



COLORADO
Department of Education

201 East Colfax Avenue
Denver, CO 80203-1799

MEMO

To: State Board of Education
From: Kelly Rosensweet, Charter and Innovation School Support Coordinator, CDE
Re: Charter school waiver request from School District 27J on behalf of Eagle Ridge Academy
Date: April 17th, 2017

Attached please find information to support the action item regarding the charter waiver request from School District 27J on behalf of Eagle Ridge Academy pursuant to *C.R.S. 22-30.5-104*, *C.R.S.* The board has been asked to approve or deny this request at the May state board meeting.

This action item includes:

- A waiver request from School District 27J on behalf of Eagle Ridge Academy.
- Eagle Ridge Academy requests the following non-automatic waivers in addition to those automatically granted:
 - *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)(A), C.R.S. Determine teacher-pupil contact hours*
 - *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*
 - *22-63-204, Teacher Employment Act-Receiving moneys from sale of goods*
 - *22-63-205, Teacher Employment Act-Exchange of teachers out of state or foreign*
 - *22-63-206, C.R.S. Teacher Employment Act-Transfer of teachers*
- CDE staff has reviewed the charter contract and waiver addendum.
 - This charter school has been renewed through June 30th, 2022.
 - If approved, these waivers would be effective through the term of the school's charter contract with School District 27J.
 - See BoardDocs for the charter school's waiver addendum that includes the requested non-automatic waivers and their replacement plans.

Action Needed at Board Meeting:

- A vote from board members on whether to approve or deny the waiver request from School District 27J on behalf of Eagle Ridge Academy for the non-automatic waivers listed above.
- If the chartering local board of education and the charter school do not receive notice of the state board's decision within 45 days after submittal of the request for release, the request shall be deemed granted. (*22-30.5-105(3), C.R.S.*)





Charter School Waiver Request Cover Page

The State Board has identified waivers that are automatically 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 those deemed automatic. For a list of those automatic waivers, visit <http://www.cde.state.co.us/cdechart/waivers>.

For any non-automatic waiver requests, the authorizer needs to submit to CDE (soc@cde.state.co.us):

- A signed copy of the charter contract, renewal or extension between the charter school and its authorizer, including a complete list of requested waivers. Please note that waiver requests must meet the requirements set in the Charter School Act (22-30.5-104, C.R.S. and 22-30.5-105(2)).
- A replacement plan for each waiver being requested per 22-30.5-105(2) that addresses the manner in which a charter school shall comply with the intent of the state statutes, state board rules, and district rules. Schools and/or authorizers may wish to make this a separate addendum.

In order for CDE to expedite the review of your waiver request, please include the following information and/or identify the page in your charter contract where the following information can be found:

Charter School: Name: Eagle Ridge Academy Charter High School
 School Address: 3551 Southern St.
 City: Brighton Zip Code: 80601
 Term of the charter contract: 07 / 2017 (MM/ YYYY) through June 30, 2022 (YYYY)
 Charter school waiver contact: Ben Ploeger
 Title: Principal and Head of School
 Phone: (303)-655 -0773 EXT: _____ Email address: bploeger@erawarriors.org

Authorizer: Charter School Institute X Name of local district: School District 27J
 Authorizer waiver contact: Janet Wyatt
 Title: Charter School Liaison, General Counsel
 Phone: (303)-655-2994 EXT: _____ Email address: jwyatt@sd27j.net

Waiver Information:

_____ Where non-automatic waivers from state statute/rule can be found.
Page number(s) in contract

_____ Where rationale and replacement plans for waivers from state statute/rule can be found.
Page number(s) in contract

Required Signatures:

Janet Wyatt
 Authorizer Contact (Print Name)

Janet Wyatt
 Signature-Authorizer Contact

3/14/17
 Date

Ben Ploeger
 Charter Contact (Print Name)

Ben Ploeger
 Signature-Charter Contact

3/3/2017
 Date



Charter School Waiver Request Addendum

Use the addendum template below to list the non-automatic waiver(s) from statute and rule and the related replacement plans that the charter school is requesting.

School Name: Eagle Ridge Academy Charter High School

School Address (mailing): 3551 Southern St., Brighton, CO 80601

Charter School Waiver Contact Name: Ben Ploeger

Charter School Waiver Contact's Phone Number: 303-655-0773

Charter School Waiver Contact's Email: bploeger@erawarriors.org

C.R.S. 22-9-106 Performance evaluations for licensed personnel

Rationale: The Eagle Ridge Academy Head of School must have the ability to perform the evaluation of all personnel. Should any other designated administrator not have a Principal license, this should not preclude him or her from administering the evaluations under the direction of the Head of School. The Eagle Ridge Academy Board of Directors must also have the ability to perform the evaluation of the Head of School.

Replacement Plan: Eagle Ridge Academy uses its own evaluation system as agreed to in the Charter School Contract with School District 27J. Eagle Ridge Academy's evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for Eagle Ridge Academy's evaluation system include a clear set of quality standards that are relevant to the administrators' and teachers' roles and responsibilities, have the goal of improving student academic growth, and meet the intent of the quality standards established in SB 10-191. The Head of School is trained in the evaluation system, and will undergo ongoing training as necessary. The evaluation policy is adopted by the ERA Board of Directors, and the procedures are adopted by the Head of School.

Duration of Waivers:

We formally request the waiver be in effect for the duration of our contract with _____
School District 27J_____. Therefore, the waiver is requested through June 30, 2022.

Authorizer

Date

Financial Impact: This waiver does not incur a financial impact.

How the Impact of the Waivers Will be Evaluated: 27J will monitor this through annual Accreditation and the Annual Performance Report.

Expected Outcome: ERA will be able to hire, evaluate and retain higher quality personnel due

to their authority to hire and evaluate their own personnel according to charter contract.

Z - 32-109(i)(A)(1)
 2-32-109(i)(a)(ii)(A)
 -32-109(i)(ii)(B)

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan	
C.R.S. 22-32-109(1)(a),(t) School calendar; contact hours; district calendar; textbook and curriculum	
Rationale: The Eagle Ridge Academy governing board will be responsible for its own operations, which includes establishing the school calendar, ensuring the minimum number of teacher-pupil contact hours, and textbook and curriculum selection. The board will establish board policy for these matters. Further, a responsibility of the Head of School is to ensure compliance with laws such as these.	
Replacement Plan: The governing board will establish board policy to ensure compliance with these state laws.	
Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with _____ School District 27J _____. Therefore, the waiver is requested through <u>June 30, 2022</u> . Authorizer _____ Date _____	
Financial Impact: This waiver does not incur a financial impact.	
How the Impact of the Waivers Will be Evaluated: 27J will monitor this through annual Accreditation, the Annual Performance Report and Automated Data Exchange.	
Expected Outcome: ERA will be able to operate with its own calendar in alignment with its approved educational program.	

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan	
C.R.S. 22-63-201 - 203, 206 Teacher employment, compensation and dismissal act	
Rationale: The Eagle Ridge Academy governing board, via the charter contract, has been granted the authority to hire and evaluate personnel. Its status as a charter school makes these teacher employment, compensation and dismissal act provisions irrelevant.	
Replacement Plan: The governing board will employ its own personnel, which includes evaluating their performance. All employees of Eagle Ridge Academy will meet Federal Highly Qualified Requirements (i.e.: hold a degree and demonstrated subject matter competency).	
Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with _____ School District 27J _____. Therefore, the waiver is requested through <u>June 30, 2022</u> .	

Authorizer	Date
Financial Impact: This waiver does not incur a financial impact.	
How the Impact of the Waivers Will be Evaluated: 27J will monitor this through annual Accreditation and the Annual Performance Report.	
Expected Outcome: ERA will be able to hire, evaluate and retain higher quality personnel due to their authority to hire their own personnel according to charter contract.	

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan	
C.R.S. 22-63-204 and 205 Teacher employment, compensation and dismissal act	
Rationale: ERA employs its own at-will staff, and so these statutes are irrelevant for the school.	
Replacement Plan: The ERA governing board, in conjunction with the Head of School, will be responsible for determining staff selection, assignment and compensation.	
Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with _____ School District 27J _____. Therefore, the waiver is requested through <u>June 30, 2022</u> .	
Authorizer	Date
Financial Impact: This waiver does not incur a financial impact.	
How the Impact of the Waivers Will be Evaluated: 27J will monitor this through annual Accreditation and the Annual Performance Report.	
Expected Outcome: The ERA governing board will be responsible for implementing the educational program design as detailed in the charter school application. This includes all staff matters.	

Eagle Ridge Academy Waiver Request - School District 27J

Superintendent Policy	Title	Rationale and Replacement Plan
A	School District Legal Status	None of these policies are relevant to Eagle Ridge Academy (ERA).
B	School Board Governance & Operations	The ERA charter contract and board policies outline how the school will address school board governance and operations issues.
C	General School Administration	The ERA charter contract, staff handbook, and board policies outline how the school will address general school administration issues.
D	Fiscal Management	The ERA charter contract and board policies outline how the school will address fiscal issues.
E	Support Services Except: EB, EBBA, EBBA-R, EEBA,	The ERA charter contract, student and staff handbooks, as well as board policies outline how ERA will address support services issues.
F	Facilities Planning & Development	ERA is responsible for its facilities, planning, and development. The ERA charter contract and policies outline how the school will address facilities issues.
G	Personnel Except: GBA, GBAA	The ERA charter contract, staff handbook, and board policies outline how the school will address personnel issues. Moreover, ERA uses only at-will employees.
I	Instruction	The ERA charter contract, student handbook, and board policies outline how the school will address instruction and academic issues.
J	Students Except: JBB, JEA, JICDF, JICDF - R, JLCB,	The ERA charter contract, student handbook, and board policies outline how the school will address student issues.
K	School-Community-Home Relations	The ERA charter contract, student handbook, and board policies outline how the school will address communication with the community and families.