:**  
Approve the First Amendment to Excelsior Charter of Broward, Inc., on behalf of Everest Charter School – 5407.

**SUMMARY EXPLANATION AND BACKGROUND:**  
Excelsior Charter of Broward, Inc., a Florida non-profit corporation, on behalf of Everest Charter School – 5407, desires to amend its Charter School Agreement to change its location and to decrease the contract enrollment capacity of the charter school for the 2016-2017 school year and subsequent years. 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) Everest Charter School ES (3) Everest Charter School 5407 Amendment (4) Certificate of Occupancy (5) Letter from Everest Charter

**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

Approved In Open Board Meeting On: NOV 01 2016  
By: *[Signature]*  
School Board Chair

Signature  
Leslie M. Brown  
9/30/2016, 3:00:38 PM

Continuation of Summary Explanation and Background:

Excelsior Charter of Broward, Inc., a Florida non-profit corporation, on behalf of Everest Charter School – 5407, desires to amend its Charter School Agreement to change its location and to decrease the contract enrollment capacity of the charter 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 10044 W. McNab Road, Tamarac, Florida 33321, which is in District 4.

The governing board members of Excelsior Charter of Broward, Inc., reside in Broward 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  
Excelsior Charter of Broward, Inc.  
Everest Charter School – 5407**

School Name	Everest Charter School
Implementation Year	2012 – 2013
Termination Date of Current Charter Agreement	June 30, 2017
Previous Address	10054 W. McNab Road Tamarac, Florida 33321
New Address	10044 West McNab Road Tamarac, Florida 33321
Grades Approved to Serve	K-8
Grades Currently Serving	5-8
Current Enrollment	95
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2015-2016	A
School Grade 2015-2014	C
School Grade 2014-2013	B

On May 30, 2012, The School Board of Broward County, Florida, approved a Charter School Agreement enabling Excelsior Charter of Broward, Inc., to open a charter school named Everest Charter School. The contract is effective for five years and ends on June 30, 2017.

Excelsior Charter of Broward, Inc., on behalf of Everest Charter School – 5407, desires to amend its Charter School Agreement to change the location for the 2016-2017 and subsequent school years, which requires a decrease in the enrollment contract capacity of the charter school.

The school is located at 10044 W. McNab Road, Tamarac, Florida 33321.

Everest Charter School is located in District - 4.

The Mayor, the City Manager for the City of Tamarac, and the League of Cities have been notified of the change.

The governing board members of Excelsior Charter of Broward, Inc. reside in Broward County, Florida.

**FIRST AMENDMENT TO THE CHARTER SCHOOL AGREEMENT**

This First Amendment to the CHARTER AGREEMENT is made and entered into as of this 1<sup>st</sup> day of November 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

**Excelsior Charter of Broward, Inc,**  
a Florida not-for-profit organization [hereinafter referred to as "School"],  
and having its principal place of business located at  
10044 W. McNab Road, Tamarac, Florida 33321

**WHEREAS**, the parties entered into a Charter School Agreement ("Agreement") on or about May 30, 2012, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter elementary/middle K-8 school, known as "Everest Charter 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 relocate the school to a new location which will require a decrease in the contract enrollment capacity of the school.

**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 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 of 108. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment capacity provided herein. If the enrollment of the school should exceed the building capacity established by the applicable certificate of occupancy, Sponsor may terminate

**Everest Charter School - 5407**  
**First Amendment to Charter School Agreement**

the charter school agreement. Such circumstances shall constitute good cause for the termination of the charter school agreement. 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.

Section 6.A.1:            **Facility Location:**            The School is located at:  
10044 W. McNab Road, Tamarac, Florida 33321.

Section 6.C.1:            **School's Street Address:**            The Charter School is  
located at: 10044 W. McNab Road, Tamarac, Florida 33321.

**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
- (c) The Charter School Agreement; then
- (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 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.

**IN WITNESS WHEREOF**, the Parties hereto have executed this First Amendment to Charter School Agreement as of the day and year first above written.

Everest Charter School - 5407  
First Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)

Excelsior Charter of Broward, Inc.

Attest: Wanda Sycarudo  
Secretary

by: [Signature]  
Name and Title: Chairman of the Board

-- or --

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ by

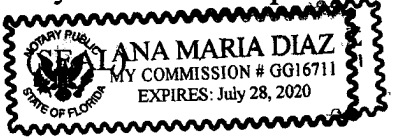
James L. Minor  
Name of Person on behalf of

[Signature]  
of  
Excelsior Charter of Broward, Inc.

the Governing Entity

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

My commission expires:



My commission expires:

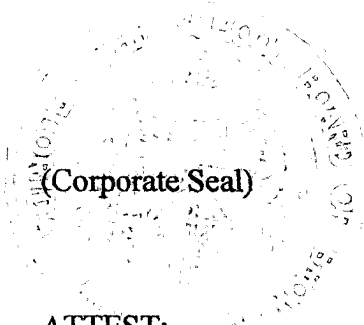
7/28/20

[Signature]  
Signature - Notary Public

Ana Maria Diaz  
Printed Name of Notary Public

**Everest Charter School - 5407  
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

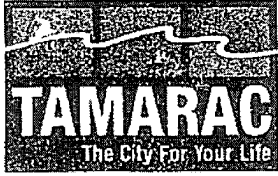
THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

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 09/21/16

A1



# City of Tamarac

"Committed to Excellence...Always"

**Claudio Grande**  
Chief Building Official  
Director

## CERTIFICATE OF OCCUPANCY

Issue Date..... 08/15/2013  
 Parcel Number..... 494107020010  
 Property Address..... 10044 W MCNAB RD  
 Subdivision Name..... TAMARAC MARKET PLACE  
 Property Zoning..... B2-PLANNED COMM BUSIN  
 Owner..... EVEREST CHARTER  
 Contractor..... HOME OWNER  
 Application Number..... 13 00002565

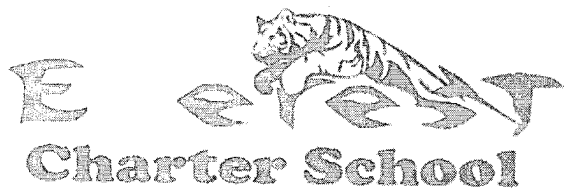
<b>Structure description: COC0.00/EXCELSIOR CHARTER</b>
<b>Construction type: TYPE 3B</b>
<b>Occupancy type: FBC01/E-EDUCATION/SCHOOLS</b>
<b>FIRE SPRINKLERS: Y</b>
<b>OCCUPANCY LOAD: 119.00</b>
<b>TOTAL SQUARE FOOTAGE: 5,856.00</b>

Approved \_\_\_\_\_

*Claudio Grande* 8/15/13  
 Building Official

**VOID UNLESS SIGNED BY BUILDING OFFICIAL**





10044 West McNab Rd. Tamarac Fl. 33321

July 27, 2016

Ms. Jody Perry,

Director Charter School Management/Support

600 SE 3<sup>rd</sup> Ave. 12<sup>th</sup> Floor Ft. Lauderdale, Fl. 33301

Dear Ms. Perry,

This letter is to request a change of address for Everest Charter School. We moved Everest Charter to a bigger area due to limited space in the previous bay. However, we are in the same shopping center. Our previous address was 10056-54 West McNab Rd. Tamarac, Fl. 33321. Our new address is 10044 West McNab Rd. Tamarac, Fl. 33321. We will be able to increase the enrollment to accommodate a maximum of 108 students. We submitted all the new location documentation to your office and in the Charter Tool. Please let us know if you need any additional information to approve the change of address. Thank you for your guidance, support, and collaboration.

Sincerely,



Mr. Jaime Minor

Chairman of the Board

Everest Charter School