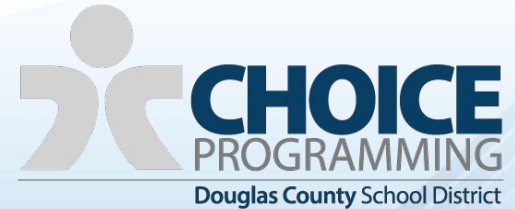


DCSD Charter School Systematic Waiver Process



Learn Today, Lead Tomorrow



March 2023

Charter School Waiver Guidance

- Colorado's Charter Schools Act permits charter schools to operate free from specified state statutes and rules in accordance with waiver procedures. (C.R.S. § 22-30.5-101 *et seq.*)
- Charter schools may also operate free from specified school district policies pursuant to its charter contract with a district. (C.R.S. § 22-30.5-104(6)(a))
- To systematically support DCSD Charter Schools in requesting waivers from DCSD District Policy, proposed Board File Policy LBD-R-3 and its Exhibit outlines the types of waivers made available to DCSD Charter Schools, and the procedures for requesting them.

Board File: LBD Charter Schools

DCSD Board of Education File LBD States:

- The contract between the charter school and the Board of Education shall designate responsibility for charter school operations including, but not limited to, preparation of a budget, contracting for services, facilities, and personnel matters.
- The superintendent is authorized to create procedures and regulations concerning charter application process and the supervision of charter schools.

The Charter Waiver Process

What does this mean for DCSD?

- Waiver requests to DCSD Policies will be submitted to the BOE for consideration during renewals
- In order to initiate the waiver request process at the same time, all DCSD Charter Schools are presently updating their waiver requests using the new template and process for consideration by the BOE in the near future
- Charter schools in Colorado have the ability to request waivers from District Policies at any time, and DCSD Charter Schools will continue to have that ability
- Having all DCSD Charter Schools using an aligned template and process allows DCSD Choice Programming, DCSD Legal, and the DCSD BOE to have an aligned review process

The Charter Waiver Process

Updates to the DCSD Waiver Process have been in progress for more than 5 years



4 Types of Waivers to District Policy

Non-Applicable

DCSD Policies with No Alignment to Charter Schools Act

DCSD Policies were examined and determined to be not applicable to charter schools, and no waiver request is required



Charter Schools are not required to request waiver from these policies, as they have been determined to be non-applicable

Automatic Policy Waiver

Aligned to CO State Automatic Waivers and Charter Act

DCSD Policies aligned to existing State of Colorado rules that have been determined by the State Board to allow for Automatic Waivers



DCSD Policies which are identified as Automatic request for waiver require the charter school to provide documentation of its plan, process, or policy

Non-Automatic Policy Waiver

Aligned to CO State Non-Automatic Waivers

DCSD Policies aligned to existing State of Colorado rules that have been determined by the State Board to allow for Non-Automatic Waivers



DCSD Policies which are identified as Non-Automatic requests for waiver require charter schools to provide a rationale and replacement plan

Non-Waivable Policies

Policies Required by State and Federal Law

These policies were deemed important District policies typically required by Federal or State Law or which were deemed necessary to further the contractual relationship with charter schools



These policies should not be waived

4 Types of Waivers to District Policy

- Non-Waivable

- No recommendation to waive

- Non - Applicable

- Charter Schools do not need to submit a request to waive these policies, as they have been determined to be non-applicable to Charters in DCSD

- Automatic

- Automatic Recommendation from DCSD Choice Programming to the Board of Education to waive with a developed plan, process, or policy on record and submitted on the DCSD Common Template

- Non-Automatic

- Recommendation to waive with clear Rationale and Replacement Plans Submitted on the DCSD Common Template

*It is important to note that Charters do **NOT** have to submit any waivers to DCSD Policy. No waiver requests just means that the charter operates under the DCSD Policy just as if it is their own.*

Examples of Non-Waivable Requests to DCSD Policies

Foundations and Basic Commitment

- AC Nondiscrimination_Equal Opportunity
- AC-R Nondiscrimination_Equal Opportunity (Complaint and Compliance Process)
- AC-R-1 Nondiscrimination/Equal Opportunity
- AC-R-2 Title IX Sexual Harassment Grievance Process
- ADC Tobacco-Free Schools
- ADD Safe Schools

Students

- JB Equal Education Opportunities
- JBA Nondiscrimination_Non Harassment of Students
- JBB Nondiscrimination on the Basis of Disability
- JBC Sexual Harassment
- JK-2 Procedural Requirements for Disciplinary Removals of Students with Disabilities
- JKA Corporal Punishment-Use of Physical Intervention and Restraint by Employees

Examples of Non-Applicable Waiver Requests to DCSD Policies

Fiscal Management

- DFB Reserving Policy for DCSD District Medical Fund
- DFB-R Reserving Policy for DCSD Medical Fund Regulation
- DFC Certificates of Participation

Foundations and Basic Commitment

- AE District Advisory Committee

Examples of Automatic Waiver Requests to DCSD Policies

Board Governance and Operations

- BBBE Unexpired Term Fulfillment_Vacancies
- BC School Board Member Conduct
- BCA_E_1 Code of Ethics for School Board Members
- BE School Board Meetings
- BEAA Electronic Participation in School Board Meetings (Special Meetings Only)

Instruction

- IGA Curriculum Development
- IGA-E District Course Proposal Form
- IGA-E-1 District Concurrent Enrollment Program Proposal
- IGA-R Curriculum Development
- IJ Textbook and Instructional Materials Selection and Adoption
- IJ-E-1 Proposal to Adopt a Textbook

Examples of Non-Automatic Waiver Requests to DCSD Policies

Fiscal Management

- DB Annual Budget
- DB_R Annual Budget (SBB Model) Regulation
- DFA Cash Management and Investment Policy
- DFA-R Cash Management and Investment Regulation
- DG Banking Services Deposit of Funds Authorized Signatures and Check Writing
- DG-R Banking Services (and Deposit of Funds) Regulation

Personnel

- GBA Open Hiring_Equal Employment Opportunity
- GBAA Sexual Harassment
- GBAB Workplace Health and Safety Protection
- GBEA Staff Conflicts of Interest
- GBEA-R Staff Conflicts of Interest and Ethics
- GBEB Staff Conduct
- GBEB-R Staff Conduct

Outcomes and Next Steps

- Charter Schools and the Board of Education will provide guidance and a clear process which outlines the types of waivers available to all Charter Schools, and the procedures for requesting them.
- Submitting all DCSD Charter School waiver requests using this new template and process this spring will allow for DCSD to fully institute the systemic waiver process.
- Going forward, all DCSD Charters will be required to submit waivers to CDE for State Waivers, as well as to the DCSD BOE during their charter renewals.
- Charter Schools may request additional waivers in the future in alignment with the school's contract.
- DCSD Board of Education to consider adoption of Policy LBD-R-3 "Charter School Waivers of District Policy."

Questions and Discussion