



**To: Cherry Creek School District 5
&
Colorado Department of Education**

From: Colorado SKIES Academy

Re: Pre-Opening Condition Item #15: Provide rationale in support of non-automatic waiver requests from State Law and waiver requests from District Policies EEAEAC, EEACE-R-1, EEAH, EEAH-R, EJ, and IC.

On Thursday, September 13, 2018, Colorado SKIES Academy (CSA) received a recommendation by Cherry Creek School District's (CCSD) Cabinet to revise Article XII on waivers. By way of example, CSA asked for waivers from the Negotiated Agreement with the Association. Those policies do not apply to CSA or their employees as they are not parties to the Negotiated Agreement. An example of suggested language was provided.

On Monday, September 17, 2018, CSA revised Article XII on waivers and requested the attached document that outlines both automatic and non-automatic waivers to replace Article XII in the Application.

On Sunday, September 23, 2018, CSA received an email confirmation that they had received the changes per CCSD Cabinet's recommendations. In response to Pre-Opening Condition Item #15, rationale in support of the requested non-automatic waivers was included in the revised waiver document submitted September 13, 2018 (attached below).

In addition, CSA no longer needs the following district policies waived as they are policies that do not apply. EEAEAC, EEACE-R-1, EEAH, EEAH-R, EI, EJ, and IC.

Article XII. REQUESTED WAIVERS

Colorado SKIES Academy respectfully requests the following waivers from Colorado State Statute and Regulations:

AUTOMATIC WAIVERS OF STATE LAWS	
State Statute Citation	Description
C.R.S. § 22-32-109(1)(f)	Local board duties concerning selection of staff and pay
C.R.S. § 22-32-109(1)(n)(II)(A)	Determine teacher-pupil contact hours
C.R.S. § 22-32-109(1)(t)	Determine educational program and prescribe textbooks
C.R.S. § 22-32-110(1)(h)	Local board powers-Terminate employment of personnel
C.R.S. § 22-32-110(1)(i)	Local board powers-Reimburse employees for expenses
C.R.S. § 22-32-110(1)(j)	Local board powers-Procure life, health, or accident insurance
C.R.S. § 22-32-110(1)(k)	Local board powers-Policies relation the in-service training and official conduct
C.R.S. § 22-32-110(1)(ee))	Local board powers-Employ teachers' aides and other non-certified personnel
C.R.S. § 22-32-126	Employment and authority of principals
C.R.S. § 22-33-104(4)	Compulsory school attendance-Attendance policies and excused absences
C.R.S. § 22-63-301	Teacher Employment Act-Grounds for dismissal
C.R.S. § 22-63-302	Teacher Employment Act-Procedures for dismissal of teachers
C.R.S. § 22-63-401	Teacher Employment Act-Teachers subject to adopted salary schedule
C.R.S. § 22-63-402	Teacher Employment Act-Certificate required to pay teachers
C.R.S. § 22-63-403	Teacher Employment Act-Describes payment of salaries

NON-AUTOMATIC WAIVERS FROM COLORADO STATUTES & REGULATIONS

Colorado SKIES Academy Board of Directors will create policies to meet these items as the governing board of the School:

C.R.S. § 22-9-106 Local Board of Education-Duties-Performance Evaluation System

C.R.S. § 22-2-112(1)(q)(1) Commissioner-Duties

The school and its Principal or designee 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 Principal. Additionally, the School will not be required to report its teacher evaluation ratings as a part of the commissioner's report as required by C.R.S. § 22-2-112(1)(q)(1). Instead, the School uses its own evaluation system as agreed to in the charter contract with the District. The School's evaluation system will continue to meet the intent of the law as outlined in statute. Staff will be trained in this evaluation system and the methods used for the School's evaluation system includes quality standards that are clear and relevant to the administrators' and facilitators' roles and responsibilities, 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. The School will not be required to report its facilitator evaluation data through the TSDL collection; however, facilitator performance data will be reviewed by the School and used to inform hiring practices and professional development. Core course level participation will continue to be reported pursuant to C.R.S. § 22-11-503.5 as this is a nonwaivable statute.

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

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

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) Board of Education-Specific Duties Adoption of District Calendar

The school year at Colorado SKIES Academy will total approximately 180 days per year which exceeds the current requirement in state statute. 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 Board of Directors and will meet or exceed the expectations in state statute. To the extent possible, the School will endeavor to develop a calendar that aligns with the District calendar.

C.R.S. § 22-63-201 Employment Certificate Required
C.R.S. § 22-63-202 Teacher Employment, contracts in writing-duration-damage provision

Colorado SKIES Academy should be granted the authority to hire teachers and principals that will support the School's goals and objectives. The principal will not function as a traditional District school principal, but rather will be responsible for a wider range of tasks. The School will see to attract principals and teachers 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 teaching experience in a setting not requiring a license, as well as persons with business or professional experience. All employees of the school will be employed on an at-will basis. All employees of the school will meet applicable fingerprinting and background check requirements. 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 teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of the School. Colorado SKIES

Academy employees will comply with the appropriately credentialed requirements of Every Student Succeeds Act (ESSA) and all Colorado teacher certification requirements. All facilitators of core classes will hold, at a minimum, a Bachelor's Degree, and the appropriate teaching credential, and can demonstrate subject matter competency in the subjects they teach. Colorado SKIES Academy may also employ or retain non-certificated instructional support staff in a case where a prospective staff member has an appropriate mix of subject-matter expertise, professional experience, and the capacity to work successfully in an instructional setting.

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

Colorado SKIES Academy should be granted the authority to develop its own employment agreements and terms and conditions of employment. 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 the regular public school will be successful at the School. All employees of the School will be employed on an at-will basis. 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.

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

Colorado SKIES Academy requests the authority under the Charter School Agreement to select its own teachers. No other school nor the District should have the authority to transfer its teachers into the School or transfer teachers from the School to any other schools. The School expects that as a result of this waiver, it will be able to manage its own personnel affairs. There is no provision for transfers.