

APPENDIX C - Requested State Statute Waivers

The School hereby invokes waivers of the following sections of the Colorado Revised Statutes; replacement policies are available for review by contacting the School.

Automatic State Waivers.

- 22-32-109 (1)(f), C.R.S. Local board duties concerning selection of personnel and pay
- 22-32-109(1)(t), C.R.S. Determine educational program and prescribe textbooks
- 22-32-110 (1)(h), C.R.S. Local board powers concerning employment termination of school personnel
- 22-32-110(1)(i), C.R.S. Local board duties-Reimburse employees for expenses
- 22-32-110(1)(j), C.R.S. Local board powers-Procure life, health, or accident insurance
- 22-32-110(1)(k), C.R.S. Local board powers-Policies relating the in-service training and official conduct
- 22-32-110(1)(ee), C.R.S. Local board powers-Employ teachers' aides and other non-certificated personnel
- 22-32-126, C.R.S. Employment and authority of principals
- 22-33-104(4), C.R.S. Compulsory school attendance-Attendance policies and excused absences
- 22-63-301, C.R.S. Teacher employment, compensation and dismissal act of 1990; grounds for dismissal
- 22-63-302, C.R.S. Teacher employment, compensation and dismissal act of 1990; procedures for dismissal of teachers and judicial review
- 22-63-401, C.R.S. Teacher employment, compensation and dismissal act of 1990; teachers subject to adopted salary schedule
- 22-63-402, C.R.S. Teacher employment, compensation and dismissal act of 1990; license, authorization or residency required in order to pay teachers
- 22-63-403, C.R.S. Teacher employment, compensation and dismissal act of 1990; payment of salaries
- 22-1-112, C.R.S. School Year- National Holidays

Statutory Citation and Title:
C.R.S. § 22-9-106 <u>Local Board of Education-Duties-Performance Evaluation System</u>
C.R.S. § 22-2-112(1)(q)(I) <u>Commissioner-Duties</u>
Rationale: The school leader of 5280 High School must have the ability to perform the evaluation of all personnel. Should any other designated administrator not have a Type D certificate, this should not preclude him or her from administering the evaluations under the direction of the head of school. The 5280 board of directors must also have the ability to perform the evaluation for the school leader. Additionally, 5280 High School should not be required to report their teacher evaluation ratings as a part of the commissioner's report as required by C.R.S. 22-2-112(1)(q)(I)

Replacement Plan: 5280 High School uses its own evaluation system as agreed to in the Charter School Agreement with Denver Public Schools and therefore should not be required to report their teacher evaluation data; however, the School’s evaluation system will meet the requirements of 22-9-106, including that at least fifty percent of the evaluation is determined by the academic growth of the teacher’s students. 5280 High School’s evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for 5280 High School’s evaluation system will include quality standards that are clear and relevant to the administrators’ and teachers’ roles and responsibilities, and have the goal of improving student academic growth, and meet the intent of the quality standards established in C.R.S. §§ 22-9-101 et seq. All evaluators will receive training in their school’s evaluation system. All teachers will be evaluated annually and the evaluation data will be used to inform professional development and employment decisions for teachers. Core course level participation will continue to be reported pursuant to C.R.S. 22-11-503.5, as this is a non-waivable statute. The school will not be required to report data to meet state requirements, including, but not limited to, its teacher evaluation ratings as a part of the commissioner’s report as required by C.R.S. 22-2-112(1)(q)(I), but will be required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: Since teacher performance has a critical impact on the performance of the entire school, the impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.

Expected Outcome: With this waiver, the school will be able to implement its program and evaluate its teachers in accordance with its Performance Appraisal System, which is designed to produce greater accountability and be consistent with the school’s goals and objectives. This will benefit staff members as well as students and the community.

Statutory Citation and Title:

C.R.S. §22-32-109(1)(n)(I) Board of Education- Specific Duties School Calendar

C.R.S. §22-32-109(1)(n)(II)(B) Board of Education-Specific Duties Adoption of District Calendar

Rationale: The school year at 5280 High School will equal or exceed the current requirement in state statute. 5280 High School will prescribe the actual details of its own school calendar to best meet the needs of its students. The local board will not set these policies and 5280 High School will have a calendar that differs from the rest of the schools within the District.

Replacement Plan: The board of 5280 High School will adopt its own school calendar to best meet the needs of its students and may have a calendar that will differ from the rest of the schools within the

district. The final calendar and the school's daily schedule will be designed by 5280 High School and the calendar will meet or exceed day and contact hour requirements set forth in state statute.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on the Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.

Expected Outcome: As a result of these waivers, the school will be able to implement the necessary policies to increase student achievement.

Statutory Citation and Title:

C.R.S. 22-32-109(1)(n)(II)(A) Determine teacher-pupil contact hours

Rationale: 5280 High School should have the ability to determine teacher-pupil contact hours, while not reducing the total contact hours to below the minimum (1056) required by state statute. 5280 High School will determine the actual details of teacher-pupil contact hours to best meet the needs of its students. The local board will not set these policies, and 5280 High School may specify teacher-pupil contact hours that differ from other schools within the District.

Replacement Plan: The board of 5280 High School will determine teacher-pupil contact hours in accordance with its final daily schedule and calendar to best meet the needs of its students. The total number of teacher-pupil contact hours will meet or exceed the days and contact hours requirements as set forth in state statute. The charter school board, not the district, will set these policies regarding teacher-pupil contact hours.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.

How the Impact of the Waivers Will be Evaluated: The impact of this waiver will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.

Expected Outcome: As a result of this waiver, the school will be able to implement the necessary policies to increase student achievement.

Statutory Citation and Title:

C.R.S. § 22-63-201 Employment. Certificate required

Rationale: Like other charter schools, 5280 High School is automatically waived from subsections -301 to -403 of the Teacher Employment, Compensation, and Dismissal Act of 1990. This waiver complements and completes those automatic waivers. Specifically, 5280 should be granted the authority to hire teachers and principals that will support the School's goals and objectives. It should also be able to remove a teacher who is not a good fit with the School according to standard at-will employment rules. The school leader will not function as a traditional district school principal, but rather will be responsible for a wider range of tasks and act as the School's chief executive officer. The School will seek to attract teachers and staff from a wide variety of backgrounds, including, but not limited to teachers from out-of- state, teachers with a lapsed Colorado certificate, persons with several years of successful teaching experience in a setting not requiring a license, as well as persons with business or professional experience. All employees of 5280 High School will be employed on an at-will basis. The School will be operating differently from other schools with a unique curriculum for which having the proper teaching staff is essential. Not every teacher who is successful in a regular district public school will be successful at 5280.

Replacement Plan: All employees of 5280 High School will be employed on an at-will basis. The school will, as appropriate, hire certified teachers and principals. However, in some instances it may be advantageous for the school to be able to hire qualified teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of 5280 High School. 5280 High School will prioritize the hiring of in-field core content teachers (Language Arts; Math; Science; Foreign language; Social Studies [Civics, Government, History, Geography, Economics]; Arts), while retaining the ability to hire “out-of-field” teachers. All in-field teachers will at a minimum meet at least one of the following guidelines, specifically (1) endorsement on a Colorado teaching license; (2) holding at least a BA or higher in the relevant subject area; (3) completing 36 semester credit hours in the subject matter in which s/he teaches; or (4) holding at least a BA or higher and passing a State Board approved content exam in the relevant subject area. When hiring “out-of-field” teachers the school will hire teachers with a BA. Special Education Teachers will hold the Colorado Department of Education (CDE) requisite state license and endorsement, or be approved through Temporary Educator Eligibility (TEE) Authorization process in which case the Network/School will submit any required documentation. The school recognizes that it is required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.

Expected Outcome: As a result of these waivers, the school will be able to employ professional staff possessing unique skills and/or background filling all staff needs.

Statutory Citation and Title:

C.R.S. § 22-63-101 Short title

C.R.S. § 22-63-102 Legislative declarations

C.R.S. § 22-63-103 Definitions

C.R.S. § 22-63-202 Teacher employment, contracts in writing-duration-damage provision

C.R.S. § 22-63-203 Probationary Teachers -renewal and non-renewal of employment contract

C.R.S. § 22-63-203.5 Nonprobationary portability

C.R.S. § 22-63-204 Interest prohibited

C.R.S. § 22-63-205 Exchange of teachers

C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act – Transfer of Teachers

Rationale: Like other charter schools, 5280 High School is automatically waived from subsections -301 to -403 of the Teacher Employment, Compensation, and Dismissal Act of 1990. This waiver complements and completes those automatic waivers. Specifically, 5280 should be granted the authority to hire teachers and principals that will support the School's goals and objectives. It should also be able to remove a teacher who is not a good fit with the School according to standard at-will employment rules. The school leader will not function as a traditional district school principal, but rather will be responsible for a wider range of tasks and act as the School's chief executive officer. The School will seek to attract teachers and staff from a wide variety of backgrounds, including, but not limited to teachers from out-of- state, teachers with a lapsed Colorado certificate, persons with several years of successful teaching experience in a setting not requiring a license, as well as persons with business or professional experience. All employees of 5280 High School will be employed on an at-will basis. 5280's intent is for all teachers to have, at minimum, a bachelor's degree and either 24 credit hours in the subject matter, or a passing score on a state-approved content examination in the relevant subject area. The School will encourage and explore ways to incentivize teachers to meet 36 or more credit hours in the subject matter and the Colorado state ESSA plan, and acknowledges that it will nevertheless have to report the number of teachers "in-field" and "out-of-field." While intending to meet these ESSA guidelines, 5280 needs the flexibility to hire the best teachers and staff for its recovery-from-addiction program.

The School will be operating differently from other schools with a unique curriculum for which having the proper teaching staff is essential. Not every teacher who is successful in a regular district public school will be successful at 5280.

Replacement Plan: 5280 High School has employment agreements with the terms of nonrenewal and renewal set forth in the agreement, including payment of salaries upon termination of employment. Employment offers will be given in writing and will be at an at-will basis. 5280 High School will hire teachers on a best qualified basis. There is no provision for transfers. However, to the extent that teachers are transferred to other positions or grades within the school, there shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher because of race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, parenting, or marital status, veteran status,

disability, or genetic information of an employee or applicant for employment, or any other basis on which discrimination is prohibited by law. Discrimination or harassment based on race includes unwelcome conduct regarding traits historically associated with race, including hair texture, hair type, and protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.

Expected Outcome: The school expects that as a result of this waiver it will be able to manage its own personnel affairs.

Statutory Citation and Title:

C.R.S. § 22-32-109(1)(b) Local board duties concerning competitive bidding

C.R.S. § 22-32-110(1)(y) Board of Education Accepting gifts, donations, grants

Rationale: The school leader of 5280 High School must have the ability to select contractors and suppliers for the school on a competitive basis in a way that best meets the needs of its students. To that end, the school may need to accept a bid that provides the overall best value in terms of the quality and quantity of service provided, and not just accepting the lowest bid.

Replacement Plan: 5280 High School, rather than the District, will be responsible for determining whether or not to accept gifts, donations and grants. The School will ensure the process is an open process in compliance with all applicable rules and regulations. Additionally, 5280 High School, rather than the District, is in the best position to know what goods and services are needed and which vendors and providers may be available. The School will be responsible for establishing procedures for competitive bidding, as required by applicable law, and for selecting successful bidders on projects/contracts. The School will ensure the process is open, transparent, and in compliance with all applicable rules and regulations.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: Since this area has a critical impact on the performance of the entire school, the impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.

Expected Outcome: As a result of this waiver, the school will be able to carry out its educational program, administer its affairs in an efficient manner, and accomplish its mission as set forth in the Charter School Agreement.

Statutory Citation and Title:

C.R.S. § 22-32-109(1)(bb)(I) Local board duties concerning tobacco use

Rationale: 5280 will prohibit tobacco use by minors and provide educational programming that teaches minors that they should not use tobacco of any kind. However, because of 5280 High School's unique focus on rehabilitation and recovery from addiction, the school leader of 5280 High School must have the ability to implement policies regarding tobacco use that best meets the needs of its over-18 adult students. To that end, the school needs the ability to set its own policies with respect to tobacco use prevention and recovery for over-18 adult students, as well as associated disciplinary measures for those students.

Replacement Plan: The School shall be a tobacco-free environment, and the use of tobacco shall be prohibited in school buildings, on school grounds, and during school activities or school-sanctioned events. While the Board acknowledges that tobacco use may be a pro-recovery tool used by persons in early recovery, the Board commits to maintaining an environment that promotes wellness and health among its students, staff, and visitors.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: 5280 High School's unique curriculum has a strong focus on recovering from substance abuse, including tobacco. This is a key focus for staff and students and will be measured in the course of the school's tracking of success in assisting students in recovering from (and preventing future use of) substances.

Expected Outcome: With this waiver, the school will be able to implement its program and evaluate its students' health and progress in accordance with its unique curriculum. Implementation of this waiver will produce greater accountability and be consistent with the school's goals and objectives. This will benefit staff members as well as students and the community.

Statutory Citation and Title:

C.R.S. § 22-32-110(1)(r) Exclude inappropriate or pernicious materials from library

Rationale: The school leader of 5280 High School must have the ability to provide educational materials to its students which will best enable the students to learn and thrive. The 5280 High School

administration and school board are the most appropriate bodies to determine the effectiveness of materials available in the school library as the school determines its own curriculum.
Replacement Plan: 5280 High School will independently monitor and reply to concerns about appropriateness of materials it presents in its library. Access to patently offensive and materials designed solely to appeal to a prurient interest shall not be permitted in the library, consistent with the intent of the statute.
Duration of Waivers: The duration of the contract.
Financial Impact: The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.
How the Impact of the Waivers Will be Evaluated: 5280 High School will monitor this program by allowing the administration and the board of directors to work directly with parents to resolve potential disputes regarding the availability of material, all while serving the best interest of the entire student body.
Expected Outcome: With this waiver, the school will be able to implement its program with a higher degree of autonomy from District board procedures, consistent with the statute's intended purpose.

APPENDIX D - Requested District Policy Waivers

The School has requested and obtained Denver Public Schools Board of Education waivers of the following sections of the Denver Public Schools Policies and Procedures for public schools. Replacement policies are available for review by contacting the School.

As a part of the policy governance model, the District Board maintains Governance Process, Board/Superintendent Relationship, Ends and Executive Limitations. These policies pertain to the District Board’s self-governance, interaction with and evaluation of the superintendent. Therefore, these policies do not apply to the governing board of the charter school.

Automatic District Policy Waivers

The following DPS policies do not apply to charter schools and are therefore automatic:

A Policies: Foundations and Basic Commitments

A	Policy Framework for Accelerating Gains in Academic Achievement for All Students
AC	Nondiscrimination and Equal Opportunity <i>(although the charter school’s policy is requested through Governance submission process)</i>
AC-R 1	Procedures for the Investigation of Public Complaints of Discrimination or Harassment <i>(although the charter school’s policy is requested through Governance submission process)</i>