

## EXHIBIT C: REQUESTED WAIVERS

| Contact Information  |
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| Automatic Waivers         |   |
|---------------------------|---|
| 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)(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 Duties-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 Relating the In-Service Training and Official Conduct |
| C.R.S. § 22-32-110(1)(ee) | Local Board Powers-Employ Teachers' Aides and Other Non-Certificated 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                              |
| C.R.S. § 22-1-112         | School Year-National Holidays   |

| <b>NON-AUTOMATIC WAIVERS</b>      |  |
|-----------------------------------|--|
| <b>State Statute Citation</b>     | <b>Description</b>   |
| C.R.S. § 22-1-110                 | Effect of Use of Alcohol and Controlled Substances                                   |
| C.R.S. § 22-2-112(1)(q)(l)        | Commissioner Duties  |
| C.R.S. § 22-9-106                 | Local Board of Education – Duties Performance Evaluation System – Compliance - Rules |
| C.R.S. § 22-32-109(1)(n)(l)       | Board of Education – Specific Duties   |
| C.R.S. § 22-32-109(1)(n)(ll)(A)   | Determine Teacher-Pupil Contact Hours  |
| C.R.S. § 22-32-109(1)(n)(ll)(B)   | Board of Education – Specific Duties Adoption of District Calendar                   |
| C.R.S. § 22-32-109.1(2)(a)(E)     | Conduct and Discipline Code  |
| C.R.S. § 22-33-105(7)(b)          | Suspension, Expulsion, and Denial of Admission                                       |
| C.R.S. § 22-33-107                | Enforcement of Compulsory School Attendance - Definitions                            |
| C.R.S. § 22-33-108(4) through (5) | Judicial Proceedings   |
| C.R.S. § 22-63-201                | Employment – Certificate Required  |

| <b>Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan</b>  |  |
|---|--|
| <b>C.R.S. § 22-1-110 Effect of use of alcohol and controlled substances</b>   |  |
| <p><b>Rational:</b> CECOLC is responsible for the design of its own educational program in agreement with its philosophies and values as put forth in the charter document, independent of CSI, including when and what to teach about the use of alcohol and controlled substances. As a charter school, CECOLC is allowed a state waiver from C.R.S. § 22-32-109(1)(t) to allow it to determine its educational program and textbooks and, as a CSI authorized charter school, CECOLC should not be subjected to the respective District's instructional materials or strategies.</p> |  |
| <p><b>Replacement Plan:</b> CECOLC will be responsible for identifying the instructional materials and strategies at each grade level as appropriate to teach these topics consistent with the school's philosophy and character education program and as necessary to meet all applicable mandatory standards. Parents will have the opportunity to preview the materials to be used in the class and/or meet with a teacher to review.</p>  |  |
| <p><b>Financial Impact:</b> None</p>  |  |
| <p><b>How the Impact of the Waiver Will be Evaluated:</b> CECOLC will monitor and track student behavior trends per grade, as a school, and through individual student portfolios and discipline records. The effectiveness will be evaluated by our administration as they review the implementation of all curricula and by our students and parents.</p>   |  |

**Expected Outcome:** A waiver from the statute will allow CECOLC to educate online students on these topics as aligned with the philosophies and values of CECOLC.

**Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan**

**C.R.S. § 22-9-106 Local Board of Education – Performance Evaluations ; C.R.S. 22-2-112(1)(q)(l) Commissioner-Duties.** This section requires that employee performance evaluations be performed by a person holding a principal certificate and requires the school district to have a written system and related procedures in place to evaluate the performance of certified personnel.

**Rationale:** CECOLC will be responsible for its own personnel matters, including the supervision and evaluation of personnel and the method for conducting such evaluation, consistent with the Charter School Contract and that is unique to its educational model that provides every student the opportunity to obtain an associate degree, other postsecondary credential, or at least 60 college credits toward a higher degree. The CECOLC Director of Online Education and Academic Dean must have the ability to perform the evaluation of all personnel. Should the Director of Online Education at CECOLC not have a principal licensure, this should not preclude him or her from administering the evaluations. Additionally, CECOLC is seeking a waiver from C.R.S. 22-9-106 enabling it to use its own evaluation system and 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)(l).

**Plan:** CECOLC will use its own policies concerning performance evaluations. CECOLC's evaluation system will meet the intent of the law as outlined in statute. The methods used for CECOLC's evaluation system include quality standards that are clear and relevant to the roles and responsibilities of teachers and other personnel and have the goal of improving student academic growth. All evaluations will be performed by persons trained to use CECOLC's evaluation system. Staff will be trained and annually evaluated with the system. In addition, the evaluation system's quality standards will be clearly communicated to both the person being evaluated and the evaluator. If granted this waiver, CECOLC will not be required to report their teacher evaluation data through the Teacher Student Data Link collection process. However, the data provided by CECOLC's teacher evaluation system (see Teacher Performance Tool in **Part II, Appendix 14** in the replication application) will be a critical component in the decision-making process for retention, promotion, and placement of the school's teachers. In addition, the evaluation data will be 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.

**Financial Impact:** CECOLC anticipates that the requested waiver will have no financial impact upon the budgets of CSI or CECOLC.

**How the Impact of the Waivers Will Be Evaluated:** Since teacher performance has a critical impact on the performance of the entire school, the impact of this waiver

will be measured by the same performance criteria and assessments that apply to CECOLC as set forth in the Charter School Agreement

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

**Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan**

**C.R.S. § 22-32-109(1)(n)(I) and C.R.S. § 22-32-109(1)(n)(II)(A) and C.R.S. § 22-32-109(1)(n)(II)(B): School Board’s duty to prescribe length of school year and hours of teacher-pupil instruction and to adopt a calendar.**

**Rationale:** CECOLC needs to set its own school calendar to best meet the needs of its students. CECOLC will prescribe the actual details of teacher-pupil contact hours to best meet the needs of students. As an online school, CECOLC students will participate in synchronized and asynchronistic learning. Students will work through the courses and learning plan based on the instructor and students needs including extended hours and weekends. CECOLC students shall meet the intent of the statute by developing its own policies and procedures to meet minimum state law requirements.

**Replacement Plan:** A finalized calendar and school day of CECOLC will be officially adopted each year by the CEC Governing Board that meets or exceeds the state requirements in state statute for length of school year. Rather than a set number of hours of instruction, CECOLC will work to ensure teachers are available to assist students during extended hours Monday through Friday and for limited hours on weekends and breaks. In accordance with Charter School Institute (“CSI”) policy, the school will submit its calendar annually to CSI for review and will not make any material modifications to the calendar without notification to CSI.

**Financial Impact:** CECOLC anticipates that the requested waiver will have no financial impact upon the budgets of CSI or CECOLC.

**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 CECOLC as set forth in the Charter School Agreement.

**Expected Outcome:** As a result of this waiver, CECOLC will be able to operate under its own schedule, which is vital to the success of its program.

**Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan**

**C.R.S. 22-33-107 Compulsory School Attendance; C.R.S. 22-33-108(4) through (5) Enforcement of Compulsory Attendance; and Judicial Proceedings.**

**Rationale:** CSI doesn't have the capacity to manage school attendance issues at each of its schools. Therefore, CSI-sponsored schools must have their own policies and procedures to address these issues. Under CRS 22-33-108(4) and CRS 22-33-

108(5) only a school district may initiate truancy proceedings. It is CEC's intent to follow the general assembly's intent and enforce the compulsory school attendance requirements outlined within statute.

**Replacement Plan:** The charter contract delegates the authority to implement the School Attendance Law of 1963 to the school administration. To ensure that the school is meeting the intent of the law, the school will involve its legal counsel and CSI in any appeals to the governing board to ensure that students are being afforded appropriate due process. CEC shall designate one or more employees to act as attendance officers for the School. The attendance officer shall counsel students and parents and investigate the causes of nonattendance. CEC shall adopt and implement policies and procedures concerning school attendance and the attendance officer or the attorney for CEC may bring and represent CEC in proceedings for the enforcement of the compulsory attendance provisions outlined in state statute, including truancy proceedings.

**Duration of the Waivers:** This waiver should be in effect for the term of the Charter School Agreement with the Charter School Institute (CSI).

**How the Impact of the Waivers Will be Evaluated:** The CSI will monitor this through annual Accreditation and the Annual Performance Report.

**Expected Outcome:** As a result of this waiver, CECA will experience an enhanced educational program by being able to administer the school program in keeping with the philosophy and mission as stated in the Charter School Contract.

**Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan**

**C.R.S. § 22-63-201 Employment - Certificate Required: Prohibits board from entering into an employment contract with a person who does not hold a teacher's certificate or letter of authorization.**

**Rationale:** CECOLC seeks to employ personnel whose backgrounds include more than one area of expertise, experience other than traditional classroom experience, successful teaching experience in settings not requiring a license, and teachers not currently licensed or licensed in other states who are qualified to carry out the mission of CECOLC. CECOLC should be granted the authority to hire teachers and principals that will support the school's goals and objectives. The CECOLC Director of Online Education will be responsible for a wider range of tasks than a traditional district school principal. CECOLC will seek to attract administrators and teachers from a wide variety of backgrounds that reflect the community CECOLC will serve, including, but not limited to multilingual staff, staff 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 professional experience in areas being taught at CECOLC.

**Replacement Plan:** CECOLC will, where possible, hire certified teachers and principals. However, in some instances it may be advantageous for CECOLC to be able to hire teachers and/or principals without a certificate and who possess unique background, and/or skills or fill the needs of CECOLC. All teachers will be highly qualified. All school employees will meet the guidelines set forth in the Colorado state ESSA plan, specifically (1) endorsement on a Colorado teaching

license; (2) holding at least a bachelor's degree or higher in the relevant subject area; (3) completing 36 semester credit hours in the subject matter in which s/he teaches; or (4) passing a State Board approved content exam in the relevant subject area. Special Education Teachers will hold the requisite state license and endorsement. CECOLC will report the number of in-field/out-of-field teacher designations, years of experience of teachers, or any other requirements promulgated by CDE.

**Financial Impact:** CECOLC anticipates that the requested waiver will have no financial impact upon the budgets of CSI or CECOLC.

**How the Impact of the Waivers Will Be Evaluated:** The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to CECOLC as per the Charter School Agreement.

**Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan**

**C.R.S. § 22-33-105(7)(b) Suspension, Expulsion, and Denial of Admission; C.R.S. § 22-32-109.1(2)(a)(E) Conduct and Discipline Code.**

**Rationale:** As a CSI charter school, CECOLC must have the ability to determine procedures for suspension, expulsion, and denial of admission in accordance with state law and to hear the appeal of any such decisions. CEC is requesting a waiver from CRS 22-32-109.1(2)(a)(E) only with regards to the required adherence to CRS 22-33-105.

**Replacement Plan:** The Charter Contract delegates the authority to suspend, expel, and deny admission to students to CEC, which is consistent with state law and CEC Student Conduct and Discipline Code policy. However, rather than allowing CSI to carry out the functions of a school district and its board as stated in statute, CEC's Governing Board will carry out those functions. To ensure that CECOLC is meeting the intent of the law, CECOLC will involve its legal counsel and CSI in any appeals to the Governing Board to ensure that students are being afforded appropriate due process. CEC will develop a policy for carrying out the requirements of C.R.S. § 22-33-105 for review and approval by CSI. In addition, CECOLC will report expulsion data pursuant to C.R.S. § 22-33-105(2.5). The responsibility outlined in statute for developing and implementing policies related to CRS 22-33-105(2)(c) and CRS 22-32-109.1(2)(a)(E) are delegated to the CEC Board.

**Financial Impact:** CECOLC anticipates that the requested waiver will have no financial impact upon the budgets of CSI or CECOLC.

**How the Impact of the Waivers Will Be Evaluated:** The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to CECOLC as per the Charter School Agreement.