

DOUGLAS COUNTY SCHOOL DISTRICT RE. 1

**RESOLUTION REGARDING MILESTONES PERTAINING TO
APEX COMMUNITY SCHOOL**

WHEREAS, on November 15, 2016, the Board of Education (the “Board”) of the Douglas County School District (the “District”) approved a charter application from Apex Community School (“Apex”) and granted Apex a charter for a term of five years, with operations to begin in the Fall of 2018, subject to Apex’s compliance with certain conditions, including enrollment benchmarks; and

WHEREAS, on December 13, 2016, Apex and the District entered into a charter contract with an effective date of July 1, 2017, which Apex and the District subsequently amended on March 10, 2017 and September 19, 2017 (the contract and the first and second amendments are collectively referred to as the “Apex Charter Contract”); and

WHEREAS, the Apex Charter Contract incorporated the Board’s approval conditions by reference; and

WHEREAS, as a condition of its approval, Apex was required to meet identified milestones within specified timeframes; and

WHEREAS, Apex did not meet these milestones; and

WHEREAS, on December 30, 2017, the Board adopted a resolution that, among other things, required Apex to postpone its opening date to the Fall of 2019 and comply with new conditions of approval, including certain milestones recommended by District staff and adopted by the Board; and

WHEREAS, following the December 30, 2017, meeting, District staff met with Apex leadership to negotiate and identify specific, measurable, attainable, realistic, and timely milestones that, if met, will enable Apex to open in the Fall of 2019; and

WHEREAS, the Board has been presented with, and has thoroughly considered, the new milestones.

NOW THEREFORE, be it resolved by the Board that the conditions of Apex’s charter approval shall be modified to include the following new milestones:

1. By December 20, 2018, Apex shall have a minimum of **[Option One: 225]** or **[Option Two: 367.5]** full time equivalent students (Student FTEs) committed to the various grade levels proposed in the charter school application to be served the first year, as validated by the District’s open enrollment process, and enrolled in Apex as soon as practicable; and

2. Apex shall submit to district staff on or before February 15, 2019 a location lease or purchase agreement and a traffic management plan approved by the Town of Castle Rock for an appropriate charter school facility available for use on or before August 15, 2019; and
3. Apex shall present on or before April 1, 2019 a detailed budget for fiscal year 2019-2020, as well as a projected budget for the fiscal years of 2019-2024, to be approved by the District's Chief Financial Officer by that date; and
4. Apex shall hire a school leader/principal on or before March 1, 2019.

BE IT FURTHER RESOLVED THAT, the, within ten day of this Resolution, the District and Apex shall enter into that certain third amendment to the Apex Charter Contract in the form presented at this meeting and incorporating the new conditions of approval and milestones as conditions precedent to the Apex Charter Contract; and

BE IT FINALLY RESOLVED THAT, Apex's failure to satisfy a condition precedent shall not be construed as a revocation of Apex's charter.

Approved this _____ day of _____, 2018.

DOUGLAS COUNTY SCHOOL DISTRICT RE-1

By: _____
David Ray, President
Board of Education

Attest:

By: _____
Krista Holtzmann, Secretary
Board of Education