



COLORADO
Department of Education

Charter School Waiver Requests

Paola Paga
Schools of Choice
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- 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 waiver requests



Term	Definition
Automatic	Waivers being granted automatically to all charter schools upon the establishment of a charter contract, renewal or extension, for the term of the contract.
Non-Automatic	Waivers formally requested by a charter school not included on the automatic or prohibited list. A rationale and replacement plan must be provided in the request.
Prohibited	Provisions of law which charter schools are not allowed to seek waivers
Rationale and Replacement Plan (RRP)	Each waiver must contain <u>rationale</u> as to why the waiver is being requested and a <u>replacement plan</u> indicating how the school will continue to meet the intent of the law
Delegatory	RRPs in which the authority has been delegated from the authorizing board to the charter school governing board to create policies and practices
Substantive	RRPs which provide greater detail on how the charter will meet the intent of the law.

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)

Types of waiver requests - Prohibited

- Charter Schools may not waive out of any of these provisions of law:
 - Public School Finance Act
 - State assessments
 - School Accountability Committees
 - School performance reports
 - Children’s Internet Protection Act
 - Requirement to post online the list of waivers that have been obtained
 - Notification to parents of alleged criminal conduct by school employees
 - Requirements concerning suspension and expulsion of students in preschool through second grade
- In addition, the State Board of Education does not have authority to grant waivers from non-education statutes (statutes outside of title 22); or Federal statutes, including ESSA and IDEA.

Types of waiver requests – Delegatory vs. Substantive

- Delegatory

- RRPs in which the authority has been delegated from the authorizing board to the charter school governing board to create policies and practices.
 - Example: Journey Academy shall be delegated the authority from the School District to _____ in accordance with the Charter School Agreement.

- Substantive

- RRPs that provide greater detail on how the charter school will meet the intent of the law. They are meant to clarify that certain minimum standards will still be met. Typically they are used for provisions related to licensure and school readiness.
 - Example: “Charter school will adopt its own policies concerning teacher certification. All teachers will at a minimum have _____.”

Process for charter waiver requests



- 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
 - 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)
 - 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 un-waivable
 - Posting waivers, parental consent
- Some waivers are no longer automatic
 - Calendar, gifts/grants/donations policy, procurement

Let's look at an example



COLORADO
Department of Education

201 East Colfax Avenue
Denver, CO 80203-1799

MEMO

To: State Board of Education
From: Schools of Choice Unit, CDE
Re: A charter waiver request submitted by the Colorado Charter School Institute on behalf of AXIS International Academy
Date: January 9, 2019

The following information is provided in support of the charter waiver request submitted by the Colorado Charter School Institute on behalf of AXIS International Academy pursuant to C.R.S. 22-30.5-104. The State Board has been asked to approve this request at its January meeting.

The Colorado Charter School Institute approved a charter contract for AXIS International Academy that is effective until June 30, 2022. **The charter contract term is for a period of three years.** AXIS International Academy requests the following non-automatic waivers:

- C.R.S. 22-2-112(1)(q)(I) Commissioner - duties;
- C.R.S. 22-9-106 Local boards of education - duties - performance evaluation system - compliance - rules;
- 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)(A) Board of education - specific duties - teacher-pupil contact hours;
- C.R.S. 22-32-109(1)(n)(II)(B) Board of education - specific duties - district calendar;
- C.R.S. 22-7-1014(2)(a) Preschool individualized readiness plans - school readiness - assessments;
- C.R.S. 22-63-103(10) Definitions substitute teacher and qualifications;
- C.R.S. 22-63-201 Employment - license required - exception;
- C.R.S. 22-63-202 Employment contracts - contracts to be in writing - duration - damage provision - repeal;
- C.R.S. 22-63-203 Probationary teachers - renewal and nonrenewal of employment contract;
- C.R.S. 22-63-203.5 Non-probationary portability;
- C.R.S. 22-63-205 Exchange of teachers - exchange educator intern authorization; and
- C.R.S. 22-63-206 Transfer - compensation.



Public Notice – Posting of waivers



Compass
MONTESSORI SCHOOL

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QUICK LINKS

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- COMPASS MONTESSORI EDUCATION FOUNDATION
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- PTSA
- COMPASS LUNCH PROGRAM >>
- FINANCIAL TRANSPARENCY >>
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FINANCIAL TRANSPARENCY



Compass Financial
MONTESSORI SCHOOL 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





- 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 cover sheet
 - Sample rationale and replacement plans
- Colorado State Board of Education's BoardDocs
(<https://www.boarddocs.com/co/cde/Board.nsf/Public>)
- Colorado League of Charter Schools
- Legal counsel
- Other charter school peers

Questions?

Paola Paga

paga_p@cde.state.co.us

303-866-6848