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**COLORADO**  
Department of Education

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# Charter School Waiver Requests

Paola Paga, Senior Policy Consultant  
Schools of Choice Unit  
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- Introduction
- Types of waiver requests
- Most requested waivers
- Examples of state waivers
- Process, timing, form
- Recent activity and guidance
- Public Notice and Financial Transparency
- Resources



- What is a charter waiver request?
  - Request to operate free from district policy, state statute, and/or state rule.
- What is the purpose of a charter waiver request?
  - Flexibility
  - Planning and accountability
- What are the more commonly requested charter waiver requests?
  - Personnel, curriculum, evaluations, school readiness, calendar
- How long do waivers last?
  - Valid through charter term, request again upon charter renewal or modification

# Types of Waivers



State Waivers: Type	Prohibited	Automatic	Non-Automatic
Definition:	Statutes not allowed to be waived	Statutes where replacement plan is not needed	Statutes where replacement plan is needed for flexibility
Links:	<a href="#">Waiver Request Guidance</a>	<a href="#">List of Auto Waivers</a>	<a href="#">List of All Waivers by School</a>
Non-Automatic waivers are either delegatory or substantive (examples later)			

District Waivers	
Definition:	District Policy where flexibility is needed. May or may not need a replacement plan.
Links:	<a href="#">Aurora Public Schools District Waiver List</a>

# Types of waiver requests – Automatic & Non automatic

- Automatic

- Pursuant to 22-30.5-103, C.R.S., automatic waivers are now defined as those being granted automatically to all charter schools upon the establishment of a charter contract, renewal or extension, for the term of the contract.
- A charter school is not required to submit an RRP for an automatic waiver; however, a charter school must identify which automatic waivers it plans to invoke.

- Non-Automatic

*“Within 10 days after the contract is approved by the chartering local board of education, the chartering local board of education shall deliver to the state board any request for waiver of state statutes and state board rules that are not automatic waivers. The chartering local board of education shall request the release by **submitting a complete copy of the signed charter contract.**”*

C.R.S. § 22-30.5-105(3)

# Prohibited Waivers



- School accountability committees as described in section 22-11-401, C.R.S.
- Assessments required to be administered pursuant to section 22-7-1006.3, C.R.S.
- School performance reports pursuant to Title 22, Article 11, Part 5, C.R.S.
- The Public School Finance Act of 1994, Title 22, Article 54, C.R.S.
- The Children’s Internet Protection Act, Title 22, Article 87, C.R.S
- The Exceptional Children's Educational Act, Title 22, Article 20, C.R.S.
- The requirement to post on the internet the statutes for which waivers are granted as provided in Section 22-44-305, C.R.S.
- Any provision of section 22-1-130, relating to notification to parents of alleged criminal conduct by charter school employees
- Suspension and expulsion of students in preschool through second grade pursuant to section 22-33-106.1, C.R.S.
- Discrimination based on hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race pursuant to sections 22-30.5-104(3), 22-32-110(1)(k) and 22-63-206(1), C.R.S.

# Automatic Waivers



Statutory Citation	Description
22-32-109(1)(f), C.R.S.	Local board duties concerning selection of staff 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-Terminate employment of 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 Act- Grounds for dismissal
22-63-302, C.R.S.	Teacher Employment Act-Procedures for dismissal of teachers
22-63-401, C.R.S.	Teacher Employment Act-Teachers subject to adopted salary schedule
22-63-402, C.R.S.	Teacher Employment Act-Certificate required to pay teachers
22-63-403, C.R.S.	Teacher Employment Act-Describes payment of salaries
22-1-112, C.R.S	School Year-National Holidays



- Anything not listed in the previous two slides can be waived.
- Required:
  - Rationale – why the school needs this waiver
  - Replacement Plan – describe in detail how the school will meet the intent of the law
- What non-automatic waiver should the charter request?
  - What flexibilities do you need to implement your school vision?
  - Is this flexibility in state statute, state rule or district policy?
  - Is there another school currently with a similar model? What are the waivers they currently have?
  - Does CSI have a list of waivers their charters request?
- Resource: [List of All Waivers by School](#)  
[Sample Rationale and Replacement Plans](#)



# Most Requested Waivers



Count	Statutory Citation	Description
262	22-9-106*	Local Board Duties Concerning Performance Evaluations
259	22-63-201*	Teacher Employment Act - Compensation & Dismissal Act-Requirement to hold a certificate
255	22-63-203*	Teacher Employment Act-Requirements for probationary teacher, renewal & nonrenewal
254	22-63-202*	Teacher Employment Act - Contracts in writing, damage provision
251	22-63-206	Teacher Employment Act-Transfer of teachers
241	22-32-109(1)(n)(II)(A)*	Determine teacher-pupil contact hours
234	22-32-109(1)(n)(I)*	Local Board Duties Concerning School Calendar
231	22-2-112(1)(q)(I)	Commissioner-Duties – Reporting Performance Evaluation Ratings
229	22-32-109(1)(n)(II)(B)*	Adopt district calendar
225	22-32-109(1)(b)	Local Board Duties Concerning Competitive Bidding
214	22-32-110(1)(y)	Local Board Powers-Accept gifts, donations, grants
114	22-7-1014(2)(a)	Preschool individualized readiness plans - school readiness - assessments

# Rationale and Replacement Plans (RRP)

To help schools better understand how specific waivers may apply, we have organized waivers into three categories:

- Delegatory

- Authority has been delegated from the authorizing board to the charter school governing board to create policies and practices

- Policy Commitments

- A charter school governing board commits to develop their own policy that is separate and independent of their authorizer or the state
- Provides flexibility to modify a policy without having to update a contract

- Substantive

- RRP's provide greater detail on how the charter school will meet the intent of the law
- Meant to clarify that certain minimum standards will still be met
- Used for provisions related to licensure and school readiness



# Examples – Delegatory



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

C.R.S. § 22-32-109(1)(n)(II)(A) Board of Education – Teacher Pupil Contact Hours

**Rationale:** The school year at *[SCHOOL]* will total approximately *[1XX]* days per year, which exceeds the current contact hour requirement in state statute. The school will always meet at least the minimum required time as detailed in state law.

**Replacement Plan:** The school will prescribe the actual details of its own school calendar to best meet the needs of its students. As such, the school will have a calendar that may differ from the rest of the schools within the District. The final calendar and the school's daily schedule will be designed by the School's Board of Directors and will meet or exceed the requirements in state statute. To the extent possible, the school will endeavor to develop a calendar that aligns with the District calendar. In accordance with Charter School Institute policy, the school will submit its calendar annually to the Institute for review and will not make any material modifications to the calendar without prior approval by the Institute. To the extent practicable, modifications will be requested at least 60 days prior to the proposed date of change.

**Duration of Waivers:** The waiver will extend for the duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on the CSI or the school.

**How the Impact of the Waivers Will be Evaluated:** The impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in the charter contract.

**Expected Outcome:** As a result of this waiver, the school will be able to operate in accordance with its own schedule, designed to meet the needs of its community and educational program, which is vital to the success of its program.



## C.R.S. § 22-32-109(1)(b) Local Board Duties Concerning Competitive Bidding

## C.R.S. § 22-32-110(1)(y) Local Board Powers-Accepting Gifts, Donations, and Grants

**Rationale:** In order to manage its own budget and finances, the school must be granted the authority to develop its own financial policies and practices.

**Replacement Plan:** The 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, the 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 waiver will extend for the duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on the CSI or the school.

**How the Impact of the Waivers Will be Evaluated:** The impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in the charter contract.

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



- Approved Kindergarten School Readiness (KSR) assessment tools:
  - DRDP-K 2015
  - TS Gold
  - HighScope COR for K
  - North Carolina KEA
- For others, adequate RRP for the KSR assessment tool will address the following key components of the statute:
  - Identify how the school will assess each component of school readiness as it is defined in statute; physical well-being and motor development, social and emotional development, language and comprehension development, cognition, and general knowledge.
    - Best practice is identifying the assessment tool for each domain
  - Confirm that the assessment will be administered within the first 60 days of the school year.
  - Briefly describe how the school will develop individualized readiness plans for students based on what they learn from their readiness assessment(s).
  - Confirm that the School Readiness Assessments will not be used for retention purposes.
  - Confirm that data will be collected and shared with Authorizer & CDE



# Examples – Substantive (cont.)



## C.R.S § 22-7-1014(2)(a) Preschool Individualized Readiness Plans – School Readiness – Assessments

**Rationale:** *[SCHOOL]* is a data driven school that is constantly evaluating and assessing students’ academic readiness, character development, and physical well-being in order to ensure student success. *[SCHOOL]* already has strong programs and assessments in place that assess students’ physical well-being, social-emotional development, language and comprehension development, cognition, and knowledge.

**Replacement Plan:** Every kindergarten student at *[SCHOOL]* will be administered a school readiness assessment within the first 60 calendar days of the school year. The assessment instruments used will be research based, reliable and valid. Methods and assessments used are clear and relevant and have the goal of improving student academic growth and meet the intent of the quality standards established in CRS 22-7-1014(2)(a). The assessment tool used is **[TOOL NAME]** for all six domains. The data collected from these assessments will be used to develop an individualized readiness plan for each kindergarten student and will inform programming accordingly. This school readiness data will not be used to deny admission to first grade. The data collected will be made readily available to the District, and the school will report this data, as required by State law.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on CSI or the school.

**How the Impact of the Waivers Will be Evaluated:** The impact of this waiver will be measured by the performance criteria and assessments that apply to the School.

**Expected Outcome:** As a result of this waivers, the school will be able to implement the necessary policies to increase student achievement within existing structures.



- Formal Request
  - Made by charter school as part of charter application, amendment or renewal
- Early review (optional)
  - Conducted by SOC (Paola)
- Approval by charter authorizer
  - Becomes part of charter contract
- Approval by State Board of Education
  - State Board approves or denies (can approve or deny individual waivers)
- Renewal of charter or charter modifications

# New Activity from the Past Few Years



- Waivers that were not granted by the State Board
  - School readiness data reporting, PERA, financial transparency
  - The State Board has the discretion to approve or deny any waivers
- What waiver replacement plans have had questions – specifically around how the school meets intent?
  - Licensure (Highly Qualified vs. CO ESSA Plan)
  - School Readiness (valid readiness assessment within 60 days that is used to develop an ILP for a student vs. curriculum taught, detailing the assessment tool being taught by the charter)
  - Evaluation – Intent of 191 (annual evaluation by a trained administrator using an established rubric and basing a part of an evaluation on student achievement and using the evaluation to inform employment decisions)
- Each year, some legislation may be called out as prohibited
  - Posting waivers, parental consent, CROWN Act
- Some waivers are no longer automatic
  - Calendar, gifts/grants/donations policy, procurement



# Public Notice – Posting of Waivers



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## QUICK LINKS

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## FINANCIAL TRANSPARENCY



Required Financial Transparency  
Colorado Revised Statutes, 22-44-304  
(Commencing July 1, 2018)

- [Compass Montessori Board Adopted Budgets](#)
- [Compass Montessori Financial Audits](#)
- [Charter School Salary Schedules](#)
- [State and District Waivers Received by Compass Montessori School with Standardized Description and Rational Automatic Waivers for Charter Schools](#)
- [Federal Form 990](#)
- [Link to Jefferson County School District Financial Transparency Webpage](#)
- [Link to Public Financial Transparency Website](#)

Disclaimer: Please consider the context when evaluating financial transactions. Some transactions may appear improper on the surface but are perfectly normal and justifiable when placed in the proper context. We welcome your questions regarding our financial transactions or records.

Compass Montessori has two campuses that are governed by one Board of Directors and authorized by Jefferson County Schools. Each campus is a separate entity and has its own separate charter school agreement with Jeffco Public Schools. Jeffco Public Schools provides both Compass schools with all financial services including A/P, cash receipts, payroll, and financial reporting.

Contact Information:

Dan Koerner, Business Manager  
Phone: (303) 888-4138  
Email: [dkoerner@compassk12.org](mailto:dkoerner@compassk12.org)

<https://www.cde.state.co.us/cdefinance/sffinancialtransparency>





- CDE's Waiver webpage:  
(<https://www.cde.state.co.us/cdechart/waivers>)
  - List of automatic waivers
  - List of charter schools and what waivers they have
  - Waiver Guidance document
  - Sample rationale and replacement form
- Colorado State Board of Education's BoardDocs:  
(<https://www.boarddocs.com/co/cde/Board.nsf/Public>)
- Colorado League of Charter Schools
- Authorizer
- Legal counsel
- Other charter school peers

Contact Information:  
Paola Paga

[paga\\_p@cde.state.co.us](mailto:paga_p@cde.state.co.us)

303-866-6848 \*call forwarded to mobile