

## **APPENDIX C**

### **Southwest Early College**

#### **Requested State Statute Waivers**

The Network hereby invokes waivers of the following sections of the Colorado Revised Statutes; replacement policies are available for review by contacting the Network.

#### Automatic State Waivers

- 22-32-109(1)(b), C.R.S. Local board duties concerning competitive bidding
- 22-32-109 (1)(f), C.R.S. Local board duties concerning selection of personnel 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 concerning employment termination of school 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), C.R.S. Local board powers-Policies relating the in-service training and official conduct
- 22-32-110(1)(y), C.R.S. Local board powers-Accepting gifts, donations, and grants
- 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, compensation and dismissal act of 1990; grounds for dismissal
- 22-63-302, C.R.S. Teacher employment, compensation and dismissal act of 1990; procedures for dismissal of teachers and judicial review
- 22-63-401, C.R.S. Teacher employment, compensation and dismissal act of 1990; teachers subject to adopted salary schedule
- 22-63-402, C.R.S. Teacher employment, compensation and dismissal act of 1990; license, authorization or residency required in order to pay teachers
- 22-63-403, C.R.S. Teacher employment, compensation and dismissal act of 1990; payment of salaries
- 22-1-112, C.R.S. School Year- National Holidays

#### Non-Automatic State Waivers:

The school requests the following non-automatic state waivers:

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

- 22-2-112(1)(q)(I), C.R.S. Commissioner-Duties
- 22-32-109(1)(n)(I), C.R.S. Board of Education- Specific Duties School Calendar
- 22-32-109(1)(n)(II)(B), C.R.S. Board of Education-Specific Duties Adoption of District Calendar
- 22-32-109(1)(n)(II)(A), C.R.S. Determine teacher-pupil contact hours
- 22-63-201, C.R.S. Employment. Certificate required
- 22-63-202, C.R.S. Teacher employment, contracts in writing-duration-damage provision
- 22-63-203, C.R.S. Probationary Teachers -renewal and non-renewal of employment contract
- 22-63-206, C.R.S. Teacher Employment, Compensation and Dismissal Act

<b>Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan</b>
<p><b>Statutory Citation and Title</b>            C.R.S. § 22-9-106 <u>Local Board of Education-Duties-Performance Evaluation System</u>            C.R.S. § 22-2-112(1)(q)(I) <u>Commissioner-Duties</u></p>
<p><b>Rationale:</b> The school leader of Southwest Early College HS 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 head of school. The BOD must also have the ability to perform the evaluation for the school leader. Additionally, Southwest Early College HS should not be required to report their teacher evaluation ratings as a part of the commissioner’s report as required by C.R.S. 22-2-112(1)(q)(I)</p>
<p><b>Replacement Plan:</b> Southwest Early College HS uses its own evaluation system as agreed to in the Charter School Agreement with Denver Public Schools and therefore should not be required to report their teacher evaluation data. Southwest Early College High School’s evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for Southwest Early College High School’s evaluation system includes quality standards that are clear and relevant to the administrators’ and teachers’ roles and responsibilities, and have the goal of improving student academic growth, and meet the intent of the quality standards established in SB 10-191. All evaluators will receive training in their school’s evaluation system. In addition, the evaluation data is used to inform professional development decisions for each teacher. Core course level participation will continue to be reported PURSUANT TO C.R.S. 22-11-503.5, as this is a non-waivable statute.</p>
<p><b>Duration of Waivers:</b> The duration of the contract.</p>
<p><b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.</p>
<p><b>How the Impact of the Waivers Will be Evaluated:</b> Since teacher performance has a critical impact on the performance of the entire school, the impact of this waiver will be measured by</p>

the same performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.
<b>Expected Outcome:</b> With this waiver, the school will be able to implement its program and evaluate its teachers in accordance with its Performance Appraisal System, which is designed to produce greater accountability and be consistent with the school's goals and objectives. This will benefit staff members as well as students and the community.

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan
<b>Statutory Citation and Title</b> C.R.S. §22-32-109(1)(n)(I) <u>Board of Education- Specific Duties School Calendar</u> C.R.S. §22-32-109(1)(n)(II)(B) <u>Board of Education-Specific Duties Adoption of District Calendar</u>
<b>Rationale:</b> The school year at Southwest Early College High School will total approximately 174 days per year which exceeds the current requirement in state statute. Southwest Early College High School will prescribe the actual details of its own school calendar to best meet the needs of its students. The local board will not set these policies and Southwest Early College High School will have a calendar that differs from the rest of the schools within the district.
<b>Replacement Plan:</b> The final calendar and the school's daily schedule will be designed by Southwest Early College High School and will meet or exceed the expectations in state statute.
<b>Duration of Waivers:</b> The duration of the contract.
<b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.
<b>How the Impact of the Waivers Will be Evaluated:</b> The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.
<b>Expected Outcome:</b> As a result of these waivers, the school will be able to implement the necessary policies to increase student achievement.

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan
<b>Statutory Citation and Title:</b> C.R.S. 22-32-109(1)(n)(II)(A) <u>Determine teacher-pupil contact hours</u>
<b>Rationale:</b> Southwest Early College High School should have the ability to determine teacher-pupil contact hours, while not reducing the total contact hours to below the minimum (1056) required by state statute. Southwest Early College High School will determine the actual details of teacher-pupil contact hours to best meet the needs of its students. The local board will not set these policies, and Southwest Early College High School may specify teacher-pupil contact hours that differ from other schools in the district.
<b>Replacement Plan:</b> Southwest Early College High School will determine teacher-pupil contact hours in accordance with its final daily schedule and calendar. The total number of teacher-pupil contact hours will meet or exceed the expectations in state statute.
<b>Duration of Waivers:</b> The duration of the contract.

<b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.
<b>How the Impact of the Waivers Will be Evaluated:</b> The impact of this waiver will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.
<b>Expected Outcome:</b> As a result of this waiver, the school will be able to implement the necessary policies to increase student achievement.
<b>Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan</b>
<b>Statutory Citation and Title</b> C.R.S. § 22-63-201 <u>Employment. Certificate required</u> C.R.S. § 22-63-202 <u>Teacher employment, contracts in writing-duration-damage provision</u>
<b>Rationale:</b> Southwest Early College High School should be granted the authority to hire teachers and principals that will support the school's goals and objectives. The school leader will not function as a traditional district school principal, but rather will be responsible for a wider range of tasks and act as the school's chief executive officer. The school will seek to attract school leaders 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 successful teaching experience in a setting not requiring a license, as well as persons with business or professional experience. All employees of Southwest Early College High School will be employed on an (at-will/annual) basis. All employees of Southwest Early College High School will meet Federal Highly Qualified Requirements (i.e.: hold a degree and demonstrated subject-matter competency).
<b>Replacement Plan:</b> 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 Highly Qualified teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of Southwest Early College High School.
<b>Duration of Waivers:</b> The duration of the contract.
<b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.
<b>How the Impact of the Waivers Will be Evaluated:</b> The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.
<b>Expected Outcome:</b> 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.

<b>Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan</b>
<b>Statutory Citation and Title</b> C.R.S. § 22-63-203 <u>Probationary Teachers -renewal and non-renewal of employment contract</u>
<b>Rationale:</b> Southwest Early College High School 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 Southwest Early College High school. All employees of the school will be employed on an (at-will/annual) basis.
<b>Replacement Plan:</b> Southwest Early College High School has teacher agreement with the terms of non-renewal and renewal of employment agreements, and payment of salaries upon termination of employment of a teacher.
<b>Duration of Waivers:</b> The duration of the contract.
<b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.
<b>How the Impact of the Waivers Will be Evaluated:</b> The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.
<b>Expected Outcome:</b> 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.

<b>Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan</b>
<b>Statutory Citation and Title:</b> <b>C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act</b>
<b>Rationale:</b> Southwest Early College High School is granted the authority under the Charter School Agreement to select its own teachers. No other school or the Denver Public Schools should not have the authority to transfer its teachers into Southwest Early College High School or transfer teachers from Southwest Early College High School to any other schools, except as provided for in the Charter School Agreement.
<b>Replacement Plan:</b> Southwest Early College High School will hire teachers on a best qualified basis. There is no provision for transfers.
<b>Duration of Waivers:</b> The duration of the contract.
<b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.
<b>How the Impact of the Waivers Will be Evaluated:</b> The impact of this waiver will be measured by the performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.
<b>Expected Outcome:</b> 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.

<b>Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan</b>
<b>Statutory Citation and Title:</b> <b>C.R.S. 22-2-206 Graduation Requirements</b>
<b>Rationale:</b> Southwest Early College High School blends high school and college in a rigorous yet supportive program, allowing students to earn both high school and college credit simultaneously. In pursuit of our mission to ensure that all students have the opportunity to receive a high school diploma and an associate's degree and/ or certificate or up to two years of college credit, Southwest Early College High School has established their own set of graduation

<p>requirements which are aligned with the Colorado Commission of Higher Education. Successful completion of a course is equivalent to 1 unit (10 credits). In order to ensure that students are proficient with the course work, they must receive a C or higher to earn the credits.</p>
<p><b>Replacement Plan:</b> Southwest Early College High School’s replacement policy is stated in the graduation policy in the student handbook for the 2016-2017 school year. Students must meet the following criteria to earn a Southwest Early College High School diploma:</p> <ol style="list-style-type: none"> <li>1. Successful completion of 24 units (240 credits) in the prescribed categories listed below. <ul style="list-style-type: none"> <li>➤ English 4 Units (40 credits)</li> <li>➤ Math 4 Units (40 credits)</li> <li>➤ Science 3 Units (30 credits)</li> <li>➤ Social Science 3 Units (30 credits) *Civics and US History are mandated</li> <li>➤ Academic Electives 6 Units (60 Credits)</li> </ul> </li> <li>2. Portfolio completion of the requirements and goals as listed on a students’ Individual Career and Academic Plan (ICAP) and/ or Individualized Education Plan (IEP).</li> <li>3. Demonstration of College and Career Readiness in English and Math</li> </ol>
<p><b>Duration of Waivers:</b> The duration of the contract.</p>
<p><b>Financial Impact:</b> The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.</p>
<p><b>How the Impact of the Waivers Will be Evaluated:</b> The impact of this waiver will be measured by the performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.</p>
<p><b>Expected Outcome:</b> As a result of these waivers, the school will be able to implement the necessary policies to increase student achievement.</p>