

**Attachment 1 (Amended)
Non-Automatic Waivers**

All waivers designated with an asterisk (“*”) below have been previously approved by Pueblo School District No. 60, the Charter School’s Governing Board, and the Colorado State Board of Education, and have been included in the prior Charter School Contract. Those are extended with the Renewal Contract and do not require a restatement of the rationale and replacement plan. Nevertheless, the rationale and replacement plan has been included for C.R.S. § 22-63-201. Except for Title I teachers, the ESSA eliminated the “highly qualified” requirement and allows charters to waive teacher licensure.

Additionally, C.R.S. § 22-32-109 (1)(b) and C.R.S. § 22-32-110 (1)(y), the last two statutes listed, were previously included in the prior Charter School Contract as automatic waivers. They are included in this attachment because, although approved by the District and the School in June, 2017, action by the State Board will be after July 1, 2017, the date when these two statutes were no longer automatic. See, H.B. 17-1375 page 16.

REQUEST FOR WAIVER OF COLORADO REVISED STATUTES

CHAVEZ/HUERTA K-12 PREPARATORY ACADEMY

STATUTE	DESCRIPTION
*C.R.S. § 22-9-106	Certified Personnel Evaluations Local Boards of Education duties. This section requires school districts to have written systems and related procedures to evaluate the performance of school district certificated personnel.
C.R.S. § 22-32-109 (1) (z)	Requires the Board of Education to provide in-service training on the Child Protection Act of 1987. This responsibility is delegated to Chavez/Huerta K-12 Preparatory Academy.

RATIONALE AND REPLACEMENT PLAN:

The School, rather than the District, will provide this mandatory training annually. The School will reference materials and guidelines developed by the Colorado Department of Education and the Colorado Department of Human Services.

*C.R.S. § 22-32-109 (1) (n) (I) and 1 (n) (II) (B)	Board of Education Specific Duties—Board’s duty to prescribe length of school year and hours of teacher-pupil instruction and contact, and to adopt a calendar.
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C.R.S. § 22-33-105

Suspensions, Expulsion and Denial of Admission. Chavez/Huerta K-12 Preparatory Academy is delegated the authority to suspend and expel students subject to appeal to the District's Board of Education pursuant to the Charter School Contract.

RATIONALE AND REPLACEMENT PLAN:

The School, rather than the District, is in a better position to deal with the day-to-day student disciplinary issues and to determine when a student has engaged in conduct that warrants suspension or expulsion under Colorado law and School policies. As provided in the Charter School Contract, all suspensions and expulsions, if any, will be in strict accordance with applicable laws, School policies, and due process procedures. Parents and legal guardians retain the right to appeal the expulsion of their student to the Board of Education.

*C.R.S. § 22-32-109.1

Board of Education Specific Duties—Safe Schools.

*C.R.S. § 22-63-202

Contract to be in writing/damage provision. Requires written employment contract with teachers, including a damages provision. Provides for temporary suspension of employment and cancellation of contract.

*C.R.S. § 22-63-203

Probationary Teachers—Renewal and nonrenewal of employment contract (substantive waivers). Provides for contract with probationary teachers and allows for non-renewal and renewal of employment contract.

*C.R.S. § 22-63-206

Transfer—compensation. Permits transfer of teachers between schools upon recommendation of District's Chief Administrative Officer.

*C.R.S. § 22-32-109.7

Board of Education must engage in background check to ensure no conviction, or pleas of nolo contendere, or no deferred sentence or deferred prosecution to felony or misdemeanor crime involving sexual behavior or unlawful behavior involving a child.

*C.R.S. § 22-32-109.8

Board of Education—Specific duties/employment of personnel. Requires Board of Education to make certain inquiries and background checks prior to hiring applicants; requires Board of Education to investigate allegations of

child or sexual abuse; requires applicant to submit fingerprints and certify no convictions; provides for District to require certified personnel to submit fingerprints in certain instances.

*C.R.S. § 22-32-109.9

Applications selected for non-certified positions—submittal of forms and fingerprints—prohibition against employing persons failing to comply.

*C.R.S. § 22-63-201

Employment—Certification Required. Prohibits Board of Education from entering into an employment contract with a person who does not hold a teacher's certificate or letter of authorization.

RATIONALE:

The School will be solely responsible for selecting, supervising, disciplining, determining compensation for and terminating its employees. Selection of personnel is subject to compliance with all applicable federal and state rules and regulations including any requirements under the Every Student Succeeds Act (ESSA).

REPLACEMENT PLAN:

The School will, where possible, employ licensed teachers and school administrators. However, it may be beneficial for the School to be able to hire teachers without a license and who possess unique background and/or skills, or fill a need for the School. The School may require such persons to obtain a license within a designated period of time. Although "highly qualified" is no longer a federal requirement, the School's intent is for all teachers to have, at minimum, a BA and either 24 or more credit hours in the subject matter or a passing score on a state-approved content examination in the relevant subject area. The School will encourage and explore ways to incentivize teachers to meet 36 or more credit hours in the subject matter and the Colorado state ESSA plan, and acknowledges that it will nevertheless have to report the number of teachers "in-field" and "out-of-field."

*C.R.S. § 22-32-109 (1) (n) (II) (A) Board of Education—specific duties. Restricts parent/teacher conferences and staff in-service programs to 24 hours per school year.

*C.R.S. § 22-32-119

Kindergarten.

C.R.S. § 22-32-109 (1)(b)

Local Board duties concerning competitive bidding.

RATIONALE AND REPLACEMENT PLAN:

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. § 22-32-110 (1)(y)

Local Board powers—Accepting gifts, donations, grants.

RATIONALE AND 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.

PUEBLO SCHOOL DISTRICT NO. 60

By: Phyllis K. Sanchez 8-10-17
Phyllis K. Sanchez, Board President Date

CHAVEZ/HUERA K-12 PREPARATORY ACADEMY

By: Steven L. Trujillo 8/15/17
Steven Trujillo, Board President Date