

Waivers

Requested Waivers

Pursuant to the Charter Schools Act, The Children's Kiva Montessori Charter School (TCKMCS) requests waivers of certain Colorado Revised Statutes listed below. Each statute is identified and the reason for each request given as well as a replacement plan. The waivers will enable the TCKMCS to better meet its mission, goals and objectives, and implement its education program. Although a replacement plan is identified with each waiver requested, additional replacement policies and refinement of the noted plans will occur prior to the start of school operations. The first sections addresses with waivers considered Automatically Granted if requested of the State Board of Education.

C.R.S. § 22-9-106 Local Board of Education - Duties- Automatic State Waiver

This statute establishes the duties and requirements of school districts regarding the evaluation of certificated personnel, the district's reporting requirements to the state Board, and the minimum information required in the district's written evaluation system.

Rationale: In order for the School to function according to its unique needs and design, the Executive Director and Board of Directors must develop and adopt its own system of evaluation.

Replacement Plan: TCKMCS will meet the intent of SB 191 and will provide a yearly evaluation for all staff. Teachers will be held accountable to the ED. The evaluation system will be further developed and submitted to the District prior to commencing school operations.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None to either the District or TCKMCS.

How the Impact of the Waivers will be evaluated: The impact will be measured by the same performance criteria and assessments that apply to TCKMCS as set forth in this application (all aligned with SB 191).

Expected Outcome: With this waiver, TCKMCS will be able to implement its program and evaluate its teachers in a manner that produces a greater accountability to the school. This will benefit staff members as well as students and the community.

C.R.S. § 22-32-109 (1)(f) Board of Education - Specific Duties Automatic State Waiver

This statute requires the Board of Education to employ all personnel and fix their compensation.

Rationale: TCKMCS 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 regulations. Therefore, TCKMCS requests that these statutory duties be waived or delegated from the District Board of Education to the TCKMCS Board. The success of TCKMCS will depend in large part upon its ability to select and employ its own staff and to train and direct that staff.

Replacement Plan: TCKMCS will be responsible for these matters rather than the District. A teacher contract will be developed up by the TCKMCS Board.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None to either the District or TCKMCS.

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 TCKMCS as set forth in this application.

Expected Outcome: As a result of the waiver TCKMCS will select, employ and provide professional development for its own teachers and staff, in accordance with the terms and conditions set by the Charter School Act.

**C.R.S. § 22-32-110(1)(h)
Automatic State Waiver**

Makes Board of Education responsible for terminating personnel.

Rationale: TCKMCS will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, and rules and regulations. Therefore, TCKMCS requests that these statutory duties be waived or delegated from the District to the TCKMCS Board. The success of TCKMCS will depend in large part upon its ability to select, employ and terminate its own.

Replacement Plan: TCKMCS will be responsible for these matters rather than the District. A dismissal procedure will be drawn up by the TCKMCS Board prior to the start of operations.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter

Financial Impact: None on either the District or TCKMCS.

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 TCKMCS as set forth in this application.

Expected Outcome: As a result of the waiver, TCKMCS will employ staff in accordance with the terms and conditions set by the Charter School Act.

**C.R.S. § 22-32-126 Principals - Employment and Authority—
Automatic State Waiver**

"(1) The Board of education may employ, through written contract, public school principals who shall hold supervisory administrative certificates and who shall supervise the operation and management of the school and such property as the Board shall determine necessary.(2) The principal shall assume the administrative responsibility and instructional leadership, under the supervision of the superintendent and in accordance with the rules and regulations of the Board of Education, for the planning, management, operation, and evaluation of the educational program of the schools to which he is assigned. (3) The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school under his supervision. (4) The principal shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the Board of Education."

Rationale: Pursuant to the Charter Schools Act, a charter school is responsible for its own personnel matters. Charter schools have unique status and are expected to be experimental and innovative in educational reform. TCKMCS

must be able to look beyond the traditional supervisory administrative certification in selecting its' administrator/Executive Director.

Replacement Plan: TCKMCS will employ an administrator/Executive Director who will report to the school's Board of Directors. The administrator/principal does not have to hold a Principal's License to perform the listed duties.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waivers will be evaluated: The impact of the waivers will be measured by the established performance criteria as set forth in this application.

Expected Outcome: As a result of the waiver TCKMCS will select, employ and provide professional development for its own administrative staff, in accordance with the terms and conditions set by the Charter School Act.

C.R.S. § 22-63-201
Automatic State Waiver

This statute prohibits Board from entering into an employment contract with a person who does not hold a teacher's certificate or letter of authorization.

C.R.S. § 22-63-402
Automatic State Waiver

This section prohibits the payment of school district funds to any teacher unless that teacher holds a valid teacher's certificate, letter of authorization, or written authorization from the Department of Education.

Rationale: TCKMCS will be solely responsible for selecting, supervising, disciplining, determining compensation for and terminating its' employees. Selection of personnel is subject to compliance with all federal and state rules and regulations including regulations of "Highly Qualified" staff as defined in NCLB.

Replacement Plan: TCKMCS may, where possible, hire certified teachers and Executive Directors. However, it may be beneficial for TCKMCS be able to hire teachers without a certificate and who possess unique background and/or skills or fill a need for the school. TCKMCS may require such persons to obtain a certificate within a designated period of time.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None to either the District or TCKMCS.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the evaluation system set forth in this application.

Expected Outcome: As a result of these waivers, TCKMCS will be able to employ professional staff possessing unique skills, and/or backgrounds, or fill needed positions.

C.R.S. § 22-63-202
Automatic State Waiver

This section requires a written employment contract with teachers, including a damages provision and provides for temporary suspension of employment and cancellation of contract.

Rationale: TCKMCS should be granted the authority to develop its own employment terms and conditions of employment. Given the at will nature of employees, TCKMCS should not be required to give non-probationary status and probationary periods to its teachers. TCKMCS will be operating differently from other schools with a unique curriculum for which having the proper teachers is essential.

C.R.S. § 22-63-203
Automatic State Waiver

This section establishes specific requirements for the employment of probationary teachers and the renewal or not, of their contracts.

C.R.S. § 22-63-403
Automatic State Waiver

This statute governs payment of salaries upon termination of employment of a teacher.

Rationale: TCKMCS should be granted the authority to develop its own employment terms and conditions of employment. Given the at will nature of employees, TCKMCS should not be required to give non-probationary status and probationary periods to its teachers. TCKMCS will be operating differently from other schools with a unique curriculum for which having the proper teachers is essential.

Replacement Plan: The contract between TCKMCS and the District will have staff to be employed on a year-to-year basis as "at-will" employees. The TCKMCS Board will develop an appropriate teacher's contract.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to TCKMCS as set forth in the application and the contract.

Expected Outcome: TCKMCS 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 its teachers and students.

C.R.S. § 22-63-206
Automatic State Waiver

Permits transfer of teachers between schools upon recommendation of the District's chief administrative officer.

Rationale: The Charter Schools Act allows a charter school to be responsible for its own personnel matters. It is inconsistent with this statute for the District to make transfers with/or for TCKMCS.

Replacement Plan: TCKMCS will make staff assignments based on its needs and educational goals. No staff will be assigned to positions for which they are not qualified.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to TCKMCS as set forth in this application.

Expected Outcome: TCKMCS expects that, as a result of this waiver, it will be able to manage its own personnel affairs.

C.R.S. § 22-63-301
Automatic State Waiver

This statute provides grounds and procedures for dismissal of teachers.

Rationale: The success of TCKMCS in accomplishing its mission is dependent primarily upon the talents, skills and personal commitment of its teachers.

TCKMCS must be able to terminate employees who cannot deliver its educational program successfully.

C.R.S. § 22-63-302
Automatic State Waiver

This section describes the procedures for dismissal of a non-probationary teacher including review by a hearing officer and judicial review in the Court of Appeals.

Rationale: The success of TCKMCS in accomplishing its mission is dependent primarily upon the talents, skills and personal commitment of its teachers.

TCKMCS must be able to terminate employees who cannot deliver its educational program successfully.

Replacement Plan: Continued employment in TCKMCS will be subject to an annual satisfactory performance evaluation. This policy and procedure will be established by the TCKMCS Board. Teachers who are rated unsuccessful may be terminated by TCKMCS.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to TCKMCS as set forth in the application.

Expected Outcome: As a result of these waivers, TCKMCS will be able to terminate teachers who are not able to provide instruction in accordance with the philosophy and mission of the school.

C.R.S. § 22-63-401
Automatic State Waiver

This section requires school districts to adopt a salary schedule, which shall apply to all teachers in the district and sets forth the requirements for modifications to the schedule.

Rationale: The employees of TCKMCS will not be employees of the District. Thus, section 22-63-401 does not apply and is in contrast to the independent fiscal responsibility stated in the Charter School Act.

Replacement Plan: TCKMCS has established its own salary and payment obligations based on its educational goals.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waiver will be evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to TCKMCS as set forth in this application.

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

Additional State Waivers Requested

C.R.S. § 22-32-109 (1)(b) Board of Education – Specific Duties

Grants Board of Education authority to adopt policies and prescribe rules and regulations for efficient administration of the District.

Rationale: TCKMCS will operate 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 Act. TCKMCS will adopt competitive bidding rules to govern purchases from and relations with significant vendors.

Replacement Plan: The TCKMCS Board will adopt policies and the Executive Director will prescribe rules and regulations for operation of the school.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on the budget of either the District or TCKMCS.

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 TCKMCS as set forth in the application.

Expected Outcome: TCKMCS 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 as set forth in the application.

C.R.S. § 22-32-109(1)(n)(1)

This statute concerns the Board's duty to prescribe length of school year and hours of teacher-pupil instruction and to adopt a calendar.

Rationale: The school will prescribe the actual details of its own school calendar and hours of teacher-pupil contact. The total number of student hours in school will equal or exceed those of the District and comply with state requirements.

Replacement Plan: The final calendar and school day of TCKMCS will be designed after approval of the Charter and hiring of the ED.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on the budget of either the District or TCKMCS.

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 TCKMCS as set forth in the application.

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

C.R.S. § 22-32-109(1)(t)

This statute grants the Board of Education authority to determine educational programs to be carried on in schools of the district and to prescribe textbooks.

Rationale: TCKMCS requests the District grant the TCKMCS Board the authority to determine the educational program and instructional materials to be used in the school. TCKMCS will choose the instructional materials that will be used and the procedure for making them available to its students.

Replacement Plan: The educational program that TCKMCS will implement is an authentic Montessori Method Curriculum.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

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 TCKMCS, as set forth in the application.

Expected Outcome: TCKMCS expects that, as a result of this waiver, it will be able to implement its curriculum and ensure that students meet the proposed standards.

C.R.S. § 22-32-110(1)(ee)

This statute authorizes the Board of Education to employ teacher aides and non-certified personnel.

Rationale: TCKMCS will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, and rules and regulations. Therefore, TCKMCS requests that these statutory duties be waived or delegated to the TCKMCS Board. The success of TCKMCS will depend in large part upon its ability to select and employ its own staff and to train and direct that staff.

Replacement Plan: TCKMCS will be responsible for these matters rather than the District. A non-certified contract will be drawn up by the TCKMCS Board when elected. Our Executive Director will primarily be responsible for planning, with input from staff and approval of the TCKMCS Board, the professional development and school policies to meet their needs.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

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 school, as set forth in the application.

Expected Outcome: As a result of the waiver TCKMCS will select, employ and provide professional development for its own staff, in accordance with the terms and conditions set by the Charter School Act.

C.R.S. § 22-32-110(1)(I)

Authorizes Board of Education to reimburse employees for expenses.

C.R.S. § 22-32-110(1)(J)

Authorizes Board of Education to procure group life, health or accident insurance for employees.

Rationale: TCKMCS will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, and rules and regulations. Therefore, TCKMCS requests that these statutory duties be waived or delegated from the District to the

TCKMCS Board. The success of TCKMCS will depend in large part upon its ability to select, employ and terminate its own staff as well as provide for group, life, health, and accident insurance and procedures for reimbursement of employee expenses.

Replacement Plan: TCKMCS will be responsible for these matters rather than the District. Procedures in these areas will be developed by the TCKMCS Board prior to the start of operations.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

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 school, as set forth in the application.

Expected Outcome: As a result of the waiver, TCKMCS will employ staff in accordance with the terms and conditions set by the Charter School Act.

C.R.S. § 22-32-110(1)(y)

Grants the Board of Education the power to accept gifts, donations or grants of any kind made to the District and to expend such in accordance with the donor's conditions, except conditions contrary to the law.

Rationale: Because TCKMCS has a unique program, it is essential that the school be granted the latitude to raise money through grants and fundraising and to spend such funds to accomplish its educational objectives. TCKMCS staff needs to be allowed to accept pay for sale of goods to accomplish education objectives.

Replacement Plan: The TCKMCS Board will establish policy for receiving gifts, donations, and grants and will monitor expenditures against instructional objectives.

Duration of the Waivers: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

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 school, as set forth in the application.

Expected Outcome: As a result of the waiver, the TCKMCS Board will have the latitude to expend funds as needed and will be able to act more quickly while maintaining accountability.

C.R.S. § 22-32-119

Permits Board of Education to establish and maintain Kindergarten and prescribe courses of training, study, discipline and rules and regulations governing the program.

Rationale: TCKMCS will operate its own Kindergarten program in accordance with the application. TCKMCS should be authorized to develop, adopt and implement the training, study, discipline and rules and regulations governing its Kindergarten program, subject to the limitations in the application and the Contract.

Replacement Plan: TCKMCS will provide its own curriculum for Kindergarten students.

Duration of the Waivers: TCKMCS requests that the waiver be granted for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

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 school, as set forth in the application.

Expected Outcome: TCKMCS expects that as a result of this waiver it will be able to operate its Kindergarten program to the benefit of the students, teachers and community.

C.R.S. § 22-32-110 (1) (h)

School District Boards – Powers & Duties –Board of Education– specific powers repeal. Discharge of Personnel Boards of education are responsible for terminating personnel.

Rationale: TCKMCS 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 regulations, and termination procedures. Therefore, the School requests that these statutory duties be waived or delegated from the District to TCKMCS. The success of the School will depend in large part upon its ability to select and employ its own staff and to terminate individual staff members should they not perform in accordance with the goals and objectives of the School. All TCKMCS staff will be employed on an at-will basis.

Replacement Plan: The School will be responsible for these matters. Specific policies and procedures for termination will be developed prior to initial operations. Dismissal shall not be affected by an employee’s religious beliefs, marital status, racial or ethnic background, or participation in community affairs.

Duration of the Waivers: TCKMCS requests the waiver be granted for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waivers will be evaluated: The impact of the waiver will be measured by the same performance criteria and assessments that apply to TCKMCS, as set forth in this Application.

Expected Outcome: As a result of this waiver, the School will be able to employ professional staff filling its needs in accordance with the terms and conditions set by the Charter School Agreement.

C.R.S. § 22-32-110 (1) (k)

School District Boards – Powers & Duties –Board of Education– specific powers –repeal. In-Service Training. Requires Boards of education to adopt policies, rules, and regulations regarding in-service training, professional growth and official conduct.

Rationale: The School must have the authority to determine its own policies, rules, and regulations regarding in-service training, professional growth, safety, official conduct, and welfare of its employees.

Replacement Plan: The Executive Director and the TCKMCS Board will be responsible for these matters. The Executive Director and Board of Directors of

TCKMCS prior to initial operations will promulgate policies and rules and regulations with regard to in-service training.

Duration of the Waiver: TCKMCS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or TCKMCS.

How the Impact of the Waivers will be evaluated: The impact of the waiver will be measured by the same performance criteria and assessments that apply to TCKMCS, as set forth in this Application.

Expected Outcome: As a result of this waiver, the School will select, employ and provide professional development for its Executive Director, teachers, and staff, in accordance with the terms and conditions set by the Charter School Agreement.

The Children's Kiva Montessori Charter School reserves the right to identify, during its implementation period, those Colorado Revised Statutes which are impediments to effective operation and to request waivers of those statutes, as specified in C.R.S. § 22-2-117 and 22-30.5-104 (6) and 22-30.5-105 (3).

In addition, The Children's Kiva Montessori School reserves the right to identify, during its implementation period, those Montezuma-Cortez RE-1 Policies which are deemed impediments to effective operation and to request waivers of those statutes. Assuming the waiver requests are provided with adequate notice and appropriate rationale, TCKMCS anticipates receiving support from its authorizer for those waiver