

**Fort Collins Montessori School
State Statute and Regulation Waiver Requests
Jointly Requested by Poudre School District R-1 and Fort Collins Montessori School**

Rationale & Replacement Plans

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.

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) (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. § 22-32-110(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. § 22-32-126 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. § 22-63-201 - Employment, license required - exception - 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 - Employment contracts - contracts in writing, damage provision- 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 - Probationary teachers -renewal and nonrenewal of employment contact - This section establishes specific requirements for the employment of probationary teachers and the renewal, or not, of their contracts.

Rationale: The School hires teachers and/or administrators at-will. If employment duties are not successfully performed, the school should have the ability to terminate any staff member in order to ensure the success of our students. While these statutes may only apply to school district employees, that is not entirely clear and any ambiguity on that point should be removed by waiver to render these statutes clearly inapplicable to the School's at-will employees. The School applies appropriate qualifications standards in hiring, including certain standards related to Montessori instruction.

Replacement Plan: All staff members at the School will be at-will employees and will be required to have appropriate qualifications, including those related to Montessori education.

Duration of Waivers: The waiver will be in effect for the duration of our contract through June 30, 2024.

Financial Impact: The School anticipates that the requested waiver will have no financial impact upon the Authorizer or the School.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to the school, per the Charter School Contract.

Expected Outcome: As a result of this waiver, the school will have the authority to employ at-will contracts for teachers and administrators and to judge qualifications of new employees appropriately given the nature of the School.

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.

C.R.S. § 22-7-1014 (2)(a): Non-Automatic State Waiver, Preschool Individualized Readiness Plans-School Readiness-Assessments.

Rationale & Replacement: Fort Collins Montessori School recognizes the importance of a thorough educational program for children's success in life, and thus we begin offering our Montessori education to students from the age of three. Because Districts have a high degree of flexibility for the design of the plans, we are requesting a waiver from the implementation of the State's approved school readiness evaluation alternatives. Instead, to meet the intent of the law, we are proposing to utilize our Montessori school work Monitoring Forms, along with notations of a child's social and motor development. Currently 96 Colorado schools have received waivers to utilize their own readiness assessments.

FCMS will administer a school readiness assessment to their kindergartners within the first 60 days of the school year.

Teachers will use the Monitoring Form documents and *DIBELS Next* to evaluate student readiness within the first 60 days of each school year.

FCMS's school readiness assessment is valid, reliable, and research-based.

The Montessori Educational Methodology is the oldest consistently applied educational program in the world, and it is based on observation of children, provision of activities for their developmental needs, and monitoring of their work towards these needs. The Association Montessori Internationale defines specific activities for children at each grade level, and again, these activities are based on observation of children in Montessori schools worldwide. We have listed these criteria in what we call our Montessori Monitoring Form (MMF).

The MMF is a set of age-level expectations and a monitoring form of attainment for children between the ages of 4 and 12 that has been used in Public and Private Montessori Schools for over 15 years. Much as the DIBELS-Next test assesses children on specific criteria for reading development, so the MMF monitors the attainment of specific criteria using Montessori educational materials. The MMF also naturally folds into the Kindergarten and Lower Elementary grade reading evaluation that is required for the Colorado Read Act.

FCMS will develop school readiness plans informed by the school readiness assessment data for each of their kindergartners.

Because the Montessori educational experience is developmentally sequenced, by continually observing and monitoring student work in the classroom, teachers have a roadmap that provides for the whole child, that is research based, and that promotes methods appropriate for young children. This roadmap for each child is observational, individualized, and occurs in children's

everyday routines, activities, and places. By continually monitoring students and their work, the teachers can provide support and interventions as necessary, developing school readiness. Montessori classroom teachers have a full year of training beyond a bachelor's degree to learn the Montessori classroom activities. As a part of their training, teachers also are taught how to observe children in an insightful manner and have required observation and note-taking as part of their program. Through this experience, Montessori teachers learn how to recognize normal development and to plan for children's needs based on their observations to assist students' school readiness.

Duration of Waivers: The waiver will be in effect for the duration of our contract through June 30, 2024.
