

Antoinette Dunbar, Deputy Superintendent
Curriculum, Instruction, and School Improvement

**SUBJECT: REQUEST SCHOOL BOARD APPROVAL OF THE SECOND
 AMENDMENT TO THE CHARTER SCHOOL CONTRACTUAL
 AGREEMENT WITH CHARTER ON THE BEACH MIDDLE
 SCHOOL, INC., ON BEHALF OF CHARTER ON THE BEACH
 MIDDLE SCHOOL**

COMMITTEE: INSTRUCTIONAL EXCELLENCE & COMMUNITY ENGAGEMENT

Section 1002.33(7), Florida Statutes, Charter Schools, states that a charter school contractual agreement may be modified during its initial term or any renewal term upon the recommendation of the sponsor and the approval of both parties to the agreement.

The initial charter school contractual agreement for Charter on the Beach Middle School was approved by The School Board of Miami-Dade County, Florida, on April 13, 2005, for a term of 10 years, commencing with the 2005-2006 school year. The first amendment was approved on July 13, 2005, to change the location of the school.

Charter on the Beach Middle School proposes to be located at 2301 Normandy Drive, Miami Beach, Florida 33141, and will serve a maximum of 250 students in grades seven and eight in its first year of operation. The governing board will operate the school.

Charter on the Beach Middle School has requested a second amendment to defer the opening of the school for a period of up to two years, that is, no later than the 2007-2008 school year.

The Charter School Contract Review Committee (CRC) met on August 18, 2005, and by a unanimous vote, made a recommendation for approval of the second amendment to the charter school contractual agreement with Charter on the Beach Middle School, Inc., on behalf of Charter on the Beach Middle School.

Copies of the amendment to the charter school contractual agreement will be transmitted to School Board Members under separate cover and are available for inspection by the public in the Office of Board Recording Secretary, Room 924, and in the Citizen Information Center, Room 158; 1450 NE Second Avenue, Miami, Florida 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, grant approval of the second amendment to the charter school contractual agreement with Charter on the Beach Middle School, Inc., on behalf of Charter on the Beach Middle School, to defer the opening of the school for up to two years, until the 2007-2008 school year.

LCR/MB/CR:dcr

SECOND AMENDMENT TO CHARTER SCHOOL CONTRACT

THIS SECOND AMENDMENT TO THE CHARTER SCHOOL CONTRACT (“AMENDMENT”) entered into as of the 20th day of October 2005, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (“SPONSOR”) and CHARTER ON THE BEACH MIDDLE SCHOOL, INC., a non-profit organization organized under the laws of the State of Florida, hereinafter referred to as the *Corporation*, on behalf of CHARTER ON THE BEACH MIDDLE SCHOOL (“SCHOOL”).

RECITALS

A. The Sponsor and the School entered into that certain Charter School Contract dated as of April 14, 2005 (the “Contract”) and amended on July 14, 2005, whereby the Sponsor agreed to permit the School to operate a charter school pursuant to Florida Statutes.

B. The Sponsor and School now desire to amend the Contract to provide for the terms and conditions set forth hereinbelow.

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom and of the respective mutual covenants and agreements hereinafter set forth, the parties hereto agree to amend the charter school Contract as follows:

1. PART III. A. (2), of the Contract is hereby amended, and substituted in its place and stead is the following:

PART III. STUDENTS

A. DEFINITION OF STUDENTS

(2) Following is the student enrollment breakdown by year:

Year 1: 2005-2006 – School not open

Year 2: 2006-2007 – Grades 7-8 - up to 250 students

Year 3: 2007-2008 – Grades 7-8 - up to 250 students

Year 4: 2008-2009 – Grades 7-8 - up to 250 students

Year 5-10: 2009-2015 – Grades 7-8 - up to 250 students

In the event the School chooses to delay opening an additional year, the School shall notify the Sponsor of its intent no later than ninety (90) calendar days prior to the opening of the School. In that case, following is the student breakdown by year:

Year 1: 2005-2006 – School not open

Year 2: 2006-2007 – School not open

Year 3: 2007-2008 – Grades 7-8 - up to 250 students

Year 4: 2008-2009 – Grades 7-8 - up to 250 students

Year 5-10: 2009-2015 – Grades 7-8 - up to 250 students

The aforementioned enrollment capacity will be contingent on the student capacity as stated on the valid Certificate of Occupancy for the school facility issued by the local governmental agency in whose jurisdiction the facility is located.

In order to minimize the negative impact to district schools that are underenrolled and located in the School's targeted enrollment area, the parties agree to limit the enrollment from such schools as follows:

Percentage of utilization of permanent and relocatable program capacity of students' home school	Maximum overall number of students to be admitted by charter school from underenrolled school
99% to 90%	Up to 50 students
89% to 80%	Up to 40 students
79% to 70 %	Up to 30 students
69% to 60 %	Up to 20 students

Below 60 %	Up to 10 students
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2. All other conditions of the Contract shall remain the same and are hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year first above written.

ATTEST: CHARTER ON THE BEACH MIDDLE SCHOOL, INC., on behalf of
CHARTER ON THE BEACH MIDDLE SCHOOL

By: _____
Signature of Secretary Date

By: _____
Signature of Board Chair Date

Name: _____
Secretary

Name: _____
Board Chair

ATTEST: THE SCHOOL BOARD OF MIAMI - DADE COUNTY, FLORIDA

By: _____
Rudolph F. Crew, Ed.D. Date
Secretary

By: _____
Mr. Frank J. Bolaños Date
Chair

APPROVED AS TO FORM:

By: _____
School Board Attorney Date