

DOUGLAS COUNTY SCHOOL DISTRICT RE. 1

**RESOLUTION REGARDING THE CONTRACT STATUS OF
APEX COMMUNITY CHARTER SCHOOL**

WHEREAS, on March 15, 2016, the Board of Education (“Board”) of the Douglas County School District RE-1 (“District”) received a charter school application from the founding board of Apex Community Charter School, a proposed Colorado nonprofit K-8 charter school, (“Applicant”), for the establishment of Apex Community Charter School (“Apex”) as a district charter school; and

WHEREAS, Apex subsequently withdrew its application and, on July 19, 2016, the Board granted a waiver of the normal charter application timeline to allow Apex to resubmit its charter application; and

WHEREAS, on August 1, 2016, Apex re-submitted its charter application within the timeframe established by the Board; and

WHEREAS, on November 15, 2016, the Board conditionally approved the application and granted Apex a charter for a term of 5 years, with operations to begin in the fall of 2018; and

WHEREAS, on December 13, 2016, the District and Apex entered into a charter contract with an effective date of July 1, 2017, which charter contract incorporated by reference the conditions of approval set forth in the Board’s November 15, 2016 resolution; and

WHEREAS, as a condition of its charter approval, Apex was required to provide evidence to the District of a minimum of 155 written expressions of intent to enroll encompassing grades K-6 by February 3, 2017, which benchmark was not met in a timely fashion by Apex but was subsequently met by Apex on or about February 15, 2017; and

WHEREAS, by resolution adopted on September 19, 2017, the Board acknowledged the missed February 3, 2017 benchmark and waived the benchmark, but ratified all other requirements in the approval resolution;

WHEREAS, Apex presented adequate evidence to the District of compliance with the next benchmark, namely, that Apex provide evidence of a minimum of 435 written expressions of intent to enroll by November 3, 2017, which benchmark was met in a timely manner;

WHEREAS, the January 5, 2018 benchmark to be met by Apex is that the school shall have a minimum of 367.5 FTE 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;

WHEREAS, according to Apex and verified by the District Open Enrollment process, the January 5, 2018 benchmark will not be met, Apex having approximately 78 parent requests for enrollment as of December 1, 2017;

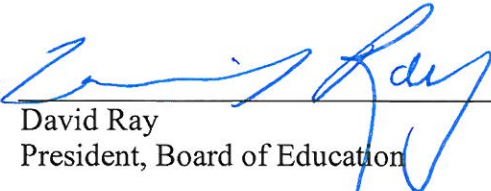
WHEREAS, in light of the foregoing, the Board considered four options regarding the status of Apex's charter and charter contract during a special meeting of the Board on December 30, 2017;

NOW THEREFORE, in light of the foregoing, the Board hereby extends the Apex charter and charter contract for one year, and agrees that Apex will postpone the opening date to Fall of 2019, subject to a) the Board's approval of enrollment milestones in a revised resolution; b) Apex presenting to the District evidence that the verified enrollment as of the close of the Open Enrollment Period in December of 2018, as determined by the DCSD Chief Financial Officer, is sufficient for Apex to be a viable and going concern with a balanced budget; and c) Apex meeting any and all other requirements associated with opening and operating a charter school within the District according to state law and District policy. In addition, Apex and the District will jointly explore dual use of the Apex facility, to include the possibility of housing District programs.


Unless otherwise stated above or subsequently agreed by the Board, in the event Apex fails to satisfy the conditions for opening set out above, the charter contract between Apex and DCSD shall be deemed abrogated and null and void as of said date. In no event shall denial for failure of any condition or withdrawal of conditional approval be construed as a revocation of the purported Apex charter or charter contract.

Approved this 30th day of December, 2017.

DOUGLAS COUNTY SCHOOL DISTRICT RE-1

By: 
David Ray
President, Board of Education

Attest:

By: 
Krista Holtzmann
Secretary, Board of Education