

Charter School Waiver Requests

Charter schools may receive waivers from specified areas of statute once a charter contract has been established. This flexibility is intended to provide charters with the autonomy to fully implement the educational plan outlined in the school’s contract with the authorizing district. Charter school waiver requests must meet the requirements set in the Charter School Act (22-30.5-101, C.R.S.). There are two types of waivers, automatic and non-automatic.

- Automatic waivers are those that are automatically granted to all charter schools upon the establishment of a charter contract, renewal or extension, for the term of the contract. Please visit <http://www.cde.state.co.us/cdechart/waivers> for the list of automatic waivers that are granted to charter schools. Charter schools are not required to formally request or provide any documentation for automatic waivers.
- All other waivers from state statute and rule are considered non-automatic waiver requests and must be reviewed and approved by the State Board of Education.

Charter schools are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, need or special education services (22-30.5-104(3), C.R.S.).

Process

1. To request non-automatic waivers from state statute and rule, the following documentation is required:
 - A signed and complete electronic copy of the charter contract between the charter school and its authorizer including a list of the requested waivers and a Rationale and Replacement Plan (RRP) for each waiver requested from state statute and rule.
2. Once a request is deemed “complete” and a replacement plan has been included for all non-automatic waivers, it is submitted to the state board for approval or denial. It is important to note that the board is given the ability in statute to consider each waiver request separate from previous requests and they may consider differences in context and rely on different criteria. The board determines how they want to review each waiver. The board may decide that a presentation to the board is required, or they may decide to place an item on the consent agenda. Even when placed on the consent agenda, any waiver request may be pulled from the consent agenda at the start of the board meeting.
3. Once a request for state waivers is approved, the waivers are valid

Areas of state statute charter schools may not seek waivers from:

- Statute or rule concerning school accountability committees (22-11-401, C.R.S.)
- The assessments required to be administered pursuant to section 22-7-1006.3, C.R.S.
- School performance reports pursuant to part 5 of article 11, title 22. This includes the READ Act.
- The “Public School Finance Act of 1994” (Title 22, Article 54, C.R.S.)
- The “Children’s Internet Protection Act” (Title 22, Article 87)



through the term of the charter contract between the school and its authorizer. However, the waivers are subject to periodic review by the state board. If the contract states that the term date may be extended if certain conditions are met, the authorizer will need to request for an extension of the state waivers from the state board so the term date of the waiver request can be extended to match the term date of the charter contract extension.

4. When a charter school's contract expires, the school has to resubmit their waiver request to CDE for any non-automatic waivers they need in order to implement their program.

Deadlines

Upon receipt of a charter school waiver request, CDE staff has 45 days to review and submit the request to the State Board of Education for approval or denial. If a decision has not been made on the waivers within 45 days of submission, those waivers will be deemed approved.

Where can I learn more?

- For the statutory reference on charter waivers please see C.R.S. 22-30.5-104 and 1 CCR 30-35
- For information on charter schools waiver requests, visit: <http://www.cde.state.co.us/cdechart/waivers>
- For questions, contact Kelly Rosensweet at Rosensweet_k@cde.state.co.us or 303-866-6848.
- To view all CDE fact sheets, visit: www.cde.state.co.us/Communications/factsheetsandfaqs