

RATIONALE AND REPLACEMENT PLAN FOR WAIVERS FROM STATE STATUTE AND RULE

Basic Information

School Name: Fort Collins Montessori School

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AUTOMATIC WAIVERS: STATUTE DESCRIPTION AND RATIONALE

Waivers Considered Automatically Granted As Specified in C.R.S. § 22-30.5-104 (6) (b).

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

Automatic State Waiver

Establishes the duties and requirements of school districts regarding the evaluation of certificated personnel, the district's reporting requirements to the Colorado Board of Education, 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 Head of School and FCMS Board of Directors must develop and adopt its own system of evaluation.

Replacement Plan: FCMS will provide a yearly evaluation for all staff. Teachers will be held accountable to the Head of School. The evaluation system will be further developed and submitted to the District prior to commencing school operations. *Please reference **Appendix 20** to view the current Teacher Evaluation and Improvement Plan form.*

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

Financial Impact: None to either the District or FCMS.

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

Expected Outcome: With this waiver, FCMS 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) (b) Board of Education - Specific Duties

Automatic State Waiver

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

Rationale: FCMS 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.

Replacement Plan: The FCMS Board will adopt policies and the Head of School will prescribe rules and regulations for operation of the school.

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

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

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 FCMS as set forth in the application.

Expected Outcome: FCMS 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) (f) Board of Education - Specific Duties

Automatic State Waiver

Requires the Board of Education to employ all personnel and fix their compensation.

Rationale: FCMS 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, FCMS requests that these statutory duties be waived or delegated from the District Board of Education to the FCMS Board of Directors. The success of FCMS will depend largely upon its ability to select and employ its own staff and to train and direct that staff.

Replacement Plan: FCMS will be responsible for these matters rather than the Poudre School District. A teacher contract will be developed by the FCMS Board of Directors, with legal counsel.

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

Financial Impact: None to either the District or FCMS.

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 FCMS as set forth in this application.

Expected Outcome: As a result of the waiver FCMS 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. § 22-32-109 (1)(n)(I)

Automatic State Waiver
Adopt District Calendar.

C.R.S. § 22-32-109 (1)(n)(II)(A)

Automatic State Waiver
Determine teacher-pupil contact hours.

C.R.S. § 22-33-104 (4)

Automatic State Waiver
Compulsory School Attendance-Attendance Policies and excused absences

C.R.S. § 22-32-109 (1)(n)(II)(B)

Automatic State Waiver
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 FCMS will be designed after approval of the Charter and hiring of the HOS.

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

Expected Outcome: As a result of the waiver, FCMS 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)

Automatic State Waiver

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

Rationale: FCMS requests this be granted so that it has the authority to determine the educational program and instructional materials to be used in the school. FCMS 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 FCMS will implement is a classic Montessori Curriculum.

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

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

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 of Directors 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 education reform. FCMS must be able to look beyond the traditional supervisory administrative certification in selecting its administrator/Principal.

Replacement Plan: FCMS will employ a Head of School who will report to the school's Board of Directors. The Principal does not have to hold a Principal's License to perform the listed duties.

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

Financial Impact: None on either the District or FCMS.

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, FCMS will select, employ and provide professional development for its administrative staff, in accordance with the terms and conditions set by the Charter School Act. The school will employ a Principal (HOS) who holds the necessary experience to operate a Montessori-inspired public school, in accordance with our Mission and vision.

C.R.S. § 22-32-110(1)(h)

Automatic State Waiver

Makes Board of Education responsible for terminating personnel.

Rationale: FCMS 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, FCMS requests that these statutory duties be waived or delegated from the District to the FCMS Board of Directors. The success of FCMS will depend in large part upon its ability to select, employ and terminate its own personnel.

Replacement Plan: FCMS will be responsible for these matters rather than the District. A dismissal procedure will be written by the FCMS Board of Directors, prior to the beginning of operations.

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

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

C.R.S. § 22-32-110 (1) (ee)

Automatic State Waiver

Authorizes Board of Education to employ teacher aides and non-certified personnel.

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

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

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

C.R.S. § 22-32-110 (1)(I)

Automatic State Waiver

Authorizes Board of Education to reimburse employees for expenses. (See below)

C.R.S. § 22-32-110 (1)(J)

Automatic State Waiver

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

Rationale: FCMS 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, FCMS requests that these statutory duties be waived or delegated to the FCMS Board. The success of FCMS will depend in large part upon its ability to select and employ its own staff and to train and direct & terminate that staff, as well as provide for group, life, health and accident insurance and procedures for reimbursement of employee expenses..

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

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

C.R.S. § 22-32-110 (1)(K)

Automatic State Waiver

Local Board powers-Policies relating to in-service training and official conduct.

Rationale: FCMS 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 regarding in-service training, professional growth, safety, official conduct and welfare of employees.

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

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

C.R.S. § 22-63-201

Automatic State Waiver

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

C.R.S. § 22-63-202

Automatic State Waiver

Requires a written employment contract with teachers, including a damages provision. Provides for temporary suspension of employment and cancellation of contract.

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. § 22-63-206**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 FCMS.

Replacement Plan: FCMS 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: FCMS requests that the waiver be for the duration of its Charter.

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

Expected Outcome: FCMS 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**

Provides grounds and procedures for dismissal of teachers.

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 FCMS in accomplishing its Mission is dependent primarily upon

the talents, skills and personal commitment of its teachers. FCMS must be able to terminate employees who cannot deliver the school's educational program successfully.

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in the application.

Expected Outcome: As a result of these waivers, FCMS 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 FCMS 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: FCMS established salary and payment obligations based on educational goals.

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in this application.

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

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

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

Financial Impact: None to either the District or FCMS.

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, FCMS will be able to employ professional staff possessing unique skills, and/or backgrounds, or filling needed positions.

C.R.S. § 22-63-403

Automatic State Waiver

Governs payment of salaries upon termination of employment of a teacher.

Rationale: FCMS should be granted the authority to develop its own employment terms and conditions of employment. Given the "at-will" nature of employees, FCMS should not be required to give non-probationary status and probationary periods to its teachers.

FCMS will be operating differently from other schools with a unique curriculum for which having the proper teachers is essential.

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in the application and the contract.

Expected Outcome: FCMS 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.

NON AUTOMATIC STATE WAIVER REQUESTS

C.R.S. § 22-63-403

Non-Automatic State Waiver (See below for rationale, plan, etc.)

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.

C.R.S. § 22-63-204

Non-Automatic State Waiver

Receiving moneys from the sale of goods.

Rationale: Because FCMS 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. FCMS staff needs to be allowed to accept pay for sale of goods to accomplish educational objectives.

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in the application and the contract.

Expected Outcome: As a result of the waiver, the FCMS 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

Non-Automatic State Waiver

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

Rationale: FCMS will operate its own Kindergarten program in accordance with the application, FCMS 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, mandated requirements and Contract.

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

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in the application and the contract.

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

C.R.S. § 22-63-103 (10)

Non-Automatic State Waiver

Teacher Employment Compensation and Dismissal-Substitute Teacher. This section describes a substitute teacher and the qualifications of such.

Rationale: Developing and maintaining a qualified pool of substitute teachers can be challenging for a Montessori charter school since the expectations vary from those of traditional public schools.

Replacement Plan: The Head of School shall have the authority to select part-time and substitute teachers.

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

Financial Impact: None on either the District or FCMS.

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 FCMS as set forth in the application and the contract.

Expected Outcome: As a result of the waiver, the FCMS will be able to employ part-time and substitute teachers possessing unique skills and /or background necessary for the smooth operation of the school.