

Meeting Date 5/20/14		Agenda Item Number L-2	
Open Agenda ___ Yes <u>X</u> No		Special Order Request ___ Yes <u>X</u> No	
TITLE: First Amendment to Charter School Agreement with Eagles Nest Community Charter Schools, Inc., (5355)			
REQUESTED ACTION: Approve the First Amendment to the Charter School Agreement with Eagles Nest Community Charter Schools, Inc., on behalf of Eagles Nest Elementary Charter School - 5355.			
SUMMARY EXPLANATION AND BACKGROUND: Eagles Nest Community Charter Schools, Inc., a Florida non-profit corporation, on behalf of Eagles Nest Elementary Charter School - 5355, desires to amend its Charter School Agreement to document the relocation of the charter school to a new location for the 2014-2015 school year and subsequent years and co-locate with Eagles Nest Middle Charter School - 5356.  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: <a href="http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/cAgenda">http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/cAgenda</a> .  This Amendment has been approved as to form and legal content by the Office of the General Counsel.			
SCHOOL BOARD GOALS:  <input type="checkbox"/> •Goal 1: High Quality Instruction <input type="checkbox"/> •Goal 2: Continuous Improvement <input checked="" type="checkbox"/> •Goal 3: Effective Communication			
FINANCIAL IMPACT: There is no financial impact to the District.			
EXHIBITS: (List) <ul style="list-style-type: none"> <li>• Executive Summary</li> <li>• First Amendment to Charter School Agreement with Eagles Nest Community Charter Schools, Inc.</li> </ul>			
BOARD ACTION:  <b>APPROVED</b>  (For Official School Board Records' Office Only)		SOURCE OF ADDITIONAL INFORMATION: Jody Perry  754-321-2135  Name _____ Phone _____	

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
 Leslie M. Brown  
 Chief Portfolio Services Officer  
 Portfolio Services

Approved in Open Board Meeting on:

By:

Form B-4189  
Revised 12/12  
RWR/LMB/JP/RS:jc

MAY 20 2014

School Board Chair

## **EXECUTIVE SUMMARY**

Eagles Nest Community Charter Schools, Inc.  
Eagles Nest Elementary Charter School - 5355

The original agreement with Eagles Nest Community Charter Schools, Inc., was approved at the June 21, 2005, Regular School Board Meeting, Item I-11. At the August 18, 2009, Regular School Board Meeting, Board Item F-15, Eagles Nest Community Charter Schools, Inc., was approved to update its Charter School Agreement to change the location of the Eagles Nest Elementary Charter School – 5355 for the 2009-2010 school year. The updated Agreement included newly approved statutory language and additional provisions recommended by District staff.

Eagles Nest Community Charter Schools, Inc., on behalf of Eagles Nest Elementary Charter School - 5355, desires to amend its Charter School Agreement to document the relocation of the charter school to a new location for the 2014-2015 school year and subsequent years.

The charter school will relocate to: 3698 N.W. 15<sup>th</sup> Street, Fort Lauderdale, Florida 33311, for the 2014-2015 school year and subsequent years and co-locate with Eagles Nest Academy Middle - 5356.

The term of the Charter shall remain the same, covering ten years commencing on July 1, 2005, and ending on June 30, 2015.

The Mayor, the City Manager of the City of Fort Lauderdale, and the League of Cities have been notified of the change.

Eagles Nest Elementary Charter School - 5355 will be located in District 5.

The governing board members of Eagles Nest Community Charter Schools, Inc., reside in Broward County, Florida.

**Eagles Nest Elementary Charter School (Location #5355)**  
**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  
20<sup>th</sup> day of ~~April~~ May, 2014, 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

**EAGLES NEST COMMUNITY CHARTER SCHOOLS, INC.**  
a Florida not-for-profit organization [hereinafter referred to as "School"],  
and having its principal place of business located at  
201 N. University Drive, Coral Springs, Florida 33071

**WHEREAS**, the parties entered into a Charter School Agreement ("Agreement") on or about August 18, 2009, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter elementary school, known as "Eagles Nest Elementary Charter School" in Broward County, Florida;

**WHEREAS**, Section 4.1 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 document the relocation of 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:

(a) Section 14.1 of the Charter School Agreement shall be deleted in its entirety and replaced with the following language:

**Eagles Nest Elementary Charter School (Location #5355)**  
**First Amendment to Charter School Agreement**

“14.1 **Applicable Building Codes**: The SCHOOL will be located at 3968 NW 15<sup>th</sup> Street, Fort Lauderdale, Florida 33311 and the SCHOOL agrees to use facilities which comply with the Florida Building Code pursuant to Section 1013.37, Florida Statutes, or with applicable state minimum building codes pursuant to Chapter 553, Florida Statutes, and state minimum fire protection codes pursuant to Section 633.025, Florida Statutes, as adopted by the authority in whose jurisdiction the facility is located. The SCHOOL shall provide the SPONSOR a list of the facilities to be used and their location.”

(b) The following language shall be inserted as Section 14.9 immediately following Section 14.8 of the Charter School Agreement:

“14.9 **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. The SCHOOL will co-locate with Eagles Nest Middle Charter School (Location #5356). At no time will the total enrollment of all the schools sharing such facility exceed the Certificate of Occupancy, Certificate of Use or Fire Permit capacities of the facility.”

**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) 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.

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

[Signatures on Following Pages]

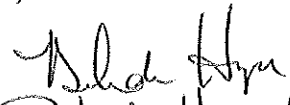
Eagles Nest Elementary Charter School (Location #5355)  
First Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)

EAGLES NEST COMMUNITY CHARTER  
SCHOOLS, INC.

Attest: \_\_\_\_\_  
Secretary  
- or -

  
by: Belinda Hope, Board Chair  
Name and Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

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

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

The foregoing instrument was acknowledged before me this 24 day of April, 2014 by

Belinda Hope  
Name of Person on behalf of


of \_\_\_\_\_  
Eagles Nest Community Charter Schools, Inc.

the Governing Entity

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

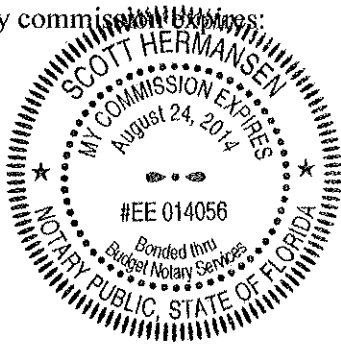
My commission expires:

(SEAL)

  
Signature - Notary Public

My commission expires:

Scott Hermansen  
Printed Name of Notary Public




Eagles Nest Elementary Charter School (Location #5355)  
First 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

  
Patricia Good, Chair

Approved as to Form and Legal Content:

  
Office of the General Counsel 04/25/14