



Signature

Date

**ATTACHMENT 5: AUTOMATIC WAIVERS OF STATE LAWS**

Automatic Waiver List as of 6/2/17 – Present	
State Statute 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)(l), 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

**ATTACHMENT 6: ADDITIONAL REQUESTS FOR WAIVER OF STATE LAWS AND/OR REGULATIONS**

**Non-Automatic Waivers from Colorado Statutes**

C.R.S. § 22-63-103 (10)

C.R.S. § 22-63-201

- C.R.S. § 22-63-202
- C.R.S. § 22-63-203
- C.R.S. § 22-63-204
- C.R.S. § 22-63-206
- C.R.S. § 22-32-109(1)(n)(l)
- C.R.S. § 22-32-109(1)(n)(II)(A) and (B)
- C.R.S. § 22-32-109(1)(cc)
- C.R.S. §22-32-113
- C.R.S. § 22-33-106
- C.R.S. § 22-9-106
- C.R.S. § 22-32-109(1)(b)
- C.R.S. § 22-32-110(1)(y)

**C.R.S. § 22-9-106 Local Board Duties Concerning Performance Evaluations**  
**C.R.S. § 22-2-112(1)(q)(I) Commissioner Duties – Reporting Performance Evaluations**

**Rationale:** In order for the School to function according to its unique needs and design, the School Director and Board of Directors must develop and adopt their own system of evaluation.

**Replacement Plan:** PPOS will provide a yearly evaluation for all staff. Teachers will be held accountable to the School Director. The evaluation system will be further developed and submitted to the District prior to commencing school operations. The methods used for the school’s evaluation system will include quality standards that are clear and relevant to the administrators’ and teachers’ roles and responsibilities, be based on research-based practices guiding the science of reading, 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 PPOS School Director must have the ability to perform the evaluation of all personnel. Should the School Director not have an administrative certificate this should not preclude him or her from administering the evaluations. The School Director has the authority to identify, prepare, and designate school-based evaluators to conduct staff evaluations. School Director designated evaluators of professional staff members may or may not possess an administrative certificate issued by CDE. All evaluators will receive CDE approved training in evaluation skills by the school’s director. Evaluation instruments for all non-licensed evaluators who evaluate school staff including professional educators shall indicate on the evaluation whether or not the evaluator possesses an administrative certificate. The Board of Directors or a board appointed committee, shall review all evaluations conducted by non-licensed administrators when necessary and shall discuss with them procedure and form. The school’s director shall receive an annual evaluation by the Board of Directors or committee designee. All Advisors will receive at least one formal evaluation each year and/or be evaluated multiple times in each of the rubric indicators within a given year.

**Duration of the Waivers:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None to either the District or PPOS.

**How the Impact of the Waivers will be evaluated:** The impact will be measured by the same performance criteria and assessments that apply to PPOS as set forth in this application.

**Expected Outcome:** With this waiver, PPOS will be able to implement its program and evaluate its teachers /Advisors in a manner that produces a greater accountability to the school. This will benefit staff members as well as students and the community.

C.R.S. § 22-32-109(1)(b) – Local Board Duties concerning competitive bidding

**Rationale:** In accordance with state law, PPOS will be responsible for its own contracting for goods and services.

**Replacement Plan:** PPOS will follow accounting policies and procedures that comply with generally accepted accounting principles (GAAP). Procurement of goods and services shall be made by the PPOS Board and School Director in the best interest of PPOS, upon considering the totality of the circumstances surrounding the

procurement, which may include but not be limited to price, quality, availability, timelines, reputation, and prior dealings. All goods and services must be included in the board-approved budget. PPOS shall not purchase goods or services from any members of the PPOS Board nor from any entity in which any member of the PPOS Board or an immediate family member of a PPOS Board member may benefit from such a procurement, unless authorized by the PPOS Board after a full disclosure of the potential benefits and after the consideration set forth in the paragraph above. PPOS reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the school. The PPOS Board reserves the right to waive any informality, or reject, any and all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening bids. Any bid received after the time and dates specified will not be considered.

Duration of Waivers: PPOS requests that the waiver be for the duration of its Charter.

Financial Impact: None on the budget of either the District or PPOS.

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

Rationale: The Charter Schools Act allow a charter school to be responsible for determining its own budget and issues associated therewith.

Replacement Plan: PPOS will not accept any gift or donation if the acceptance of said gift or donation is in violation of the law, its charter contract, or any ethical or conflict of interest policies of PPOS.

Duration of Waivers: PPOS requests that the waiver be for the duration of its Charter.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to PPOS as set forth in this application.

Expected Outcome: As a result of this waiver, PPOS will be able to carry out its educational program, administer its affairs in an efficient manner, and accomplish its mission as set forth in the charter contract.

#### C.R.S. § 22-63-201 – Requirement to Hold a Certificate

**Rationale:** PPOS will be solely responsible for selecting, supervising, disciplining, terminating, and determining compensation for its employees. Selection of personnel is subject to compliance with all federal and state rules and regulations

**Replacement Plan:** PPOS may, where possible, hire certified teachers and school directors. However, it may be beneficial for PPOS to be able to hire teachers, directors and administration without a certificate and who possess unique backgrounds and/or skills or fill a need for the school. The school should be granted the authority to hire teachers and principals that will support

The School's goals and objectives. PPOS may, where possible, hire certified teachers and school directors. However, it may be beneficial for PPOS to be able to hire teachers, directors and administration without a certificate and who are In-field possessing unique backgrounds and/or skills or fill a need for the school. The school will employ highly qualified or licensed teachers for the teaching of core content. Teachers in all necessary areas will be highly qualified. The school may employ non-licensed teachers for supplemental and enrichment instruction consistent with the innovation plan. Core content teachers that are the primary provider of instruction will be highly qualified in their particular content area(s), Language Arts; Math; Science; Foreign language; Social Studies (Civics, Government, History, Geography, Economics); Arts (Visual Arts, Music). The minimum requirement for a Lead Advisor (grade level teacher) will be a four-year degree. The minimum requirement for the School Director will be a Master's Degree in Education and background in project-based learning and other areas aligned to our Charter. All school employees will meet applicable fingerprinting and background check requirements. Special Education Teachers will hold the requisite state license and endorsement. Pagosa Peak Open School will report the number of in-field/out-of-field teacher designations, 50 years of experience of teachers, or any other requirements promulgated by CDE."

**Duration of the Waivers:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None to either the District or PPOS.

**How the Impact of the Waiver will be evaluated:** The impact of these waivers will be measured by the evaluation system set forth in this application.

**Expected Outcome:** As a result of these waivers, PPOS will be able to employ professional staff possessing unique skills, and/or backgrounds, or filling needed positions.

**C.R.S. § 22-63-202 – Contracts in Writing, Damages Provision**

**C.R.S. § 22-63-203 – Requirements for Probationary Teacher, renewal and non-renewal**

**C.R.S. § 22-63-206 – Transfer of Teachers**

**Rationale:** The Charter Schools Act allows a charter school to be responsible for its own personnel matters.

**Replacement Plan:** PPOS is an at will employer. PPOS will make staff assignments based on its needs and educational goals. No staff will be assigned to positions for which they are not qualified. PPOS does not intend to participate in teacher transfers with other district schools. District teachers who are qualified for a vacant position at the school will have an opportunity to apply for the position, and, if hired, will be compensated with a salary corresponding to the position and the years of service.

**Duration of the Waivers:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None on either the District or PPOS.

**How the Impact of the Waiver will be evaluated:** The impact of these waivers will be measured by the performance criteria and assessments that apply to PPOS as set forth in this application.

**Expected Outcome:** PPOS expects that as a result of this waiver it will be able to manage its own personnel affairs.

**C.R.S. § 22-32-109(1)(n)(I) – Local Board Duties Concerning School Calendar**

**C.R.S. § 22-32-109(1)(n)(II)(A) and (B) – Adopt District Calendar**

**Rationale:** The school will prescribe the actual details of its own school calendar and hours of teacher-pupil contact. The total number of student hours in school will equal or exceed those of the District and comply with state requirements.

**Replacement Plan:** The final calendar and school day of PPOS will be designed after approval of the Charter and hiring of the School Director. The School has the authority to determine its own annual calendar and daily schedule, provided it meets or exceeds minimum statutory requirements. PPOS has the authority to determine the number of professional development days, days off, and late starts/early release days. In accordance with the innovation plan, the school's director shall determine, prior to the end of a school year, the length of time the school will be in session during the next school year. The actual hours of teacher-pupil instruction and teacher-pupil contact shall meet or exceed the minimum hours set by the district and state for public instruction. Input from parents/guardians and teachers will be sought prior to scheduling in-service programs and other non-student contact days. All calendars shall include planned work dates for required staff in service programs. Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice of no less than 30 days. A copy of the upcoming school-year calendar and school day schedule shall be provided to all parents/guardians of students who are currently enrolled. The approved upcoming school year calendar and school day hours will be placed on the school's website prior to May 1 of the prior academic year and a copy shall be provided to the school's Instructional Superintendent.

**Duration of the Waivers:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None on the budget of either the District or PPOS.

**How the Impact of the Waivers will be evaluated:** The impact of the waivers will be measured by the same performance criteria and assessments that apply to PPOS as set forth in the application.

**Expected Outcome:** As a result of this waiver, PPOS will be able to operate with a longer school year and under its own schedule, which is vital to the success of its program.

#### **C.R.S. § 22-63-204 - Receiving moneys from the sale of goods.**

**Rationale:** Because PPOS has a unique program, it is essential that the school be granted the latitude to raise money through grants and fundraising and to spend such funds to accomplish its educational objectives. PPOS staff needs to be allowed to accept pay for sale of goods to accomplish educational objectives.

**Replacement Plan:** The PPOS Board has established policy for receiving gifts, donations, and grants and will monitor expenditures against instructional objectives. The School has established an account to manage receipt of locally raised money and will have autonomy in making deposits in and withdrawals from the account when such actions are taken to further the academic achievement of students at the school. The school has accounted for all moneys that it receives directly and reports to the PPOS board by providing quarterly trial balances to their designated budget partner.

**Duration of the Waivers:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None on either the District or PPOS.

**How the Impact of the Waivers will be evaluated:** The impact of the waivers will be measured by the same performance criteria and assessments that apply to the school, as set forth in the application.

**Expected Outcome:** As a result of the waiver, the PPOS Board will have the latitude to expend funds as needed and will be able to act more quickly while maintaining accountability.

#### **C.R.S. § 22-63-103 (10) - Teacher Employment, Compensation, and Dismissal – Definitions – Substitute**

**Rationale:** Developing and maintaining a qualified pool of substitute teachers can be challenging for a Project-based charter school since the expectations vary from those of traditional public schools.

**Replacement Plan:** The School Director shall have the authority to select part-time and substitute teachers/Advisors.

**Duration of the Waiver:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None on either the District or PPOS.

**How the Impact of the Waivers will be evaluated:** The impact of the waiver will be measured by the same performance criteria and assessments that apply to the School, as set forth in this application.

**Expected Outcome:** As a result of this waiver, the School will be able to employ part-time and substitute teachers possessing unique skills and/or background necessary for the smooth operation of the school.

**C.R.S. §22-33-106 - Grounds for suspension, expulsion and denial of admission**

**C.R.S. §22-32-109(1)(cc) - Adopt dress code policy**

**Rationale:** Pursuant to the Charter Schools Act the School must have the authority to determine its own policies, rules, and regulations regarding student behavior and discipline.

**Replacement Plan:** The PPOS Board has adopted policies and the School Director has prescribed rules and regulations for operation of student behavior and discipline, attire, and grounds for suspension, expulsion and denial of admission that are in alignment with the intent of state statute.

**Duration of the Waiver:** PPOS requests that the waiver be for the duration of its Charter.

**Financial Impact:** None on either the District or PPOS.

**How the Impact of the Waivers will be evaluated:** The impact of the waiver will be measured by the same performance criteria and assessments that apply to the School, as set forth in this Charter School Proposal.

**Expected Outcome:** As a result of this waiver, the School will be able to develop a discipline policy aligned to the core values of the mission and vision of the Pagosa Peak Open School.