



Memo

To: Charter School Authorizers
From: Kelly Rosensweet, Charter and Innovation School Support Coordinator
Date: December 16, 2015
Re: Notice of Board Rule Change for Charter Waiver Requests

Each summer the Colorado General Assembly has the Office of Legislative Legal Services review rules passed by the State Board of Education to see if changes need to be made to align with recent changes in statute. This year several changes were recommended to the rules concerning charter school waiver requests to ensure the rules and processes align with statutory language. These changes were recently approved in the revised version of 1 CCR 301-35, RULES FOR THE ADMINISTRATION OF THE WAIVER OF STATUTE AND RULE approved by the State Board of Education on December 9th, 2015. This memo outlines adjustments to the charter waiver request process resulting from this revision.

Pursuant to C.R.S. 22-30.5-104(6)(d), as amended by HB 14-1292, a school district that applies to the state board for a waiver on behalf of a charter school is “only required to provide a complete copy of the signed charter contract.” In an effort to align State Board Rule with statute, the charter waiver request process will be changing beginning January 1st, 2016. As of January 1st, 2016 the only documentation that will need to be submitted to CDE for charter school waiver requests is the complete contract between a charter school and their authorizer. Legislative council has indicated to CDE that a “complete” contract is one that includes all appendices, includes the board resolution and signatures

from all relevant parties. Charter contracts must (often in the appendices) identify all requests for release for the charter school from state statutes and state board rules that are not automatic waivers. The chartering local board is required to submit the charter contract as a request for waivers within 10 days of its approval or renewal of an existing contract. (C.R.S. 22-30.5-105(3))

This change of statute removed the requirement that charter schools use a form created by the department. This was intended to be helpful to schools by reducing the number of documents they need to submit in the charter waiver process. Because the statute refers to a “complete” contract, schools and districts may find that after submitting replacement plans to CDE staff, they want to make changes to replacement plans in an effort to ensure their plans are likely to be perceived by the state board of education as adequately meeting the intent of the law. Unfortunately, if a school and district seek to make changes to a contract that is already complete, they will have to go back and have their local board vote again to augment the contract.

To support schools and districts with this process, CDE is offering three optional supports.

- 1) Sample Addendum Form: This is a form that may be used as the appendix section within a charter contract to identify waivers requested and replacement plans for each request. Some districts have indicated that they would like to have a form they use consistently to make this process more straightforward for their staff and board. If that is the case, we invite districts to use this appendix tool which can be downloaded here (<http://www.cde.state.co.us/cdechart/waivers>).

- 2) Optional early review process: CDE staff are happy to engage in review and feedback prior to a district completing their contract in terms of board resolutions and signatures. Generally, this can be a review just of the appendix section, whether districts use the optional appendix section or one of their own design, which includes identification of non-automatic waivers and a replacement plan per waiver.
- 3) Optional Cover Sheet: To process a waiver request, the charter contract must include all elements required in C.R.S. 22-30.5-105, including:
 - Clear start and end date of the term of the charter contract
 - Signatures of both the charter school and the authorizing local board.
 - A list of the non-automatic waivers from state statute and rule the school is requesting
 - A replacement plan for all non-automatic waivers specifying the manner in which the charter school will comply with the intent of the waived statutes. (A sample Rationale and Replacement Plan can be viewed at <http://www.cde.state.co.us/cdechart/samplerrp>.)

Since charter contracts vary by authorizer, an optional cover sheet has been created for the school and/or authorizer to complete and submit with the complete charter contract. This form allows the school/authorizer to identify the pages on which key information pertaining to the request can be located. By identifying this information on the form up front, it will enable CDE staff to verify the completeness of the contract more easily, expediting the handling of the request. This optional form can be downloaded here (<http://www.cde.state.co.us/cdechart/waivers>).