

RESOLUTION OF THE BOARD OF EDUCATION

OF

DOUGLAS COUNTY SCHOOL DISTRICT RE-1

**(Regarding Modification of Resolution Regarding
Conditional Approval of Lemman Classical School’s Replication Application and
Modification of Date for Submission of Site Lease Agreement)**

WHEREAS, Lemman Classical School, also known as the Lemman Academy of Excellence (hereinafter referred to as “Lemman”) is a charter school of Douglas County School District RE-1 (“District”) that is presently authorized to operate one PK-8 charter school in the District pursuant to the Charter Schools Act, C.R.S. §§ 22-30.5-101 to -120 (the “Act”); and

WHEREAS, District is a public school district duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, on June 21, 2022, the District’s Board of Education (“Board”) conditionally approved Lemman’s Replication Application for a term of four (4) years, with operations to begin in the fall of 2024, subject to and pending satisfaction of specified terms and conditions, including that: Lemman submit to the District on or before January 15, 2023, a location lease or purchase agreement satisfactory to the District for an appropriate charter school facility within the District’s boundaries that complies with applicable planning, construction, and occupancy requirements for a public charter school and that will be available for occupancy by Lemman on or before August 1 of the first year of operation; Lemman submit to the District on or before December 16, 2022, letters of intent evidencing at least 150% of the projected enrollment numbers at each grade level; and, Lemman submit to the District on or before February 1, 2023, a revised 5-year balanced budget, with adequate funding for facility, personnel, and programming costs to serve Lemman’s replicated school’s target population in accordance with applicable law; and

WHEREAS, on September 27, 2022, the District’s Board passed a Resolution authorizing the District’s administration to negotiate a lease agreement with Lemman which would enable Lemman to lease 11 acres of the Cielo Dedicated School Site so that Lemman can construct its future replicated school facility on such site so long as such facility would include two center-based special education program classrooms and one related office for District use and so long as Lemman agrees to weight their lottery system to address the District’s identified need for center-based special education and capacity relief in the District’s Parker Region; and

WHEREAS, since September 27, 2022, District staff and Lemman have been working collaboratively to negotiate a mutually agreeable lease agreement (“Site Lease”) and have been working collaboratively to plan for Lemman’s replicated school facility which will include, at Lemman’s expense, two (2) center-based special education program classrooms and one (1) office for District use; and

WHEREAS, due to unforeseen logistical components of planning for the replicated charter school not the fault of Lemman or District, the dates for completion of certain tasks contained within

the June 21, 2022 Resolution conditionally approving Leman’s Replication Application and the date contained within the September 27, 2022 Resolution authorizing the District’s Administration to negotiate a lease with Leman became logistically unrealistic, compliance of which should be waived as recommended by District staff; and

WHEREAS, District staff recommends that the January 15, 2023 date for submission of a location lease or purchase agreement satisfactory to the District be waived and extended to January 24, 2023 as a Site Lease between the Leman Academy of Excellence – Douglas County, Colorado, Inc. and the District is being presented for the District’s Board approval on this date, January 24, 2023; and

WHEREAS, District staff recommends that certain terms and conditions required for Leman’s replication be modified as follows:

- a. Leman must submit to the District on or before December 16, 2023, letters of intent evidencing at least 150% of the projected enrollment numbers at each grade level of Replicated School.
- b. Leman must submit to the District on or before February 1, 2024, a revised 4-year balanced budget, with adequate funding for facility, personnel, and programming costs to serve the Replicated School’s target population in accordance with applicable law.
- c. Leman must submit to the District on or before January 15, 2024 a location lease or purchase agreement satisfactory to the District for an appropriate charter school facility within the District’s boundaries that complies with applicable planning, construction, and occupancy requirements for a public charter school that will be available for occupancy by the Replicated School on or before August 1 of its first year of operation.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. That the dates for completion of certain tasks contained within the Board’s June 21, 2022 Resolution conditionally approving Leman’s Replication Application be waived and extended to the dates identified in Paragraph 2 below.
2. That completion of certain terms and conditions required for Leman’s replication be modified as follows:
 - a. Leman must submit to the District on or before December 16, 2023, letters of intent evidencing at least 150% of the projected enrollment numbers at each grade level of Replicated School.
 - b. Leman must submit to the District on or before February 1, 2024, a revised 4-year balanced budget, with adequate funding for facility, personnel, and programming costs to serve the Replicated School’s target population in accordance with applicable law.

c. Leman must submit to the District on or before January 15, 2024 a location lease or purchase agreement satisfactory to the District for an appropriate charter school facility within the District's boundaries that complies with applicable planning, construction, and occupancy requirements for a public charter school that will be available for occupancy by the Replicated School on or before August 1 of its first year of operation.

3. That the date contained within the September 27, 2022 Resolution authorizing the District's Administration to negotiate a lease with Leman be waived and extended from January 15, 2023 to January 24, 2023.

PASSED AND ADOPTED this 24th day of January, 2023, by a vote of _____.

AYES:

NAYS:

DOUGLAS COUNTY SCHOOL DISTRICT RE-1

[SEAL]

By: _____

Mike Peterson, President

Attest:

By: _____

Becky Myers, Secretary