

State Statute Waivers
WAIVER REQUESTS – COLORADO STATE STATUTES

School Proposal	Section 22-32-109(1)(f): Local Board Duties Concerning Selection of Personnel and Pay	Teaching: Human Resource Management: Staff Hiring, Compensation
Policy	22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties: (f) (I) To employ all personnel required to maintain the operations and carry out the educational program of the district and to fix and order paid their compensation...A board of a district of innovation...may delegate the duty specified in this paragraph (f) to an innovation school	
Replacement Policy	<p>Pursuant to state law, the DPS board will delegate the duty specified in this paragraph to the innovation school.</p> <ul style="list-style-type: none"> The principal, in consultation with the CSC, will select classroom teachers directly. The school shall utilize the negotiated salary structures for all positions that are part of a bargaining unit and shall also have the right to establish stipends and incentives that exceed the negotiated salary scales provided the school submits a replacement policy to their CSC and HR for annual review to ensure sustainability, transparency and equity. <p>For all job descriptions, the Principal in consultation with the CSC and HR shall determine the rate of pay during the budget cycle each Spring for the following year.</p> <ul style="list-style-type: none"> The school will use support staff positions that have been established by the Board, when applicable. When unique support staff roles are needed to effectively implement the innovation plan, the School will establish new positions and create job descriptions for these roles. The school principal or his designee will consult with the district Human Resources department on the language of the job description. The job description will set forth the qualifications for the job, a detailed list of performance responsibilities and any required physical capabilities. The school shall also set the salary or hourly wage for the unique position in consultation from the district Human Resources department. The school may create, revise, or remove any unique job descriptions necessary to implement the school’s innovation plan. 	
School Proposal	Section 22-32-109(1)(g): Handling of Money	Governance: Budget
Policy	(g) To require any employee or other person who may receive into his custody moneys which properly belong to the district to deliver such moneys to the treasurer of the district, or to deposit such moneys in a depository designated by the board;	
Replacement Policy	<p>The School has the authority to manage its receipt of money and will meet performance expectations provided by the District.</p> <ul style="list-style-type: none"> In accordance with the innovation plan, the school may receive moneys and deposit such moneys into a school account. The School will establish an account to manage receipt of locally raised money and will have autonomy in making deposits in and withdrawals from the account when such actions are taken to further the academic achievement of students at the school. The school will account for all moneys that it receives directly and will report to the DPS board by providing quarterly trial balances to their DPS budget partner. 	
School Proposal	Section 22-32-109(1)(n)(I): Schedule and Calendar	Educational Program: Calendar and Schedule
Policy	(n) (I) To determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the next following school year, but in no event shall said schools be scheduled to have fewer than one thousand eighty hours of planned teacher-pupil instruction and teacher-pupil contact during the school year for secondary school pupils in high school, middle school, or junior high school or less than nine hundred ninety hours of such instruction and contact for elementary school pupils or fewer than four hundred fifty hours of such instruction for a half-day kindergarten program or fewer than nine hundred hours of such instruction for a full-day kindergarten program. In no case shall a school be in session for fewer than one hundred	

	<p>sixty days without the specific prior approval of the commissioner of education. In extraordinary circumstances, if it appears to the satisfaction of the commissioner that compliance with the provisions of this subparagraph (l) would require the scheduling of hours of instruction and contact at a time when pupil attendance will be low and the benefits to pupils of holding such hours of instruction will be minimal in relation to the cost thereof, the commissioner may waive the provisions of this subparagraph (l) upon application therefore by the board of education of the district.</p>	
Replacement Policy	<p>Provisions specified in Section 22-32-109(1)(n)(l) be followed with the exception of 9th grade Academy Teachers and 9th grade support staff will be required to teach an additional 5 days prior to the start of the school year with additional prorated pay.</p>	
School Proposal	<p>Section 22-32-109 (1)(n)(II)(B): School Calendar</p>	<p>Educational Program: Calendar and Schedule</p>
Policy	<p>(B) Prior to the beginning of the school year, each district shall provide for the adoption of a district calendar which is applicable to all schools within the district...A copy of the calendar shall be provided to the parents or guardians of all children enrolled...Such calendar shall include the dates for all staff in-service programs...[The] school administration shall allow for public input from parents and teachers prior to scheduling ...staff in-service programs. Any change in the calendar...shall be preceded by adequate and timely...of not less than thirty days.</p>	
Replacement Policy	<p>The school has the authority to modify the professional development “teal days” to align with the school’s assessment and pd schedule that meets or exceeds the minimum standards of the District and state.</p> <ul style="list-style-type: none"> • No later than 60 calendar days before the end of the school year, the principal in consultation with the CSC will determine any modifications to the following year's school calendar and school day schedule. • Input from parents and teachers will be sought prior to scheduling in-service programs and other non-student contact days. This calendar and schedule shall serve as the academic calendar and schedule for the school. All calendars shall include planned work dates for required staff in-service programs. Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice of no less than 30 days. • A copy of the upcoming school-year calendar and school day schedule shall be provided to all parents/guardians of students who are currently enrolled. The approved upcoming school year calendar and school day hours will be placed on the school’s website prior to May 1 of the prior academic year and a copy shall be provided to the school’s Instructional Superintendent. • In no case shall changes to the schedule or calendar violate teacher rights provided in the replacement policy for Article 8 of the DCTA contract. 	
School Proposal	<p>Section 22-32-109(1)(t): Determine Educational Program and Prescribe Textbooks</p>	<p>Education Program</p>
Policy	<p>(t) To determine the educational programs to be carried on in the schools of the district and to prescribe the textbooks for any course of instruction or study in such programs;</p>	
Replacement Policy	<p>The DPS Board authorizes the school to develop an educational program that aligns to the mission and vision of the school and enables the school to implement the innovation plan. The school’s curriculum will provide a program of instruction that enables students to meet or exceed the CCSS and CAS. The school will regularly evaluate its education program and make changes to curriculum content, instruction, and assessments.</p> <ul style="list-style-type: none"> • Curriculum development will be carried out by school personnel, consistent with the school’s innovation plan, using all available resources, including replacement core instructional textbooks where textbook waivers are granted. • The school curriculum will provide a program of instruction that enables students to meet or exceed the CCSS and CAS. The school will regularly evaluate its education program and make changes to curriculum content, instruction, and assessments. 	

	<ul style="list-style-type: none"> The district will evaluate the impact of the school's education program as part of its 3 year review of the school's innovation plan in addition to the annual UIP review by the CSC. Substantive interim changes must be approved by the Principal and District Staff. 	
School Proposal	Section 22-32-109(1)(aa): Adopt Content Standards and Plan for Implementation of Content Standards	Education Program
Policy	(aa) To adopt content standards and a plan for implementation of such content standards pursuant to the provisions of section 22-7-407 ;	
Replacement Policy	<p>The DPS Board authorizes the school to develop an educational program that aligns to the mission and vision of the school and enables the school to implement the innovation plan.</p> <p>The school's curriculum will provide a program of instruction that enables students to meet or exceed the CCSS and CAS. The school will regularly evaluate its education program and make changes to curriculum content, instruction, and assessments.</p> <ul style="list-style-type: none"> Curriculum development will be carried out by school personnel, consistent with the school's innovation plan, using all available resources, including replacement core instructional textbooks where textbook waivers are granted. The school curriculum will provide a program of instruction that enables students to meet or exceed the CCSS and CAS. The school will regularly evaluate its education program and make changes to curriculum content, instruction, and assessments. The district will evaluate the impact of the school's education program as part of its 3 year review of the school's innovation plan in addition to the annual UIP review by the CSC. Substantive interim changes must be approved by the Principal and District Staff. 	
School Proposal	Section 22-32-109(1)(jj): Identify Areas in which the Principal/s Require Training or Development	Teaching: Human Resource Management: Professional Development
Policy	(jj) To identify any areas in which one or more of the principals of the schools of the school district require further training or development. The board of education shall contract for or otherwise assist the identified principals in participating in professional development programs to assist the identified principals in improving their skills in the identified areas.	
Replacement Policy	<p>In accordance with the innovation plan, the Principal will participate in district-provided coaching and professional development except when such coaching or professional development contradicts the successful implementation of the innovation plan and/or the mission /vision of the school.</p> <p>In determining the Principal's PD and coaching schedule, the Instructional Superintendent will collaborate with the Principal to ensure that district PD and coaching supports the school leader and/or leadership team in implementing the goals of the innovation plan.</p> <p>The standard district offered professional development for members of the Professional Development team will be attended in the instances in which it supports the implementation of the innovation plan and/or the mission and vision of the school. District professional development for teachers, teacher leaders, and other instructional or operational leaders will be attended when the school's principal determines that such professional development is in the best interest of the school to successfully implement the innovation plan.</p>	
School Proposal	Teacher Employment, Compensation and Dismissal Act of 1990 Section 22-63-206: Transfer of Teachers - Compensation	Teaching: Human Resource Management: Direct Placement of Teachers

<p>Statute Description</p>	<p>(1) A teacher may be transferred upon the recommendation of the chief administrative officer of a school district from one school, position, or grade level to another within the school district, if such transfer does not result in the assignment of the teacher to a position of employment for which he or she is not qualified by virtue of academic preparation and certification and if, during the then current school year, the amount of salary of such teacher is not reduced except as otherwise provided in subsections (2) and (3) of this section. There shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher to a school, position, or grade because of sex, sexual orientation, marital status, race, creed, color, religion, national origin, ancestry, or membership or nonmembership in any group or organization.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, a teacher who has been occupying an administrative position may be assigned to another position for which he or she is qualified if a vacancy exists in such position, and, if so assigned, with a salary corresponding to the position. If the school district has adopted a general salary schedule or a combination salary schedule and policy, the board may consider the years of service accumulated while the teacher was occupying the administrative position when the board determines where to place the teacher on the schedule for the assigned position.</p> <p>(3) Notwithstanding the provisions of subsection (1) of this section, the salary of a teacher who has received additional compensation for the performance of additional duties may be reduced if said teacher has been relieved of such additional duties.</p> <p>(4) A teacher may enter into an agreement for an economic work-learn program leave of absence with a board of education that shall not affect the teacher's employment status, position on the salary schedule if the school district has adopted a general salary schedule or combination salary schedule and policy, or insurance and retirement benefits.</p> <p>(5) Nothing in this section shall be construed as requiring a receiving school to involuntarily accept the transfer of a teacher. All transfers to positions at other schools of the school district shall require the consent of the receiving school.</p>	
<p>School's Replacement Policy</p>	<p>The school may refuse limited term assignments of teachers from the district. District teachers who are qualified for a vacant position at the school may apply for the position, and, if hired, will be compensated with a salary corresponding to the position and the years of service using the district salary schedule as a base. The school will accept transfers that are being placed under District compliance with the Americans with Disability Act (ADA).</p>	
<p>School Proposal</p>	<p>Teacher Employment, Compensation and Dismissal Act of 1990 Section 22-63-401: Teachers Subject to Adopted Salary Schedule</p>	<p>Teaching: Human Resource Management: Compensation</p>
<p>Policy</p>	<p>(1) The board of a school district shall adopt by resolution a salary schedule that may be by job description and job definition, a teacher salary policy based on the level of performance demonstrated by each teacher, or a combination of the salary schedule and salary policy. Such salary schedule, salary policy, or combination schedule and policy shall be adopted in conjunction with or prior to the adoption of the budget for the following fiscal year. The schedule, policy, or combination schedule and policy shall remain in effect until changed or modified by the board. All teachers employed by the district shall be subject to such salary schedule, policy, or combination schedule and policy.</p>	
<p>Replacement Policy</p>	<p>The school has the authority to establish its own compensation philosophy, and provide additional stipends as necessary for all employees.</p> <p>If the school establishes hourly or daily rates, those rates will meet or exceed the rates of pay set in the DPS/DCTA Collective Bargaining Agreement.</p> <p>The school leaders, in consultation with the CSC, will determine extra duty compensation for extended day and year as well as any new or additional roles and responsibilities and merit pay. School leadership will work with the DPS HR department to ensure that all necessary processes are followed in these areas and is consistent with the innovation plan.</p> <p>The Compensation Philosophy can be revised annually with school leadership developing school compensation replacement policy in collaboration with their HR partner. Upon revision, the CSC will review and provide feedback on the school compensation replacement policy. When changes are made, the school will submit its revised compensation replacement policy to the district (HR) for review and to ensure legal compliance.</p> <ul style="list-style-type: none"> • Non-teaching staff will be compensated for any additional hours in accordance with Fair Labor Laws. 	

Compensation Philosophy

- The school will offer stipends for certain roles, responsibilities, and staff qualification guided by their compensation philosophy. The compensation philosophy can be revised annually with school leadership