

AGENDA REQUEST FORM
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Meeting Date 6/24/14	Open Agenda ___ Yes <u>X</u> No	Special Order Request ___ Yes <u>X</u> No	Agenda Item Number L-8
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TITLE:
 Second Amendment to Charter School Agreement with The Red Shoe Inc., (The Obama Academy for Boys)

REQUESTED ACTION:
 Approve the Second Amendment to the Charter School Agreement with The Red Shoe Inc., on behalf of The Obama Academy for Boys – 5431.

SUMMARY EXPLANATION AND BACKGROUND:
 The Red Shoe, Inc., a Florida non-profit corporation, on behalf of The Obama Academy for Boys - 5431, desires to amend its Charter School Agreement to change the location of the charter school for the 2013-2014, school year and subsequent years. The Charter School obtained a certificate of occupancy dated April 4, 2014, which permits the location to be used as a K-8 school.

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 The Obama Academy for Boys – 5431, will be located at 2230 N.W. 22nd Street Building #2, Fort Lauderdale, Florida 33311, which is in District 5.

The governing board members of The Red Shoe Inc., reside in Palm Beach County, Florida and Atlanta, Georgia.

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: <http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

This item has been 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)

- Executive Summary
- Agreement
- Certificate of Occupancy

APPROVED	SOURCE OF ADDITIONAL INFORMATION: Jody Perry 754-321-2135
(For Official School Board Records' Office Only)	Name Phone

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Leslie M. Brown
Chief Portfolio Officer
Portfolio Services
 Approved in Open Board Meeting on: **JUN 24 2014**

By: School Board Chair

Executive Summary

The Red Shoe Inc. d/b/a Urban Academy The Obama Academy for Boys – 5431

Amendment to the Charter Agreement

Implementation Year	2012-2013
Grades Approved to Serve	K-8
Benchmark Enrollment	93
Current Enrollment	79
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Single gender
School Grade	N/A

The terms and conditions for the operation of a charter school are set forth by the governing board of the charter school and by The School Board of Broward County, Florida, in a written contractual agreement that constitutes a school's charter.

On May 1, 2012, The School Board of Broward County, Florida, approved a Charter School Agreement authorizing The Red Shoe Inc., d/b/a Urban Academy, (The Obama Academy for Boys), entered in to a Charter School Agreement with The School Board of Broward County, Florida, that became effective July 1, 2012, and covers a term of five years commencing July 1, 2012, and ending June 30, 2017. In accordance with the Charter School Agreement: "The School is approved by the Sponsor to provide educational services in accordance with the terms of a Charter School Agreement at 400 Northwest 9th Ave, Fort Lauderdale, Florida 33311".

On September 19, 2012, the School was granted an amendment to the Charter School Agreement to change the location of the charter school to co-locate with The Red Shoe Charter School for Girls – 5434, for the 2012-2013, school year and subsequent years at the facility located at 404 N.W. 7th Terrace, Fort Lauderdale, Florida 33311.

The School unilaterally changed the location of the charter school to 2230 N.W. 22nd Street, Fort Lauderdale, Florida 33311, without informing the Sponsor nor first securing a valid certificate of occupancy for the new facility.

The Sponsor repeatedly requested documentation to demonstrate that a valid certificate of occupancy exists for the unauthorized location to be used as an educational facility. On January 17, 2014, The Red Shoe Inc., d/b/a Urban Academy, on behalf of The Obama Academy for Boys – 5431, presented some facility documentation to the District staff. Upon review of that documentation, District staff, in coordination with the Broward County Child Care Licensing and Enforcement Division, determined that the site lacked a certificate of occupancy for an educational institution, but instead only possessed a certificate of occupancy for a day care center.

Pursuant to Section 1002.33(8)(a)(4), Florida Statutes, a Sponsor may terminate a charter agreement for failure to meet requirements set forth in the charter.

The Superintendent sent notice of the Sponsor's intended 90-day termination of The Red Shoe Inc., d/b/a Urban Academy's Charter School Agreement as authorized on March 17, 2014 by The School Board of Broward County, Florida due to the charter school's failure to submit the appropriate certificate of occupancy as required by Section 6.A.2 of the Charter School Agreement and failure to notify the Sponsor of its intended relocation and secure approval of same through the execution of a contract amendment as required by Section 6.C.3 of the Charter School Agreement

On March 19, 2014, The City of Fort Lauderdale received a request for a change of use from daycare to a K-8 school for the facility located at 2230 NW 22nd Street, Fort Lauderdale, Florida 33311. On April 4, 2014, The City of Fort Lauderdale issued a certificate of occupancy changing the permitted use of that site to include a K-8 school.

On April 8, 2014, the Sponsor received a copy of the certificate of occupancy from The Red Shoe Inc., d/b/a Urban Academy. District staff has verified that the item presented is an appropriate certificate of occupancy for use as an educational facility.

The Red Shoe Inc., on behalf of The Obama Academy for Boys - 5431, desires to amend its Charter School Agreement to change the location of the charter school to 2230 N.W. 22nd Street Building #2, Fort Lauderdale, Florida 33311 for the 2013-2014 school year and subsequent years.

The Charter School Agreement between The School Board of Broward County, Florida, and The Red Shoe Inc., d/b/a Urban Academy, (The Obama Academy for Boys – 5431), provides as follows:

Section 2.B.4: **Charter Modification:** This Charter may be modified during its term by mutual agreement of the parties, provided such modifications are agreed to in writing and executed by both parties...

The term of the Charter shall remain the same, covering five years commencing on July 1, 2012, and ending on June 30, 2017.

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

The Obama Academy for Boys – 5431 is located in District 5.

The governing board members of The Obama Academy for Boys reside in Palm Beach County, Florida and Atlanta, Georgia.

SECOND AMENDMENT TO THE CHARTER SCHOOL AGREEMENT

This Second Amendment to the CHARTER AGREEMENT is made and entered into as of this 24th day of June 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

THE RED SHOE, INC.
a Florida not-for-profit organization [hereinafter referred to as "School"],
and having its principal place of business located at
2230 N.W. 22ND Street, Bldg. #2
Fort Lauderdale, Florida 33311

WHEREAS, the parties entered into a Charter School Agreement ("Agreement") on or about July 1, 2012, which incorporates by reference the SCHOOL's Charter School Application wherein the School was authorized to operate a charter elementary and middle, K-8 school, known as "The Obama Academy for Boys" in Broward County, Florida, and the Agreement was revised by a First Amendment to Agreement on September 19, 2012; 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 has obtained a certificate of occupancy dated April 4, 2014, which permits the location to be used as a K-8 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 6.A.1: **Facility Location:** The School will be located at:
2230 N.W. 22ND Street, Bldg. #2, Fort Lauderdale, Florida 33311.

**The Obama Academy for Boys - 5431
Second Amendment to Charter School Agreement**

Section 6.C.1: **School's Street Address:** The Charter School is located
at: 2230 N.W. 22ND Street, Bldg. #2, Fort Lauderdale, Florida 33311.

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 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 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.

The Obama Academy for Boys - 5431
Second Amendment to Charter School Agreement

FOR THE SCHOOL

(Corporate Seal)

The Red Shoe, Inc.

Attest:

by: [Signature]
Name and Title FOUNDER / CEO

Secretary
- or -
[Signature]
Witness
[Signature]
Witness

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 30 day of May, 2014 by

COREY ALSTON
Name of Person on behalf of

of _____
The Red Shoe, Inc.

the Governing Entity

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

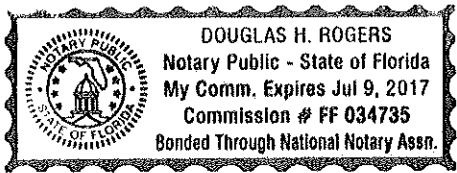
My commission expires:

(SEAL)

[Signature]
Signature - Notary Public

My commission expires:

Douglas H. Rogers
Printed Name of Notary Public



The Obama Academy for Boys - 5431
Second Amendment to Charter School Agreement


FOR THE SPONSOR

(Corporate Seal)

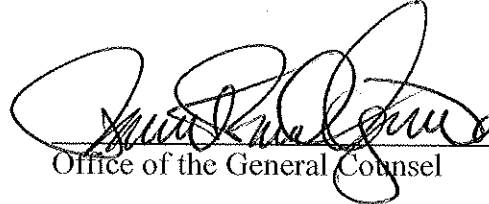
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By 
Patricia Good, Chair


Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:

 06/02/14
Office of the General Counsel



FORT LAUDERDALE

CERTIFICATE OF OCCUPANCY

AGAPE WORSHIP CENTER INC
2230 NW 22 ST
FORT LAUDERDALE, FL 33311

Certificate of Occupancy #: 20120896

Date of Issuance: 04/04/2014

Permit: 14031407

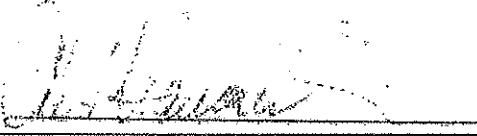
Permit Issued: 04/02/2014

Parcel: 9229030461
Owner: AGAPE WORSHIP CENTER INC
Contractor: AGAPE WORSHIP CENTER INC
Address: 2230 NW 22 ST
Zoning: B-3
Legal: ARROWHEAD ESTATES 21-27 B Block: 0002 Lot: 0002
Usage: SCHOOL
Floors: 1
Units: 1
Sq Ft: 9750
Building Code: 2010 FBC
Const Type: 2010 VB
Occ Grp: 10/04/07E
Occ Load: 255
Floor Load: 40
Sprinkler: YES

Special Conditions:

CHANGE OF USE FROM DAYCARE TO SCHOOL K-8, NO PUBLIC ASSEMBLY

The above described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.


Building Official


Date