5280 HIGH SCHOOL

STATE WAIVERS

Contact Information

<table>
<thead>
<tr>
<th>School Name: 5280 High School</th>
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<tbody>
<tr>
<td>School Address: 899 Broadway, Denver, CO 80203</td>
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<tr>
<td>Charter School Waiver Contact Name: Melissa Mouton</td>
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<td>Charter School Waiver Contact’s Phone Number: 303-525-2771</td>
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Charter School Non-Automatic Waiver Request

The school requests the following non-automatic state waivers:

• 22-2-136, C.R.S. Additional duty – individual career and academic plans – standards - rules
• 22-32-109(1)(b), C.R.S. Local board duties concerning competitive bidding
• 22-9-106, C.R.S. Local Board of Education-Duties-Performance Evaluation System
• 22-2-112(1)(q)(1), C.R.S. Commissioner – Duties
• 22-32-109(1)(bb)(I), Local Board Duties Concerning Tobacco Use
• 22-32-109 (1)(n)(I), C.R.S. Board of Education Specific Duties School Calendar
• 22-32-109(1)(n)(II)(A), C.R.S. Determine Teacher-Pupil contact hours
• 22-32-109(1)(n)(II)(B), C.R.S. Board of Education Specific Duties Adoption of District Calendar
• 22-32-110(1)(r), Exclude inappropriate or pernicious materials from library
• 22-32-101, Short Title to Teacher Employment, Compensation, and Dismissal Act
• 22-32-102, Legislative Declaration
• 22-63-103, Definitions
• 22-63-201, C.R.S., Employment, license required, exception
• 22-63-202, C.R.S., Employment contracts, contracts to be in writing, duration, damage provision, repeal.
• 22-63-203, C.R.S., Probationary Teachers-renewal and non-renewal of employment contract
• 22-63-203.5, C.R.S., Nonprobationary portability
• 22-63-204, C.R.S. Interest prohibited
• 22-63-205, C.R.S., Exchange of teachers, exchange educator interim authorization
• 22-63-206, C.R.S., Transfer, compensation
Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

Statutory Citation and Title:
C.R.S. § 22-2-136 Additional duty – individual career and academic plans

Rationale: The school leader of 5280 High School must have the ability to work with its students to develop individual career and academic plans (ICAPs) that are tailored to the individual student’s needs, while still satisfying the requirements set forth in the statute. This will better result in ICAPs that are more closely tailored for each student’s actual career and post-schooling career goals, resulting in higher student engagement and increased likelihood of success.

Replacement Plan: 5280 High School shall develop its own ICAP framework and requirements that balances the needs of each of its students. It will meet the intent of the statute by identifying and framing career, academic, and postsecondary career and educational opportunities that are both available to and of interest to the student while minimizing and reducing the presence of extraneous discussions in ICAPs that may not be relevant to the student. 5280’s policy regarding its own version of individual career and academic plans, tailored to the needs of its students, shall meet or exceed the statutory requirements.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: Since preparedness for post-graduation success 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 the school, as set forth in the Charter School Agreement.

Expected Outcome: With this waiver, the school will be able to implement finely tailored ICAPs for students, setting them up for post-graduation success, and which will be consistent with the school’s goals and objectives. This will benefit staff members as well as students and the community.

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

Statutory Citation and Title:
C.R.S. § 22-32-109(1)(b) Local board duties concerning competitive bidding

Rationale: The school leader of 5280 High School must have the ability to select contractors and suppliers for the school on a competitive basis in a way that best meets the needs of its students. To that end, the school may need to accept a bid that provides the overall best value in terms of the quality and quantity of service provided, and not just accepting the lowest bid.

Replacement Plan: 5280 High School uses its own evaluation for potential bidders in order to meet the intent of the law as outlined in statute. The methods used for 5280 High School’s evaluation system includes quality standards that are clear and relevant to best meet the needs of its students and faculty while exercising fiscal responsibility over school operations. Any bidding process must comply with conflicts of interest statutes, rules and policies of the school.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.
How the Impact of the Waivers Will be Evaluated: The measure of contractor performance will be monitored by school administration, which, in turn, is subject to the oversight of the school’s board of directors.

Expected Outcome: With this waiver, the school will be able to implement its program using the best-suited service provider available for any particular task. Control over implementation of subcontractors will produce greater accountability and be consistent with the school’s goals and objectives. This will benefit staff members as well as students and the community.

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

Statutory Citation and Title:
C.R.S. § 22-32-109(1)(bb)(1) Local board duties concerning tobacco use

Rationale: 5280 will prohibit tobacco use by minors and provide educational programming that teaches minors that they should not use tobacco of any kind. However, because of 5280 High School’s unique focus on rehabilitation and recovery from addiction, the school leader of 5280 High School must have the ability to implement policies regarding tobacco use that best meets the needs of its over-18 adult students. To that end, the school needs the ability to set its own policies with respect to tobacco use prevention and recovery for over-18 adult students, as well as associated disciplinary measures for those students.

Replacement Plan: 5280 High School’s board of directors shall enact a policy in spring 2018 to carry into effect the School’s policy on tobacco. This policy shall guide administration as it enforces and implements the School’s approach to tobacco at the School. This policy shall prohibit tobacco use by minors but give administration latitude in how it deals with over-18 adult students and tobacco use.

Duration of Waivers: The duration of the contract.

Financial Impact: The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: 5280 High School’s unique curriculum has a strong focus on recovering from substance abuse, including tobacco. This is a key focus for staff and students and will be measured in the course of the school’s tracking of success in assisting students in recovering from (and preventing future use of) substances.

Expected Outcome: With this waiver, the school will be able to implement its program and evaluate its students’ health and progress in accordance with its unique curriculum. Implementation of this waiver will produce greater accountability and be consistent with the school’s goals and objectives. This will benefit staff members as well as students and the community.

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

Statutory Citation and Title:
C.R.S. § 22-32-110(1)(r) Exclude inappropriate or pernicious materials from the library
### Rationale:
The school leader of 5280 High School must have the ability to provide educational materials to its students which will best enable the students to learn and thrive. The 5280 High School administration and school board are the most appropriate body to determine the effectiveness of materials available in the school library as the school determines its own curriculum.

### Replacement Plan:
5280 High School will independently monitor and reply to concerns about appropriateness of materials it presents in its library. Access to patently offensive and materials designed solely to appeal to a prurient interest shall not be permitted in the library, consistent with the intent of the statute.

### Duration of Waivers:
The duration of the contract.

### Financial Impact:
The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.

### How the Impact of the Waivers Will be Evaluated:
5280 High School will monitor this program by allowing the administration and the board of directors to work directly with parents to resolve potential disputes regarding the availability of material, all while serving the best interest of the entire student body.

### Expected Outcome:
With this waiver, the school will be able to implement its program with a higher degree of autonomy from District board procedures, consistent with the statute’s intended purpose.

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

| Statutory Citation and Title: | 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 |
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<td><strong>Rationale:</strong></td>
<td>The school leader of 5280 High School 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 head of school. The 5280 board of directors must also have the ability to perform the evaluation for the school leader. Additionally, 5280 High School 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)(I).</td>
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<tr>
<td><strong>Replacement Plan:</strong></td>
<td>5280 High School uses its own evaluation system as proposed in its charter application to Denver Public Schools and therefore should not be required to report their teacher evaluation data. 5280 High School’s evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for 5280 High School’s evaluation system includes quality standards that are clear and relevant to the administrators’ and teachers’ roles and responsibilities, and have the goal of improving student academic growth, and 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. However, the school recognizes that the State may be required to collect data regarding “ineffective” teachers and the school agrees to accurately respond to any inquiries made by the state regarding this information.</td>
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<td><strong>Duration of Waivers:</strong></td>
<td>The duration of the contract.</td>
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<td><strong>Financial Impact:</strong></td>
<td>The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.</td>
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**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 the school, as set forth in the Charter School Contract.

**Expected Outcome:** 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 will benefit staff members as well as students and the community.

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

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<tr>
<th>Statutory Citation and Title:</th>
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<tr>
<td>C.R.S. §22-32-109(1)(n)(I) Board of Education- Specific Duties School Calendar</td>
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<tr>
<td>C.R.S. §22-32-109(1)(n)(II)(B) Board of Education-Specific Duties Adoption of District Calendar</td>
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**Rationale:** The school year at 5280 High School will total approximately 177 student days per year which exceeds the current requirement in state statute. 5280 High School will prescribe the actual details of its own school calendar to best meet the needs of its students. The local board will not set these policies and 5280 High School will have a calendar that differs from the rest of the schools within the District.

**Replacement Plan:** The final calendar and the school’s daily schedule will be designed by 5280 High School and will meet or exceed the expectations in state statute.

**Duration of Waivers:** The duration of the contract

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.

**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 the school, as per the Charter School Agreement

**Expected Outcome:** As a result of these waivers, the school will be able to implement the necessary policies to increase student achievement.
### How the Impact of the Waivers Will be Evaluated:
The impact of this waiver will be measured by the performance appraisal criteria and assessments that apply to the school, as per the Charter School Agreement.

### Expected Outcome:
As a result of this waiver, the school will be able to implement the necessary policies to increase student achievement.

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

#### Statutory Citation and Title:
C.R.S. § 22-63-101 to -206: Teacher Employment, Compensation, and Dismissal

#### Rationale:
Like other charter schools, 5280 High School is automatically waived from subsections -301 to -403 of the Teacher Employment, Compensation, and Dismissal Act of 1990. This waiver complements and completes those automatic waivers. Specifically, 5280 should be granted the authority to hire teachers and principals that will support the School’s goals and objectives. It should also be able to remove a teacher who is not a good fit with the School according to standard at-will employment rules. The school leader 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 teachers and staff 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 5280 High School will be employed on an at-will basis.

5280’s intent is for all teachers to have, at minimum, a bachelor’s degree and either 24 credit hours in the subject matter, or a passing score on a state-approved content examination in the relevant subject area. The School will encourage and explore ways to incentivize teachers to meet 36 or more credit hours in the subject matter and the Colorado state ESSA plan, and acknowledges that it will nevertheless have to report the number of teachers "in-field" and "out-of-field." While intending to meeting these ESSA guidelines, 5280 needs the flexibility to hire the best teachers and staff for its recovery-from-addiction program.

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 a regular district public school will be successful at 5280.

#### Replacement Plan:
The School may, as appropriate, hire certified teachers and principals. However, in some instances it may be advantageous for the School to be able to hire teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of 5280 High School. As stated above, 5280 will strive to meet the ESSA requirements, where appropriate. However, as stated in its charter application, the School needs the flexibility to hire and fire employees at-will to create the best School team possible.

#### Duration of Waivers:
The duration of the contract.

#### Financial Impact:
The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.
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 the school, as per the Charter School Agreement.

Expected Outcome: 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.

Appendix A: Automatic State Waivers for Charter Schools

<table>
<thead>
<tr>
<th>State Statute Citation</th>
<th>Description</th>
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<tr>
<td>22-32-109(1)(f), C.R.S.</td>
<td>Local board duties concerning selection of staff and pay</td>
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<tr>
<td>22-32-109(1)(t), C.R.S.</td>
<td>Determine educational program and prescribe textbooks</td>
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<tr>
<td>22-32-110(1)(h), C.R.S.</td>
<td>Local board powers-Terminate employment of personnel</td>
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<tr>
<td>22-32-110(1)(i), C.R.S.</td>
<td>Local board duties-Reimburse employees for expenses</td>
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<tr>
<td>22-32-110(1)(j), C.R.S.</td>
<td>Local board powers-Procure life, health, or accident insurance</td>
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<tr>
<td>22-32-110(1)(k), C.R.S.</td>
<td>Local board powers-Policies relating the in-service training and official conduct</td>
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<tr>
<td>22-32-110(1)(ee), C.R.S.</td>
<td>Local board powers-Employ teachers’ aides and other non-certificated personnel</td>
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<tr>
<td>22-32-126, C.R.S.</td>
<td>Employment and authority of principals</td>
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<tr>
<td>22-33-104(4)</td>
<td>Compulsory school attendance-Attendance policies and excused absences</td>
</tr>
<tr>
<td>22-63-301, C.R.S.</td>
<td>Teacher Employment Act- Grounds for dismissal</td>
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<tr>
<td>22-63-302, C.R.S.</td>
<td>Teacher Employment Act-Procedures for dismissal of teachers</td>
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<tr>
<td>22-63-401, C.R.S.</td>
<td>Teacher Employment Act-Teachers subject to adopted salary schedule</td>
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<tr>
<td>22-63-402, C.R.S.</td>
<td>Teacher Employment Act-Certificate required to pay teachers</td>
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<tr>
<td>22-63-403, C.R.S.</td>
<td>Teacher Employment Act-Describes payment of salaries</td>
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<tr>
<td>22-1-112, C.R.S</td>
<td>School Year-National Holidays</td>
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