



# AGENDA REQUEST FORM

## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

<b>MEETING DATE</b>	2020-06-23 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 Renewal Agreement with Somerset Academy, Inc. - 5221

**REQUESTED ACTION:**  
Approve the First Amendment to the Charter School Renewal Agreement with Somerset Academy, Inc., on behalf of Somerset Academy Charter High School - 5221.

**SUMMARY EXPLANATION AND BACKGROUND:**  
Pursuant to Section 1002.331(2)(a), Florida Statutes, a high performing charter school is authorized to increase its student enrollment once per school year to more than the capacity identified in the charter but student enrollment may not exceed the current facility 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.  
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: Safe & Supportive Environment  
  Goal 3: Effective Communication

**FINANCIAL IMPACT:**  
There is no financial impact to the District.

**EXHIBITS: (List)**  
(1) Somerset Academy Charter High School Agreement (2) Somerset Academy High School 5221 ES (3) Continuation of Summary Explanation and Background (4) Somerset Academy Charter High 5221 High Performing Letter

**BOARD ACTION:**  
**APPROVED**  
(For Official School Board Records Office Only)

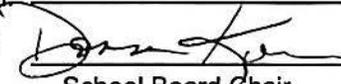
**SOURCE OF ADDITIONAL INFORMATION:**

Name: Donté Fulton-Collins	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  
6/10/2020, 8:03:46 AM

Approved In Open Board Meeting On: JUN 23 2020  
By:   
School Board Chair

Continuation of Summary Explanation and Background:

Pursuant to Section 1002.331 (2)(a), Florida Statutes, a high performing charter school is authorized to increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity. Somerset Academy, Inc., desires to amend its Agreement by increasing the maximum number of students of Somerset Academy, Inc., to 1,450 students as permitted by Section 1002.331 (2)(a), Florida Statutes.

Somerset Academy Charter High School – 5221, is located at 20805 Johnson Street, Pembroke Pines, Florida 33029, which is in District 2.

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

This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.

## EXECUTIVE SUMMARY

Somerset Academy, Inc.  
Somerset Academy Charter High School – 5221

School Name	Somerset Academy Charter High School – 5221
Implementation Year	2002-2003
Location	20805 Johnson Street, Pembroke Pines, Florida 33029
District	2
Grades Approved to Serve	9-12
Grades Currently Serving	9-12
Current Enrollment Count	1175
Current Contract Capacity	1200
Requested Contract Capacity	1450
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2018-2019	A
School Grade 2017-2018	A
School Grade 2016-2017	B

The School Board of Broward County, Florida (“Sponsor”) entered into a Charter School Renewal Agreement (“Agreement”) with Somerset Academy, Inc. on behalf of Somerset Academy Charter High School - 5221 (“School”) at a Regular School Board Meeting on June 19, 2012, board item F-8. The parties agreed on an Agreement for a fifteen-year period expiring June 30, 2027, which incorporated by reference the School’s Charter Application (“Application”), wherein the School was authorized to operate a charter high school, grades 9-12 in Broward County, Florida.

On September 30, 2019, the Florida Department of Education notified Somerset Academy, Inc. that Somerset Academy Charter High School – 5221 meets the criteria for a high-performing charter school.

Pursuant to Section 1002.331(2)(a), Florida Statutes, a high-performing charter school is authorized to increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the current facility capacity.

Somerset Academy, Inc. seeks to amend its Agreement by increasing the maximum number of students of Somerset Academy Charter High School - 5221, from its current capacity of 1,200 to 1,450 students as permitted by Section 1002.331(2)(a), Florida Statutes.

Somerset Academy Charter High School – 5221, is located at 20805 Johnson Street, Pembroke Pines, Florida 33029, which is in District 2.

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

**Somerset Academy Charter High School – 5221  
First Amendment to Charter School Renewal Agreement**

**FIRST AMENDMENT TO THE CHARTER SCHOOL RENEWAL AGREEMENT**

This First Amendment to the Charter School Renewal Agreement is made and entered into as of this 23<sup>rd</sup> day of June 2020, 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.**  
**(d/b/a Somerset Academy Charter High School - 5221)**  
a Florida not-for-profit organization [hereinafter referred to as “School”],  
and having its principal place of business located at:  
20801 Johnson Street, Pembroke Pines, Florida 33029

**WHEREAS**, the parties entered into a Charter School Renewal Agreement (“Agreement”) on June 19, 2012, which incorporates by reference the School’s Charter School Application wherein the School was authorized to operate a charter high school, grade levels 9-12, known as “Somerset Academy Charter High School – 5221” in Broward County, Florida; and

**WHEREAS**, Section 2.B.4 of the Agreement permits the amendment of that 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 Florida Department of Education has verified that the School has met the criteria for high-performing charter school status pursuant to Section 1002.331, Florida Statutes; and

**WHEREAS**, the School seeks to amend the Agreement to provide a maximum enrollment of 1,450 students as permitted by Section 1002.331(2)(a), Florida Statutes.

**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 Agreement by reference.

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

**Somerset Academy Charter High School – 5221  
First Amendment to Charter School Renewal Agreement**

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 1,450 students approved by the Sponsor through its approval of this Agreement. The parties agree that the approved school minimum enrollment is 125 students, 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 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.

**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 Renewal Agreement; then
- (b) The Charter Renewal 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 this First Amendment to the Charter School Renewal Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to the Charter School Renewal Agreement.

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

Somerset Academy Charter High School – 5221  
First Amendment to Charter School Renewal Agreement

FOR THE SCHOOL

(Corporate Seal)

Somerset Academy, Inc.

Attest: [Signature]  
Secretary

By: [Signature]  
Todd German, Board Chair

- or -  
\_\_\_\_\_  
Witness  
\_\_\_\_\_  
Witness

STATE OF Florida  
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of June, 2020,  
by Todd German of Somerset Academy, Inc.  
Name of Person on behalf of the Governing Entity

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

My commission expires:  
(SEAL)

[Signature]  
Signature – Notary Public  
Marla G Devitt  
Printed Name of Notary Public



**Somerset Academy Charter High School – 5221  
First Amendment to Charter School Renewal Agreement**

**FOR THE SPONSOR**

(Corporate Seal)

ATTEST:



Robert W. Runcie  
Superintendent of Schools

**The School Board of Broward County,  
Florida**

By:   
Donna P. Korn, Chair

Approved as to Form and Legal Content:

  
Office of the General Counsel



State Board of Education

Andy Tuck, *Chair*  
Marva Johnson, *Vice Chair*  
*Members*  
Ben Gibson  
Tom Grady  
Michael Olenick  
Joe York

Richard Corcoran  
Commissioner of Education

September 30, 2019

Mr. Bernardo Montero  
Principal  
Somerset Academy Charter High  
20805 Johnson Street  
Pembroke Pines, Florida 33029-1916

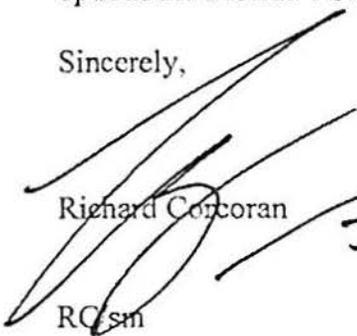
Dear Principal Montero:

This letter serves as notification that the Florida Department of Education has verified that Somerset Academy Charter High School (06-5221) meets the criteria for high-performing charter school status pursuant to section 1002.331, Florida Statutes.

If you have questions, please contact the Office of Independent Education and Parental Choice at 850-245-0502 or via email at [charterschools@fldoe.org](mailto:charterschools@fldoe.org).

Thank you for your continued participation in our mission to improve the quality of educational options for Florida's students.

Sincerely,

  
Richard Corcoran

RC:sm

J. Allen Kelly  
Chris & Steve

cc: Donte Fulton-Collins, Broward County Public Schools  
Christine McGuinn, Academica