

A photograph of a classroom scene. In the foreground, a student with dark hair, wearing a green t-shirt, is seen from the back, with their right arm raised high, holding a yellow pencil. The background is slightly blurred, showing other students and a large world map on the wall. A blue semi-transparent box is overlaid on the left side of the image, containing white text.

*Options for
Autonomous
Schools
in Colorado:*

*A Handbook for School
and District Leaders*

August 2009

This report is the result of conversations among members of Colorado's education reform and business communities interested in encouraging the development of autonomous schools in Colorado. Participants include the Colorado Children's Campaign, the Donnell-Kay Foundation, the Metro Organizations for People, and Colorado Succeeds. This report was funded by Communities for Public Education Reform.

Colorado Children's Campaign. The Colorado Children's Campaign is the leading voice for children in Colorado. Established in 1985 as a statewide nonpartisan organization, the Campaign focuses on research and advocacy that supports the expansion of access to quality health care, early childhood experiences, and K-12 education. For more information, visit www.coloradokids.org.

Colorado Succeeds. Colorado Succeeds is a nonprofit, nonpartisan coalition of business leaders committed to improving education for workforce development and economic growth. As the business voice for education, it seeks to improve the caliber of the state education system and the competitiveness of its students. For more information, visit www.coloradosucceeds.org.

Donnell-Kay Foundation. The Donnell-Kay Foundation is a private family foundation that seeks to improve public education and drive systemic school reform in Colorado through solid research, creative dialogue, and critical thinking. For more information, visit www.dkfoundation.org.

Metro Organizations for People. Founded in 1979, MOP is comprised of 35 member congregations, schools, youth and neighborhood associations representing over 50,000 people in the six-county Denver metro area. The mission of MOP is to empower people to strengthen and transform their communities through community organizing. MOP trains volunteer community leaders to reweave the web of relationships in a community so they can effectively work together across race, class, and language barriers to rediscover a common good leading to a higher quality of life for our families, children, and neighbors. For more information, visit www.mopdenver.org.

Communities for Public Education Reform: A Fund for Education Organizing. Communities for Public Education Reform (CPER) is a partnership of local and national foundations that support the growing field of education organizing through grants and technical assistance to community organizations working to ensure that parents and students have a strong voice in shaping the policies that affect their public schools. CPER promotes innovation and supports systemic reforms that address educational inequities. <http://www.publicinterestprojects.org/projects/partner-and-collaborative-funds/cper>

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Overview

Colorado has long been a leader in innovative education reforms, and lately the reforms have been coming at a fast and furious pace as educators, policy makers, the business community, and funders all look for new ways to help our children succeed.

In the category of “a good problem to have,” the sheer number of recent reforms encouraging the development of autonomous schools has led to some confusion. What is an Innovation School? What is a Pilot School? How are these schools different from each other and how are they different from charter schools? If I want to open a new school or significantly reform an existing school, what are my options? How do I know which option is right for my school? If I am a district leader, what role can I play in encouraging the development of autonomous schools in my district?

Leaders in Colorado’s education reform and business communities identified this confusion as a possible obstacle to the very result the reforms were intended to produce: increased numbers of schools that operate autonomously and are able to make key decisions at the building level that benefit their students. The Colorado Children’s Campaign, Metro Organizations for People, the Donnell-Kay Foundation, and Colorado Succeeds decided to commission a report that would clearly explain each of three major autonomous school options, so that school and district leaders who wanted to take advantage of these options would have a solid and comprehensive basis for making the right decisions. This report is the result of these conversations, and is intended to be a guide for school and district leaders.

Colorado – Encouraging Innovation and Autonomy

Colorado has long been a leader in education reform, from the Charter Schools Act of 1993 to the development of the Denver ProComp system for paying teachers. Our state's high expectations for educating students, combined with district freedom to innovate in a local control environment, create a rich laboratory for reform.

One particularly popular reform, both in Colorado and nationwide, has been the devolution of decisionmaking authority to the school site. While school-based management is not a new concept, the current iteration of the reform focuses on pairing school accountability for student achievement with building-based authority to make decisions in areas that affect student achievement, such as curriculum, staffing, and the use of resources. Such autonomous schools thus are expected to have more flexibility to act in innovative ways that best serve the needs of their unique student populations.

What could a school gain through increased building-level autonomy? Every school leader should consider the unique needs and culture of his or her school in thinking about the benefits of autonomy, but here is a short list of some of the more frequently requested autonomies:

- Freedom to select staff members at the school so that all employees are actively in support of the school vision and culture
- Freedom to select curricula and instructional methods that meet the needs of the children in the school while still meeting state standards
- Freedom to remove staff members who are not well-matched with the school
- Freedom to make decisions about the use of resources at the building rather than simply administering resource decisions from the district
- Freedom to use time in ways that meet student needs and ensure that staff are highly skilled and collaborative
- Freedom to “comparison shop” for service providers

As of June 2009, Colorado school and district leaders interested in pursuing school autonomy have several different options. Some of these have been established by the legislature to apply to districts and schools across the state. The most well-established statewide avenue to autonomy, charter schools, has existed for over 15 years. In 2008, the legislature passed the Innovation Schools Act, which provides a process for schools to request waivers from district policies and local collective bargaining agreements, as well as waivers from state laws and regulations.

A few metro-area urban districts are developing their own methods for encouraging innovations. For example, the Aurora Public Schools and its union have agreed to a process for creating Pilot Schools, which are free from many district policies and provisions of the collective bargaining agreement. The Denver Public Schools has decided to cultivate a wide range of schools through its New Schools Office, ranging from autonomous schools like charter schools and Innovation Schools to Denver Performance Schools, which are solicited in response to a specific need of the district and which are likely to have varying levels of autonomy.



Table: QUICK COMPARISON

School option	Method of operation	Waivers available
Charter School	Completely independent, charter school board contracts with the charter authorizer. Staff members are employed by the charter school. Funding follows student to the school, charter buys back selected services from district. Charters often use curriculum and schedule/ calendar that differs from the district.	Automatic waivers of many district and state regulations; not subject to district collective bargaining agreement
Innovation School	Terms negotiated with the district in which the school is located (e.g., funding, calendar, curriculum). No separate board of directors. Staff members are employed by the school district.	Waivers may be requested from many district and state regulations and collective bargaining agreement provisions.
APS Pilot School	Memorandum of Understanding between district and union and Pilot School determines terms under which the school will operate. School leadership council has some degree of authority but not fiduciary responsibility. Staff members employed by district.	Memorandum of Understanding lists the district regulations and collective bargaining agreement provisions that may be waived.

These options can be confusing, and the best way to proceed is often not clear to school and district leaders. This handbook provides a summary of three major routes to school autonomy, together with a discussion of issues that school and district leaders may want to consider in making their choices. A side-by-side comparison of each route in operational terms is provided in the appendix at the back of this handbook.

The Path to Autonomy

To gain the benefits of true autonomy, a school will typically need to be freed from relevant district policies, state laws and regulations, and/or collective bargaining agreement provisions that apply to its employees. This path will be much easier for certain districts. For example, most of Colorado’s 178 school districts do not have collective bargaining agreements, and so need not be concerned about contractual requirements. Districts have always been free to waive or modify their own policies with respect to schools in their districts, as long as they are not inconsistent with federal or state requirements.

The state has long provided a waiver process for state statutes and regulations (CRS 22-2-117). Districts with fewer than 3,000 students (all but 41 districts in the state) may petition the State Board of Education for a waiver of virtually any provision of the Education Code and its regulations, either as applied district-wide or to a specified school, as long as the district can show that the waivers are needed to enhance educational opportunity and quality and that the costs of complying with the requirements significantly limit educational opportunity. Districts with 3,000 or more students may also apply for these waivers, but these districts must also show that the waiver requests are supported by a majority of affected school accountability committees, a majority of licensed administrators, and a majority of teachers.

It must be noted that schools and districts cannot waive their way out of requirements imposed by federal law, unless the state has obtained a waiver through procedures in federal law.

State Avenues to School Autonomy in Colorado

Charter Schools

Charter schools are public schools that operate independently under a contract with their authorizer. Since the passage of the Charter Schools Act in 1993 (CRS 22-32.5-101 et seq.), their numbers have multiplied. As of the 2008-09 school year, 157 charter schools in Colorado served nearly 58,000 students statewide.

The vast majority of these schools (134) are authorized by school districts. Persons interested in starting a district charter school apply to their local school district (the district in which a majority of their proposed students live, other than on-line students). If the district does not approve the application, the applicant may appeal to the State Board of Education, which may return the application to the district for reconsideration if it finds that the denial was not in the best interests of the students, school district, or community.

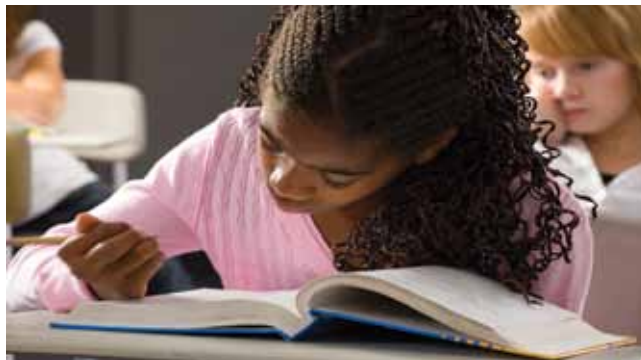
Charter schools may also be authorized by the state Charter School Institute (CRS 22-30.5-501 et seq.). An application may be submitted to the Charter School Institute only if the district in which the school is to be located has not received exclusive chartering authority; or, if the district has received exclusive chartering authority, the district passes a resolution that permits the applicant to apply to the Charter School Institute instead. To date, several districts have allowed charter applications to go forward to the CSI despite retaining exclusive authority. Districts that prove to the State Board of Education that they have a recent pattern of providing fair and equitable treatment to their charter schools are eligible for exclusive chartering authority. Currently, out of 178 school districts, just nine districts do not have exclusive chartering authority – these are Durango 9-R, Lewis Palmer 38, Mesa County Valley 51, Poudre R-1, Roaring Fork RE-1, Bayfield 10 JT-R, Cheyenne County RE-5, Julesburg RE-1, and Sierra Grande R-30. The Charter School Institute oversees 23 schools.

The State Board of Education may convert a consistently low-performing public school to a

so-called independent charter school. (See CRS 22-30.5-301 et seq. and CRS 22-7-609(5)). In that case, the State Board of Education issues a request for proposals to operate the converted school. This has only occurred once, in the case of Cole Middle School in Denver.

There are many benefits to using the charter school route to develop an autonomous school. The charter school statute permits anyone – parents, teachers, community groups, charter management organizations – to apply to open a charter school. Although most charter schools use a national school reform model, such as Core Knowledge, Montessori, or Expeditionary Learning, they are free to use any school model, including a model invented by its founders. The Charter Schools Act provides for automatic waivers (if requested by the school) from many of the state statutes considered most onerous by entrepreneurial school leaders, including the state law governing tenure and dismissal for teachers. Charter school teachers are not covered by district collective bargaining agreements, unless the school wants them to be. Finally, charters receive 100 percent of funds available under the state School Finance Act, and are free to manage their own budgets.

Both the federal government and large national and local foundations have been interested in supporting charter schools, so there is a wealth of start-up funding sources and technical assistance materials. Colorado also benefits from the Colorado League of Charter Schools, a nonprofit organization dedicated to assisting and advocating for charter schools that is a model in the country.



One significant downside to opening a new charter school is the struggle to find appropriate and affordable facilities. Districts are not required to find facilities for their charter schools, and charters receive a relatively small amount of state funds for this purpose. Legislators sympathetic to charter schools have passed legislation requiring districts to include charter schools in district bond elections under certain circumstances; however, this has not yet equalized the playing field. A 2008 report by the Colorado League of Charter Schools, “Short-Changed Charters: How Funding Disparities Hurt Colorado’s Charter Schools,” provides greater details on the facilities issues faced by charter schools.

One of the strengths of the charter school process, namely the ability of parents and others who are not education experts to open and run charter schools, can also create difficulties. Many charter schools struggle to find people with expertise in running organizations and managing budgets to serve on their governing boards. In some cases this has led to serious financial difficulties for schools.

Finally, many charter schools perceive that their districts either are actively hostile to charter schools or tolerate their existence without providing any assistance. Depending on the needs of the school, this can be extremely difficult and isolating.

For more information about charter schools in Colorado, visit CDE’s Schools of Choice office at www.cde.state.co.us/choice/index.htm or the Colorado League of Charter Schools website at www.coloradoleague.org.

Innovation Schools

In 2008, the legislature created a new category of autonomous schools – Innovation Schools. Prompted by the efforts of a few schools in Denver to gain autonomy from district policies, the Innovation Schools Act creates a process by which a school may obtain waivers from district policies, state policies, and collective bargaining agreement provisions. Schools that share similar interests, such as a geographical area or feeder pattern, may band together to obtain these waivers through designation as an Innovation School Zone comprised of individual Innovation Schools. To date, two schools have been granted Innovation School status by their local school board, both in Denver Public Schools.

Because the Innovation Schools Act seeks to encourage innovations of all kinds, there is no one “package” of waivers associated with becoming an Innovation School. Instead, the statute contains a list of “suggested innovations,” which range from innovations in the curriculum to innovations in teacher compensation and school governance and is intended to provide inspiration rather than boundaries as schools think about how to innovate.

The school community develops its own proposal, along with the identification of the waivers it requires to achieve its goals. Upon approval by majorities of the school’s accountability committee, teachers, and administrators, the proposal is submitted to the local board of education. The local board is granted a great deal of discretion over these proposals, and is free to request amendments, to deny the plan, or to approve the plan. Unlike charter schools, there is no appeals process from the local board decision, although the school is free to resubmit its proposal.

If the Innovation Plan is approved by the local board, the requested waivers from district policies are granted simultaneously. The district then takes the proposal to the State Board of Education, where it applies for waivers of state laws and regulations on behalf of the Innovation School. The State Board of Education is required to approve the proposal (and grant the requested waivers) unless it is convinced that the plan will result in a decrease in academic achievement or is not fiscally feasible.

Upon approval by the State Board of Education, the district (now designated as a District of



Innovation) and the union representing the district's employees then negotiate a new contract provision that permits employees at the Innovation School to vote to waive provisions of the collective bargaining agreement. According to the statute, 60 percent of covered employees must approve the waivers for them to become effective.

The Innovation Schools Act presents tremendous opportunities for both schools and districts. To the extent that the district is the final decision maker on Innovation Plans, it can proactively shape Innovation School applications to meet student needs. For example, a district can incentivize schools to develop themselves into Innovation Schools that allow the district to have multiple "laboratories" in different approaches to education. The district can create an application package for schools that makes the cumbersome application process more appealing, and can essentially issue RFPs for certain types of Innovation Schools. (The Denver Public Schools may, for example, issue an RFP for a Performance School that will be organized as an Innovation School to benefit from certain waivers).

Some of the features that make Innovation Schools appealing to districts, such as the

ability of the district to be strategic in soliciting applications and to review the school's academic performance for progress towards its goals, may make this option less appealing for schools that want to be completely independent of their districts. As stated above, there is no guarantee that a board of education will approve an Innovation Plan, nor is there an appeals process from a denial. Employees at the school remain covered by collective bargaining agreement provisions unless they themselves vote to waive these provisions. Also, the newness of the statute and its relatively vague wording means that the first Innovation Schools will be guinea pigs for the process. Schools that do not receive extensive help from their districts will need to be painstakingly accurate and comprehensive in their review of laws, policies, and provisions to be waived, and it may be worthwhile for early applicants to hire legal assistance for this purpose.

Currently, facilities are not an issue for Innovation Schools converting from traditional school status. The statute is silent on whether a school may open as an Innovation School, although this would seem to be permitted under the broad intentions of the law.

For more information about Innovation Schools, visit CDE's website at www.cde.state.co.us/cdegen/SB130.htm

District Routes to School Autonomy in Colorado

Because Colorado is a “local control” state, school districts have traditionally had a great deal of power to shape what happens in their schools. Several metro-area school districts, looking for new ways to serve diverse populations of students, have created routes to autonomy within their districts. While these options are not open to schools in other districts, they can be used as models or inspirations for other districts looking to encourage school autonomy and innovation.

Some districts are looking to foster autonomy through district-level decisions affecting all schools. For example, the Mapleton Public Schools intentionally converted its traditional schools to small schools that operate with a relative amount of autonomy according to each school’s theme and design. The Poudre Valley School District is moving to a new system of funding its schools that will give school leaders greater control over their budgets.

Other districts have chosen to create processes by which individual schools can apply to receive greater autonomy. For example, in the Aurora Public Schools, the district and the union have created a process for schools with fewer than 500 students to convert into Pilot Schools, modeled after the highly-touted Pilot Schools in the Boston Public Schools. Aurora’s partnership with its union allows Pilot Schools to receive immediate waivers from key district policies and collective bargaining

agreement provisions. While teachers at Pilot Schools remain bargaining unit employees and are covered by salary and benefit provisions of the collective bargaining agreement, most conditions affecting their day-to-day employment are covered by an Election-to-Work Agreement created by the school’s collaborative governing board. The principal has the ability to remove teachers who are not a good fit from the site, although they retain their district employee status. As the district puts it, teachers at Pilot Schools do not have the right to continue working at that particular school, although they have the right to remain employees of the district.

Pilot Schools also receive funds from the district in a lump sum, rather than through staffing formulas. This allows the school to make decisions about where to invest these resources. Schools may choose to receive services traditionally provided by the district, or they can opt to seek these services elsewhere and receive funds from the district representing the costs of the services.

Currently, the Memorandum of Understanding between the district and the union limits the number of Pilot Schools to four by 2011. Three schools have already been approved, meaning that there is only one slot left under the terms of the MOU. If the Pilot School project is successful, it is likely that the district and union will agree to expand the number of Pilot Schools.

For more information about Aurora Pilot Schools, visit <http://www.aps.k12.co.us/schools/pilot/>

The Denver Public Schools are actively seeking to create a “portfolio” of schools that operate differently and are able to meet different needs of students and families. While the district is in the process of designing this approach, it is safe to say that charter schools and Innovation Schools will certainly be in the mix. The New Schools Office of DPS has developed a request for proposal process whereby DPS is able to solicit applications for schools that meet needs identified by the district. According to DPS’ website, the schools created through this process will “embrace school-based decision-making, broad stakeholder engagement, and expanded autonomy, with clear accountability and high performance standards.” Schools can respond to RFPs either as schools governed

by the district (to be known as Performance Schools) or as charter schools. Seven new schools approved through this process will be opening in the fall of 2009.

In addition, the DPS New Schools Office also oversees proposals for School Improvement Grants and for Beacon Schools, both intended to promote reform in existing DPS traditional and alternative schools. While neither of these options expressly promotes autonomy, it would certainly be possible for a school site to use these routes to request a variety of autonomies should they be seen as necessary to the planned reforms. Theoretically, it is also possible for schools to simultaneously hold the status of a Beacon School and an Innovation School, for example.

For more information about new school options in Denver, visit <http://planning.dpsk12.org/newschools/>

Conclusion

School and district leaders seeking to encourage autonomy and innovation have a number of options from which to choose. We hope that this handbook provides some basic information about these different options.

The appendix contains a chart that illustrates the operational differences between three autonomous school options. These three were selected because they offer the most immediately obvious comparisons and are relatively well-defined

Appendix: School Types Comparison Chart

Please note: this chart is a summary for initial comparison purposes only. There are additional details about each type of school not contained in this chart. Please see the source documents (listed at the end) for a full description of procedures and requirements applicable to each type of school.

	Innovation School	District Charter School	APS Pilot Schools
THE APPLICATION PROCESS			
Are there any restrictions on who may apply to become this type of school?	<p>Applicants must be “a public school of the school district” to which they apply. The law is silent on new schools that seek to start up as Innovation Schools, but if the district has approved the formation of the school, it would seem to be covered.</p> <p>Groups of schools with similar interests may apply to become an Innovation School Zone.</p>	<p>No, except that private schools and private home-based programs may not apply to convert into charter schools; charter school must be nonsectarian.</p>	<p>Three types of applicants:</p> <ol style="list-style-type: none"> (1) Conversion of entire existing school (including charters); (2) Conversion of part of existing school; and (3) New start-up school with district-approved facilities. <p>Resulting Pilot School must have fewer than 500 students.</p>
Is there a cap on the number of schools allowed?	No	No, moratorium on number of schools prohibited by statute. Districts that set implicit moratoria are subject to losing exclusive chartering authority.	APS/AEA MOU limits to four Pilot Schools in district by 2011
What is the process for applying to operate this type of school?	School develops Innovation Plan and submits to local board of education (BOE)	Applicant submits application to local board of education (BOE) (or, if district does not have exclusive chartering authority, may submit to State Charter Institute)	Submission of letter of intent to APS/AEA Joint Steering Committee; creation of proposal with assistance of district facilitator; vote by licensed staff; if two-thirds approve, application is submitted to Joint Steering Committee
Does the application need to include certain components?	<p>Yes – mission; need for Innovation School status; description of innovations to be implemented; list of programs, policies, or operational documents affected by innovations; expected improvements in academic performance; estimate of cost savings and efficiencies; statements of support; description of state, local, and collective bargaining agreement waivers needed; additional information required by local BOE</p>	<p>Yes – mission; goals, objectives, and pupil performance standards; evidence of support; description of educational program; plan for evaluating pupil performance; budget and finance data; governance; school relationship with employees; insurance coverage; means for at-risk and community engagement; enrollment policies; transportation plans; food service plans; facilities; requested district waivers; discipline policies; academic achievement and accreditation; and special education services</p>	<p>Yes – overview of school; design team profile and planning process; school vision; key characteristics; governance structure; budget; curriculum and instruction; student assessment; leadership and staff selection; annual election-to-work agreement; professional learning and support; student support; family and community engagement; safe and secure campus</p>

	Innovation School	District Charter School	APS Pilot Schools
THE APPLICATION PROCESS			
What statements of support are required for the application?	Support for application must be shown by a majority of teachers employed at school; majority of administrators; and majority of school advisory council Statement of the level of support from other employees, parents, and surrounding community must also be submitted	Must show evidence that an “adequate number” of parents, teachers, students, or any combination of the above, support the formation of the school	Two-thirds of teachers must approve submission of application to Joint Steering Committee
What is the timeframe from time application is submitted to school approval to school opening?	Maximum of 60 days from submission of plan to BOE approval or disapproval	Applications must be submitted by date set by local BOE; BOE must hold public hearing within 75 days after receipt of application and rule by resolution; all negotiations must be completed within 90 days of BOE resolution	Approximately 6 months from application to board of education (BOE) approval
Who is involved in the review and who makes the final decisions about which schools to approve?	BOE reviews application and is final decisionmaker	Application is reviewed by District Accountability Committee; BOE makes final decision (in district with exclusive chartering authority)	Joint Steering Committee makes recommendation to Board of Education; BOE has final approval authority
Is an appeal available from a denial of the application?	No, although BOE must issue written statement of reasons for denial and school may resubmit an amended plan	Yes, the school may appeal to the State BOE, which may reverse denial on grounds that it is contrary to the best interests of students, the district, or the community	No

	Innovation School	District Charter School	APS Pilot Schools
STRUCTURE AND GOVERNANCE			
Is the school a separate legal entity from the district?	No	Yes and no – charter schools may incorporate and operate as nonprofit corporations, but remain public schools of district by statute	No
Is the school required to have a fiduciary governing board?	No	Yes	No
If the school is required to have a fiduciary board, what is the configuration of this entity?	n/a	Determined by application	n/a
If the school is required to have a fiduciary board, what is the role of this governing body?	n/a	Governing board responsible for governance and operation of school; details set by application	n/a
If the school is not required to have a fiduciary governing board, is it required to have any type of site-based leadership or oversight entity?	School Advisory Council (SAC) (already required for all schools by CRS 22-7-105)	School Advisory Council (unless waived by state BOE)	Yes – a Governing Board that operates according to a shared decisionmaking model The Governing Board is intended to take the place of the statutory SAC
If yes, what is the configuration of this entity?	Seven members of SAC: Principal or designee; teacher elected by faculty at school; three parents or guardians elected by parents/guardians; one adult elected by PTSA; community business person appointed by principal. No more than three members may be employed by district or relatives of district employees.	Seven members of SAC: Principal or designee; teacher elected by faculty at school; three parents or guardians elected by parents/guardians; one adult elected by PTSA; community business person appointed by principal. No more than three members may be employed by district or relatives of district employees. The governing board of the charter school may also serve as the SAC, if appropriate membership is specified.	Minimum of 12 members: principal; 4 AEA member teachers; at least 1 classified employee representative; at least 4 parents; at least 2 non-parent community members. If membership grows beyond 12, one-third are to be AEA members
If yes, what is the role of this governing body?	The SAC makes recommendations to principal about prioritizing spending; discussing decisions affecting student achievement; reporting school performance data; and discussing safety issues.	The SAC makes recommendations to principal about prioritizing spending; discussing decisions affecting student achievement; reporting school performance data; and discussing safety issues.	Decisions regarding the operations of the school, including program, enrollment, class size, schedules, and professional learning, terms of election-to-work agreement
What assurances does the school have that if district leadership changes or school leader changes, the school can continue to operate in this format?	BOE may only revise or revoke Innovation School status based on academic performance results	School operates according to contract, district cannot terminate except for cause	Contingent on continued agreement of APS and AEA

	Innovation School	District Charter School	APS Pilot Schools
ACCOUNTABILITY			
Can the school be closed or have their status changed based on performance?	Yes, if not attaining or making sufficient progress towards goals set out in Plan	Yes – for material violation of contract, failure to make progress towards achievement goals, fiscal management deficiencies, or violation of any provision of law applicable to the school	Yes – APS expects Pilot Schools to make sustained progress in first two years and to outperform district averages after three years of operation. Schools must also meet other agreed-upon responsibilities. For schools not meeting this requirement, Joint Steering Committee may recommend to the BOE that the school transition out of Pilot School status in the fourth year
Is there a contract or MOU between the school and the district?	Not formally, but see below	Yes	Not formally, but see below
If yes, who negotiates the terms of the agreement and thus holds school accountable for results?	School's approved Innovation Plan serves as terms and conditions	Board of Education and applicant negotiate based on charter application	School's application documents serve as terms and conditions, and the Joint Steering Committee holds schools accountable
If yes, what is the term of the agreement and the process for renewal?	School is reviewed by BOE every three years; Plan may be revised (with staff and SAC approval) or revoked based on academic performance.	At least three years; may be renewed for successive terms	Every three years, Joint Steering Committee will make recommendation to BOE for continuing status as a Pilot School
Is there a district liaison with special authority to monitor and/or support these schools?	Depends on district	Depends on district	Yes – Joint Steering Committee consisting of AEA president, UniServ Director, superintendent, Division of Instruction representative, three teachers, three administrators, one parent, and one classified employee representative.
Are there additional reviews that the schools are required to undergo?	No, other than any required by the Innovation Plan.	No, other than any required by the contract	Yes – Pilot Schools have annual reporting requirements and oversight reviews by the Joint Steering Committee, and undergo extensive School Quality Review process every three years.

	Innovation School	District Charter School	APS Pilot Schools
STATE AND DISTRICT WAIVERS			
Is the school automatically granted waivers from district or state statutes, rules or regulations?	Once application is approved by BOE, district policies requested in Plan are waived	Yes – waivers granted from 13 state statutes automatically by State BOE; school only subject to district policies according to charter	Yes, within parameters contained in Pilot Schools Manual
If yes, which ones?	Those requested in Plan; districts are free to set up lists of “automatic” waivers	Generally, provisions relating to hiring, evaluation, and termination of staff. See CDE waiver application for complete list.	District policies identified in the Pilot Schools Manual or those granted as part of the approval process. Policies mandated by the state cannot be waived.
If yes, are there policies that the school CAN’T waive? If so, which ones?	District policies mandated by the state; districts may also advise applicants of policies that it will not waive	State BOE not allowed to waive provisions related to CSAP, school accountability reports, School Finance Act, or the Children’s Internet Protection Act	District policies mandated by the state; state statutes and regulations
May the school request waivers from district and state policies?	Yes, in Innovation Plan	Yes, additional waivers may be requested in charter school application and submitted to State BOE	Yes, a school may request waivers from district policies not identified in the Pilot Schools Manual
If yes, are there policies that they CAN’T waive? If so, which ones?	State BOE is not permitted to waive statutes specified in CRS 22-2-117(1) (b) (School Finance Act, Exceptional Children’s Education Act; provisions related to data required for school accountability reports; provisions related to background checks for employees; and the Children’s Internet Protection Act); provisions related to retirement systems; and provisions not contained in the state education code.	See above	District policies mandated by the state; state statutes and regulations
What is the process for approving waiver requests and who makes the ultimate decisions?	Waivers from requested district policies granted upon approval of Plan by BOE; request for waivers from state policies must be made by BOE to State Board of Education, which grants requests upon designation of district as District of Innovation; request for waivers from collective bargaining agreements obtained upon designation of district as District of Innovation AND approval by 60% of members of bargaining unit employed at school	State BOE makes decision about additional state waivers that are requested by the district on behalf of the school	Automatic district waivers upon granting of status by BOE; after initial approval, additional waivers may be requested from the BOE

	Innovation School	District Charter School	APS Pilot Schools
EMPLOYMENT TERMS AND CONDITIONS			
Are staff members of the school employees of the district or the school?	District	May be employed by either. If employed by district, may take up to three one-year leaves of absence to work at charter schools, then district decides whether employee will remain a district employee.	District
Do staff members have individual contracts with the school?	No, unless part of Innovation Plan	Depends on charter	Yes – Annual election-to-work agreements cover site-based terms and conditions
Is the school required to use the district salary schedule for teachers?	This may be a waiver requested in the Innovation Plan	No	Yes, but may provide additional compensation within the school budget
Is the school required to use the district salary schedule for principals?	This may be a waiver requested in the Innovation Plan	No	Yes
Are teachers in the school required to hold CO teacher licenses?	Yes	No, except for special education teachers	Yes
Who makes decisions about hiring and evaluating teachers at this school?	Depends on Innovation Plan	School is responsible for personnel issues; process will depend on charter	School may select its own teachers from inside or outside APS. Principal has final authority, although teachers expected to be involved. Principal evaluates teachers.
What authority does the principal have to remove teachers?	Depends on Innovation Plan	School is responsible for personnel matters; process will depend on charter	May require transfer out of school if teacher is not a match; or may terminate consistent with evaluation process
Who hires and evaluates the principal of the school?	Depends on Innovation Plan	Governing Board	Governing Board selects principal; district hires. GB has input into annual evaluation conducted by district, annually recommends retention or termination
Do staff members of these schools participate in district benefit and retirement programs? Fully? Partially?	Depends on Innovation Plan	Employees are covered by public employee retirement system. Teachers and schools contribute appropriate respective amounts as required by programs.	Yes, fully

	Innovation School	District Charter School	APS Pilot Schools
COLLECTIVE BARGAINING			
Can the school opt out of the district's collective bargaining agreement?	Yes	Yes	No
If yes, is this automatic or does the school have to ask to opt out of the agreement?	Provisions of CBA may be waived once district attains District of Innovation status and negotiates contractual waiver provision with union; waiver of specified provisions occurs then waiver is approved by 60% of bargaining unit members through a secret ballot	Automatic	n/a
Can the school waive portions of the district's collective bargaining agreement?	Yes	n/a	Yes – the MOU specifies waivers
If yes, are there some portions of the agreement that the school CAN'T waive?	No, unless bargaining unit members fail to ratify waiver	n/a	Salary, benefits, seniority, transfer rights
If yes, what is the process by which schools ask for waivers from the agreement?	Provisions of CBA may be waived once district attains District of Innovation status and waiver of specified provisions is approved by 60% of bargaining unit members through a secret ballot	n/a	Automatic upon granting of status; BOE may consider additional subsequent waivers
Is there a separate/different collective bargaining agreement for this type of school (as compared to the agreement for other schools in the district)?	No, although nothing would prevent the district and union from agreeing on automatic packages of waivers for Innovation Schools	No, unless one is negotiated between the school and its employees	Subject to terms and conditions in MOU negotiated between district and union

	Innovation School	District Charter School	APS Pilot Schools
CURRICULUM AND ASSESSMENT			
Is the school required to use the district-approved curriculum?	This may be a waiver requested in the Innovation Plan. The statute encourages innovation in curriculum.	No, the school can use any program that is effective and not prohibited by state law	No, the Governing Board can choose any curriculum as long as there is a core curriculum for all students
If the school chooses a different curriculum, does the district need to approve it first? If so, how does this process work?	District approves through approval of Innovation Plan	No	See above
Is the school required to participate in district professional development? If so, which trainings & development days are required?	This may be a waiver requested in the Innovation Plan. The statute encourages innovation in professional development.	No	No
Are there instructional approaches that school is required to use?	No	No	No
In addition to state-mandated assessments such as CSAP, is the school required to use any other types of assessments (e.g., district benchmarking or other types of diagnostic or interim assessments)?	This may be a waiver requested in the Innovation Plan. The statute encourages innovation in assessments.	No	School can opt out of additional district assessments if it can demonstrate commensurate assessments

	Innovation School	District Charter School	APS Pilot Schools
FINANCING AND BUDGET			
<p>Of the following choices, which is the closest description of the funding model for this type of school:</p> <p>(1) More than 95% of the PPOR follows student to school & school pays for all expenditures & services;</p> <p>(2) Some PPOR follows student to school for selected expenses, remainder is withheld by district in exchange for services;</p> <p>(3) District provides majority of services and pays for most expenditures & school has relatively small discretionary budget for selected expenses/needs.</p> <p>(4) Other</p>	<p>The funding model may be any of these or some other model, depending on the terms of the Innovation Plan.</p>	<p>100% of PPOR goes to school; district may retain up to 5% for actual costs of administration School may contract with district or third parties for services.</p> <p>In districts that retain exclusive chartering authority and where at least 40% of district enrollment consists of at-risk pupils, the district may only retain actual administrative costs up to 5%</p>	<p>Schools receive a lump sum that is equivalent to the district average for the grade level (elementary, middle, K-8, high, or alternative high)</p>
<p>If school employees are employees of the district, does the school budget reflect average or actual teacher salaries? What is the process used to determine how much money for staffing and/or teachers the school receives?</p>	<p>The contents and structure of the school budget depend on the terms of the Innovation Plan. The statute encourages innovation in compensation.</p>	<p>n/a</p>	<p>The school receives a lump sum representing average salaries, but may make expenditures based on real salaries. Pilot Schools are held harmless for BOE-approved increases in salaries, including general salary increases and steps in the salary schedule.</p>
<p>Are there services that the schools is required to purchase or receive from the district?</p>	<p>The services to be provided by the district depend on the terms of the Innovation Plan.</p>	<p>No, except as required by the contract</p>	<p>APS publishes a list of discretionary district services that Pilot Schools can purchase; if the school opts to not purchase the service, the school receives that additional amount in its lump sum</p>
<p>How does the school access federal revenue (e.g., Title dollars)? Are there restrictions on how federal funds can be used? If so, please describe.</p>	<p>These terms may be contained in the Innovation Plan.</p>	<p>Under state law, the district must pass along a proportionate share of federal categorical aid</p> <p>Federal grant programs specifically for charter schools may also be available through the state department of education</p>	<p>The MOU provides that the school will receive its “fair share” of district grants if it adopts the district initiative</p>

	Innovation School	District Charter School	APS Pilot Schools
FINANCING AND BUDGET			
How does the school access other state or district-level funds and which ones do they receive automatically (e.g., state grant programs, district mill levy)?	These terms may be contained in the Innovation Plan.	Charter schools may be part of district bond and mill levy elections under specified circumstances Access to other state or district-level funds depends on the situation	School must coordinate grant applications and grant activity with the district's grant management department, and must follow district policies relevant to grants, leases, and contract arrangements
Are additional funds available for "high-cost" students such as English language learners?	These terms may be contained in the Innovation Plan.	Depends on contract.	Yes, APS provides ELL and special education services to Pilot Schools outside the lump sum, at the same level provided to other schools
Are additional funds available for preschool programs or extended day programs at the school?	These terms may be contained in the Innovation Plan.	Depends on contract.	No
Is there start-up funding available for these types of schools?	Not at present, although statute encourages schools and districts to seek gifts, grants, and donations for the purpose of planning and implementation	Yes, start-up grants of \$150,000 to \$175,000 are available through the Colorado Charter School Grant program; some assistance also available from foundations	Start-up funds are provided to new schools like any new district school; district provides 24 hours of facilitator time to both new and conversion schools
Is the school required to purchase its own insurance?	No	Yes	No

	Innovation School	District Charter School	APS Pilot Schools
FACILITIES			
Is the school guaranteed use of a district facility?	These terms may be contained in the Innovation Plan.	No	No. School must have secured "district-approved" facility prior to application.
If yes, does the school pay the district for use of the facility? If so, how does this financial arrangement work?		If a district-owned building is "available," the school does not have to pay rent, but typically will pay for maintenance, utilities, and custodial costs	
What happens if the district does not have a suitable facility for the school's use?	These terms may be contained in the Innovation Plan.	School may purchase or lease another facility	School may use another facility, as long as it is district-approved.
Does the school have access to district bond funds or other funds to offset facility-related expenses?	These terms may be contained in the Innovation Plan.	Yes, school may request inclusion on district bond issue; may apply for funds appropriated under state's Charter School Capital Construction program	Not known

	Innovation School	District Charter School	APS Pilot Schools
SCHEDULES			
Is the school required to follow the district annual calendar?	This may be a waiver requested in the Innovation Plan.	No	No, but must meet minimum instructional hours
Is the school required to follow the district's daily schedule for similar schools or can it set its own daily/weekly schedule?	This may be a waiver requested in the Innovation Plan.	No	No

	Innovation School	District Charter School	APS Pilot Schools
ADMISSIONS AND ENROLLMENT			
Is this a school of choice or are kids assigned to it (e.g., neighborhood school, catchment zone)?	These terms may be contained in the Innovation Plan.	School of choice	First open to students within boundary, then open to students of district in a way that reflects the diversity of the district
Does the school handle its own admissions process or is it handled by the district?	These terms may be contained in the Innovation Plan.	Depends on charter	Combined effort between school and district
Must the school accept applications from students with special needs?	Yes	Yes	Yes
What happens if the number of applicants exceeds available slots? Must the school run an admissions lottery? If so, can it give preferences in the lottery (e.g., siblings, children of staff, board, targeted populations to ensure diversity, etc.)?	These terms may be contained in the Innovation Plan.	Enrollment decisions must be made in a nondiscriminatory manner as specified in the charter application; however, to access federal grants, school should have a lottery process	A lottery is used; schools may not screen on the basis of academic achievement and must enroll students who are representative of the district as a whole

	Innovation School	District Charter School	APS Pilot Schools
CHOICES ABOUT SERVICES AND PROVIDERS			
Can the school affiliate with or contract with external education service providers or management organizations? If so, do they need district permission to enter into these contracts?	These terms may be contained in the Innovation Plan. The statute encourages innovation in the provision of services.	Yes	Yes. If school chooses not to use district services approved as discretionary, it notifies the district so that it will receive funds equivalent to the value of these services.
Do students in this school receive district transportation services? If so, is there an added cost for this service?	These terms may be contained in the Innovation Plan.	Charter may choose not to offer transportation services, or to offer it through the district of a private provider. School may charge fee.	Yes. Added cost to school only if school's schedule requires special accommodations.
Do students in this school receive district food services?	These terms may be contained in the Innovation Plan.	Students may receive district food service (and have access to federal nutrition programs); receive food services from the district or another caterer ala carte; or bring their own meals from home	Depends on Pilot School Application.
Who is responsible for ensuring that special education services are available?	Administrative Unit for Special Education (district or BOCES)	Administrative Unit for Special Education (district or BOCES)	Administrative Unit for Special Education (district)
Who provides special education services to students?	These terms may be contained in the Innovation Plan. The statute encourages innovation in the provision of services.	Depends on contract. May be school, district, or third-party provider. Under federal law, district must pass along proportionate share of special education funding, but may be in cash or in service.	District staff – all responsibility for special education services is retained by the district and district provides services at no additional cost to the schools
If the district provides the services, does the school pay a fee to the district for these services? If so, how much and what does it cover?	These terms may be contained in the Innovation Plan. The statute encourages innovation in the provision of services.	Depends on contract.	No
If the school provides its services does it receive special education revenue to offset these costs? If so, how much?	These terms may be contained in the Innovation Plan.	Depends on contract.	n/a
If a parent complaint or lawsuit is brought forward re: special education at the school, which entity is legally responsible (district or school)?	District as Administrative Unit for Special Education	District as Administrative Unit for Special Education	District as Administrative Unit for Special Education

Sources

For Innovation Schools

The Innovation School Act, CRS 22-32.5-101 through 111

Publications on CDE's Innovation Schools Act website: <http://www.cde.state.co.us/cdegen/SB130.htm>

For Charter Schools

Publications on CDE's Charter Schools website: <http://www.cde.state.co.us/cdechart/index.htm>

Colorado League of Charter Schools: <http://www.coloradoleague.org/index.php>

For APS Pilot Schools

Publications on APS' Pilot Schools website: <http://www.aps.k12.co.us/schools/pilot/>

Additional Resources

For more information, please contact:

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