

## **FIRST AMENDMENT TO CHARTER SCHOOL CONTRACT**

This First Amendment to Charter School Contract is entered into effective March \_\_\_\_, 2017 by and among Apex Community Elementary School, an unincorporated association (the “Association”); Apex Community School, a Colorado nonprofit corporation (the “Corporation”); and Douglas County School District Re 1 (the “District”).

### **I. RECITALS**

1. The Association and the District entered into a charter contract dated December 13, 2016 (the “Apex Charter Contract”).
2. C.R.S. § 22-30.5-104(4)(a) provides that a Colorado charter school may be organized as a Colorado nonprofit corporation without affecting its status as a public school within its authorizing district.
3. The board of directors of the Association has determined to incorporate the charter school, and the Corporation was formed for that purpose.
4. The intention of the incorporation of the school was merely to reorganize the school from an unincorporated association into a nonprofit corporation. The intention of the incorporation was to effect a change of form only and not of substance.
5. The purpose of this agreement is to recognize the change of form by amending the Apex Charter Contract to substitute the Corporation for the Association as the “School” in the Apex Charter Contract.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- A. The first sentence of Section 1 of the Apex Charter Contract is amended to read as follows

This Contract, effective July 1, 2017, is made and entered into between the Douglas County School District (the “District”) and Apex Community School, a public charter school organized as a Colorado non-profit corporation (the “School”) (collectively, the “Parties”).

- B. Except as amended herein, the Charter Contract shall remain in full force and effect.

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WHEREFORE, the parties have executed this agreement as of the date first above set forth.

**DOUGLAS COUNTY SCHOOL DISTRICT RE 1**

By: \_\_\_\_\_  
Meghann Silverthorn, President

**APEX COMMUNITY ELEMENTARY SCHOOL**  
a Colorado unincorporated association

By: \_\_\_\_\_  
Mark Welle, Chair

**APEX COMMUNITY SCHOOL**  
a Colorado nonprofit corporation

By: \_\_\_\_\_  
Mark Welle, President