



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2018-06-12 10:05 - School Board Operational Meeting
AGENDA ITEM	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-12.

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

REQUESTED ACTION:
Approve the Second 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 Agreement to increase the contract enrollment capacity. 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 the continuation of Summary Explanation and Background.
This agreement 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

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
5/18/2018, 3:53:41 PM

Approved In Open Board Meeting On: **JUN 12 2018**
 By: *Nora Rupert*
 School Board Chair

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 increase the contract enrollment capacity of the charter school for the 2018-2019 school year and subsequent years and to reflect on enlarged physical plant and accommodate the increase in enrollment.

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 is located at 10038-10044 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 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
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, 2022
New Expanded Address	10038-10044 West McNab Road Tamarac, Florida 33321
Grades Approved to Serve	K-8
Grades Currently Serving	5-8
Current Enrollment	140
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2016-2017	C
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 was effective for five years and ended on June 30, 2017.

On November 1, 2016, Excelsior Charter of Broward, Inc., on behalf of Everest Charter School – 5407, amended its Charter School Agreement to change to the location of the school and decrease the enrollment contract capacity of the charter school.

On June 13, 2017, The School Board of Broward County, Florida, approved the Charter School Renewal Agreement for Excelsior Charter of Broward, Inc., on behalf of Everest Charter School – 5407.

Excelsior Charter of Broward, Inc., on behalf of Everest Charter School – 5407, desires to amend its Charter School Agreement to increase the enrollment contract capacity of the charter school to 205 and to reflect the enlargement of its physical plant to accommodate the increase in enrollment.

The school located at 10044 W. McNab Road, Tamarac, Florida 33321 has been expanded to include facilities located at 10038 W. McNab Road, Tamarac, Florida 33321.

Everest Charter School is located in District - 4.

The governing board members of Excelsior Charter of Broward, 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 12th day of June 2018, 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, dba Everest Charter School
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 increase the enrollment capacity of the school and to reflect an enlarged physical plant for the school's operations to accommodate the increased enrollment.

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 205. 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

Everest Charter School - 5407
Second Amendment to Charter School Agreement

building capacity established by the applicable certificate of occupancy, Sponsor may terminate 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:
10038 – 10044 W. McNab Road, Tamarac, Florida 33321.

Section 6.C.1: **School's Street Address:** The Charter School is
located at: 10038 – 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 Second Amendment to the Charter School Agreement; then
- (b) First Amendment; 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 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.

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

Everest Charter School - 5407
Second Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)

Excelsior Charter of Broward, Inc.

Attest: _____

Secretary

- or -

[Handwritten Signature]

Witness

[Handwritten Signature]

Witness

by _____

Name and Title

Jaime Minor, Chairman

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 9th day of May, 2019 by

JAIME MINOR
Name of Person on behalf of
the Governing Entity

of _____
Excelsior Charter of Broward, Inc,
dba Everest Charter School

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

My commission expires:

(SEAL)

Xiomara Jordan
Signature - Notary Public

My commission expires:

Xiomara Jordan
Printed Name of Notary Public



Everest Charter School - 5407
Second Amendment to Charter School Agreement

FOR THE SPONSOR

(Corporate Seal)

ATTEST:

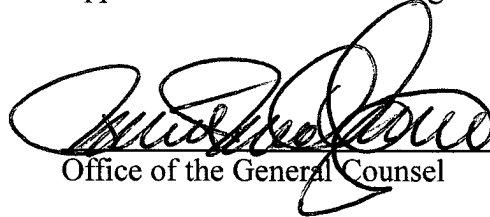


Robert W. Runcie
Superintendent of Schools

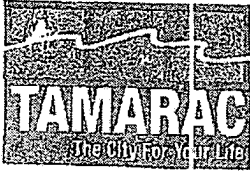
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By Nora Rupert
Nora Rupert, Chair

Approved as to Form and Legal Content:



05/14/18
Office of the General Counsel



AL

City of Tamarac

"Committed to Excellence...Always"

Claudio Grande
Chief Building Official
Director

CERTIFICATE OF OCCUPANCY

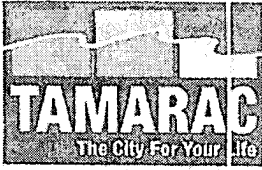
Issue Date..... 08/15/2013
 Parcel Number..... 494107020010
 Property Address..... 10044 W MCNAB RD
 Subdivision Name..... TAMARAC MARKET PLACE
 Property Zoning..... B2-PLANNED COMM BUSIN
 Owner..... EVEREST CHARTER
 Contractor..... HOME OWNER
 Application Number..... 13 00002565

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

Approved _____

Claudio Grande 8/15/13
 Building Official

VOID UNLESS SIGNED BY BUILDING OFFICIAL



City of Tamarac


"Committed to Excellence...Always"

Claudio Grande
Chief Building Official
Director

CERTIFICATE OF OCCUPANCY

Issue Date..... 01/23/2017
 Parcel Number..... 494107020010
 Property Address..... 10038 W MCNAB RD
 Subdivision Name..... TAMARAC MARKET PLACE
 Property Zoning..... B2-PLANNED COMM BUSIN
 Owner..... EVEREST CHARTER SCHOOL
 Contractor..... COMMERCIAL TENANT
 Application Number..... 16 00004817

Structure description: COC \$0/SAFETY- EVEREST CHARTER SCHOOL
Construction type: FBC14 5TH/ TYPE III-B
Occupancy type: FBC14 5TH/E-EDUCATION
OCCUPANCY LOAD: 100.00
TOTAL SQUARE FOOTAGE: 2,000.00

Approved 
 Building Official

VOID UNLESS SIGNED BY BUILDING OFFICIAL

