



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

<b>MEETING DATE</b>	2018-07-24 10:05 - Regular School Board Meeting
<b>AGENDA ITEM</b>	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-4.

**TITLE:**

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

**REQUESTED ACTION:**

Approve the First Amendment to the Charter School Agreement with Excelsior Charter of Broward, Inc., on behalf of Excelsior Charter of Broward - 5393.

**SUMMARY EXPLANATION AND BACKGROUND:**

Excelsior Charter of Broward, Inc., a Florida non-profit corporation, on behalf of Excelsior Charter of Broward - 5393, desires to amend its charter school agreement to change the location of the charter school for the 2018-2019 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. Administrative Center. A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at: <https://weabppe.browardschools.com/eagenda/>

See Supporting Docs for 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) Executive Summary (3) Excelsior Charter of Broward Agreement

**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: **JUL 24 2018**

By: *Nora Rupert*  
 School Board Chair

Signature

*Leslie M. Brown*  
 6/21/2018, 12:49:59 PM

Continuation of Summary Explanation and Background:

Excelsior Charter of Broward, Inc., a Florida non-profit corporation, on behalf of Excelsior Charter of Broward – 5393, desires to amend its charter school agreement to change the location of the charter school for the 2018 – 2019 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: 2099 West Prospect Road, Tamarac, Florida 33321, which is in District 3.

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.,  
 Excelsior Charter of Broward – 5393

School Name	Excelsior Charter of Broward
Implementation Year	2006-2007
Termination Date of Current Charter Agreement	June 30, 2021
Previous Address	10066 W. McNab Road Tamarac, Florida 33321
New Address	2099 West Prospect Road Tamarac, Florida 33321
Grades Approved to Serve	K-5
Grades Currently Serving	K-4
Current Enrollment	196
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2016-2017	C
School Grade 2015-2016	B
School Grade 2014-2015	A

Excelsior Charter of Broward, Inc., on behalf of Excelsior Charter of Broward, desires to amend its Charter School Agreement to change the location of the charter school for the 2018-2019 school year and subsequent years.

The original agreement with Excelsior Charter of Broward, Inc., was approved at the May 2, 2006, Regular School Board Meeting, Item I-6.

The address of the charter school will be 2099 West Prospect Road, Tamarac, Florida 33321, for the 2018-2019 school year and subsequent years, which is in District 3.

The term of the Charter shall remain the same, covering five years commencing on July 1, 2016, and ending on June 30, 2021.

The Mayor, the City Manager of 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.

**Excelsior Charter of Broward  
First Amendment to Charter School Agreement**

**FIRST AMENDMENT TO THE CHARTER SCHOOL AGREEMENT**

This First Amendment to the Charter Agreement is made and entered into as of this 24<sup>th</sup> day of July 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.**  
a Florida not-for-profit organization [hereinafter referred to as "School"],  
and having its principal place of business located at  
10066 West McNab Road, Tamarac, Florida 33321

**WHEREAS**, the parties entered into a Charter School Agreement ("Agreement") on or about May 2, 2006, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter elementary school, grades K-5, known as "Excelsior Charter of Broward" 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.

**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 approved by the Sponsor through its approval of this Agreement. Furthermore, the School's enrollment capacity is reduced to a maximum for the charter of 466 students. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment

**Excelsior Charter of Broward  
First Amendment to Charter School Agreement**

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) calendar 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.A.1:           **Facility Location:**                           The School will be located at:  
2099 West Prospect Road, Tamarac, Florida 33321.

Section 6.C:           **School's Street Address:**                           The Charter School is located  
at: 2099 West Prospect 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
- (b)    The Charter School Agreement; then
- (c)    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.

**Excelsior Charter of Broward  
First 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.

**FOR THE SCHOOL**

(Corporate Seal)

Excelsior Charter of Broward, Inc.

Attest:

Secretary

- or -

Witness

Witness

by:

Name and Title

Jaime Minor / Chairman

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this    day of    by

Jaime Minor  
Name of Person on behalf of

of

Excelsior Charter of Broward, Inc.

the Governing Entity

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

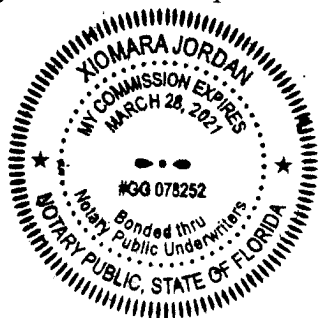
My commission expires:

(SEAL)

My commission expires:

Xiomara Jordan  
Signature – Notary Public

Xiomara Jordan  
Printed Name of Notary Public



Excelsior Charter of Broward  
First Amendment to Charter School Agreement

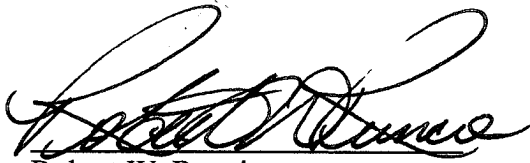
**FOR THE SPONSOR**

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

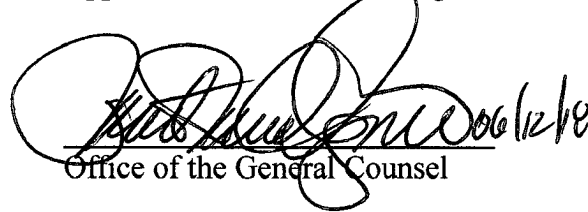
ATTEST:

By Nora Rupert  
Nora Rupert, Chair



Robert W. Runcie  
Superintendent of Schools

Approved as to Form and Legal Content:



Office of the General Counsel