



## Charter School Waiver Request Form

*(Updated December 2014)*

The following automatic waivers have been granted to all charter schools pursuant to Colorado Revised Statutes § 22-2-107 (1) (c), § 22-2-106 (1) (h) and HB 14-1292. No documentation is required by the state for waivers from the following statutes:

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

**For any non-automatic waiver requests, please provide electronic (PDF) versions of the following:**

- A signed copy of the charter contract, renewal or extension between the charter school and its authorizer, including a complete list of requested waivers as an appendix.
- Waiver Request Form-complete, typed and signed by both the school and its authorizer
- A Rationale and Replacement Plan (RRP) for each non-automatic waiver being requested. A sample RRP can be found [here](#).

**Please be advised that the following waivers are no longer considered automatic:**

State Statute Citation	Description
22-9-106, C.R.S.	Local board duties concerning performance evaluations
22-32-109(1)(n)(I), C.R.S.	Local board duties concerning school calendar
22-32-109(1)(n)(II)(B), C.R.S.	Adopt district calendar
22-63-201, C.R.S.	Teacher Employment Act-Compensation & Dismissal Act-Requirement to hold a certificate
22-63-202, C.R.S.	Teacher Employment Act- Contracts in writing, damage provision
22-63-203, C.R.S.	Teacher Employment Act- Requirements for probationary teacher, renewal & nonrenewal
22-63-206, C.R.S.	Teacher Employment Act-Transfer of teachers

**Charter School Information:**

Charter School Name: James Irwin Charter Middle School

Charter school mailing address:

Street: 5525 Astrozon Blvd.

City: Colorado Springs, CO Zip Code: 80916

Charter school contact name: Jonathan Berg

Title: Chief Executive Officer

Phone: (719) 538 4880 EXT: \_\_\_\_\_ Email address: jonathan.berg@jamesirwin.org

Projected or current enrollment: 438 Grades served: Lowest: 6 Highest: 8

Term of the charter contract: 06 / 30 / 2004 (MM/DD/YY) through June 30, 2034 (YYYY)

Enter the year the charter school originally opened: 2003 (YYYY)

Waiver request prepared for the charter school by: Brad Miller

Phone: (719) 338 4189 EXT: \_\_\_\_\_ Email: brad@bradmillerlaw.com

**Authorizer Information:**

Charter School Institute  Name of local school district: Harrison District 2

Authorizer's mailing address:

Street: 1060 Harrison Rd.

City: Colorado Springs Zip Code: 80906

Authorizer contact name: Andre Spencer

Title: Superintendent

Phone: (719) 538 4880 EXT: \_\_\_\_\_ Email address: aspencer@hsd2.org

Please list the non-automatic waiver(s) from statute and rule that are being requested below:

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

**Required Signatures**

Andri' D. Spencer  
Authorizer Contact (Print Name)

June 10, 15  
Date

Jonathan Berg  
Charter School Contact (Print Name)

May 28, 2015  
Date

Andri' D. Spencer  
Signature-Authorizer Contact

Jonathan Berg  
Signature-Charter School Contact

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

**Rationale:** James Irwin Charter Middle School (JICMS) has established a performance evaluation system and received a waiver from CRS 22-9-106 enabling its use of that system. Due to this prior waiver, JICMS 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)

**Replacement Plan:** If granted this waiver JICMS will not be required to report their teacher evaluation data ~~through the Teacher Student Data Link collection process.~~ However, the data provided by JICMS's teacher evaluation system is a critical component in the decision-making process for retention, promotion and placement of the school's teachers. In addition, the evaluation data is used to inform professional development decisions for each teacher. ~~Core course level participation will continue to be reported PURSUANT TO C.R.S. 22-11-503.5, as this is a non-waivable statute.~~

**Duration of the Waiver:** JICMS requests that the waiver be for the duration of its contract with the Harrison District 2. Therefore, the waiver is requested through June 30, 2034.

**Financial Impact:** JICMS anticipates that the requested waiver will have no financial impact on the Harrison District 2 or the JICMS budget.

**How the Impact of the Waiver will be Evaluated:** The impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in JICMS's charter school contract.

**Expected Outcome:** With this waiver, the school will be able to spend more time reviewing the teacher evaluation data for important, internal use to promote good teaching.