

## A. WAIVERS FROM STATE STATUTE

### Rationale and Replacement Plan for Waivers from State Statute and Rule

**Basic Information**

School Name: **Community Prep School**

School Address: **332 E. Willamette Avenue-Colorado Springs, CO 80903**

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In the case of each waiver, we expect the standard that Community Prep School ultimately implements will be greater than existing rules, not less. Community Prep School reserves the right to request additional waivers in the future.

Unless otherwise noted, the following language applies to each of the policy waiver requests:

**Duration of Waivers:** *Community Prep School requests that each waiver be for the duration of its contract with the Colorado Springs District 11 School Board. Therefore, each waiver is requested for five academic operating years, through June 30, 2020.*

Community Prep School utilizes the automatic state waivers applicable to charter schools.

Community Prep School requests the following non-automatic waivers to be granted:

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

Statute	Statute Title	Rationale	Replacement Plan	Expected Outcome
22-32-109 (1) (b)	Local board duties concerning competitive bidding	CPS should be granted the authority to use licensed, qualified services from outside vendors to support their specialized service needs and facility enhancements.	CPS has unique needs due to the age of the building. The BOD provides financial controls requiring 3 outside bids on expenditures to review and ensure fidelity to budget items.	Through financial oversight and competitive bidding, CPS will continue to maintain a healthy and responsible budget.

Community Prep School Request for State Waivers

22-32-110(1)(y)	Local board powers-Accepting gifts, donations, and grants	CPS provides many additional wrap around services to students; outdoor learning trips, life coaching and therapy, additional mentoring staff, service learning activities, etc. The option to use additional community and grant funding to support additional research based programs for students should be granted to CPS.	CPS students have unique needs that have a higher cost to support the students and families with additional resources for success. The value add of onsite mental health, additional support staff, and curriculum enhancements warrants the opportunity to be exempt from District TABOR laws.	CPS expects that an increased completion rate and graduation rate will result from the opportunity to accept outside support and funding to enhance our services and support.
22-2-112(1)(q)(I)	Commissioner-Duties (reporting performance evaluation ratings)	CPS should be granted the authority to develop, implement, review, and revise its policies and practices related to conditions of employment and evaluation of employees.	In accordance with *SB 10-191 Data Collection for Charter Schools, CPS will continue to develop administrator and employee evaluations with specific and measurable processes.	CPS expects positive growth and goal setting toward USIP objectives and staff professionalism as a result of the use of research based best practices in evaluation tools and procedures.
22-9-106	Local Board Duties Concerning Performance Evaluations	A waiver from these statutes allows a charter school to implement its own performance evaluations according to its own vision, mission, and student achievement goals and not to have to report those evaluation ratings to a separate entity. Community Prep School's Principal, as designated head of school, must have the ability to perform the evaluation of all personnel. Community Prep School's own BOD must also have the ability to perform the evaluation for the Community Prep School. Additionally, Community Prep School should not be required to convert into a different report format, and 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)	Community Prep School uses its own evaluation system as notes in the Charter School Contract with Colorado Springs School District 11 and therefore should not be required to report their teacher evaluation data. Community Prep School's evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for Community Prep School's evaluation system includes research-based quality standards that are clear and relevant to the administrators' and teachers' roles and responsibilities, and have the goal of improving student academic growth. These standards meet the intent of the quality standards established in SB 10-191. In addition, the evaluation data is used to inform professional development decisions for each teacher. Core course level participation (where	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 measurable growth plan will assist staff in setting goals aligned to our USIP and to increase student achievement.
			"Core course" means a course in English, mathematics, science, or social studies) as appropriate to Community Prep School's school model, will continue to be reported pursuant to C.R.S. 22-11-503.5, as this is a non-waivable statute.	

Community Prep School Request for State Waivers

22-63-202	Teacher Employment Act - Contracts in writing, damage provision	Community Prep School staff members are employees of the charter school and not of the school district. The Community Prep School BOD hires one single employee, the School Principal, as its executive officer, and the School Principal hires each additional employee. Community Prep School utilizes its own employment, hiring, and benefits procedures, and needs this flexibility per its Charter Contract with its district.	Community Prep School uses an employment structure that includes At-Will employment per Colorado employment law, and issues its own At-Will agreements with employees. Community Prep School references and uses all Colorado employment law rules and works to maintain and update training on best practices in such policies and procedures.	With this waiver, the school will be able to implement its program and hire its teachers in accordance with its hiring system, which is designed to be consistent with the school's goals and objectives. This will benefit teachers, the rest of the school's staff, students, families, and the community as it provides a stable and effective teaching staff.
22-63-203	Teacher Employment Act-Requirements for probationary teacher, renewal & nonrenewal	Community Prep School staff members are employees of the charter school and not of the school district. The Community Prep School BOD hires one single employee, the School Principal, as its executive officer, and the School Principal hires each additional employee. Community Prep School utilizes its own employment, hiring, and benefits procedures, and needs this flexibility per its Charter Contract with its district.	Community Prep School uses an employment structure that includes At-Will employment per Colorado employment law, and issues its own At-Will agreements with employees. As such, Community Prep School does not utilize tenure or probationary status. Community Prep School uses its own support structure to support new teachers, and utilizes the district's induction process for teachers who seek to develop their licensure status. Community Prep School references and uses all Colorado employment law rules and works to maintain and update training on best practices in such policies and procedures.	With this waiver, the school will be able to implement its program, and hire and support its teachers in accordance with its hiring and coaching system, which is designed to be consistent with the school's goals and objectives. This will benefit teachers, the rest of the school's staff, students, families, and the community as it provides a stable and effective teaching staff.
22-63-201	Teacher Employment Act - Compensation & Dismissal Act-Requirement to hold a certificate	Community Prep School seeks to utilize highly qualified teachers who can meet the vision and mission of the school and the academic needs of its students, who may not yet hold current Colorado licensure. Flexibility in this area allows the School Principal to utilize the skills of these teachers without creating a barrier to employment, to fill its teaching positions effectively, and to encourage these teachers towards attaining such licensure while in the	Community Prep School utilizes a hiring process that thoroughly vets teaching candidates for their ability to meet the vision and mission of the school. This includes requiring its teachers to meet highly qualified requirements with the exception of current licensure in Colorado; reviewing resumes and applications for high academic excellence; conducting applicable background checks and reference checks; utilizing	With this waiver, the school will be able to hire highly effective teachers in accordance with its hiring system and its teacher evaluation system requirements, and be consistent with the school's goals and objectives. This will benefit teachers, students, the entire Community Prep School staff, families, and the community.

Community Prep School Request for State Waivers

Page 4 of 5

		process of employment at Community Prep School.	one or more interview with multiple Community Prep School staff members; evaluating performance tasks and an in-person model lesson where possible; and a preference for current licensure and for gifted education endorsements. Community Prep School in some cases has found candidates who have exceptional fit and skill level for its program, but who do not yet have Colorado teaching certification. Flexibility in this area provides the opportunity to meet students' needs in effective ways with highly skilled candidates.	
22-63-206	Teacher Employment Act-Transfer of teachers	Community Prep School staff members are employees of the charter school and not of the school district. The Community Prep School BOD hires one single employee, the School Principal, as its executive officer, and the School Principal hires each additional employee. The School Principal needs the flexibility to arrange any teacher transfers in the event that it adds an additional campus in the future; currently, there are 1 off campus program in another location.	Community Prep School uses an employment structure that includes At-Will employment per Colorado employment law, and issues its own At-Will agreements with employees. Community Prep School teachers do not transfer between district employment and the school's employment. In the event that, in the future, Community Prep School adds an additional campus, the School Principal will coordinate any teacher transfers.	With this waiver, the school will be able to implement its program with a stable teaching staff, and be consistent with the school's goals and objectives. This will benefit staff members as well as students and the community.
22-32-109(1)(n)(I)	Local Board Duties Concerning School Calendar	The board of directors for Community Prep School must have the ability to set the calendar for the school year that meets and exceeds statutory requirements and aligns with the school's vision, mission, and description of its program within the Charter Contract with its school district. The School Principal must also have the ability to adjust calendar days for snow days or other interruptions, in collaboration with the BOD for its own unique program.	The School Principal provides a draft calendar to its community, including families and staff, for input, and then to the school's BOD. The calendar aligns as closely as possible with its district calendar and makes adjustments for additional requirements according to its charter contract (such as additional family conference days, professional development days, et cetera). The BOD votes on the school calendar for the following school year, and provides the final version to its school district. The BOD verifies that the Community Prep School program exceeds all minimum state requirements listed above and meets or exceeds school district calendar days and contact hours.	With this waiver, the school will be able to implement its program, family conference days, professional development days, and other calendar items designed to support effective student achievement and family connections, and be consistent with the school's goals and objectives. This will benefit students, families, staff, and the community.

Community Prep School Request for State Waivers

<p>22-32-109(1) (n)(II)(B)</p>	<p>district calendar</p>	<p>The board of directors for Community Prep School must have the ability to set the annual calendar for its vision and mission, and determine teacher-pupil contact hours for the school year that meet and exceeds statutory requirements and aligns with the school's vision, mission, and description of its program within its Charter Contract with its school district. The School Principal must also have the ability to adjust contact hours for snow days, delayed starts, enrichment opportunities, field trips, or other interruptions or adjustments in daily routine, in collaboration with the BOD, for its own unique program.</p>	<p>The board of directors for Community Prep School will set the annual calendar, and determine teacher-pupil contact hours for the school year that meets and exceeds statutory requirements and aligns with the school's vision and mission within its Charter Contract with its school district. The School Principal will adjust contact hours for snow days or other calendar interruptions, in collaboration with the BOD, for its own unique program, and will provide at least thirty days notice for changes, excluding emergencies or unforeseen circumstances, in the calendar.</p>	<p>With this waiver, the school will be able to implement its program and provide consistent scheduling for its students, using feedback from its families and focusing on accountability for the school's goals and objectives. This will benefit students, families, staff members, and the community.</p>
<p>22-32-120</p>	<p>Food services- facilities- school food authorities</p>	<p>CPS administers its own food service/culinary arts program through the supervision of the El Paso County Health Department. CPS possesses a retail food establishment license which enables the school to prepare and sell breakfast, lunch, and snacks.</p>	<p>CPS's food services program meets the intents of 22-32-120</p>	<p>CPS's food services program will serve as a training program for skills in the culinary arts and will incorporate industry credentials and certifications for students.</p>
<p>22-32-109</p>	<p>Local board duties concerning tobacco use</p>	<p>Because Community Prep Charter School operates independently from Colorado Springs D11 School District, Community Prep Charter School seeks the authority to develop its own policies and procedures to govern its operations, including a policy mandating a prohibition against the use of all tobacco products on school property and at school-sponsored activities, as well as rules as are necessary to enforce such prohibition, in order to better meet the needs of its student population. Community Prep Charter School acknowledges that the State Board does not have the authority to waive the prohibition against the use of all tobacco products on school property and at school-sponsored activities as C.R.S. 25-14-103.5 is non-waivable.</p>	<p>Community Prep Charter School will have a policy mandating against the use of all tobacco products on school property and at school-sponsored events. Community Prep Charter School will have rules to enforce such prohibition while providing the school with flexibility to address the needs of its student population.</p>	<p>Providing a designated, off street area for smoking with supervision and education will foster increased safety for students, commuters, and neighborhood residents.</p>