

Automatic Waivers from State Law

Automatic Waivers

22-32-109(1)(t)	Local Board Duties Concerning Textbooks and Curriculum
22-32-109(1)(f)	Local Board Duties Concerning Selection of Staff, and Pay
22-32-109(1)(b)	Local Board Duties Concerning Competitive Bidding
22-32-110(1)(h)	Local Board Powers-Terminate employment of personnel
22-32-110(1)(i)	Local Board Powers-Reimburse employees for expenses
22-32-110(1)(j)	Local Board Powers-Procure life, health, or accident insurance
22-32-110(1)(ee)	Local Board Powers-Employ teachers' aides and other noncertificated personnel
22-32-110(1)(y)	Local Board Powers-Accept gifts, donations, grants
22-32-110(1)(k)	Local Board Powers-Policies relating to inservice training and official conduct
22-32-126	Employment and Authority of Principals
22-33-104(4)	Compulsory School Attendance – Attendance policies and excused absences
22-63-301	Teacher Employment Act-Grounds for dismissal
22-63-302	Teacher Employment Act-Procedures for dismissal of teachers
22-63-401	Teacher Employment Act-Teachers subject to adopted salary schedule
22-63-402	Teacher Employment Act-Certificate required to pay teachers
22-63-403	Teacher Employment Act-Describes payment of salaries
22-1-112	School Year - National Holidays

Non-Automatic Waivers from State Law and RRP

Non-automatic Waivers

22-32-109(1)(n)(I)	Local Board Duties Concerning School Calendar
22-32-109(1)(n)(II)(A)	Determine teacher-pupil contact hours
22-32-109(1)(n)(II)(B)	Adopt District Calendar
22-63-206	Teacher Employment Act-Transfer of teachers
22-2-112(1)(q)(I)	Commissioner-Duties (reporting performance evaluation ratings)
22-9-106	Local Board Duties Concerning Performance Evaluations
22-63-201	Teacher Employment Act - Compensation & Dismissal Act-Requirement to hold a certificate
22-63-202	Teacher Employment Act - Contracts in writing, damage provision
22-63-203	Teacher Employment Act-Requirements for probationary teacher, renewal & nonrenewal

Rationale and Replacement Plans for Non-Automatic Waiver Requests

C.R.S. 22-32-109(1)(n)(I) Local Board Duties Concerning School Calendar; 22-32-109(1)(n)(II)(A) Determine teacher-pupil contact hours; 22-32-109(1)(n)(II)(B) Adopt District Calendar

Rationale: Lotus will develop the details of its own school calendar and hours of teacher-pupil contact. The total number of student hours in school will meet or exceed those of the District and comply with state requirements.

Replacement Plan: A finalized calendar and school day of Lotus will be officially adopted on an annual basis after community input.

Duration of the Waivers: Lotus requests that the waiver be for the duration of its Charter.

Financial Impact: None on the budget of either the District or Lotus.

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 Lotus as set forth in its Charter.

Expected Outcome: As a result of this waiver, Lotus will be able to operate under its own schedule, which will be developed to meet the needs of its community and will be vital to the success of its program.

C.R.S. § 22-63-206 Teacher Employment Act-Transfer of teachers

Rationale: The Charter Schools Act allows a charter school to be responsible for its own personnel matters. It is inconsistent with this statute for the District to make transfers with/or for Lotus without the School's permission.

Replacement Plan: Lotus will make staff assignments based on its needs and educational goals. No staff will be assigned to positions for which they are not qualified.

Duration of the Waivers: Lotus requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or Lotus.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to Lotus as set forth in its Charter.

Expected Outcome: Lotus expects that, as a result of this waiver, it will be able to manage its own personnel affairs to meet its educational goals.

C.R.S. § 22-9-106 Local Board of Education Duties Concerning Performance Evaluations; C.R.S. § 22-2-112(1)(q)(I) Commissioner-Duties (reporting performance evaluation ratings)

Rationale: In order for the School to function according to its unique needs and design, Lotus must develop and adopt its own system for evaluation of personnel.

Replacement Plan: Lotus will provide a yearly evaluation for all staff. Teachers will be held accountable to the School administration. The evaluation system will have clear standards for performance. Personnel being evaluated and evaluators will be trained on the evaluation system. The evaluation system will be further developed and refined as needed to meet the needs of the School. Lotus does not plan to report evaluation performance information to CDE.

Duration of the Waivers: Lotus requests that the waiver be for the duration of its Charter.

Financial Impact: None to either the District or Lotus.

How the Impact of the Waivers will be evaluated: The impact will be measured by the same performance criteria and assessments that apply to Lotus as set forth in its Charter.

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

C.R.S. § 22-63-201 Teacher Employment Act - Compensation & Dismissal Act- Requirement to hold a certificate

Rationale: Lotus will be solely responsible for selecting, supervising, disciplining, determining compensation for and terminating its' employees, in compliance with applicable laws that are not or cannot be waived.

Replacement Plan: Lotus may, when possible, hire certified teachers and School Administrators. However, it may be beneficial for Lotus be able to hire teachers without a certificate who possess unique background and/or skills, or fill a need for the school. Lotus may require such persons to obtain a certificate within a designated period of time. Lotus will ensure teachers meet Highly Qualified requirements until such time as the State Board of Education adopts new rules or requirements for teachers who do not hold a current certificate teaching in charter schools.

Duration of the Waivers: Lotus requests that the waiver be for the duration of its Charter.

Financial Impact: None to either the District or Lotus.

How the Impact of the Waiver will be evaluated: The impact will be measured by the same performance criteria and assessments that apply to Lotus as set forth in its Charter.

Expected Outcome: As a result of these waivers, Lotus will be able to employ professional staff possessing unique skills, and/or backgrounds, or filling needed positions.

C.R.S. § 22-63-202 Teacher Employment Act - Contracts in writing, damage provision

Rationale: Lotus will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, rules and regulations, and termination procedures. Therefore, the School requests that these statutory duties be waived or delegated from the District to Lotus. The success of the School will depend in large part upon its ability to select and employ its own staff and to terminate individual staff members should they not perform in accordance with the goals and objectives of the School. All Lotus staff will be employed on an at-will basis.

Replacement Plan: The School will be responsible for these matters. Specific policies and procedures for termination will be developed prior to each school year, and in compliance with applicable state and federal employment laws.

Duration of the Waivers: Lotus requests the waiver be granted for the duration of its Charter.

Financial Impact: None on either the District or Lotus.

How the Impact of the Waivers will be evaluated: The impact of the waiver will be measured by the same performance criteria and assessments that apply to Lotus, as set forth in its Charter.

Expected Outcome: As a result of this waiver, the School will be able to employ professional staff filling its needs in accordance with the terms and conditions set by the School.

C.R.S. § 22-63-203 Teacher Employment Act-Requirements for probationary teacher, renewal & nonrenewal

Rationale: Lotus will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, rules and regulations, and termination procedures. Therefore, the School requests that these statutory duties be waived or delegated from the District to Lotus. The success of the School will depend

in large part upon its ability to select and employ its own staff and to terminate individual staff members should they not perform in accordance with the goals and objectives of the School. All Lotus staff will be employed on an at-will basis.

Replacement Plan: The School will be responsible for these matters. Specific policies and procedures for termination will be developed prior to each school year, and in compliance with applicable state and federal employment laws.

Duration of the Waivers: Lotus requests the waiver be granted for the duration of its Charter.

Financial Impact: None on either the District or Lotus.

How the Impact of the Waivers will be evaluated: The impact of the waiver will be measured by the same performance criteria and assessments that apply to Lotus, as set forth in its Charter.

Expected Outcome: As a result of this waiver, the School will be able to employ professional staff filling its needs in accordance with the terms and conditions set by the School.