

Automatic Waivers for Charter Schools

The General Assembly enacted the Colorado Charter Schools Act of 1993 (Act), C.R.S. 22-30.5-101 et seq., to encourage new and innovative methods of educating students by allowing for public charter schools which would have greater control over decisions related to educational programming in exchange for increased accountability for performance. C.R.S. 22-30.5-102. Consistent with this legislative intent, the Act allows charter schools to request waivers from certain state statutes and rules. There are two types of waivers: automatic and non-automatic waivers. Automatic waivers are automatically granted to charter schools upon the establishment and renewal of a charter contract, whereas non-automatic waivers require rationale and replacement plans.

Pursuant to C.R.S. 22-30.5-104(6)(b), the State Board of Education has promulgated rules that list the automatic waivers for all charter schools. 1 CCR 301-35, 2217-R-3.01. In promulgating the list of automatic waivers, the State Board of Education considers the overall impact and complexity of the requirements specified in the statute and the potential effects that waiving the statute may have on the practices of a charter school.

Pursuant to C.R.S. 22-44-305(2), the Colorado Department of Education (CDE) and the Colorado Charter School Institute (CSI), working with the Colorado League of Charter Schools (CLCS), developed the following standardized description and rationale for each of the statutes included on the list of automatic waivers.

C.R.S. 22-1-112 School Year – National Holidays. This statute sets a state school year and national holiday schedule. A waiver of this statute authorizes a charter school to develop its own school calendar that fits its unique needs.

C.R.S. 22-32-109(1)(f) Local Board Duties Concerning Selection of Staff and Pay. This statute authorizes each school district to employ and compensate all personnel required to maintain the operations and carry out the educational program of the district. A waiver of this statute allows a charter school to hire its own staff and set compensation structures independent from the district.

C.R.S. 22-32-109(1)(t) Determine Educational Program and Prescribe Textbooks. This statute authorizes each school district to determine its educational programs and prescribe textbooks for such programs. A waiver of this statute enables a charter school to choose its own educational program and textbooks in accordance with its charter application as approved by its authorizer.

C.R.S. 22-32-110(1)(h) Local Board Powers – Terminate Employment of Personnel. This statute authorizes each school district to terminate the employment of personnel. A waiver of this statute permits a charter school to terminate its own personnel.

C.R.S. 22-32-110(1)(i) Local Board Duties – Reimburse Employees for Expenses. This statute authorizes each school district to reimburse employees for work-related expenses. A

waiver of this statute permits a charter school to adopt its own policies and procedures for employee expense reimbursement.

C.R.S. 22-32-110(1)(j) Local Board Powers – Procure Life, Health, and Accident

Insurance. This statute authorizes each school district to obtain insurance coverage for its employees. A waiver of this statute permits a charter school to negotiate and procure its own group life, health, or accident insurance coverage for its employees.

C.R.S. 22-32-110(1)(k)(I) Local Board Powers – Policies Related to In-service Training and

Official Conduct. This statute authorizes each school district to adopt written policies relating to employee efficiency, in-service training, professional growth, official conduct, and welfare of employees. A waiver of this statute permits a charter school to adopt its own policies in these areas.

C.R.S. 22-32-110(1)(ee) Local Board Powers- Employ Teachers’ Aides and Other Non-

certified Personnel. This statute authorizes each school district to employ teachers’ aides and other non-licensed personnel. A waiver of this statute permits a charter school to employ its own teachers’ aides and other non-licensed personnel.

C.R.S. 22-32-126 Employment and Authority of Principals. This statute authorizes each school district to employ licensed principals. A waiver of this statute permits a charter school to employ its own, possibly non-licensed, principals.

C.R.S. 22-33-104(4) Compulsory School Attendance. This statute requires each school district to adopt a written policy setting forth attendance requirements. A waiver of this statute permits a charter school to adopt its own attendance requirements in accordance with applicable laws and regulations (*e.g.*, C.R.S. 22-33-104; 1 CCR 301-78).

C.R.S. 22-63-301 Teacher Employment, Compensation, and Dismissal Act – Grounds for

Dismissal. This statute sets forth the grounds under which a school district may dismiss a teacher. A waiver of this statute permits a charter school to exercise at-will employment and establish its own grounds for teacher dismissal, provided that employment decisions are made in accordance with applicable laws and regulations (*e.g.*, anti-discrimination laws).

C.R.S. 22-63-302 Teacher Employment, Compensation, and Dismissal Act – Procedures for

Dismissal of Teachers. This statute sets forth the state procedures for teacher dismissal. A waiver of this statute permits a charter school to exercise at-will employment and determine its own procedures for teacher dismissal, provided that decisions are made in accordance with applicable laws and regulations.

C.R.S. 22-63-401 Teacher Employment, Compensation, and Dismissal Act – Teachers

Subject to Adopted Salary Schedule. This statute authorizes each school district to adopt a teacher salary schedule. A waiver of this statute permits a charter school to create its own salary schedule that fits its unique needs.

C.R.S. 22-63-402 Teacher Employment, Compensation, and Dismissal Act – Certificate Required to Pay Teachers. This statute authorizes each school district to pay only licensed teachers. A waiver of this statute permits a charter school to pay non-licensed teachers, provided that the school has a waiver from C.R.S. 22-63-201 (relating to the requirement to employ licensed teachers).

C.R.S. 22-63-403 Teacher Employment, Compensation, and Dismissal Act – Payment of Salaries upon Termination. This statute requires that upon the dismissal of a teacher and prior to the end of that teacher’s employment contract, each school district must pay the pro rata share of salary installments due and payable under the employment contract for the period during which no services are required to be performed. Consistent with the at-will nature of charter school employment, a waiver of this statute enables a charter school to terminate a teacher’s pay upon dismissal, provided that decisions are made in accordance with applicable laws and regulations.

For additional questions about this school’s waivers, please use the following contact:

Name: _____

Contact Information: _____

ATTACHMENT 8: WAIVERS OF DISTRICT POLICIES**Requested Waivers of District Policy**

Listed below are the waivers requested from the district. In some instances, waivers are requested not because of any substantive disagreement with the scope, intent, or language of a policy, but rather because the subject policy specifies that the district Board of Education, the superintendent, or a school principal bears responsibility for performing a particular action or function; in the Capstone model for governance/administration, these functions would be performed by the Capstone Board, school administrator, and/or our management partner, NHA.

Waivers of district policy

**Capstone Academy
School District 27J Policy Waivers Sought**

District Policy	Title	Rationale
CHCA	Approval of Handbooks and Directive	Capstone Academy will provide a copy of handbooks to 27J Schools.
DJ/DJA	Purchasing/Purchasing Authority	Capstone Academy will have its own process for authorizing purchases and is responsible for its own fiscal management.
DJB-R	Purchasing Procedures	Capstone Academy will establish its own procedures for purchasing.
DJE, DJE-R	Bidding Procedures	Capstone Academy will have its own procedures for competitive bidding.
DJG, DJG-R	Vendor Relations	Capstone Academy will have its own purchasing policies.
IKAC, IKAC-E	Grade Change Policy	Capstone Academy will have its own policies and forms for grade changes.
DKA	Payday Schedules	Capstone Academy will establish its own payday schedules.
DKA-R	Payroll Procedures	Capstone Academy will establish its own payroll procedures.
DKB	Salary Deductions	Capstone Academy will establish its own payroll procedures.
EEA	Student Transportation	Capstone Academy will not provide transportation services for students, except as required, in order to preserve funds for educational programming.
FED-R	Construction Contract – Bidding and Awards	Capstone Academy will contract to lease a facility from NHA.

District Policy	Title	Rationale
GBEC, GBEC-A	Drug Free Workplace – Controlled Substance and Alcohol Testing	Capstone Academy will establish its own procedure for violations of alcohol, controlled substances, and tobacco on school premises.
GBJ	Personnel Records and Files	Capstone Academy will employ and maintain the personnel records of its own employees.
GC (All Sections Beginning with GC)	Professional Staff	Capstone Academy will contract for educational services with NHA. NHA has professional staff policies. All professional staff is employed on an “at-will” basis.
GD	Classified Staff	Capstone Academy will contract for support services with NHA. NHA has staff policies. All support staff are employed on an “at-will” basis.
H (All Sections)	Negotiations	Capstone Academy is not a party to these negotiations.
IC/IC-R	School Year/School Calendar	Capstone Academy will establish its own school year and calendar to meet District and State requirements and academic needs.
ID	School Day	Capstone Academy will establish its own school day.
IE	Organization of Instruction	Capstone Academy will operate as a K-8 school according to its charter.
IGA to IGF, IHAM	Curriculum Development	Capstone Academy will develop, adopt, and review its own curriculum in accordance with its charter.
IJ, IJKA, IJL, IJND, IJ-R	Instructional Resources and Materials Selection	Capstone Academy will select and adopt instructional material, supplementary material, library resources, and technology resources to support the curriculum.
IJOA	Field Trips and Excursions	Capstone Academy will establish its own field trip policy. The principal will approve all Capstone Academy field trips.
IKA, IKAC, IKAC-E, IKA-R2	Grading System and Changes	Capstone Academy will develop its own grading system.
IL, ILA. ILA-R	Testing Programs	Capstone Academy will establish its own procedures for administering standardized testing.
ILBC, ILBC-R	Literacy and Reading Assessments/Early Reading and Literacy Comprehension	Capstone Academy will implement its own procedures, plans, and systems for compliance with the state’s READ Act.
JC	Student Attendance Areas	Capstone Academy will be open to students throughout the district.

District Policy	Title	Rationale
JEB-R	Entrance Age Procedures	Capstone Academy will establish its own procedures.
JF-R	School Admissions	Capstone Academy will use its own admissions procedures.
JH	Student Attendance	Capstone Academy will implement its own attendance procedures.
JICA	Student Dress Code	Capstone Academy will establish its own uniform policy.
JICG/JICG-2, JICH	Student Tobacco, Nicotine, Controlled Substances	Capstone Academy will establish its own, more strict procedure, for violations of the policy.
JICJ	Cell Phone and Electronic Devices	Capstone Academy will have its own cell phone and electronic devices procedures.
JIHB	Student Automobile Use/Parking Lot Searches	Capstone Academy will not have student drivers or student parking.
KE	Public/Parent Concerns and Complaints	Capstone Academy will establish board policy to resolve concerns, complaints, and grievances.
KEC, KEC-E, KEC-R	Public Concerns/Complaints About Instructional Resources	Capstone Academy will establish board policy to resolve concerns, complaints, and grievances.
KF/KFB/KFC/KFC-R	Community Use of School Facilities	Capstone Academy will lease a facility from NHA and have its own policy regarding the use of that facility.
KHA	Gifts and Donations from the Public	Capstone Academy shall retain ownership of assets donated, gifted, or granted to Capstone Academy, and monitor such assets by its own policies.