

**EXHIBIT C: REQUESTED WAIVERS**

**G WaiverRequest**

Note on Tribal immunity and limitations on state and Tribal jurisdiction:

As a general principle, the Tribe and its Members are immune from state regulations, and, as an agency of the Tribe that operates on the Ute Mountain Ute reservation, the Kwyagat Community Academy is similarly immune. Additionally, the Tribe depends on the United States for essential governmental services, such as law enforcement, emergency, and judicial services, and, therefore, is limited in the extent in can conform those services to the typical design implemented by the state. Likewise, the United States, by way of congressional regulation and judicial interpretation, has limited the reach of states to enforce certain state regulations against tribes, tribal members, and other Indians. Therefore, in the waivers below, when either the Tribe or the state is unable to comply with or enforce a law that typically applies to state institute charter schools, the Tribe endeavors to provide, at a minimum, the same rights and services for Academy students, parents, and employees as would be available in a state institute charter school by codifying and implementing rules and protocols that serve the same essential functions as the state regulations being requested to waive. The Tribe anticipates this will be a work-in-progress and rules and regulations may have to be amended from time to time when improvements can be made.

The Kwyagat Community Academy requests waivers of the following state laws:

State Statute Citation	Description
C.R.S. § 22-32-109(1)(f)	Local board duties concerning selection of staff and pay
C.R.S. § 22-32-109(1)(g)	Determine educational program and prescribe textbooks
C.R.S. § 22-32-110(1)(h)	Local board powers-Terminate employment of personnel
C.R.S. § 22-32-110(1)(i)	Local board duties-Reimburse employees for expenses
C.R.S. § 22-32-110(1)(j)	Local board powers-Procure life, health, or accident insurance
C.R.S. § 22-32-110(1)(k)	Local board powers-Policies relating the in-service training and official conduct
C.R.S. § 22-32-110(1)(ee)	Local board powers-Employ teachers' aides and other non-certificated personnel
C.R.S. § 22-32-126	Employment and authority of principals
C.R.S. § 22-33-104(4)	Compulsory school attendance-Attendance policies and excused absences
C.R.S. § 22-63-301	Teacher Employment Act-Grounds for dismissal
C.R.S. § 22-63-302	Teacher Employment Act-Procedures for dismissal of teachers
C.R.S. § 22-63-401	Teacher Employment Act-Teachers subject to adopted salary schedule
C.R.S. § 22-63-402	Teacher Employment Act-Certificates required to pay teachers
C.R.S. § 22-63-403	Teacher Employment Act-Describes payment of salaries
C.R.S. § 22-1-112	School Year-National Holidays