



## 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
22-32-109(1)(b), C.R.S.	Local board duties concerning competitive bidding
22-32-109(1)(f), C.R.S.	Local board duties concerning selection of staff and pay
22-32-109(1)(n)(II)(A), C.R.S.	Determine teacher-pupil contact hours
22-32-109(1)(t), C.R.S.	Determine educational program and prescribe textbooks
22-32-110(1)(h), C.R.S.	Local board powers-Terminate employment of personnel
22-32-110(1)(i), C.R.S.	Local board duties-Reimburse employees for expenses
22-32-110(1)(j), C.R.S.	Local board powers-Procure life, health, or accident insurance
22-32-110(1)(k), C.R.S.	Local board powers-Policies relating the in-service training and official conduct
22-32-110(1)(y), C.R.S.	Local board powers-Accepting gifts, donations, and grants
22-32-110(1)(ee), C.R.S.	Local board powers-Employ teachers' aides and other non-certificated personnel
22-32-126, C.R.S.	Employment and authority of principals
22-33-104(4)	Compulsory school attendance-Attendance policies and excused absences
22-63-301, C.R.S.	Teacher Employment Act- Grounds for dismissal
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

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 Elementary School

Charter school mailing address:

Street: 5525 Astrozon Blvd  
 City: Colorado Springs 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: 520 Grades served: Lowest: K Highest: 5

Term of the charter contract: 06/30/2005 (MM/DD/YY) through June 30, 2034 (YYYY)

Enter the year the charter school originally opened: 2005 (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.

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

22-7-1014(2)(a) C.R.S.

Required Signatures

André D. Spencer  
Authorizer Contact (Print Name)

June 10, 15  
Date

Jonathan Berg  
Charter School Contact (Print Name)

May 28, 2015  
Date

André 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 Elementary School (JICES) 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, JICES 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 JICES will not be required to report their teacher evaluation data ~~through the Teacher Student Data Link collection process~~. However, the data provided by JICES'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:** JICES 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:** JICES anticipates that the requested waiver will have no financial impact on the Harrison District 2 or the JICES 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 JICES'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.

## Rational and Replacement Plan Waiver from State Statute 22-7-1014(2)(a)

### Basic Information

**School Name:** James Irwin Charter Elementary School

**School Address:** 5525 Astrozon Blvd., Colorado Springs, CO 80916

**Prepared By:** Elizabeth Berg, Principal, James Irwin Charter Elementary School

**Preparer's Phone Number:** 719-302-9000 Ext. 2511

**Preparer's Email Address:** [elizabeth.berg@jamesirwin.org](mailto:elizabeth.berg@jamesirwin.org)

**Charter School Contact:** Jonathan Berg, CEO James Irwin Charter Schools

**Charter School Contact Phone Number:** 719-302-9010

**Charter School Contact Email Address:** [jonathan.berg@jamesirwin.org](mailto:jonathan.berg@jamesirwin.org)

**District Contact:** Andre Spencer

**District Contact Phone Number:** (719) 538-4880

**District Contact Email Address:** [aspencer@hsd2.org](mailto:aspencer@hsd2.org)

### STATUTE DESCRIPTION AND REPLACEMENT RATIONAL AND PLAN

State Statute 22-7-1014/Senate Bill 08-212 requires each district to administer a school readiness assessment to each student participating in a kindergarten program.

**Rationale:** James Irwin Charter Elementary School should have the authority to implement relevant curriculum and assessments that ensure students' success in daily learning. The domains of physical well-being and motor development, social-emotional development, language and comprehension development, and cognition and general knowledge are assessed daily through the current curriculum and assessments that are in place in our kindergarten program. Support is readily available through numerous avenues established throughout the program.

**Plan:** James Irwin Charter Elementary School offers a full day kindergarten program that utilizes effective, research-based curriculum in addition to the Core Knowledge scope and sequence.

#### 1. Physical Well-Being and Motor Development

- Students participate weekly in a structured physical education class that meets or exceeds state standards. Students are assessed on motor-development skills acquired throughout the year.
  - i. Students participate in The President's Challenge as part of their physical education class in the fall and again in the spring to measure motor development and growth. Students who successfully perform 80% of the tasks by spring time will be considered on grade level.

- Students participate in several monitored recess times throughout the day. During these times, students are encouraged to engage in physical activities that include: running, jumping, climbing, swinging, imaginative play, and ball handling. Teacher observations of students' play during recess is used as a measure of school readiness.
- Students participate weekly in an art education class that meets or exceeds state standards. Development of fine motor skills is achieved through: drawing, painting, cutting, gluing, and manipulating small objects. Students are assessed on fine motor skill development acquired throughout the year.
- Students participate weekly in a music education class that meets or exceeds state standards. Students participate in a variety of movement and rhythm exercises during music instruction. Students are assessed on acquired skills throughout the year.
- Students participate in daily cursive lessons which develop fine motor skills. Students are assessed on the development of their penmanship/motor skills on a daily basis. All students use a tri-pod pencil grip to help develop hand muscles. Students who enter school with noticeable deficits in the ability to properly hold a pencil are given hand-over-hand support during writing lessons. Parents are made aware of the area of struggle and encouraged to use a pencil grip with assistance at home.
- Assessment information is gathered from classroom teacher observations based on appropriate developmental guidelines and state standards in the area of physical well-being and motor development. Students are given a grade of 1 (needs improvement), 2 (satisfactory), or 3 (exemplary) in the areas of physical education, art, and music. Students who earn a 1 in any of the areas will be given interventions that are outlined below. Student data is recorded at the end of each quarter and kept in an Excel Spreadsheet.

## **2. Social-Emotional Development**

- Students are instructed in the positive behavior management system designed by the school. This positive behavior management system is in place in each classroom, on the playground, in the cafeteria, and hallways. Students are rewarded for the positive behavior they demonstrate throughout each day. Various positive behavior techniques are implemented in each classroom. These include: a colored behavior chart, individual behavior/motivation charts, creating an environment of high praise, and whole-class games/rewards. These techniques are implemented to help strengthen self-regulation and executive-functioning skills that help students: remember instructions, follow directions, attend to tasks, and control their impulses.  
Students are instructed in the *Character First* curriculum that highlights character traits. This curriculum helps students develop social and emotional skills by learning how to apply different character traits in their daily interactions.

Students regularly participate in group or partner games/activities/discussions. This allows students the opportunity to share, get along with others, politely share their opinions and listen to others, and help others.

- Students record their “behavior color” at the end of each day. Any infractions accumulated throughout the day are recorded on a Learning Plan (a home/school communication form) so parents are aware of student behaviors. Learning Plans are saved throughout the year and remain in student files. Documentation from student reports will track progress in social/emotional domains, and extra support will be provided to students who are in need.

Students who lack appropriate social-emotional skills in the classroom are given supports (sticker charts/reward program/structured daily practice, treasure chest, special privileges/duties) to overcome deficits. Progress is monitored on an ongoing basis until a child is able to develop the desired skill or a new method of incentivizing the student is needed. Progress is monitored and written down on a Response to Intervention sheet (which is kept in the student file).

- Students who change a color for the same infraction 3 or more times a week for 3 or more consecutive weeks will be considered lacking in that particular area of social/emotional development and previously mentioned interventions will be put in place. Students who meet or exceed 80% of the social/emotional objectives by spring time will be considered at grade-level.
- Assessment information is gathered from classroom teacher observations based on appropriate developmental guidelines and Colorado state standards, as well as from the Learning Plan which documents daily behavior. Students who show fewer than 3 color changes a week for a period of 3 consecutive weeks will demonstrate school readiness. Student data is recorded the end of each quarter and kept in an Excel Spreadsheet. Students will receive a 1 (needs improvement) or a 2 (satisfactory) in the area of social-emotional development at the end of each quarter.

### **3. Language and Comprehension Development**

- Students receive 60 minutes of formal reading instruction each day using the Reading Mastery curriculum. This is a comprehensive program for reading, listening, and speaking that builds vocabulary and knowledge. Students master sounds and blending techniques for fluent decoding and encoding. Students develop comprehension skills through daily story reading and daily worksheet completion. Students are assessed daily through the immediate correction and recording of errors. Students are formally assessed after every five lessons to determine mastery of information before moving on.
  - i. Upon entering kindergarten, each student is given an assessment to determine reading group placement.
  - ii. Students are given formal curriculum assessments after every 5 lessons. Students must earn an 85% or higher on each assessment to be considered

at mastery. Students who do not meet mastery requirements will be given extra supports through: guided practice, flash cards, and repeating lessons. Students will then be reevaluated to see if mastery has been gained.

iii. Reading data is collected on each student during each reading session.

Specific student errors are recorded in order to provide appropriate support to each student. Error data is saved in a file for the duration of the year.

iv. Students must meet certain grade-level benchmarks (be at a specific lesson within the reading curriculum) at the end of each quarter, earning an 85% or higher to be considered at mastery.

- Students are instructed in the Read Aloud Library vocabulary curriculum. With this curriculum, students are taught a wide variety of vocabulary words selected from enriching children’s stories. Games, songs, and activities are used to instruct students in the use of target words.
- Students are exposed to a wide variety of Core Knowledge literature including: nursery rhymes, Aesop’s fables, classic children’s stories, and expository texts. Children participate in oral reading daily as well as memorization of rhymes and poems.
- Students learn sentence development through: Shurley Grammar jingles, A Beka Oral Language Exercises, Step Up To Writing paragraph frames, and an introduction to Adventures in Language.
- The *DIBELS Next* assessment is administered three times per year. The first assessment is given within the first 30 days of school to gain baseline data on each student. Any student who does not meet benchmark standards is progress monitored using *DIBELS Next* progress monitoring probes weekly or bi-weekly to record and determine progress. If a student scores well below benchmark on the first benchmark test and still scores well below benchmark within 30 days of the first benchmark assessment through progress monitoring, he/she is placed on a READ Plan and given an additional 90 minutes of small group instruction through tutoring. Students who are on a green tier demonstrate school readiness.
- Students are placed on a READ Plan “Watch” (JICES-developed plan) if they do not qualify for a READ Plan, but have reading deficits that need to be addressed.
- AIMSweb is used by JICES as the approved diagnostic assessment for the READ Act. When a student qualifies for a READ Plan through the measures stated above, that student is assessed using AIMSweb reading assessments to determine the area of Significant Reading Deficiency (SRD). The student’s scores on the AIMSweb assessments are recorded on that student’s READ Plan and addressed through goals, objectives, and progress monitoring (DIBELS Next) recorded on the plan.
- Assessment information is gathered from formal curriculum assessments as well as classroom teacher observations based on appropriate developmental guidelines and state standards. Student data is recorded the end of each quarter and kept in an Excel Spreadsheet.



#### 4. Cognition and General Knowledge

- Students receive 30 minutes of daily math instruction using the Connecting Math Concepts curriculum. Student progress is observed on a daily basis through workbook performance, and formal assessments are given every seven and ten lessons to monitor progress. Students must earn an 85% on all formal assessments to be considered at mastery. Students not meeting mastery requirements in any of the general knowledge areas will be given extra supports in the classroom.
- For science, we follow the Core Knowledge sequence. Students are instructed on various topics including: animals and their needs, the human body (including taking care of themselves through diet, exercise, cleanliness, and rest), magnetism, scientist biographies, seasons and weather, plant growth, and conservation.
- For history and geography we follow the Core Knowledge sequence. Students are instructed in various topics including: special sense (working with maps and globes), the seven continents and five oceans, the fifty states and capitals, early explorers (the Pilgrims and the voyage of Christopher Columbus), presidents- past and present (George Washington, Thomas Jefferson, Abraham Lincoln and current United States President), and U.S. symbols (American flag, Statue of Liberty, bald eagle, The White House, The Liberty Bell, Uncle Sam).
- Assessment information is gathered from formal curriculum assessments as well as classroom teacher observations based on appropriate developmental guidelines and state standards. Students will receive a 1 (needs improvement), 2 (Satisfactory), or 3 (exemplary) in the academic areas of science, history, and geography. Students who earn a 2 or 3 are considered on track for school readiness. Student data is recorded the end of each quarter and kept in an Excel Spreadsheet.

**Assessments-** Formal assessments given in reading and math must be at 85% or higher for a student to have reached mastery of the reading and math curriculum.

All other assessments will simply indicate “satisfactory”- a score of 2- or “needs improvement”- a score of 1- for the overall score. Areas where satisfactory/needs improvement will be given are: physical well-being and motor development (PE class), music education, art education, cursive lessons, social-emotional development, science, history and geography. Students who receive a 1 (needs improvement) will receive interventions previously stated until grade-level/school readiness is achieved.

Any student not making adequate growth in any of the above areas will receive support through one or more of the following strategies:

- Flexible, fluid, homogenous small group instruction
- Additional repetition/practice
- Students must meet mastery expectations (85%) before moving on to new lessons

- If 1/3, or more, of the group has not mastered an assessment, the lesson is retaught to reach mastery
- Each students' progress is discussed weekly by the team to determine effectiveness of interventions
- 1-on-1 Tutoring
- READ tutoring groups for “double dose” or “triple dose” support
- Weekly or bi-weekly progress monitoring with *DIBELS Next*

Students requiring more support are referred to our Response to Intervention team called Kid Talk. The Kid Talk team develops and coordinates interventions to support students. This information is housed with our Kid Talk coordinator. Progress updates are communicated to parents quarterly and through our Kid Talk team as deemed necessary.

If students do not respond with adequate growth following these interventions they may be referred to the services from Harrison School District 2 Special Education staff: a Physical/Occupational Therapist; Psychologist; Speech/Language Therapist, SPED Teacher; or Counselor or Mental Health Therapist for further assessment. These assessments are housed with the SPED coordinator unless they are part of an IEP which would be housed in Infinite Campus which is an internet based student data management system.

Student data is collected quarterly and kept in an Excel Spreadsheet. The data collected indicates each students' rating of 1 (needs improvement), 2 (satisfactory), or 3 (exemplary) in the areas of: Physical Well-Being and Motor Development, Social-Emotional Development, Cognition and General Knowledge, and a percentage score in the areas of Reading (Language and Comprehension Development) and math. The spreadsheet also shows each students' scores in the *DIBELS Next* Assessment.

James Irwin Charter Elementary School's methods and assessments used are clear and relevant and have the goal of improving student academic growth, and meet the intent of the quality standards established in State Statute 22-7-1014(2)(a) and Senate Bill 08-212.

**Duration of the Waiver:** James Irwin Charter Elementary School requests that the waiver be for the duration of its contract with Charter School Institute. Therefore, the waiver is requested until June 30, 2018.

**Financial Impact:** James Irwin Charter Elementary School anticipates that the request waiver will have no financial impact upon James Irwin Charter Elementary School or Harrison School District 2.

**How the Impact of the Waiver Will Be Evaluated:** The impact of this waiver will be measured by the performance criteria and assessments that apply to James Irwin Charter Elementary School's curriculum and the overall program mastery criteria and design.

**Expected Outcomes:** James Irwin Charter Elementary School expects that as a result of this waiver, we will be able to continue to provide appropriate assessments and support that ensure student success in higher levels of learning in all academic content areas.

**Request for Waiver from Colorado Statutes and/or Rules**  
*On Behalf of Charter Schools*



**Authorizing body:**

- Charter School Institute  
 Local School District Harrison School District 2 (name of SD)

Name of **authorizer** representative: Dan Snowberger

**Mailing address for authorizer:**

Street/PO Box 1060 Harrison Road  
City Colorado Springs Zip Code 80906  
Phone (719) 578-2000  
Email address \_\_\_\_\_

Name of **charter school:** James Irwin Charter Elementary School

Name & title of **charter school** representative Jonathan Berg, CEO, James Irwin Charter Schools

**Mailing address for charter school**

Street/PO Box 5520 Astrozon Blvd.  
City Colorado Springs Zip Code 80916  
Phone (719) 302-9000  
Email address jonathan.berg@jamesirwin.org

Charter school projected enrollment or current enrollment 514

**Grades served by charter school:**

K  1  2  3  4  5  6  7  8  9  10  11  12

Term of charter school contract: 07/01/2005 (mo/day/year) through June 30, 2034

If this is a renewal, year the charter school originally opened: 2005

Waiver request prepared for the **charter school** by: Jonathan Berg

Preparer's phone number: (719) 302-9003

Preparer's email address: jonathan.berg@jamesirwin.org

**Automatic waivers the charter school is applying for:**

- 22-9-106, C.R.S. Local board duties concerning performance evaluations for licensed personnel  
 22-32-109 (1)(f), C.R.S. Local board duties concerning selection of personnel and pay  
 22-32-110 (1)(h), C.R.S. Local board powers concerning employment termination of school personnel  
 22-32-126, C.R.S. Employment and authority of principals

- 22-63-201, C.R.S. Teacher employment, compensation and dismissal act of 1990; Employment – License Required – Exception
- 22-63-202, C.R.S. Teacher employment, compensation and dismissal act of 1990; contracts in writing – duration – damage provision
- 22-63-203, C.R.S. Teacher employment, compensation and dismissal act of 1990; probationary teachers – renewal and nonrenewal of employment contract
- 22-63-204, C.R.S. Teacher employment, compensation and dismissal act of 1990; receiving moneys from sales of goods – interest prohibited
- 22-63-205, C.R.S. Teacher employment, compensation and dismissal act of 1990; exchange of teachers – in-state, out-of-state or foreign
- 22-63-206, C.R.S. Teacher employment, compensation and dismissal act of 1990; transfer of teachers -- compensation
- 22-63-301, C.R.S. Teacher employment, compensation and dismissal act of 1990; grounds for dismissal
- 22-63-302, C.R.S. Teacher employment, compensation and dismissal act of 1990; procedures for dismissal of teachers and judicial review
- 22-63-401, C.R.S. Teacher employment, compensation and dismissal act of 1990; teachers subject to adopted salary schedule
- 22-63-402, C.R.S. Teacher employment, compensation and dismissal act of 1990; license, authorization or residency required in order to pay teachers
- 22-63-403, C.R.S. Teacher employment, compensation and dismissal act of 1990; payment of salaries

If any other waiver(s) from statute or regulation is/are being requested, please list below. Use a separate sheet for additional waivers, if necessary.

- C.R.S. 22-32-109 (1) (t) Boards of Education Specific Duties
- C.R.S. 22-32-109 (1) (b) Boards of Education Specific Duties

Dan Snowberger  
Printed name of authorizer representative

*Dan Snowberger*  
Signature of authorizer representative

Jonathan Berg  
Printed name of charter school representative

*Jonathan Berg*  
Signature of charter school representative

**Include as attachments to this request:**

1. An electronic copy of the charter contract, which would include a complete request for waivers as an appendix. A complete request includes rationale, replacement plan, how the impact will be evaluated and expected outcome (see sample at <http://www.cde.state.co.us/cdechart/waivers.htm>)
2. An electronic copy of the charter application or renewal application.

Waiver request may be submitted electronically to: [schoolsofchoice@cde.state.co.us](mailto:schoolsofchoice@cde.state.co.us).

**C.R.S. 22-63-202** Teacher employment, compensation, dismissal act of 1990

Provides for contracts in writing, duration of employment and damage provision for chief administrator if they should resign before the end of the contract period.

**Rational:** James Irwin Charter Elementary is an at will employer. As such, JICES can terminate employment for any reason that more clearly meets the needs of the organization and its student population. Conversely, employees may terminate their employment at JICES if they determine that their gifts, abilities and attitudes do not fit within the JICES educational model.

**Replacement Plan:** JICES has developed its own teacher renewal, nonrenewal plan. All expectations for staff are contained in the scope of this plan which is presented to staff each year.

**Duration of the Waiver:** James Irwin Charter Elementary School requests that the waivers be for the duration of its contract with the Harrison School District. Therefore, the waiver is requested for twenty four academic operating years, through June 30, 2024.

**Financial Impact:** JICES anticipates that the requested waivers will have no financial impact on Harrison School District.

How the impact waiver will be evaluated: The impact of these waivers will be measured by the performance appraisal criteria and assessments that apply to JICES, as per the charter school agreement.

**Expected Outcome:** As a result of these waivers, the Elementary School will be able to employ professional staff possessing the unique skills and/or background necessary for the school's success. They will be able to fill all staffing needs.

**C.R.S. 22-63-205** Teacher employment, compensation, dismissal act of 1990

Provides for exchange of teachers from out of state or out of country

**Rational:** James Irwin Charter Elementary is granted the authority under the Charter School Agreement to select its own teachers. The District should not have the authority to assign teachers to the charter school.

**Replacement Plan:** JICES will hire the teachers it needs on a "best qualified" basis.

**Duration of the Waiver:** James Irwin Charter Elementary School requests that the waivers be for the duration of its contract with the Harrison School District. Therefore, the waiver is requested for twenty four academic operating years, through June 30, 2024.

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