

Attachment O.1 Waivers

Heritage Heights Academy will operate with all automatic waivers currently set forth in Colorado law, which are as follows:

Automatic Waiver List as of 1/1/15		
State Statute Citation	Description	Explanation of Automatic Waiver workaroud
22-32-109(1)(b), C.R.S.	Local board duties concerning competitive bidding	Governing Board will seek multiple bids for all contracts exceeding \$25,000. The Governing Board will also adhere to its Conflict of Interest Policy in all bidding and purchasing decisions.
22-32-109(1)(f), C.R.S.	Local board duties concerning selection of staff and pay	Governing Board will create policies to ensure that HHA follows all applicable Federal, State, and CCSD laws, regulations, and policies for the selection and compensation of HHA staff.
22-32-109(1)(n)(II)(A), C.R.S.	Determine teacher-pupil contact hours	Governing Board will create policies for HHA Principal to determine teacher-pupil contact hours.
22-32-109(1)(t), C.R.S.	Determine educational program and prescribe textbooks	Governing Board will ensure HHA's adherence to the Core Knowledge Curriculum and create policies for HHA Principal to select appropriate textbooks for the same.
22-32-110(1)(h), C.R.S.	Local board powers-Terminate employment of personnel	Governing Board will create policies to ensure that HHA follows all applicable Federal, State, and CCSD laws, regulations, and policies for the termination of personnel.
22-32-110(1)(i), C.R.S.	Local board duties-Reimburse employees for expenses	Governing Board will create policies to ensure that HHA reimburses its employees for all expenses incurred.
22-32-110(1)(j), C.R.S.	Local board powers-Procure life, health, or accident insurance	Governing Board has selected an insurance provider to provide life, health, and accident insurance to all applicable
22-32-110(1)(k), C.R.S.	Local board powers-Policies relating the in-service training and official conduct of employees	Governing Board will create policies to ensure that HHA follows all applicable Federal, State, and CCSD laws, regulations, and policies for the training and official conduct of its employees.
22-32-110(1)(y), C.R.S.	Local board powers-Accepting gifts, donations, and grants	Governing Board has created a Conflict of Interest Policy and will create additional policies as needed to ensure that any gifts, donations, and grants to the Governing Board, HHA, and HHA staff are

Automatic Waiver List as of 1/1/15

22-32-110(1)(ee), C.R.S.	Local board powers-Employ teachers' aides and other non-certificated personnel	Governing Board will create policies guiding Principal in the appropriate guidelines for hiring and selecting all teachers' aides and other non-certificated personnel in accordance with Federal, State, and CCSD law, regulations and policies.
22-32-126, C.R.S.	Employment and authority of principals	The HHA Principal serves as the pleasure of the Governing Board, who also oversees the recruitment, selection, evaluation, and termination of the HHA Principal in accordance with Federal, State, and CCSD law, regulations and policies. The Governing Board creates policies to ensure that the HHA Principal implements the Core Knowledge Curriculum and acts in accordance to HHA's mission and vision.
22-33-104(4)	Compulsory school attendance-Attendance policies and excused absences	The Governing Board will create policies to ensure that HHA's attendance policies adhere to State and CCSD laws, regulations and policies.
22-63-301, C.R.S.	Teacher Employment Act- Grounds for dismissal	Governing Board will create policies to ensure that HHA follows all applicable Federal, State, and CCSD laws, regulations, and policies for the selection and compensation of HHA staff.
22-63-302, C.R.S.	Teacher Employment Act-Procedures for dismissal of teachers	
22-63-401, C.R.S.	Teacher Employment Act-Teachers subject to adopted salary schedule	
22-63-402, C.R.S.	Teacher Employment Act-Certificate required to pay teachers	
22-63-403, C.R.S.	Teacher Employment Act-Describes payment of salaries	
22-1-112, C.R.S	School Year-National Holidays	

In addition to these automatic waivers, HHA requests several non-automatic waivers from relevant Colorado Revised Statutes and Cherry Creek School District policies. HHA's Board and administration reserves the ability to apply for additional waivers as HHA further develops its policies and procedures. All of the waivers requested below are requested for the entire duration of HHA's charter contract.

Non-Automatic Waivers from Colorado Statutes

C.R.S. § 22-9-106 Local Board of Education-Duties-Performance Evaluation System

C.R.S. 22-2-112(1)(q)(I) Commissioner-Duties

HHA Charter School and its Principal or designee must have the ability to perform the evaluation of all personnel. Should any other designated administrator not have a Type D certificate, this should not preclude him or her from administering the evaluations under the direction of the Principal. Additionally, HHA will 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)(I). Instead, HHA uses its own evaluation system as agreed to in the charter contract with Cherry County School District. HHA's evaluation system will continue to meet the intent of the law as outlined in statute. Staff will be trained in this evaluation system and the methods used for HHA's evaluation system includes quality standards that are clear and relevant to the administrators' and teachers' roles and responsibilities, have the goal of improving student academic growth, and meet the intent of the quality standards established in SB 10-191. HHA will not be required to report its teacher evaluation data through the TSDL collection; however teacher performance data will be reviewed by the school and used to inform hiring practices and professional development. Core course level participation will continue to be reported PURSUANT TO 22-11-503.5 as this is a nonwaivable statute.

C.R.S. §22-32-109(1)(n)(I) Board of Education- Specific Duties School Calendar

C.R.S. §22-32-109(1)(n)(II)(B) Board of Education-Specific Duties Adoption of District Calendar

The school year at Heritage Heights Academy will total approximately 180 days per year which exceeds the current requirement in state statute. HHA will prescribe the actual details of its own school calendar to best meet the needs of its students. As such, HHA will have a calendar that may differ from the rest of the schools within the district. The final calendar and the school's daily schedule will be designed by the HHA Board of Directors and will meet or exceed the expectations in state statute

C.R.S. § 22-63-201 Employment . Certificate required

C.R.S. § 22-63-402 Services . Disbursements

C.R.S. § 22-63-202, C.R.S. Teacher employment, contracts in writing-duration-damage provision

Heritage Heights Academy should be granted the authority to hire teachers and principals that will support the schools goals and objectives. The principal will not function as a traditional district school principal, but rather will be responsible for a wider range of tasks and act as the school's chief executive officer. The school will seek to attract principals and teachers from a wide variety of backgrounds, including, but not limited to teachers 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 business or professional experience. All employees of HHA will be employed on an at-will basis. All employees of HHA will meet Federal Highly Qualified Requirements (i.e.: hold a degree and demonstrated subject-matter competency).

The school will, as appropriate, hire certified teachers and principals. However, in some instances it may be advantageous for the school to be able to hire Highly Qualified teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of HHA.

C.R.S. § 22-63-203 Probationary Teachers -renewal and non-renewal of employment contract

C.R.S. § 22-63-403 Payment of Salaries

Heritage Heights Academy should be granted the authority to develop its own employment agreements and terms and conditions of employment. The school will be operating differently from other schools

with a unique curriculum for which having the proper teaching staff is essential. Not every teacher who is successful in the regular public school will be successful at HHA. All employees of HHA will be employed on an at-will basis. As a result of these waivers, the school will be able to employ professional staff possessing unique skills and/or background, filling all staff needs.

C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act

Heritage Heights Academy requests the authority under the Charter School Agreement to select its own teachers. No other school nor the Cherry Creek School District should not have the authority to transfer its teachers into HHA or transfer teachers from HHA to any other schools, except as provided for in the Charter School Agreement. The school expects that as a result of this waiver it will be able to manage its own personnel affairs. There is no provision for transfers.

Non-Automatic Waivers from Cherry Creek School District Policies

- EEA: Student Transportation
- EEA-R: Bus Scheduling and Routing
- EEAE: Bus Safety Program
- EEAEAA: Drug and Alcohol Testing for Bus Drivers
- EEAEAA-R: Drug and Alcohol Testing for Bus Drivers (Regulation)
- EEAEAC: Student Conduct on Buses
- EEAEAC-R1: Student Conduct on Buses – Elementary
- EEAFB: Use of School Buses by Community Groups
- EEAFB-R: Use of School Buses by Community Groups
- EEAH: Student Transportation in School District-Owned Small Vehicles
- EEAH-R: Student Transportation in School District-Owned Small Vehicles

HHA will not provide daily transportation for the students to and from school. The School intends help facilitate a forum where parents/guardians of students to facilitate interested in creating carpooling groups can communicate. The school will work to develop a transportation plan so that students who are economically disadvantaged can have equal access to the school. This may involve fundraising, a liaison to connect families with a carpool, and other options.

Should a Special Education student who is enrolling in HHA have an IEP that has transportation as an accommodation, HHA will honor their IEP. HHA will work to partner with the LEA, CCSD, as to how to best provide this accommodation. Should the school plan field trips and/or athletic events, a plan will developed to accommodate transportation needs such as contracting with a charter bus company.

- EF: Foodservice
- EFC: Foodservice - Free and Reduced Price Foodservice
- EFC-R: Free and Reduced Price Food Service
- EFEA: Nutritious Food Choices

The HHA Governing Board will determine what type of food service program will be provided based on the needs of its enrolled student population and if they will benefit from participating

the National School Lunch Program. Once the lunch program has been determined it will abide by State and Federal Laws for Health and Safety.

If the school chooses to participate in the National School Lunch program, a budget is not provided at this time as it is expected to break-even. The school will look to choose a vendor who can provide meals at or below the cost of the federal reimbursement rate.

If the school does not plan to offer a lunch program, it will develop a plan to address the needs of students who forget or cannot provide a lunch. This plan will be developed before the start of the first school year.

- EI: Insurance Program/Risk Management
- EJ: Indemnification Protection

HHA will purchase Directors & Officers/Employment Practices Insurance, General Liability/Property, Educators Professional Liability, Excess Liability and Worker Compensation. HHA will purchase any additional insurances required by the State.

- IC: School Year/School Calendar/Instruction Time
- ICC: Four-Track, Year-Round Schools (Elementary)

HHA has developed a proposed school calendar¹ in accordance with CRS 22-33-104, Colorado's Compulsory Attendance Law. The school has developed a proposed daily schedule that incorporates appropriate learning time for core subjects and specials, and recommendations that reflect best practices found in other successful Core Knowledge schools. The Principal and Faculty of the school will further refine this schedule to meet the needs of various grade levels and further school growth.

- IKE: Promotion, Retention and Acceleration of Students

As set forth in Section F in HHA's Charter Application, HHA is committed to ensuring fair and equitable promotion and retention of our students in alignment with HHA's mission. In order to sustain the high level of academic achievement the school envisions for all students at HHA, decisions for promotion and retention will be made with a team approach. The school will identify benchmarks and procedures for promotion at each grade level. Students who meet or exceed the benchmarks determined by the school will be promoted to the next grade level.

¹ Attachment E.1 School Calendar