

Charter School DPS Board Policy Waiver Guidance and Request Form

Purpose: This document is intended to serve as guidance for charter school leaders in understanding DPS policies, policy changes, and waiver options, and serves as the request form for obtaining waivers from DPS policy. Due to several changes to DPS policy waiver types, we are asking every school/network to complete this form. Please follow the instructions provided in this document, as well as in the State Waiver Guidance and Request Form, and submit both completed documents to the Portfolio Management Team (PMT) no later than 9AM on Wednesday, February 10.

Process Instructions:

- 1) Review the summary of DPS Board Policy waiver types, DPS Board Policy changes, and this year's waiver type classification changes.
- 2) Review available Type II and Type III DPS policy waivers in Appendix B and Appendix C and select those policies which your school/network would like to waive. It may be helpful to review your DPS policy waivers from your most recent contract. Please remember to check the boxes next to the policies you would like to waive. To do this, simply left click on the checkbox and select the check mark.
- 3) <u>Complete and submit</u> Appendix B and Appendix C as a Google Doc to your PMT contracting contact <u>no later than 9AM on Wednesday, February 10.</u> Upon opening this document, you should have been prompted to create your own copy. When ready to submit your copy, please ensure you share "view" access with PMT and submit the link to your PMT contracting contact. If your school/network is choosing to waive a Type III DPS policy, also provide your replacement policy for that waiver as a PDF. (Note: If you plan to request to waive any Type III policies, please immediately notify your PMT contact, as there is a greater level of review.)
- 4) The final version of your DPS Board policy waivers request will be included as an Appendix in your contract.

To honor charter school autonomy and provide the flexibility to implement the school plan outlined in the school's contract, charter schools are permitted to waive many District policies. These policies are sorted into four different types, listed and described below:

Туре	Implication
Not waivable	DPS would not approve a waiver for this policy
Туре І	Automatic Waiver – These policies do not apply to charter schools. <i>Note: Charter schools may still want to create replacement language for some Type I policies, but DPS will not request or review it.</i>
Type II	Charter schools can waive this policy, and DPS does not need replacement policy on file. However, should DPS ask for a school's replacement policy, the school must produce it.
Type III	Charter schools can waive the policy, but DPS needs the replacement policy language on file and the District must approve the replacement language before inclusion in the contract. Otherwise, the DPS Board policy governs.

To request a policy-by-policy description, including waiver types, contact your Portfolio contact listed in this document.

DPS Board Waivers Process:

All Type I policies are automatic waivers, meaning all charter schools in DPS have this waiver without actively seeking it. You can see these policies in Appendix A.

For all Type II and III waivers, the school/network must actively seek a waiver. For any Type II waivers, see Appendix B to fill out the Type II waivers sought and affirm the school/network has developed a replacement policy, if applicable. The District does not need a copy of the replacement policy on file, but the school must be able to provide it if requested. For any Type III waivers, the replacement policy language must be provided and approved by the District to authorize a waiver. In order to maintain equity between all DPS schools, there are also several non-waivable policies listed in Appendix D (e.g. policy AB on the School Performance Framework).

If a policy or accompanying regulation is not waived, the following shall apply: any reference to "District" will be read as "Charter School" or "Charter Network"; and any reference to "superintendent" or "area superintendent" shall be read as "Charter School leader."

Changes to Waivers or Waiver Types in 2020-2021:

DPS sought to hold waiver type changes to an absolute minimum alongside our commitment to hold contract changes for this year to only those required by changes to policy, and there were some small changes to waiver types, with most changes giving charter schools more autonomy.

• Now Type III (Charters must actively seek, and their replacement policy must be actively approved): JQ

The DPS Board did revise some policies and regulations in the last year - please see the changes, which apply to all charter schools unless they are expressly waived, here: <u>FF</u>, <u>GBEC-R</u>, <u>JHB-R2</u> (*click on the links to view an explanation of the changes to each policy*)

The DPS Board also added some policies and regulations in the last year - please see the changes, which apply to all charter schools unless they are expressly waived, here: <u>AC-R3</u>, <u>EBBA/EBBA-R</u>, <u>FFA/FFA-R</u> <u>JLCC</u>, <u>JLDAC/JLDAC-E</u>, <u>JLCD/JLCD-R</u>, <u>JHB-R2</u> (click on the links to view an explanation of the new policy)

(To read each individual DPS policy, visit **BoardDocs**)

Future Changes to DPS Board Policy:

Annually, the Portfolio Management Team will update schools regarding any new DPS policies and their implications for charter school waivers. If the school seeks to add a Type II or III waiver at that time, they can through a streamlined mid-cycle application process for that waiver, whether or not the school is eligible for renewal.

Questions?

For renewal schools, contact: Matthew Meyer, Senior Manager of Accountability matthew_meyer@dpsk12.org; 720.423.2536

OR Cecilia Soto, Accountability Specialist cecilia soto@dpsk12.org For new schools, contact: Max Tweten, Authorizing Specialist max tweten@dpsk12.org; 720.423.3584

Appendix A: Type I DPS Charter Waivers

The following DPS policies do not apply to charter schools and are therefore automatic. While these policies are automatic, it is advisable that charter schools create their own policies.

A	Policy Framework for Accelerating Gains in Academic Achievement for All Students
AC	Nondiscrimination and Equal Opportunity (although the charter school's policy is requested through Governance submission process)
	Procedures for the Investigation of Public Complaints of Discrimination or Harassment (although the charter school's policy is requested through Governance submission process)
AC-R1 AC-R2 AC-R3	Procedures for Public Requests for Reasonable Accommodations and Procedures for the Investigation of Public Complaints Regarding the Provision of Requested Accommodations (although the charter school's policy is requested through Governance submission process)
	Procedures for Investigating Title IX Complaints of Sex-Based Discrimination/Harassment
ACE	Equitable and Inclusive Contracting Policy
AD	Educational Philosophy/School District Mission
ADE	Innovation in Education

B Policies: School Board Governance and Operations

BBA	School Board Powers and Responsibilities
BC	Board Member Conduct
	Board Member Conflict of Interest (although the charter school's policy is requested through
BCB	Governance submission process)
BDB	Board Officers
BDF	Advisory Committees/Councils
BDF-R1	Career and Tech Ed Council
BDF-R2	Preschool Program Council
BDF-R3	Drug-Free Schools Advisory Council
BDFA	District Personnel Performance Evaluation Council
BDFA-R	Procedures for District Personnel Performance Evaluation Council
BDFB	Finance and Audit Committee
BDFB-E	Exhibit - Finance and Audit Committee Charter
BDFG	
BDFG-	District Accountability Committee
R	Procedures for District Accountability Committee
BE	School Board Meetings
BG	School Board Policy Adoption Process
BID/BI	
E	Board Fiscal Policy/Board Member Compensation and Expenses/Liability

C Policies: General School Administration

CBA/CBC	Powers and Responsibilities of Superintendent
CBI	Evaluation of Superintendent

D Policies: Fiscal Management

DEA	Mill Levy Distribution
DFA	Investment and Cash Management Policy
DFB	Debt Policy
DFC	Derivatives Policy
DH	Bonded Employees and Officers
DIA	Online Schools and Online Programs
DIE	Audits/Financial Monitoring
DJGA	Sales Calls and Demonstrations

E Policies: Support Services

EEAFB	Use of School Vehicles by Community Groups
EEAFB-R	Regulations of Use of School Vehicles by Community Groups

F Policies: Facilities Development

FB	Historical Designation of Facilities
FF	Naming of Facilities (unless in District facility, then unwaivable)

G Policies: Personnel

G	DPS Employee Handbook
GBA	Equal Employment Opportunity and Nondiscrimination
	Procedures for the Investigation of Employee Complaints of Discrimination or Harassment
	Procedures for Employee Requests for Reasonable Accommodations and Procedures for the
GBA-R1	Investigation of Employee Complaints Regarding the Provision of Requested Modifications or
GBA-R2	Accommodations
GBEA	Conflicts of Interest
GBEBA	Staff Dress Code
GBEBA-R	Regulation for the Enforcement of the Staff Dress Code
GBEBC	Gifts to and Solicitations by Staff
GBEC	Drug, Alcohol and Tobacco-Free Workplace (Use by Staff Members)
GBEC-R	Regulation for the Enforcement of the Drug, Alcohol and Tobacco-free Workplace Policy
	Dismissal of full-time Classified Employees, Specialized Service Providers, and Teachers in Schools with a Waiver of Statutory Dismissal Procedures
GDQD	Regulation regarding Procedures for Dismissal of full-time Classified Employees, Specialized
GDQD-R	Service Providers, and Teachers in Schools with a Waiver of Statutory Dismissal Procedures
GBGB	Personal Safety and Security
GCF/GDF	Staff Recruiting/Hiring
	Staff Recruiting/Hiring

Note: G policies are Type I because charter employees are not district employees. Charters are encouraged to have these replacement employment policies, but it is not required for the District to review.

H Policies: Negotiations

HH Method of Determining Staff Negotiating Organizations

J Policies: Students

JFABB	Admission of Foreign Exchange Students
JFABB-R	Regulation for Admission of Foreign Exchange Students
JIBA	Student Government
JIBA-R	Student Government (Student Board of Education)
JICC JICC-R	Student Conduct on Buses (unless using DPS transportation, then unwaivable) Regulation for Student Conduct on School Buses (unless using DPS transportation, then unwaivable)
JIIB	Interscholastic Sports (unless participating in the Denver Public High Schools Athletic League, then unwaivable)

K Policies: School – Community Relations

KCD	Public Gifts Donations to Schools
KCD-R	Regulation regarding Public Gifts/Donations and Grants
KE	Public Concerns and Complaints
	Community Use of School Facilities (unless in District facility, then unwaivable)
KF	Regulation regarding Community Use of School Facilities (unless in District facility, then
KF-R	unwaivable)
КНВА	Sponsorship Programs

Appendix B: Type II DPS Charter Waivers

School/Network Name: Girls Athletic Leadership Schools of Denver
Charter School Waiver Contact Name: Carol Bowar
Charter School Waiver Contact's Phone Number: 303-519-0062
Charter School Waiver Contact's Email: carol.bowar@galsdenver.org

A Policies: Foundations and Basic Commitments

ADF-R		ADF/ ADF-R	School Wellness
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B Policies: School Board Governance and Operations

	BDF-R4	Collaborative School Committees
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D Policies: Fiscal Management

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DJ	Purchasing			
DJA	Purchasing Authority			
DJA-R	Regulations for Purchasing Authority			
DJB	Purchasing Procedures			
DJD	Cooperative Purchasing			
DJE	Bidding Procedures			
DJG	Vendor Relations			
DK	Stewardship of Funds			
DK-R	Propriety of Expenses Procedures			
DK-R1	Travel Expenses			
DK-R2	Food Purchases Procedure - Non-Student Meal Related			
DK-R3	District Cell Phone Procedures			
DK-R4	Payroll/Deductions/Direct Deposit/Expense Reimbursements			
DK-R5	Gift Card Purchasing Procedures			
	DJA DJA-R DJB DJD DJE DJG DK DK-R DK-R1 DK-R2 DK-R3 DK-R3 DK-R4			

E Policies: Support Services

	EEA	Student Transportation
	EEA-R1	Regulation for Transportation of Students in School Buses
	EEA-R2	Student Transportation in Private Vehicles
Х	EFEA	Nutritious Food Choices
Х	EGAEA	Electronic Mail and Internet Policy (when on DPS systems, not waivable)
Х		Regulations of Use of Electronic Mail and Internet Systems (when on DPS systems, not
	EGAEA-R1	waivable)
	EGAEA-R2	Regulation of Social Media Use (when on DPS systems, not waivable)
	EHB	Records Retention

F Policies: Facilities Development

FFA	Commemorative Activities and Memorials
FFA-R	Commemorative Activities and Memorials Regulation

I Policies: Instructional Program

	IHAM	Health and Family Life/Sex Education
	ІНВК	Preparation for Postsecondary and Workforce Success
	IHBK-R	Regulations for Preparation for Postsecondary and Workforce Success
	IKA	Grading/Assessment Systems
	IKA-R	Regulation for Grading/Assessment Systems
	IKE	Promotion, Retention and Acceleration of Students
	IKE-R	Procedure for the Promotion, Retention, and Acceleration of Students
	ILBC	Early Literacy and Reading Comprehension
	ILBC-R	Procedures to Implement the Colorado READ Act
Х	IMDB	Flag Displays

J Policies: Students

Х		JICA	Student Dress Code	
		JICDE	Bullying Prevention and Education	
		JICEA	School-Related Student Publications	
		JICEA-R	Regulation regarding School-Related Student Publications	
		JICEC	Student Distribution of Noncurricular Materials	
		JICEC-R	Regulation for Student Distribution of Noncurricular Materials	
			Student Travel and Field Trips (if not waived, "superintendent" approval will be replaced by	
			"charter school leader" approval)	
		IJΗ		
		JJH-R	Regulation regarding Student Travel and Field Trips	
		JLC	Student Health Services and Records	
		JLCD	Administering Medications to Students (if using DPS nursing, this policy is unwaivable)	
		JLCD-R	Administering Medications to Students Regulation	
		JLCDA	Students with Food Allergies	
			Parents, students can review material administered to students, can deny submission of	
			that material when asking for protected information, school personnel cannot recommend	
			psychotropic drugs	
		JLDAC		
		JLDAC-E	District must provide annual notice of these rights	
		JRA/JRC	Student Records/Release of Information on Students	
		JRA/JRC-R	Regulation Regarding Student Records and Release of Student Information	

K Policies: Instructional Program

	KB	Family Engagement (Including Title I Family Engagement)
	KB-R	Regulation for Family Engagement (Including Title 1 Family Engagement)
	KDB	Public's Right to Know - Freedom of Information
	KDB-R	Regulation regarding Public's Right to Know - Freedom of Information
	KFA	Public Conduct on School Property
	KFA-R	Regulation regarding Public Conduct on School Property
Х	KHB	Advertising in Schools
	КІ	Visitors to Schools

By signing the charter contract, the School/Network affirms that it has replacement policies that comply with the intent of the policy for each of the non-automatic waivers sought above and will produce the replacement policy, if requested.

Appendix C: Type III DPS Charter Waivers

If seeking to waive any of the non-automatic waivers below, please notify PMT immediately and email a PDF of your replacement policy to your contracting contact.

	ADC	Tobacco and Marijuana-Free Schools
	ADD	Safe Schools
	EBBA EBBA-R	Prevention of Disease/Infection Transmission
	IKF IKF-R	IKF - Requirements for Graduating class of 2021 and beyond Graduation Requirements for Class of 2021 and Beyond - Supporting Details
	JB JB-R1	Equal Educational Opportunity and nondiscrimination Regulation for Implementing Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Section 504 Grievance Procedures
ū	JICH JICH-R	Drug and Alcohol Use by Students Regulations for Drug and Alcohol Use by Students
	JIH	Student Interviews, Interrogations, Searches and Arrests
	JK JK-R	Student Discipline (Note: Provisions related to expulsion cannot be waived) Student Conduct and Discipline Procedures (Note: Provisions related to expulsion cannot be waived)
	JKA JKA-R	Restraint of Students Restraint of Students Regulation
	JLCC	Procedures to Prevent Infectious Disease in Students
	JLCDB JLCDB-E	Administration of Medical Marijuana to Qualified Students Written Plan: Administration of Medical Marijuana to Qualified Students
	JLF JLF-R	Child Abuse and Reporting Reporting Child Abuse and Child Protection
	JLI	Student Safety
	JQ	Student Fees, Fines and Charges (If not waived, "area superintendent approval" will be read as "charter school leader approval")
ū	JRCB JRCB-R	Privacy and Protection of Confidential Student Information Privacy and Protection of Confidential Student Information Regulation

*If waiving, IKF or JQ, please refer to Appendix E and F for a replacement policy template and specific replacement policy considerations. If waiving any other Type III policies, please immediately notify your PMT contact listed at the start of this document.

By signing the charter contract, the School/Network affirms that it has replacement policies that comply with the intent of the policy for each of the non-automatic waivers sought above.

Appendix D: DPS Policies Not Waivable for Charter Schools

The following Board of Education policies are not available for waivers by charter schools:

AB	School Performance Framework
ABA	School Performance Compact
AF	Charter Quality Authorizing Policy
EBAB	Hazardous Materials and Asbestos Management
ECA	Building Safety and Security Policy
FAP	Facility Allocation Policy
FN	Shared Campuses
FN-R	Regulation regarding Shared Campuses
IHBHD	Gilliam Center
JC	Student Assignment
JC-R	Regulation for Student Assignment
JF	Admission and Denial of Admission
JFABD	Homeless Students
JFABD-R	Regulation for Implementation of Homeless Student Policy
JFABE	Students in Foster Care
JFABE-R	Students in Foster Care Regulation
JHB	Student Attendance and Truancy
JHB-R	Regulation for Student Attendance
JHB-R2	Attendance Procedures for Different Learning Environments
JICF	Gang Activity Prevention
JICG	Use of Tobacco by Students
KDE	Emergency Management

Appendix E: DPS Graduation Policy Waiver Guidance

Note: If you would like to to continue using your previously approved waiver language, please just indicate so by email when submitting this waiver request form.

Context: In May 2016, the DPS Board revised and adopted Board Policy IKF and IKF-R Graduation Requirements in order to address changes in State Board Requirements. Board Policy IKF and IKF-R apply to all schools, regardless of governance type, unless expressly waived. IKF-R explicitly has as one of its guiding principles a commitment to flexibility, because the DPS Board believes schools can make the best decisions about what is right for their students and communities. However, there are pieces of the policies that cannot be waived due to state law and/or equity of accountability. As such, charter schools have the opportunity to request a waiver, by submitting a detailed replacement policy. These will be reviewed and approved by DPS Career and College Success, Legal and the Portfolio Management Teams before being sent to the DPS Board for a final approval vote in order to ensure the plans adequately meet the intent of the policy and the requirements of the law.

Directions: In the following template, please indicate which sections of IKF and IKF-R in particular the school is waiving.

Resource: Board Policy IKF and IKF-R (<u>http://www.boarddocs.com/co/dpsk12/Board.nsf/Public</u>) and The State Board Rules governing ICAPs (<u>https://www.cde.state.co.us/postsecondary/icap-background</u>) and Graduation Guidelines FAQs (<u>https://www.cde.state.co.us/postsecondary/gradguidelinesfaqs</u>)

Have additional questions? Reach out to your Portfolio contact.

Reminders:

- ICAP: A school cannot waive the ICAP requirement or state expectations for ICAPs, but they can use a system other than Maia Learning in order to meet all expectations for an ICAP under the state guidance. If a school is using Maia Learning, it DOES NOT need to waive this provision.
- Course Credit: A school cannot reduce the number of credits in each subject area, but it can increase/add course requirements. A school DOES NOT have to provide DPS with the course names/descriptions that meet each credit requirement.
- Competency Demonstration: The school can narrow the competency demonstration list but cannot change the minimum scores or add additional options.

Note: If the school is proposing developing its own Capstone for the competency demonstration, there is a different process. Please reach out to Marty Lessmann, Program Manager for Capstone Portfolios, (martin lessmann@dpsk12.org) for more information.

Waiver Request IKF/IKF-R Graduation Requirements for Class of 2021 and Beyond

School: (INSERT)

School Contact Name and Email: (INSERT)

ICAP: Replacement Plan

If no changes are being made to this section, the default is: The school is following district policy in its entirety for this section of the IKF and IKF-R.

If changes are being made use this template language:

(Insert how the school will meet EACH of the below requirements)

Note: If the school is using https://www.mycoloradojourney.com/ instead of Maia Learning, then it must simply state that and state how it will follow one subsection of below: 2.01(2)(b) regarding portability.

Each ICAP shall include a career planning, guidance and tracking component and portfolio that reflects, at a minimum, standards as required, but not limited to 22-2-136, C.R.S.

- 2.01(1)(a) Documentation of the student's efforts in exploring careers including: a written postsecondary and workforce goal for the student; yearly benchmarks for reaching that goal; interest surveys that the student completes; and anticipated post-secondary studies;
- 2.01(1)(b) The student's academic progress including courses taken, any remediation or credit recovery and any concurrent enrollment credits earned;
- 2.01(1)(c) the student's progress in visual arts and performing arts courses;
- 2.01(1)(d) An intentional sequence of courses reflecting progress towards accomplishment of the student's postsecondary and workforce objectives;
- 2.01(1)(e) Relevant assessment scores; including basic skills placements or assessment tests. For school districts and charter schools that choose to administer the basic skills placement or assessment tests, the student's scores on the basic skills placement or assessment tests administered pursuant to section 22-30.5-117, 22-30.5-526 or 22-32-109.5(4), C.R.S., any intervention plan created for the student and the student's progress in meeting the intervention plan;
- 2.01(1)(f)The student's plans for and experiences in Contextual and Service Learning, if applicable;
- 2.01(1)(g) A record of the student's college applications and resume, or alternative applications as they are prepared and submitted;
- 2.01(1)(h) The student's postsecondary studies as the student progresses through high school;
- 2.01(1)(i) The student's progress towards securing scholarships, work-study, student loans and grants;
- 2.01(1)(j) Other data reflecting student progress toward postsecondary and workforce readiness, including the student's understanding of the financial impact of postsecondary readiness
- 2.01(1)(k) The student's scores on basic skills or assessment tests and based on an analysis of the scores (if a district chooses to administer), the student's level of post-secondary and workforce readiness (PWR) at the time of the test. If a student's scores indicate that he or she is at risk of being unable to demonstrate PWR prior to or upon high school graduation, school personnel shall work with the student and the student's parent or legal guardian to create an intervention plan that identifies the necessary courses and education support services that the student requires to achieve PWR prior to or upon high school graduation to be prepared to continue into a postsecondary education option.
- 2.01(2)(a) Each ICAP is accessible to educators, students, parents, legal guardians, and Approved Postsecondary Service Providers; and may be shared in compliance of the "Federal Family Education Rights and Privacy Act of 1974"; and
- 2.01(2)(b) Each ICAP portfolio shall be transferable in print and/or electronic form for internal and external district use so that when a student transfers from one school or district to another, his/her career and academic plans follows him/her.

From Colorado State Board Rules Governing Standards for ICAPs (1 CCR 301-81)

Course Credit: Replacement Plan

If no changes are being made to this section, the default is: The school is following district policy in its entirety, including all minimum credit requirements, for this section of the IKF and IKF-R including:

To earn a DPS diploma, students must complete 24 Units of Credit in the following required areas:

- English Language Arts: 4 Units
- Math: 4 Units
- Science: 3 Units
 - $\circ~$ 2 of the 3 units must be lab-based science classes
- Social Studies: 3 Units
- $\circ\,$ Civics required (0.5 units)
- Physical Education: 1 Unit
- Arts or Eligible Career & Technical Education: 1 Unit
- Approved Electives: 8 Units

If changes are being made use this template language:

In addition the school will require: (INSERT the specific additions to the requirements)

Competency Demonstration: Replacement Plan If no changes are being made to this section, the default is: The school is following district policy in its entirety for this section of the IKF and IKF-R.

If changes are being made use this template language: The school will use the following assessments from the menu in IKF-R to assess student's ability to demonstrate competency:

<mark>(INSERT)</mark>

The school will use the minimum thresholds established in IKF and IKF-R for demonstrating competency on these assessments.

The following assessments/menu items will not be used at the school to demonstrate competency: (INSERT)

Note: If the school is seeking to develop its own capstone, the school must get District approval before implementation but can seek waiver while that process is underway.

Appendix F: Student Fees, Fines, and Charges Waiver Guidance

JQ Fee Schedule: Replacement Plan

If no changes are being made to this section, the default is: schools should be following the District fee schedule.

If you plan to waive JQ, remember the following:

- Starting in August 2021, Portfolio will annually request replacement policies/fee schedules from all schools with JQ waivers and review for alignment with state law.
- If any fee is allowable, the school's policy must clearly state that it is waived for students eligible for free and reduced lunch.
- All communication to families about fees should clearly state if they are voluntary in line with policy JQ.
- If a fee pays for core programming (tech is included as core programming) then it must be voluntary and be labeled as such.
- Under state statute, there is not a limit on the amount of a voluntary fee. Although we respect school's autonomy in determining an appropriate amount, we ask that schools consider what will be affordable to families.