

**RESOLUTION OF THE BOARD OF EDUCATION
OF
DOUGLAS COUNTY SCHOOL DISTRICT RE-1**

Whereas on March 15, 2016, the Board of Education received a charter application for Milestone Academy Charter School, a proposed Colorado nonprofit K-12 charter school, for the establishment of Milestone Academy Charter School (Milestone) as a district charter school;

Whereas on August 16, 2016, the Board of Education passed a resolution regarding the “Conditional Approval of the Charter Application of Milestone Academy Charter School”;

Whereas on January 17, 2017, the Board of Education voted to extend a contract to Milestone, through a resolution that contained several performance benchmarks;

Whereas the January 17, 2017 resolution specifically states that the contract shall be “for a five-year period to commence on July 1, 2017 for a projected opening in the fall of 2018 with certain academic, operational and financial milestones”;

Whereas Milestone failed to meet one of the conditional benchmarks, specifically stating the following: “Milestone shall submit to district staff on or before August 1, 2017, a location lease or purchase agreement, a written financing commitment, and an approved traffic plan for an appropriate charter school facility available for use on or before August 15, 2018”;

Whereas even as of October 13, 2017, Milestone has failed to meet the deadline contained in the Board Resolution;

Whereas this benchmark was expressly incorporated into the contract executed between Milestone and the School District: “The School shall meet all of the Pre-Opening Conditions described in the Board Resolution ... by the identified dates”;

Whereas Milestone’s failure to meet one of the benchmarks has caused its charter to be abrogated, due to a failed condition precedent;

Whereas the contract further provides that a failure to “timely fulfill any material term of the Pre-Opening conditions shall be considered a material violation of the conditions, standards or procedures provided for in the Contract and shall be grounds for District intervention or revocation ...”;

Whereas the January 17, 2017 resolution grants the School District the *option* of undertaking “a review of Milestone’s governance and operations,” such that District staff *may* “recommend such modifications to the contract and/or Milestone policies as will ensure timely compliance with milestones,” the resolution never contemplates that such a course of action will be the exclusive remedy for the School District in the event of a missed deadline;

Whereas the contract expressly grants the School District the right to waive or modify the restrictions contained in the Board Resolution, or to grant Milestone an additional planning year upon good cause shown;

Now therefore, be it resolved that the Board of Education affirms that meeting all deadlines contained in the January 17, 2017 resolution was a pre-condition to Milestone's charter and contract, and to exist as a valid charter;

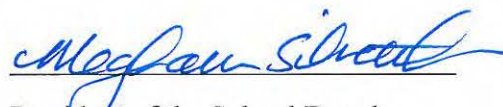
Be it further resolved that the Board of Education affirms that Milestone's charter has been abrogated;

Be it further resolved that Milestone must cease and desist holding itself out as a valid charter school to Douglas County, the Town of Castle Rock, the community of Douglas County, and all other relevant parties;

Be it further resolved that to the extent the contract remains in effect, or requires that the Board of Education invoke a right of intervention in the event Milestone misses an applicable deadline, this resolution shall be considered such intervention, and District Staff may proceed with any dispute resolution procedures deemed necessary, with the understanding that there is no means to "cure" a deadline that has passed;

Be it further resolved that the Board of Education expressly declines to issue a waiver or modification of the August 1, 2017 deadline, and Milestone has not requested, nor has the Board of Education found good cause to grant, an additional planning year before opening.

ADOPTED AND APPROVED this October 17, 2017



President of the School Board
Ms. Meghann Silverthorn
Douglas County School District RE-1

ATTEST:



Secretary of the School Board
Ms. Tamra Taylor
Douglas County School Board