

November 12, 2012

## **REQUEST FOR WAIVER OF COLORADO REVISED STATUTES**

Pursuant to C.R.S. § 22-2-117, Douglas County Public Schools (the “District” or “DCSD”) hereby submits the following application for waiver of C.R.S. § 22-30.5-107(1). The District respectfully requests that the State Board of Education (“State Board”) grant this request, as such a waiver is in the best interest of the pupils, the District and the community.

### **I. List of Statutes and/or Rules Requested for Waiver.**

The District requests a waiver from C.R.S. § 22-30.5-107(1), which requires the District to accept charter school applications in the fall by stating that “... the date determined by the local board of education for filing of [charter] applications shall not be any earlier than August 15, or any later than October 1” (hereinafter, referred to as a “Fall Application Cycle”).

The District requests that it be permitted to require charter applicants to submit letters of intent by March 15<sup>th</sup> of each school year and applications by April 30<sup>th</sup> of each school year in order to be eligible for consideration to open a charter school in the fall of the following year calendar year (hereinafter, referred to as “Spring Application Cycle”). (For example, an application must be submitted by April 30, 2013, for the charter school to be eligible for opening in the fall of 2014.)

### **II. Waiver from C.R.S. § 22-30.5-107(1) Is Necessary to Enhance Educational Opportunity and Quality within the District.**

Waiver from C.R.S. § 22-30.5-107(1) is necessary to enhance educational opportunity and quality within the District. The current submission deadline does not provide charter applicants with the time to most effectively open a quality school the following academic year. The District is a pro-charter authorizer, which has recently revised its charter policies to include a Request for Proposal Process to partner with charter schools to meet capacity needs for students within the county

DCSD currently has twelve (12) charter schools in its portfolio with two (2) more slated to open in 2013-14. DCSD holds charter schools accountable through a transparent and rigorous process that uses academic, financial, and operational performance data to assess the success of a charter school. DCSD seeks to authorize future schools using a spring application cycle, which will give charters a full school-year of planning upon approval of their application, thereby providing them sufficient time to successfully and effectively open a charter school the succeeding calendar year.

In addition, the District is committed to equity of access to publicly funded facilities for its charter schools. A spring application cycle with a subsequent early summer Board approval, provides sufficient time for community discussions, negotiations, planning and building modification that may be necessary for charter schools to utilize DCSD resources when appropriate. DCSD has successfully provided land and/or financial resources to three of its charter schools to date, and hopes to expand this success in the future through the spring

application cycle.

**III. Waiver From C.R.S. § 22-30.5-107(1) Will Create efficiencies for the District, Thereby Increasing Educational Opportunities Within The District.**

Waiver from C.R.S. § 22-30.5-107(1) will create efficiencies for the District, thereby increasing educational opportunities within the District. Accordingly, allowing a waiver of the Fall Application Cycle enables the District to focus its resources on assessing new charter applications in the spring and assessing charter renewal applications in the fall, thereby most effectively and efficiently supporting schools, and thus, increasing educational opportunities.

**IV. The District will Comply with the Intent of C.R.S. § 22-30.5-107(1) by Providing Notice of the Spring Application Cycle to All Potential Applicants and Shall be Held Accountable to the State Board by Providing Notice of its Spring Application Process and Deadlines.**

The District shall comply with the intent of C.R.S. § 22-30.5-107(1) by annually informing charter school applicants of the Spring Application Cycle deadlines. The District shall be held accountable to the State Board by providing a copy of the published deadlines provided to all applicants.

**V. The District Has Complied with All Legal Requirements for the Public Hearing Process.**

The District has complied with all notice requirements of C.R.S. § 22-2-117(2) by posting notice in the Douglas County News Press for four weeks and three public places for not less than thirty calendar days prior to the meeting, setting forth a description of the waiver request and the time and location of the meeting and public hearing. The Notice provided:

Pursuant to C.R.S. § 22-1-117, the Douglas County School District Board of Education on behalf of the Office of Innovation and Development is seeking waiver from the State Board of Education from C.R.S. § 22-30.5-107. The DCSD Board will consider this waiver request at its regular monthly meeting starting at 5:00 pm on October 16, 2012 at 620 Wilcox Street. Public comment is welcome.

**VI. The District Has Exclusive Chartering Authority.**

The District has exclusive chartering authority. C.R.S. § 22-2-117 (6) provides:

[A] school district that has been granted by the state board exclusive authority to charter schools within its geographic boundaries pursuant to section 22-30.5-504 shall not be required to demonstrate that it has obtained the consent of a majority of the appropriate accountability committee, a majority of the affected licensed administrators, and a majority of the teachers of the affected school or district in order to apply for a waiver of any of the requirements imposed by this title or by rule promulgated by the state board.

Thus, the District is not required to demonstrate that it has obtained the above consent, especially as none of the above groups is affected by this request.

Respectfully submitted,





RESOLUTION OF THE BOARD OF EDUCATION  
OF  
DOUGLAS COUNTY SCHOOL DISTRICT RE1

WHEREAS, Douglas County School District Re1 (the "District") is requesting a waiver from C.R.S. § 22-30.5-107(1), which requires the District to accept charter school applications between August 15<sup>th</sup> and October 1<sup>st</sup> (hereinafter, referred to as "Fall Application Cycle"); and

WHEREAS, the attached waiver application substantially complies with the requirements of C.R.S. § 22-2-117, and requests that the District be permitted to require charter applicants to submit letters of intent by March 15<sup>th</sup> of each school year and applications by April 30<sup>th</sup> of each school year in order to be eligible for consideration to open a charter school in the fall of the following calendar year (hereinafter, referred to as "Spring Application Cycle"); and

WHEREAS, the granting of this waiver is necessary to enhance educational opportunity and quality within the District because the application submission timeline required in the statute does not provide charter schools with sufficient time to most effectively open a quality school the following academic year; and

WHEREAS, the District is a quality pro-charter authorizer that has 12 charter schools currently in its portfolio, holds charter schools accountable through a transparent and rigorous process that uses academic, financial, and operational performance data, and actively solicits charter applications; and

WHEREAS, the District seeks to make facilities available to charter schools and has done so in the past with sufficient time to plan and negotiate such facility use agreements; and

WHEREAS, the granting of this waiver is necessary to reduce costs to the District, thereby increasing educational opportunities within the District; and

WHEREAS, allowing a waiver of the Fall Application Cycle enables the District to focus its resources on assessing new charter applications in the spring and assessing charter renewal applications in the fall, thereby most effectively and efficiently supporting schools; and

WHEREAS, the District shall comply with the intent of C.R.S. § 22-30.5-107(1) by providing notice of the Spring Application Cycle to all potential applicants and shall be held accountable to the Colorado State Board of Education by providing notice of its Spring Application Cycle and deadlines; and

WHEREAS, the District has substantially complied with all notice requirements of C.R.S. § 22-2-117(2) by posting notice in the News Press for four weeks and **three public places** setting forth a description of the waiver request and the time and location

of the meeting and public hearing; and

WHEREAS, new applicants are aware of the proposed timelines because the District has publicized the waiver request and has given notice to the Colorado League of Charter Schools.

NOW, THEREFORE, BE IT RESOLVED THAT the application for waiver of C.R.S. § 22-30.5-107(1) is hereby approved for submission to the Colorado State Board of Education in accordance with C.R.S. § 22-2-117.

ADOPTED AND APPROVED this October 16, 2012.

  
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President  
Douglas County School District, Re1

ATTEST:

  
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Secretary  
Douglas County School District, Re1

### Agenda Item Details

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Meeting	Dec 05, 2012 - State Board of Education Regular Board Meeting 9:00 a.m.
Category	10. Action Items: Innovation, Choice, and Engagement
Subject	10.02 A waiver request from Douglas County School District RE-1 to seek a waiver from 22-30.5-107(1), C.R.S., on behalf of Douglas County School District Re-1
Type	Action
Recommended Action	To approve waiver from section 22-30.5-107(1), C.R.S., on behalf of Douglas County School District Re-1.

Douglas County School District RE-1 (DCSD) has submitted a request for a waiver from section 22-30.5-107(1), C.R.S., concerning the date by which charter school applications must be submitted to a local board of education.

Pursuant to section 22-2-117, C.R.S., the State Board of Education has the authority to waive requirements imposed by Title 22 or by rule promulgated by the State Board. The State Board shall grant the waiver if it determines that it would enhance educational opportunity and quality within the school district and that the costs to the school district of complying with the requirements for which the waiver is requested significantly limit educational opportunity within the school district. Local school boards that submit a request for a waiver pursuant to this section of the law must adhere to the notice and public meeting requirements outlined in statute.

The Colorado Department of Education has reviewed the application submitted by DCSD and determined that all statutory requirements for submitting a waiver application have been met. The district would like to require charter applicants to submit letters of intent by March 15<sup>th</sup> of each school year and to submit charter school applications by April 30<sup>th</sup> of each year to be eligible for consideration to open a charter school in the fall of the following calendar year. The district has provided a rationale for why the district should be permitted to conduct an earlier spring application process, rather than wait until August 15<sup>th</sup>, as required by current statute. The Colorado Department of Education finds that, in this instance, a waiver of the statutory requirement for districts to accept charter school applications after August 15<sup>th</sup> would enhance educational opportunity and quality within the school district and that the costs to the school district of complying with the requirements for which the waiver is requested significantly limit educational opportunity within the school district. The Colorado Department of Education therefore recommends that the State Board approve a waiver from section 22-30.5-107(1), C.R.S., on behalf of DCSD.

[DCSD App timeline Waiver Request 11.13.12.pdf \(228 KB\)](#)

[DCSD Resolution app timeline 11.13.12.pdf \(598 KB\)](#)

### Motion & Voting

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To approve waiver from section 22-30.5-107(1), C.R.S., on behalf of Douglas County School District Re-1.

Motion by Marcia Neal, second by Angelika Schroeder.

Final Resolution: Motion Carries

Yea: Debora L Scheffel, Paul Lundeen, Elaine Gantz Berman, Jane Goff, Marcia Neal, Bob Schaffer, Angelika Schroeder

Last Modified by Elizabeth Burdsall on December 11, 2012