

SECOND AMENDMENT TO RESTATED AND
AMENDED CHARTER SCHOOL CONTRACT

THIS SECOND AMENDMENT to the Restated and Amended Charter School Contract (herein Contract) is made and entered into effective the 22 day of June, 2011, by and between the Cherry Creek School District No. 5 (herein the District) and the Cherry Creek Academy, Inc (herein CCA).

RECITALS

WHEREAS, THE District and CCA did enter into a Restated and Amended Charter School Contract dated February 14, 2000, which granted CCA a charter to operate a Charter School within the District; and

WHEREAS, pursuant to the provisions of Paragraph 8.k. of the Contract, the term thereof terminated, if not before, on June 30, 2005; and

WHEREAS pursuant to the provisions of §22-30.5-104(4.5)(b), C.R.S., in order to enhance the terms of its financial obligations, CCA has requested the District to approve an extension of the term of its charter to and including June 30, 2030, which will allow CCA to participate in the sale of certain bonds to provide financing for its facility (Anticipated Bonds); and

WHEREAS, the parties hereto recognize that an extension of the Charter term as requested by CCA requires not only current but periodic reviews of and possible amendments to the Contract to comply with and accommodate changes in state and federal statutes and regulations, District policies, and changed circumstances.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, the mutual covenants herein contained and other good and valuable consideration, IT IS AGREED AS FOLLOWS:

A. The Contract is amended and modified as hereinafter set forth. Paragraph and section numbers hereinafter referenced relate and refer to the same paragraph and section numbers of the Contract unless otherwise specifically specified. In the event of any conflict with the existing Contract provisions and the following modifications, the following modifications shall control:

1. Section (6)(b) *Performance Assessment*, is amended by the addition of the following language:

“...b. Performance Assessment. CCA must properly and timely administer the Colorado Student Assessment Program (CSAP) or any other Colorado student assessment program as required by state law and regulations. CCA agrees that assessment of student performance shall include, but not be limited to administration and analysis of standardized testing protocols and assessments of student performance currently used in the District and coordinated through the District’s Office of Assessment and Evaluation, and all other state or federal required testing and agrees to provide this information annually to the Assistant Superintendent of Performance Improvement...”

2. Section 3. Community Support, is amended by the addition of the following language:

“...3. Community Support: The BOE finds that sufficient support for the renewal of the CCA Charter School contract appears to exist, as evidenced by the current student enrollment. The maximum enrollment shall be as approved from time to time by the District but in no event shall the same exceed the maximum occupancy limit of the charter School Facility. The District has approved an increase in enrollment at the CCA from the current limit of 450 students to a new limit of 460 students.”

B. Except as herein specifically modified or amended, all of the terms, conditions and obligations of the Contract remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have set their hands and seals effective the day and year first above written.



CHERRY CREEK SCHOOL DISTRICT NO. 5

By Aagje C. Bailew
President Board of Education

ATTEST:

Alene B. Peterson
Secretary Notary
Exp. 2-09-2014

CHERRY CREEK ACADEMY, INC.

By Karen Q. Secor
President

ATTEST:

Secretary