



BRIGHTON PUBLIC SCHOOLS

BRIGHTON SCHOOL DISTRICT 27J

630 South 8th Avenue

Brighton, Colorado 80601-3295

(303) 655-2900 fax (303) 655-2870

John C. Hefty, Ph.D., Superintendent

BOARD OF EDUCATION

Karen Vaughn, President

Laurie D. Maier, Vice President

Yolanda Sandoval, Secretary

Ernesto Lopez, Treasurer

Lois Lesser, Director

Joan Root, Director

Fred Steele, Director

June 27, 2001

State Board of Education

201E Colfax

Denver, CO 80203

Dear State Board of Education Members:

The Brighton 27J School District has recently negotiated a renewal contract with Bromley East Charter School for a period of thirty-one years ending June 30, 2032. A copy of the charter contract is attached for your review. The school district and charter school, pursuant to the attached contract, are jointly requesting that the State Board of Education grant waivers to the charter school from the following state statutes and/or regulations:

Please note that this request follows a May 15 request for waivers and has the following corrections or additions:

22-32-109(w) (x) and 22-32-110(2) have been deleted because the statutes have been repealed.

22-32-109 (1) (bb) is accompanied by the Brighton Charter School policy regarding use of tobacco and alcohol.

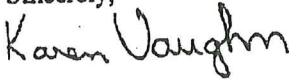
Statute

22-1-110	Alcohol & Controlled Substance Education
22-9-106	Local Board Duties Concerning Performance Evaluations
22-32-109 (1) (b)	Local Board Duties Concerning Competitive Bidding
22-32-109 (1) (bb) (1)	Local Board Duties Concerning Tobacco use
22-32-109 (1) (f)	Local Board Duties Concerning Selection of Staff, and Pay
22-32-109 (1) (h)	Local Board Duties Concerning Bonding of Staff Members
22-32-109 (1) (n) (1)	Local Board Duties Concerning School Calendar
22-32-109 (1) (n) (1) (11)	Local Board Duties Concerning Teacher Conferences
22-32-109(1)(n)(11)(A)	Local Board Duties Concerning Teacher-Pupil Contact Hours
22-32-109 (1) (t)	Local Board Duties Concerning Textbooks and Curriculum
22-32-109 (1) (z)	Local Board Duties Concerning Child Abuse and Neglect Training
22-32-109.7	Selection of personnel
22-32-109.8	Fingerprinting
22-32-109.9	Fingerprinting
22-32-110 (1) (h)	Local Board Powers-Terminate employment of personnel
22-32-110 (1) (l)	Local Board Powers-Reimburse employees for expenses
22-32-110 (1) (j)	Local Board Powers-Procure life, health, or accident insurance
22-32-110 (1) (k)	Local Board Powers-Policies relating to inservice training and official conduct
22-32-110 (1) (y)	Local Board Powers-Accept gifts, donations, grants
22-32-110 (1) (ee)	Local Board Powers-Employ teachers' aides and other noncertificated personnel
22-32-126	Employment and Authority of Principals
22-33-104 (4)	Compulsory School Attendance-Attendance policies and excused absences.
22-33-105	Suspensions, expulsion and denial of admission
22-33-107	Enforcement of Compulsory School Attendance
22-33-108	Judicial Proceedings-conduct/discipline
22-63-201	Teacher Employment Act - Compensation & Dismissal Act-Requirement to hold a certificate

Page 2
June 27, 2001

22-63-202	Teacher Employment Act - Contracts in writing, damage provision
22-63-203	Teacher Employment Act-Requirements for probationary teacher, renewal & nonrei
22-63-206	Teacher Employment Act-Transfer of teachers
22-63-301	Teacher Employment Act-Grounds for dismissal
22-63-302	Teacher Employment Act-Procedures for dismissal of teachers
22-63-401	Teacher Employment Act-Teachers subject to adopted salary schedule
22-63-402	Teacher Employment Act-Certificate required to pay teachers
22-63-403	Teacher Employment Act-Describes payment of salaries

Sincerely,



Karen Vaughn,
President, Board of Education



Bobbi Jo Unruh
President, Bromley East Charter

Attachments:

Charter Application
Charter Contract

Section I (n) waivers

Brighton Charter School requests the following waivers with the understanding that, even if granted, the Charter School is subject to limitations on its authority by virtue of its contract with District 27J, which will remain in full force and effect. Exemption of waivers are requested from the State Board of Education only to the extent that such delegations made in the contract from the District 27J Board to the Charter School would be deemed to be impermissible without such waivers.

Certified Personnel Evaluations

Local Board of Education duties - This section requires school districts to have written system and related procedures to evaluate the performance of school district certificated personnel.

22-9-106

Rationale: The Charter School will be responsible for its own personnel matters, including the supervision and evaluation of personnel and the method for conducting such evaluations

Duration of the Waivers: The Charter School requests that the waiver be for the duration of its contract with the District 27J Board.

Financial Impact: The Charter School anticipates that the requested waiver will have no financial impact upon School District 27J or the Charter School budget.

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 Charter School.

Boards of Education-specific duties

22-32-109(1)(f) - Requires the Board of Education to employ all personnel and fix their compensation.

22-32-109(1)(x) - Requires the Board of Education to adopt written rules and regulations for procedures to be used for school employees.

22-32-109(1)(z) - Requires the Board of Education to provide inservice training.

22-32-110(1)(h) - Makes Board of Education responsible for terminating personnel.

22-32-110(1)(i) - Authorizes Board of Education to reimburse employees for expenses.

22-32-110(1)(j) - Grants power to Board of Education to procure group life, health or accident insurance for employees.

22-32-110 - Grants Board of Education power to adopt written policies, rules and regulations relating to, in-service training, professional growth, safety, official conduct and welfare of employees.

22-32-110(1)(ee) Authorizes Board of Education to employ teacher aides and noncertificated personnel.

Principals - employment and authority

22-32-126 - Authorizes Board of Education to employ principals.

Rationale: The Charter School will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, rules and regula-

tions, and providing its own training. Therefore, the Charter School requests that these statutory duties be waived or delegated from the Brighton Board of Education to the Board of Directors of the Charter School. The success of the Charter School will depend in large part upon its ability to select and employ its own staff and to train and direct that staff in accordance with the Charter School Agreement and the Management Agreement (Appendices B and C).

Duration of the Waivers: The Charter School requests that the waivers be for the duration of its contract with the District 27J Board. Therefore, the waivers are requested for five academic operating years, through June 30, 2003.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon the Brighton School District 27J. The Charter School must operate within its budget and the cost of employing staff has been included in that budget.

How the Impact of the Waivers Will be Evaluated: The impact of the waivers will be measured by the same performance criteria and assessments that apply to the Charter School.

Expected Outcome: As a result of these waivers, the Charter School will select, employ and provide professional development for its own teachers and staff..

STATUTE

Board of Education-specific duties

22-32-109(1)(n)(1) - Board's duty to prescribe length of school year and hours of teacher-pupil instruction and contact, and to adopt a calendar (delegation waiver)

Rationale: The school year in the Charter School will call for extended instructional time beyond those required by state law. This will be determined by the Brighton Charter School Board of Directors.

Duration of the Waivers: The Charter School requests that the waivers be for the duration of its contract with the Brighton District 27J Board.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon District 27J. The Charter School must operate within its budget, which has been developed under the assumption that these waivers will be granted.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the same performance criteria and assessments that apply to the Charter School, as set forth in the Charter School Agreement.

Expected Outcome: As a result of these waivers, the Charter School will be able to operate with a longer school year and under its own schedule, which is vital to the success of its program.

STATUTE Board of Education-specific duties

22-32-109(1)(w) - Suspension, expulsion and denial of admission (delegation waiver)

22-32-110(2) - Board of Education's duty to adopt a written conduct and discipline code. (delegation waiver)

22-33-105 - Authorizes Board of Education to suspend, expel and deny admission to students. (delegation waiver)

Rationale: The District has granted the Charter School the authority to establish its own student discipline and conduct code, and to suspend and expel students from the Charter School. Consultation with parents, teachers, administrators and the community should not be required for the

development of the student discipline code.

Duration of Waivers: The Charter School requests that the waivers be for the duration of its contract with the District 27J Board.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon District 27J or the Charter School.

How the Impact of the Waivers Will be Evaluated: The objective of these waivers is to allow the charter school to create a safe and productive atmosphere for student learning. Therefore, the impact of these waivers will be measured by the same performance criteria and assessments that apply to the Charter School.

Expected Outcome: The Charter School expects that as a result of these waivers it will be able to hold students more directly accountable for their conduct and ensure a safe and productive learning environment for students.

STATUTE

Board of Education - specific duties

22-32-109 (1) (n) (II) (A) - Restricts parent-teacher conferences and staff inservice programs to 24 hours per school year.

Rationale: The Charter School will exceed the minimum required number of teacher-pupil contact hours, and in addition will provide substantial staff inservice training programming. The need for parent-teacher conferences may exceed that of the District. The Charter School will exceed the actual hours of teacher-pupil instruction and contact required by C.R.S. 22-32-109 (a) (n) (I) and (II).

Economic Impact: None

Measurement of effectiveness: Charter School will constantly measure student performance.

STATUTE

Board of Education - specific duties

22-32-109.7 Requires board of education to make certain inquiries and background checks prior to hiring applicants; requires board of education to notify department of education 22-32-109.8 of allegations of child abuse or sexual abuse; requires applicant to submit fingerprints and to certify no convictions; requires certified personnel to submit fingerprints in certain instances.

Rationale: The Charter School will hire its own employees and therefore should be responsible for complying with these provisions for its own employees and be delegated the authority to do so. The Charter School will be responsible for complying with these provision in the same manner as the District does.

Economic Impact: None

Measurement of effectiveness: Charter School will constantly measure student performance.

STATUTE

Employment - certificate required

22-63-201 - Prohibits board of education from entering into an employment contract with a person who does not hold a teacher's certificate or letter of authorization.

22-63-402 - Prohibits disbursement of district monies to a teacher without a valid teacher's certificate, letter of authorization or written authorization.

Rationale: The Charter School should be delegated the authority to hire teachers and administra-

persons who will further the goals and objectives of the Charter School. The Charter School seeks to attract administrators 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 successful experience teaching in a setting not requiring a license, as well as persons with business or professional experience. The Charter School will, whenever possible, hire certificated teachers and administrators. However, in some instances it may be advantageous for the Charter School to be able to hire personnel who possess unique background and/or skills or who fill a need of the Charter School.

Economic Impact: None

Measurement of effectiveness: Charter School will constantly measure student performance.

STATUTE

Grounds and Procedures for Dismissal

22-63-301 - Provides grounds for dismissal of teachers.

22-63-302 - Provides procedures for the dismissal of teachers.

Rationale: The success of the Charter School in accomplishing its mission is dependent upon the talent, skills, and personal commitment of its teachers. The Charter school must be able to terminate employees who cannot deliver its educational program successfully. The concept of tenure or guaranteed long-term employment should not apply to the Charter School as the school is only of limited duration. The Charter School makes no promise of continued, long-term employment to its employees.

STATUTE

Salary Schedule

22-63-401 - Provides for district board of education to adopt a salary schedule and place teachers on this schedule.

Rationale: The Charter School should be delegated the authority to determine compensation rates in accordance with the Charter School Contract. The length of the work day and work year in the Charter School will be different from that of the school district and compensation will be adjusted accordingly. The Charter School will adopt its own salary schedule and will set competitive rates for each level of teacher it employs.

STATUTE

Compulsory School Attendance

22-33-104(4) - Local Board of Education duty to commence proceedings to enforce the compulsory school attendance law; review procedure for parents to challenge board of education decision concerning compulsory school attendance.

Enforcement of Compulsory School Attendance

22-33-107 - Requires the Board of Education to adopt a written policy setting forth the District's attendance requirements and to appoint an attendance officer.

Judicial Proceedings

22-33-108

(delegation waivers)

Rationale: The Charter School will have a longer school day and year than the other schools in the District. Therefore, the Charter School will also have to have a different compulsory school attendance policy. The Charter School should be allowed to designate a staff member(s) to be responsible for attendance.

Duration of the Waivers: The Charter School requests that the waivers be granted for the duration of its contract with the District 27J Board.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon District 27J be Evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to the Charter School, as set forth in the Charter School Agreement .

Expected Outcome: The Charter School expects that as a result of the waivers it will be able to attain or exceed its attendance goals which are aligned with state and district objectives as set forth in the application (Appendix A) and the Charter School Agreement .

STATUTE

Board of Education - specific duties

22-32-109(1)(f) - Grants board of education authority to determine educational program to be carried on in schools of the district and to prescribe textbooks.
(delegation waiver)

Rationale: The District 27J Board has granted to the Board of Directors of the Charter School the authority to determine the educational program and textbooks to be used in the Charter School. The District 27J Board retains the right of final approval of the educational program.

Duration of the Waiver: The Charter School requests that the waiver be for the duration of its contract with the Brighton District 27J Board.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon District 27J or the Charter School.

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 the Charter School, as per the Charter School Agreement .

Expected Outcome: The Charter School expects that as a result of this waiver it will be able to implement its curriculum and ensure that students meet the Academy standards.

STATUTE

Board of Education - specific duties

22-32-109(1)(b) Grants board of education authority to adopt policies and prescribe rules and regulations for efficient administration of the district.

22-32-109(1)(bb) - Requires the Board of Education to adopt a policy prohibiting the use of tobacco on school grounds.
(Delegation waivers)

Rationale: The Charter School will be operating independently from other schools in the district and should be delegated the authority to develop, adopt and implement its own operational policies, rules and regulations, subject to the limitations in the Charter School Agreement.

Duration of the Waivers: The Charter School requests that the waivers be for the duration of its contract with the Brighton District 27J Board.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon District 27J or the Charter School.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to the Charter School, as per the Charter School Agreement .

Expected Outcome: The Charter School expects that as a result of these waivers it will be able to carry out its educational program, administer its affairs in an efficient manner, and accomplish its mission.

STATUTE

Employment contracts - contracts to be in writing duration damage provision 22-63-202 - Requires written employment contract with teachers, including a damages provision. Provides for temporary suspension of employment and cancellation of contract.

Payment of Salaries

22-63-403 - Provides for payment of teachers.

Probationary Teachers renewal and non-renewal of employment contract 22-63-203 - Provides for contract with probationary teachers and allows for non-renewal and renewal of employment contract.

(substantive waivers)

Rationale: The Charter School should be granted the authority to develop its own employment contracts and terms and conditions of employment. The Charter School, in operation for a period of 5 years, should not be required to give tenure and probationary periods to teachers. The Charter School will be operating differently from other schools with a unique curriculum for which having the proper teachers is essential. Not every teacher who is successful in the regular public school will be successful in the Charter School.

Duration of the Waivers The Charter School requests that the waivers be for the duration of its contract with the Brighton District 27J Board.

Financial Impact: The Charter School anticipates that the requested waivers will have no financial impact upon District 27J or the Charter School.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to the Charter School.

Expected Outcome: The Charter School expects that as a result of these waivers it will be able to operate its educational program in a more efficient and productive manner, and will be accountable for the performance of teachers and students in the charter school.

STATUTE

Transfer - compensation

22-63-206 - Permits transfer of teachers between schools upon recommendation of district's chief administrative officer.

(substantive waiver)

Rationale: The Charter School is granted the authority under the Charter School Agreement to select its own teachers. The District should not have the authority to transfer its teachers into the Charter School or transfer teachers from the Charter School to District schools, except as provided for in the Charter School Agreement.

Duration of the Waiver: The Charter School requests that this waiver be for the duration of its contract with the Brighton District 27J Board.

Financial Impact: The Charter School anticipates that the requested waiver will have no financial impact upon District 27J or the Charter School.

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 the Charter School, as set forth in Charter School Agreement.

Statute

Salary Schedule - adoption changes

22-63-401 - Provides for district board of education to adopt a salary schedule and place teachers on the schedule.
(delegation waiver)

Rationale: The Charter School should be delegated the authority to determine compensation rates, in accordance with the Charter School Agreement. The work day and work year in the Charter School are longer than those in the District and compensation must be adjusted accordingly. The Charter School will adopt its own salary schedule. The Charter School will set competitive rates for each level of teachers it employs. The Charter School principal will determine the placement of teachers on the salary schedule.

Duration of the Waiver: The Charter School requests that the waiver be for the duration of its contract with the Brighton District 27J Board.

Financial Impact: The Charter School anticipates that the requested waiver will have no financial impact upon District 27J or the Charter School as the Charter School's budget contained the salary assumptions. -

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 the Charter School, "Appendix B).

Expected Outcome: As a result of this waiver, the Charter School should be able to attract qualified personnel and provide instruction in accordance with the philosophy and mission of the Charter School.

The Brighton Charter Board of Directors would also like to request the following waivers from 27J District policies:

File ADA - School District Mission and Outcome

Rationale: The Brighton Charter School will develop its own mission and outcome statements.

File AE-R-1 & AE -R-3 - School District Research and Accountability Committee

Rationale: The Brighton Charter School will establish its own Accountability Committee and procedures in accordance with state law.

File BDF-R - Advisory Committees to the Board

Rationale: The Brighton Charter School will select its own advisory boards

File: BE/BEA/BEB/BF - Regular Board Meetings / Special Study Sessions

Rationale: The Brighton Charter School Board of Directors will establish its meeting rules to comply with all state and federal laws.

Entire Section C - School Administration

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will establish its own administrative rules and policies within state guidelines.

Entire Section D - Fiscal Management

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will establish its own fiscal management and budgeting rules and policies within state guidelines.

File ECB-R & ECB - Building and Grounds Maintenance

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will be responsible for its own building and grounds maintenance.

Section EE - Student Transportation Services

Rationale: The Brighton Charter School will either contract with the district for transportation services or will not be directly involved in student transportation.

Section EF - Food Services Management

Rationale: The Brighton Charter School will either contract with the district for transportation services or will establish its own food service policies.

FBA & FBA-R - Facility Planning Committee

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will be responsible for its own facilities needs planning.

File GBB & GBD - Staff Involvement in decision making

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will be responsible for its own communication policies.

File: GBK-1 & GBK-2 - Staff Complaints and Grievances

GCA & GCB (section) - Professional Staff Contracts and Compensation

GCC (section) - Leave policies

GCGB (section) - arrangements for Professional Staff Substitutes

GCH (section) - Professional Employees Orientation & Induction

GCI (section) - Professional Staff Development Opportunities

GCL - Professional Staff Time Schedules

GCM Section - Professional Staff Work Load

GCOA & GCOC - Evaluation of Professional Staff

GCQ (section) - Workforce rules

GCU - Professional Organizations

GD (section) - Classified staff

H (section) - Negotiations

File: GCDA - PROFESSIONAL STAFF LICENSURE RESPONSIBILITIES

File: GCFC - PROFESSIONAL STAFF CERTIFICATION & CREDENTIAL REQUIREMENTS

Rationale: The Charter School should be delegated the authority to hire teachers and administrators who will further the goals and objectives of the Charter School. The Charter School seeks to attract administrators 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 successful experience teaching in a setting not requiring a license, as well as persons with business or professional experience. The Charter School will, whenever possible, hire certificated teachers and administrators. However, in some instances it may be advantageous for the Charter School to be able to hire personnel who possess unique background and/or skills or who fill a need of the Charter School.

File : GCF/GCFA/GCFB - PROFESSIONAL STAFF HIRING

Rationale: The Charter School should retain the authority to appoint personnel to its staff and to offer contracts to its teachers and staff.

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will be responsible for establishing its own personnel and hiring guidelines. The Charter School has its own staffing plan that reflects the curriculum and technology program school organization and schedule.

File I (section) - Curriculum and & School Calendar

Rationale: In Accordance with the Colorado Charter School act The Brighton Charter School will be responsible for establishing its own curriculum and school calendar within the parameters of state law.

Section J -Students File

JC- School Attendance

File JECC- Assignment of Students

File J CA - Enrollment forms, procedures

Rationale: The Charter School is designed as a school of choice for all families with preference to students from the designated attendance area but if seats are available it will be open to all students in the District. The Brighton Charter School Board of Directors will establish an enrollment policy which enable it to reflect the general student population of 27J

Section JI & JK & JLIJ- Student Discipline & Behavior

Rationale: The Charter School will have its own code of civility (conduct) and discipline policy

File Section KDDA School-Community Relations

File KDE - Crisis Management

Rationale: The Charter School will be responsible for responding to new media requests for information about the Charter School.

File KF- Community Use of School Facilities

Rationale: The Charter School will develop facilities policies which accommodate community use when possible within the restraints of any lease or insurance requirements.

File KHA - Gifts & donations

Rationale : The Charter School shall be allowed to accept gifts in its own name.

The Charter School intends that it will seek waivers from additional state regulations and district 27J policies, including year not limited to any regulations that pertain to length of the school day or year, length or number of class periods. The number of periods that a teacher may teach in a day or week.

Discipline code.

Attendance policy assignment of teachers and curriculum and testing requirements.

File: GCDA - PROFESSIONAL STAFF LICENSURE RESPONSIBILITIES

File: GCFC - PROFESSIONAL STAFF CERTIFICATION & CREDENTIAL REQUIREMENTS

Rationale: The Charter School should be delegated the authority to hire teachers and administra-

tors who will further the goals and objectives of the Charter School. The Charter School seeks to attract administrators 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 successful experience teaching in a setting not requiring a license, as well as persons with business or professional experience. The Charter School will, whenever possible, hire certificated teachers and administrators. However, in some instances it may be advantageous for the Charter School to be able to hire personnel who possess unique background and/or skills or who fill a need of the Charter School.

File : GCF/GCFA/GCFB - PROFESSIONAL STAFF HIRING

Rationale: The Charter School should retain the authority to appoint personnel to its staff and to offer contracts to its teachers and staff.