SECOND AMENDMENT TO THE AMENDED AND RESTATED CHARTER BETWEEN THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA AND FOR THE BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL, INC. OF VOLUSIA COUNTY FLORIDA

This Second Amendment to the Amended and Restated Charter Agreement for The Burns Science and Technology Charter School, Inc. ("Second Amendment") is made and entered into between:

THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA,
a political subdivision of the State of Florida,
(hereinafter referred to as "Sponsor"),
and having its principal place of business located at
200 N. Clara Ave., DeLand, FL 32720

and

THE BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL, INC.
D/B/A BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL
a Florida not-for-profit organization (hereinafter referred to as "School"),
and having its principal place of business located at:
160 Ridge Rd, Oak Hill, FL 32759.

WHEREAS, on June 23, 2015, the parties entered into an Amended and Restated Charter Agreement ("Charter"), which renewed the initial Charter for the School and extended the term of the Charter through June 30, 2020.

WHEREAS, on June 27, 2017, the parties executed a First Amendment to the Amended Charter ("First Amendment") to extend the term of the Charter to June 30, 2030 based on the School's designation by the State of Florida as a "high performing charter school."

WHEREAS, Section III.A.1 of the Charter permits the amendments to the Charter during its term through mutual agreement of the parties, provided such modifications are agreed to in writing, executed by both parties;

WHEREAS, the School now desires to amend the Charter to provide an increase in grade levels to include ninth (9^{th}), tenth (10^{th}), eleventh (11^{th}), and twelfth (12^{th}) grade by school year 2021-2022;

WHEREAS, the School intends to increase enrollment to 650 students in year 2020-2021, 750 students in year 2021-2022, and up to 900 students by year 2022-2023;

WHEREAS, the School has met the criteria for high-performing charter school status pursuant to Section 1002.331, Florida Statutes;

WHEREAS, Section 1002.331(2)(a) and (b) of the Florida Statutes authorizes the School to increase its student enrollment and expand grade levels;

WHEREAS, the Charter permits modifications to the Charter upon the approval of both parties at open public sessions of the governing bodies of the Sponsor and the School; and

WHEREAS, the Sponsor concurs with the granting of the School's expansion of student enrollment and increase in grade levels to become a K through 12th grade school by school year 2021-2022.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and terms herein set forth, the parties agree as follows:

1. **Recitals**: The aforementioned recitals are incorporated into this Amendment as if fully set forth herein.

2. **Amendment to term of Charter:** Section III.A of the Charter, titled "Eligible Students" is hereby repealed and restated to read in full as follows:

    1) *The School will provide an instructional program for students in grades kindergarten through twelfth residing in Volusia County, Florida or covered by an inter-district agreement. Enrollment shall be limited to approximately 650 students for 2020/2021, 750 students for 2021-2022, and 900 students for school year 2022/2023 and beyond. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment capacity provided herein. The School will comply with the admission standards set out in state law, including, but not limited to standards that relate to the age of the student(s). Notwithstanding these stated enrollment standards, the maximum number of students to be served by the School in any year shall not exceed the recommended capacity of satisfactory student stations as set forth in the State Requirements for Educational Facilities. The capacity of the School shall be determined annually by the School in conjunction with the Sponsor, taking into consideration the Florida Fire Prevention Code.*

    2) *The School will follow the class size state statutes.*

3. **Effect of Amendment:** Except as expressly provided herein, all other portions of the Charter remain in full force and effect.

4. **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 Amended and Restated Charter; then
    (b) The First Amendment to Amended and Restated Charter; then

(c) The Amended and Restated Charter; then
(d) The Charter Agreement; then
(e) The Charter School Application.

5. **Authority:** Each person signing this Second Amendment on behalf of either party individually warrants that he or she has full legal power to execute this Second Amendment to the Charter.

6. **Effective date:** This Second Amendment shall take effect on the date it is fully executed by both parties.

IN WITNESS WHEREOF, the Parties hereto have executed this *Second Amendment to the Amended and Restated Charter Between the School of Volusia County and The Burns Science and Technology Charter School, Inc. of Volusia County Florida*, as of the date identified below.

THE BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL, INC. D/B/A BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL

By: _____ Date: 4-27-2020
Jeff Landers
Chairman

By: _____ Date: 4-27-2020
Dr. Jan McGee
Principal

THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA

By: _____ Date: _____
Ida D. Wright
Chairperson

By: _____ Date: _____
Dr. Ronald "Scott" Fritz
Superintendent