CHARTER SCHOOL CONTRACT

between

SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER DENVER PUBLIC SCHOOLS

and

DOWNTOWN DENVER EXPEDITIONARY SCHOOL (A CHARTER SCHOOL)

JULY 2023

APPENDIX C - Requested State Statute Waivers

The School hereby invokes waivers of the following sections of the Colorado Revised Statutes; replacement policies are available for review by contacting the School.

Automatic State Waivers.

- 22-32-109 (1)(f), C.R.S. Local board duties concerning selection of personnel and pay
- 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 concerning employment termination of school 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)(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), C.R.S. Compulsory school attendance-Attendance policies and excused absences
- 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
- 22-1-112, C.R.S. School Year- National Holidays

Non-automatic State Waivers.

The School hereby requests waivers of the following additional State 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
- 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
- C.R.S. § 22-32-109(1)(n)(II)(A) Determine teacher-pupil contact hours
- C.R.S. § 22-63-201 Employment. Certificate required
- C.R.S. § 22-63-202 Teacher employment, contracts in writing-duration-damage provision
- C.R.S. § 22-63-203 Probationary Teachers -renewal and non-renewal of employment contract
- C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act Transfer of Teachers
- C.R.S. § 22-32-109(1)(b) Local board duties concerning competitive bidding
- C.R.S. § 22-32-110(1)(y) Local board powers-Accepting gifts, donations, and grants
- C.R.S § 22-7-1014(2)(a) Preschool Individualized Readiness Plans School readiness Assessments

Statutory Citation and Title:

C.R.S. § 22-9-106 <u>Local Board of Education-Duties-Performance Evaluation System</u> C.R.S. § 22-2-112(1)(q)(I) <u>Commissioner-Duties</u>

Rationale: The school leader of DDES must have the ability to perform the evaluation of all personnel. Should any other designated administrator not have a principal or administrator licence, this should not preclude him or her from administering the evaluations under the direction of the head of school. The BOD must also have the ability to perform the evaluation for the school leader. Additionally, DDES 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), but will be required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience..

Replacement Plan: Downtown Denver Expeditionary School uses its own evaluation system as agreed to in the Charter School Agreement with Denver Public Schools and therefore should not be required to report their teacher evaluation data. Downtown Denver Expeditionary School's evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for Downtown Denver Expeditionary School's evaluation system quality standards 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 C.R.S. §§ 22-9-101 et seq. All evaluators will receive training in their school's evaluation system. All teachers will be evaluated annually and the evaluation data will be used to inform professional development and employment decisions for teachers. 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. The school will not be required to report data to meet state requirements, including,

but not limited to, its teacher evaluation ratings, but will be required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience.

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 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 this Charter School Agreement.

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.

Statutory Citation and Title:

C.R.S. §22-32-109(1)(n)(I) <u>Board of Education- Specific Duties School Calendar</u> C.R.S. §22-32-109(1)(n)(II)(B) <u>Board of Education-Specific Duties Adoption of District Calendar</u>

Rationale: The responsibility to adopt an academic calendar will be delegated from the district board to the charter board. The charter board will adopt a calendar for the school that meets or exceeds the minimum number of days set in statute. Downtown Denver Expeditionary School will prescribe the actual details of its own school calendar to best meet the needs of its students and may have a calendar that will differ from the rest of the schools within the district.

Replacement Plan: The final calendar and the school's daily schedule will be set by Downtown Denver Expeditionary School's Board and the calendar will meet or exceed day and contact hour requirements set forth in state statute and state board rule.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on the 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 this 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.

Statutory Citation and Title:

C.R.S. 22-32-109(1)(n)(II)(A) <u>Determine teacher-pupil contact hours</u>

Rationale: Downtown Denver Expeditionary School should have the ability to determine teacher-pupil contact hours, while not reducing the total contact hours to below the minimum required by state statute. DDES will determine the actual details of teacher-pupil contact hours to best meet the needs of

its students. The local board will not set these policies, and the school may specify teacher-pupil contact hours that differ from other schools in the district.

Replacement Plan: Downtown Denver Expeditionary School will determine teacher-pupil contact hours in accordance with its final daily schedule and calendar. The total number of teacher-pupil contact hours will meet or exceed the days and contact hours requirements as set forth in state statute and state board rule.

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 this waiver will be measured by the performance appraisal criteria and assessments that apply to the school, as per this 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.

Statutory Citation and Title:

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

Rationale: Downtown Denver Expeditionary Schoolshould be granted the authority to hire teachers and principals that will support the school's goals and objectives. 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 school leaders 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.

Replacement Plan: All employees of Downtown Denver Expeditionary School will be employed on an at-will basis. 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 qualified teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of Downtown Denver Expeditionary School. All in-field teachers will at a minimum meet at least one of the following guidelines, specifically (1) endorsement on a Colorado teaching license; (2) holding at least a BA or higher in the relevant subject area; (3) completing 36 semester credit hours in the subject matter in which s/he teaches; or (4) holding at least a BA or higher and passing a State Board approved content exam in the relevant subject area. Special Education Teachers will hold the requisite state license and endorsement. The school will prioritize the hiring of in-field teachers as defined by the Colorado State Board. The school recognizes that it is required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience.

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 this 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.

Statutory Citation and Title:

C.R.S. § 22-63-202 <u>Teacher employment, contracts in writing-duration-damage provision</u> C.R.S. § 22-63-203 <u>Probationary Teachers -renewal and non-renewal of employment contract</u> C.R.S. § 22-63-206 <u>Teacher Employment, Compensation and Dismissal Act – Transfer of Teachers</u>

Rationale: Downtown Denver Expeditionary School 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 at a traditional public school will be successful at Downtown Denver Expeditionary School. In addition, Downtown Denver Expeditionary School is granted the authority under the Charter School Agreement to select its own teachers. No other schools or the Denver Public Schools should have the authority to transfer its teachers into the school or transfer teachers from Downtown Denver Expeditionary School to any other schools, except as provided for in the Charter School Agreement.

Replacement Plan: Downtown Denver Expeditionary School has employment agreements with the terms of nonrenewal and renewal set forth in the agreement, including payment of salaries upon termination of employment. Employment offers will be given in writing and will be on an at-will basis. Downtown Denver Expeditionary School will hire teachers on a best qualified basis. There is no provision for transfers. However, to the extent that teachers are transferred to other positions or grades within the school, there shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher because of race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, parenting, or marital status, veteran status, disability, or genetic information of an employee or applicant for employment, or any other basis on which discrimination is prohibited by law. Discriminination or harassment based on race includes unwelcome conduct regarding traits historically associated with race, including hair texture, hair type, and protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

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 this Charter School Agreement.

Expected Outcome: The school expects that as a result of this waiver it will be able to manage its own personnel affairs.

Statutory Citation and Title:

C.R.S. § 22-32-109(1)(b) Local board duties concerning competitive bidding

C.R.S. § 22-32-110(1)(y) Board of Education Accepting gifts, donations, grants

Rationale: In order to manage its own budget and finances, Downtown Denver Expeditionary School must be granted the authority to develop its own financial policies and practices.

Replacement Plan: Downtown Denver Expeditionary School, rather than the District, will be responsible for determining whether or not to accept gifts, donations and grants for the school. No gift, donation, or grant shall be accepted by the school if subject to any condition contrary to law. Additionally, Downtown Denver Expeditionary School, rather than the District, will be responsible for establishing procedures for competitive bidding, as required by applicable law, and for selecting successful bidders on projects/contracts. The School will ensure the process is open, transparent, and in compliance with all applicable rules and regulations.

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: Since this area 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 this Charter School Agreement.

Expected Outcome: As a result of this waiver, the school will be able to carry out its educational program, administer its affairs in an efficient manner, and accomplish its mission as set forth in the Charter School Agreement.

Statutory Citation and Title:

C.R.S § 22-7-1014(2)(a) Preschool Individualized Readiness Plans – School readiness – Assessments

Rationale: Downtown Denver Expeditionary School is a data-driven school that continuously evaluates students' academic readiness, social-emotional competencies and physical well-being to ensure they can access their learning. Downtown Denver Expeditionary School has strong programs and assessments to assess students' physical well-being, social-emotional development, language and comprehension development, cognition and knowledge.

Replacement Plan: The school will ensure that the readiness assessment instruments used are research based, reliable and valid, and will assess students, at a minimum, on the domains of physical well-being, social-emotional development, language and comprehension development, cognition, and knowledge (including literacy and mathematics). Currently, the instruments used by the school to meet this standard are: DIBELS, Foundations, Math Benchmark, GLOSS, IKAN, Graham Fletcher progress monitoring, Unit Assessments, BESS screener.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 CRS 22-7-1014(2)(a). Downtown Denver Expeditionary School will fulfill the requirement to administer the literacy component of school readiness by administering the DIBELS assessment (or another State Board-approved READ Act assessment) within the first 60 calendar days of the school year. The data collected from these assessments will be used to develop an individualized readiness plan for each kindergarten student, and will inform programming accordingly. This school readiness data will not be used to deny admission to first grade. The data collected will be made readily available to the District, and the school will report this data, as required by State law.

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 this waiver will be measured by the performance criteria and assessments that apply to the School.

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

APPENDIX D - Requested District Policy Waivers

The School has requested and obtained Denver Public Schools Board of Education waivers of the following sections of the Denver Public Schools Policies and Procedures for public schools. Replacement policies are available for review by contacting the School.

As a part of the policy governance model, the District Board maintains Governance Process, Board/Superintendent Relationship, Ends and Executive Limitations. These policies pertain to the District Board's self-governance, interaction with and evaluation of the superintendent. Therefore, these policies do not apply to the governing board of the charter school.

Automatic District Policy Waivers

The following DPS policies do not apply to charter schools and are therefore automatic:

A Policies: Foundations and Basic Commitments

Α	Policy Framework for Accelerating Gains in Academic Achievement for All Students
AC	Nondiscrimination and Equal Opportunity (although the charter school's policy is requested through Governance submission process)
AC-R 1	Procedures for the Investigation of Public Complaints of Discrimination or Harassment (although the charter school's policy is requested through Governance submission process)
AC-R 2	Procedures for Public Requests for Reasonable Accommodations and Procedures for the Investigation of Public Complaints Regarding the Provision of Requested Accommodations (although the charter school's policy is requested through Governance submission process)
ACE	Equitable and Inclusive Contracting Policy
AD	Educational Philosophy/School District Mission
ADE ADE- R	Innovation in Education New Innovation School Regulation

B Policies: School Board Governance and Operations

BBA	School Board Powers and Responsibilities
BC	Board Member Conduct
	Board Member Conflict of Interest (although the charter school's policy is requested through
BCB	Governance submission process)
BDB	Board Officers
BDF	Advisory Committees/Councils
BDF-R	
1	Career and Tech Ed Council
BDF-R	
2	Preschool Program Council
BDF-R	
3	Drug-Free Schools Advisory Council
BDFA	District Personnel Performance Evaluation Council

BDFA-	
R	Procedures for District Personnel Performance Evaluation Council
BDFB	Finance and Audit Committee
BDFB-	
E	Exhibit - Finance and Audit Committee Charter
BDFG	District Accountability Committee
BDFG-	
R	Procedures for District Accountability Committee
BE	School Board Meetings
BEAA	Electronic Participation in School Board Meetings
BID/BI	
Е	Board Fiscal Policy/Board Member Compensation and Expenses/Liability

C Policies: General School Administration

CBA/CB	
С	Powers and Responsibilities of Superintendent
CBI	Evaluation of Superintendent

D Policies: Fiscal Management

DEA	Mill Levy Distribution
DFA	Investment and Cash Management Policy
DFB	Debt Policy
DFC	Derivatives Policy
DH	Bonded Employees and Officers
DIA	Online Schools and Online Programs
DIE	Audits/Financial Monitoring
DJGA	Sales Calls and Demonstrations

E Policies: Support Services

EEAFB	Use of School Vehicles by Community Groups
EEAFB	
-R	Regulations of Use of School Vehicles by Community Groups

F Policies: Facilities Development

FB	Historical Designation of Facilities (unless in District facility, then unwaivable)
FF	Naming of Facilities (unless in District facility, then unwaivable)

G Policies: Personnel

G	DPS Employee Handbook
GBA	Equal Employment Opportunity and Nondiscrimination

	Procedures for Employee Requests for Reasonable Accommodations and Procedures for the
	Investigation of Employee Complaints Regarding the Provision of Requested Modifications or
GBA-R1	Accommodations
GBEA	Conflicts of Interest
GBEBA	Staff Dress Code
GBEBA-	
R	Regulation for the Enforcement of the Staff Dress Code
GBEBC	Gifts to and Solicitations by Staff
GBEC	Drug, Alcohol and Tobacco-Free Workplace (Use by Staff Members)
GBEC-R	Regulation for the Enforcement of the Drug, Alcohol and Tobacco-free Workplace Policy
	Dismissal of full-time Classified Employees, Specialized Service Providers, and Teachers in
GDQD	Schools with a Waiver of Statutory Dismissal Procedures
GDQD-	Regulation regarding Procedures for Dismissal of full-time Classified Employees, Specialized
R	Service Providers, and Teachers in Schools with a Waiver of Statutory Dismissal Procedures
GBGB	Personal Safety and Security
GCF/GD	
F	Staff Recruiting/Hiring

Note: G policies are Type I because charter employees are not district employees. Charters are encouraged to have these replacement employment policies, but it is not required for the District to review.

H Policies: Negotiations

HH	Method of Determining Staff Negotiating Organizations

J Policies: Students

JFABB	Admission of Foreign Exchange Students
JFABB-	
R	Regulation for Admission of Foreign Exchange Students
ЛВА	Student Government
JIBA-R	Student Government (Student Board of Education)
ЛСС	Student Conduct on Buses (unless using DPS transportation, then unwaivable)
JICC-R	Regulation for Student Conduct on School Buses (unless using DPS transportation, then unwaivable)
JJIB	Interscholastic Sports (unless participating in the Denver Public High Schools Athletic League, then unwaivable)

K Policies: School - Community Relations

KCD	Public Gifts Donations to Schools
KCD-R	Regulation regarding Public Gifts/Donations and Grants
KE	Public Concerns and Complaints
KF	Community Use of School Facilities (unless in District facility, then unwaivable)

	Regulation regarding Community Use of School Facilities (unless in District facility, then		
KF-R	unwaivable)		
KHBA	Sponsorship Programs		

Non-automatic District Policy Waivers

The School hereby requests waivers of the following additional District Policies:

TYPE II DPS POLICY WAIVERS

A Policies: Foundations and Basic Commitments	
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ADF/
ADF-R

School Wellness

B Policies: School Board Governance and Operations

21011		Down Of the and of the
\checkmark	BDF-R4	Collaborative School Committees

D Policies: Fiscal Management

DJ	Purchasing
DJA	Purchasing Authority
DJA-R	Regulations for Purchasing Authority
DJB	Purchasing Procedures
DJD	Cooperative Purchasing
DJE	Bidding Procedures
DJG	Vendor Relations
DK	Stewardship of Funds
DK-R	Propriety of Expenses Procedures
DK-R1	Travel Expenses
DK-R2	Food Purchases Procedure - Non-Student Meal Related
DK-R3	District Cell Phone Procedures
DK-R4	Payroll/Deductions/Direct Deposit/Expense Reimbursements
DK-R5	Gift Card Purchasing Procedures

E Policies: Support Services

EEA	Student Transportation				
EEA-R1	Regulation for Transportation of Students in School Buses				
EEA-R2	Student Transportation in Private Vehicles				
EEAEEA	Drug and Alcohol Testing for Bus Drivers and Employees in Safety Sensitive Positions				
EEAEEA-R	(only applies when providing non-DPS transportation)				
	Regulation for Alcohol and Drug Testing for Bus Drivers and Employees in				
	Safety-Sensitive Positions (only applies when providing non-DPS transportation)				
EFEA	Nutritious Food Choices				
EGAEA	Electronic Mail and Internet Policy (when on DPS systems, not waivable)				
EGAEA-R1	Regulations of Use of Electronic Mail and Internet Systems (when on DPS systems, not				
EGAEA-R2	waivable)				
	Regulation of Social Media Use (when on DPS systems, not waivable)				
EHB	Records Retention				
	EEA-R1 EEA-R2 EEAEEA EEAEEA-R EGAEA EGAEA EGAEA-R1 EGAEA-R2				

F Policies: Facilities Development

	Commemorative Activities and Memorials
FFA-R	Commemorative Activities and Memorials Regulation

I Policies: Instructional Program

	IHAM	Health and Family Life/Sex Education
	IHBK	Preparation for Postsecondary and Workforce Success
	IHBK-R	Regulations for Preparation for Postsecondary and Workforce Success
	IKA	Grading/Assessment Systems
	IKA-R	Regulation for Grading/Assessment Systems
	IKE	Promotion, Retention and Acceleration of Students
	IKE-R	Procedure for the Promotion, Retention, and Acceleration of Students
	ILBC	Early Literacy and Reading Comprehension
	ILBC-R	Procedures to Implement the Colorado READ Act
\checkmark	IMDB	Flag Displays

J Policies: Students

	JICA	Student Dress Code
	JICDE	Bullying Prevention and Education
	JICEA	School-Related Student Publications
	JICEA-R	Regulation regarding School-Related Student Publications
	JICEC	Student Distribution of Noncurricular Materials
	JICEC-R	Regulation for Student Distribution of Noncurricular Materials
	JJH	Student Travel and Field Trips (if not waived, "superintendent" approval will be replaced by
	JJH-R	"charter school leader" approval)
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		Regulation regarding Student Travel and Field Trips
	JLC	Student Health Services and Records
	JLCD	Administering Medications to Students (if using DPS nursing, this policy is unwaivable)
	JLCD-R	Administering Medications to Students Regulation
	JLCDA	Students with Food Allergies
	JLDAC	Parents, students can review material administered to students, can deny submission of that
	JLDAC-E	material when asking for protected information, school personnel cannot recommend
		psychotropic drugs
		District must provide annual notice of these rights
	JRA/JRC-	Student Records/Release of Information on Students
	R	Regulation Regarding Student Records and Release of Student Information

K Policies: Instructional Program

2	KB	Family Engagement (Including Title I Family Engagement)
	KB-R	Regulation for Family Engagement (Including Title 1 Family Engagement)
$\overline{}$	KDB	Public's Right to Know - Freedom of Information

	KDB-R	Regulation regarding Public's Right to Know - Freedom of Information
	KFA	Public Conduct on School Property
	KFA-R	Regulation regarding Public Conduct on School Property
\checkmark	KHB	Advertising in Schools
	KI	Visitors to Schools

By signing the charter contract, the School affirms that it has replacement policies that comply with the intent of the policy for each of the non-automatic waivers sought above that are legally required.