## **APPENDIX C - Requested State Statute Waivers**

The School hereby invokes waivers of the following sections of the Colorado Revised Statutes; replacement policies are available for review by contacting the School.

## Automatic State Waivers.

- 22-32-109 (1)(f), C.R.S. Local board duties concerning selection of personnel and pay
- 22-32-109(1)(t), C.R.S. Determine educational program and prescribe textbooks
- 22-32-110 (1)(h), C.R.S. Local board powers concerning employment termination of school personnel
- 22-32-110(1)(i), C.R.S. Local board duties-Reimburse employees for expenses
- 22-32-110(1)(j), C.R.S. Local board powers-Procure life, health, or accident insurance
- 22-32-110(1)(k), C.R.S. Local board powers-Policies relating the in-service training and official conduct
- 22-32-110(1)(ee), C.R.S. Local board powers-Employ teachers' aides and other noncertificated personnel
- 22-32-126, C.R.S. Employment and authority of principals
- 22-33-104(4), C.R.S. Compulsory school attendance-Attendance policies and excused absences
- 22-63-301, C.R.S. Teacher employment, compensation and dismissal act of 1990; grounds for dismissal
- 22-63-302, C.R.S. Teacher employment, compensation and dismissal act of 1990; procedures for dismissal of teachers and judicial review
- 22-63-401, C.R.S. Teacher employment, compensation and dismissal act of 1990; teachers subject to adopted salary schedule
- 22-63-402, C.R.S. Teacher employment, compensation and dismissal act of 1990; license, authorization or residency required in order to pay teachers
- 22-63-403, C.R.S. Teacher employment, compensation and dismissal act of 1990; payment of salaries
- 22-1-112, C.R.S. School Year- National Holidays

## Non-automatic State Waivers.

The School hereby requests waivers of the following additional State Statutes:

- C.R.S. § 22-9-106 Local Board of Education-Duties-Performance Evaluation System
- C.R.S. § 22-2-112(1)(q)(I) Commissioner-Duties
- C.R.S. §22-32-109(1)(n)(I) Board of Education- Specific Duties School Calendar
- C.R.S. §22-32-109(1)(n)(II)(B) Board of Education-Specific Duties Adoption of District Calendar
- C.R.S. § 22-32-109(1)(n)(II)(A) Determine teacher-pupil contact hours
- C.R.S. § 22-63-201 Employment. Certificate required
- C.R.S. § 22-63-202 Teacher employment, contracts in writing-duration-damage provision
- C.R.S. § 22-63-203 Probationary Teachers -renewal and non-renewal of employment contract
- C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act Transfer of Teachers
- C.R.S. §22-32-109(1)(b) Local board duties concerning competitive bidding
- C.R.S. § 22-32-110(1)(y) Local board powers-Accepting gifts, donations, and grants
- C.R.S § 22-7-1014(2)(a) Preschool Individualized Readiness Plans School readiness Assessments

## Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

**Statutory Citation and Title:** 

## C.R.S. § 22-9-106 <u>Local Board of Education-Duties-Performance Evaluation System</u> C.R.S. § 22-2-112(1)(q)(I) <u>Commissioner-Duties</u>

**Rationale:** The school leader of Monarch Montessori of Denver must have the ability to perform the evaluation of all personnel. Should any other designated administrator not have a Type D certificate, this should not preclude him or her from administering the evaluations under the direction of the head of school. The BOD must also have the ability to perform the evaluation for the school leader. Additionally, Monarch Montessori of Denver should not be required to report their teacher evaluation ratings as a part of the commissioner's report as required by C.R.S. 22-2-112(1)(q)(I).

**Replacement Plan:** Monarch Montessori of Denver uses its own evaluation system as agreed to in the Charter School Agreement with Denver Public Schools and therefore should not be required to report their teacher evaluation data. Monarch Montessori of Denver's evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for Monarch Montessori of Denver's evaluation system includes quality standards that are clear and relevant to the administrators' and teachers' roles and responsibilities, and have the goal of improving student academic growth, and meet the intent of the quality standards established in SB 10-191. All evaluators will receive training in their school's evaluation system. In addition, the evaluation data is used to inform professional development and employment decisions for teachers. Core course level participation will continue to be reported PURSUANT TO C.R.S. 22-11-503.5, as this is a non-waivable statute. The school will not be required to report data to meet state requirements, including, but not limited to, its teacher evaluation ratings, but will

be required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waiver will have no financial impact upon Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: Since teacher performance has a critical impact on the performance of the entire school, the impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.

**Expected Outcome:** With this waiver, the school will be able to implement its program and evaluate its teachers in accordance with its Performance Appraisal System, which is designed to produce greater accountability and be consistent with the school's goals and objectives. This will benefit staff members as well as students and the community.

#### Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

#### **Statutory Citation and Title:**

C.R.S. §22-32-109(1)(n)(I) Board of Education- Specific Duties School Calendar

C.R.S. §22-32-109(1)(n)(II)(B) Board of Education-Specific Duties Adoption of District Calendar

**Rationale:** The school year at Monarch Montessori of Denver will total approximately 177 days per year which exceeds the current requirement in state statute. Monarch Montessori of Denver will prescribe the actual details of its own school calendar to best meet the needs of its students. The local board will not set these policies and Monarch Montessori of Denver will have a calendar that differs from the rest of the schools within the district.

**Replacement Plan:** The final calendar and the school's daily schedule will be designed by Monarch Montessori of Denver and the calendar will meet or exceed day and contact hour requirements set forth in state statute.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on the Denver Public Schools or the school.

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

**Expected Outcome:** As a result of these waivers, the school will be able to implement the necessary policies to increase student achievement.

## Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

#### **Statutory Citation and Title:**

## C.R.S. 22-32-109(1)(n)(II)(A) <u>Determine teacher-pupil contact hours</u>

**Rationale:** Monarch Montessori of Denver should have the ability to determine teacher-pupil contact hours, while not reducing the total contact hours to below the minimum required by state statute. Monarch Montessori of Denver will determine the actual details of teacher-pupil contact hours to best

meet the needs of its students. The local board will not set these policies, and the school may specify teacher-pupil contact hours that differ from other schools in the district.

**Replacement Plan:** Monarch Montessori of Denver will determine teacher-pupil contact hours in accordance with its final daily schedule and calendar. The total number of teacher-pupil contact hours will meet or exceed the days and contact hours requirements as set forth in state statute.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.

**How the Impact of the Waivers Will be Evaluated:** The impact of this waiver will be measured by the performance appraisal criteria and assessments that apply to the school, as per this Charter School Agreement.

**Expected Outcome:** As a result of this waiver, the school will be able to implement the necessary policies to increase student achievement.

## Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

**Statutory Citation and Title:** 

C.R.S. § 22-63-201 Employment. Certificate required

**Rationale:** Monarch Montessori of Denver should be granted the authority to hire teachers and principals that will support the school's goals and objectives. The school leader will not function as a traditional district school principal, but rather will be responsible for a wider range of tasks and act as the school's chief executive officer. The school will seek to attract school leaders and teachers from a wide variety of backgrounds, including, but not limited to teachers from out-of-state, teachers with a lapsed Colorado certificate, persons with several years of successful teaching experience in a setting not requiring a license, as well as persons with business or professional experience.

**Replacement Plan:** All employees of Monarch Montessori of Denver will be employed on an at-will basis. The school will, as appropriate, hire certified teachers and principals. However, in some instances it may be advantageous for the school to be able to hire qualified teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of Monarch Montessori of Denver. All core content teachers and administrators will at a minimum hold a bachelor's degree and demonstrate subject-matter competency by passing a State Board approved content exam in the relevant subject area. All non-core content teachers will hold a bachelor's degree and pass a background check. All assistants and substitute teachers will pass a background check. Special Education Teachers will hold the requisite state license and endorsement. The school will prioritize the hiring of in-field teachers as defined by the Colorado State Board. The school recognizes that it is required to report data to meet federal requirements, including, but not limited to, in-field/out-of-field teachers and years of experience.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.

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

**Expected Outcome:** As a result of these waivers, the school will be able to employ professional staff possessing unique skills and/or background filling all staff needs.

#### Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

**Statutory Citation and Title:** 

C.R.S. § 22-63-202 Teacher employment, contracts in writing-duration-damage provision

C.R.S. § 22-63-203 Probationary Teachers -renewal and non-renewal of employment contract

C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act – Transfer of Teachers

**Rationale:** Monarch Montessori of Denver should be granted the authority to develop its own employment agreements and terms and conditions of employment. The school will be operating differently from other schools with a unique curriculum for which having the proper teaching staff is essential. Not every teacher who is successful at a traditional public school will be successful at Monarch Montessori of Denver. In addition, Monarch Montessori of Denver is granted the authority under the Charter School Agreement to select its own teachers. No other schools or the Denver Public Schools should have the authority to transfer its teachers into the school or transfer teachers from Monarch Montessori of Denver to any other schools, except as provided for in the Charter School Agreement.

**Replacement Plan:** Monarch Montessori of Denver has employment agreements with the terms of nonrenewal and renewal set forth in the agreement, including payment of salaries upon termination of employment. Employment offers will be given in writing and will be at an at-will basis. Monarch Montessori of Denver will hire teachers on a best qualified basis. There is no provision for transfers.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on the Denver Public School or the school.

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

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

#### Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

#### **Statutory Citation and Title:**

#### C.R.S. § 22-32-109(1)(b) Local board duties concerning competitive bidding

C.R.S. § 22-32-110(1)(y) Board of Education Accepting gifts, donations, grants

**Rationale:** In order to manage its own budget and finances, Monarch Montessori of Denver must be granted the authority to develop its own financial policies and practices.

**Replacement Plan:** Monarch Montessori of Denver, rather than the District, will be responsible for determining whether or not to accept gifts, donations and grants. The School will ensure the process is an open process in compliance with all applicable rules and regulations.

Additionally, Monarch Montessori of Denver, rather than the District, is in the best position to know what goods and services are needed and which vendors and providers may be available. The School will be responsible for establishing procedures for competitive bidding, as required by applicable law, and for selecting successful bidders on projects/contracts. The School will ensure the process is open, transparent, and in compliance with all applicable rules and regulations.

**Duration of Waivers:** The duration of the contract.

**Financial Impact:** The school anticipates that the requested waivers will have no financial impact on Denver Public Schools or the school.

How the Impact of the Waivers Will be Evaluated: Since this area has a critical impact on the performance of the entire school, the impact of this waiver will be measured by the same performance criteria and assessments that apply to the school, as set forth in this Charter School Agreement.

**Expected Outcome:** As a result of this waiver, the school 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 Charter School Agreement.

# Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan

**Statutory Citation and Title:** 

C.R.S § 22-7-1014(2)(a) Preschool Individualized Readiness Plans – School readiness – Assessments Rationale: Monarch Montessori of Denver is a data driven school that is constantly evaluating and assessing students' academic readiness, character development, and physical well-being in order to ensure student success. Monarch Montessori of Denver already has strong programs and assessments in place that assess students' physical well-being, social-emotional development, language and comprehension development, cognition, and knowledge.

**Replacement Plan:** Every kindergarten student at Monarch Montessori of Denver will be administered a school readiness assessment within the first 60 calendar days of the school year. The assessment instruments used will be research based, reliable and valid. Methods and assessments used are clear and relevant and have the goal of improving student academic growth, and meet the intent of the quality standards established in CRS 22-7-1014(2)(a). Monarch Montessori of Denver will fulfill the requirement to administer the literacy component of school readiness by administering the IStation State Board-approved READ Act assessment within the first 60 calendar days of the school year. The data collected from these assessments will be used to develop an individualized readiness plan for each kindergarten student, and will inform programming accordingly. This school readiness data will not be used to deny admission to first grade. The data collected will be made readily available to the District, and the school will report this data, as required by State law.

**Duration of Waivers:** The duration of the contract.

Financial Impact: The school anticipates that the requested waivers will have no financial impact on the

Denver Public School or the school.

How the Impact of the Waivers Will be Evaluated: The impact of this waiver will be measured by the performance criteria and assessments that apply to the School.

**Expected Outcome:** As a result of this waivers, the school will be able to implement the necessary policies to increase student achievement within existing structures.

## **APPENDIX D - Requested District Policy Waivers**

The School has requested and obtained Denver Public Schools Board of Education waivers of the following sections of the Denver Public Schools Policies and Procedures for public schools. Replacement policies are available for review by contacting the School.

## **Automatic District Policy Waivers**

The following DPS policies do not apply to charter schools and are therefore automatic:

#### A Policies: Foundations and Basic Commitments

А	Policy Framework for Accelerating Gains in Academic Achievement for All Students	
ACE	Equitable and Inclusive Contracting Policy	
AD	Educational Philosophy/School District Mission	
ADE	Innovation in Education	

#### B Policies: School Board Governance and Operations

BBA	School Board Powers and Responsibilities		
BC	Board Member Conduct		
BCB	Board Member Conflict of Interest		
BDB	Board Officers		
BDF	Advisory Committees/Councils		
BDF-R1	areer and Tech Ed Council		
BDF-R2	Preschool Program Council		
BDF-R3	Drug-Free Schools Advisory Council		
BDFA	District Personnel Performance Evaluation Council		
BDFA-R	Procedures for District Personnel Performance Evaluation Council		
BDFB	Finance and Audit Committee		
BDFB-E	Exhibit - Finance and Audit Committee Charter		
BDFG	District Accountability Committee		
BDFG-R	Procedures for District Accountability Committee		
BE	School Board Meetings		
BG	School Board Policy Adoption Process		
BID/BIE	Board Fiscal Policy/Board Member Compensation and Expenses/Liability		

C Policies: General School Administration

CBA/CBC Powers and Responsibilities of Superintendent	
CBI	Evaluation of Superintendent

D Policies: Fiscal Management

DEA	A Mill Levy Distribution	
DFA	Investment and Cash Management Policy	

DFB	Debt Policy	
DFC	Derivatives Policy	
DH	Bonded Employees and Officers	
DIA	Online Schools and Online Programs	
DIE	Audits/Financial Monitoring	
DJGA	Sales Calls and Demonstrations	

#### E Policies: Support Services

EBAB	Hazardous Materials and Asbestos Management	
EEA	Student Transportation	
EEA-R1	Regulation for Transportation of Students in School Buses	
EEA-R2	Student Transportation in Private Vehicles	
EEAFB	Use of School Vehicles by Community Groups	
EEAFB-R	Regulations of Use of School Vehicles by Community Groups	

## F Policies: Facilities Development

FB	Historical Designation of Facilities	
FF	Naming of Facilities (unless in District facility, then unwaivable)	

#### G Policies: Personnel

G	DPS Employee Handbook	
GBEBA	Staff Dress Code	
GBEBA-R	R Regulation for the Enforcement of the Staff Dress Code	
GDQD	Dismissal of full-time Classified Employees, Specialized Service Providers, and Teachers in Schools with a Waiver of Statutory Dismissal Procedures	
GDQD-R	Regulation regarding Procedures for Dismissal of full-time Classified Employees, Specialized Service Providers, and Teachers in Schools with a Waiver of Statutory Dismissal Procedures	

## J Policies: Students

JFABB	Admission of Foreign Exchange Students		
JFABB-R	Regulation for Admission of Foreign Exchange Students		
JIBA	Student Government		
JIBA-R	Student Government (Student Board of Education)		
JJIB	Interscholastic Sports		
JICC	Student Conduct on Buses (unless using DPS transportation, then unwaivable)		
JICC-R	Regulation for Student Conduct on School Buses (unless using DPS transportation, then unwaivable)		

K Policies: School – Community Relations

KCD	Public Gifts Donations to Schools	
KCD-R	Regulation regarding Public Gifts/Donations and Grants	
KE	Public Concerns and Complaints	
KF	Community Use of School Facilities (unless in District facility, then unwaivable)	
KF-R	Regulation regarding Community Use of School Facilities (unless in District facility, then unwaivable)	
КНВА	Sponsorship Programs	

<u>Non-automatic District Policy Waivers</u> The School hereby requests waivers of the following additional District Policies:

## **Type II DPS Charter Waivers**

A Policies: Foundations and Basic Commitments

AC	Nondiscrimination and Equal Opportunity
AC-R1	Procedures for the Investigation of Public Complaints of Discrimination or Harassment
AC-R2	Procedures for Public Requests for Reasonable Accommodations and Procedures for the Investigation of Public Complaints Regarding the Provision of Requested Accommodations
ADC	Tobacco and Marijuana-Free Schools
ADD	Safe Schools
ADF/ ADF-R	School Wellness

#### B Policies: School Board Governance and Operations

	BDF-R4	Collaborative School Committees
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#### D Policies: Fiscal Management

DJ	Purchasing
DJA	Purchasing Authority
DJA-R	Regulations for Purchasing Authority
DJB	Purchasing Procedures
DJD	Cooperative Purchasing
DJE	Bidding Procedures
DJG	Vendor Relations
DK	Stewardship of Funds
DK-R	Propriety of Expenses Procedures
DK-R1	Travel Expenses
DK-R2	Food Purchases Procedure - Non-Student Meal Related
DK-R3	District Cell Phone Procedures
DK-R4	Payroll/Deductions/Direct Deposit/Expense Reimbursements

## DK-R5 Gift Card Purchasing Procedures

## E Policies: Support Services

ECA	Building Safety and Security Policy
EFEA	Nutritious Food Choices
EGAEA	Electronic Mail and Internet Policy
EGAEA-	
R1	Regulations of Use of Electronic Mail and Internet Systems
EGAEA-	
R2	Regulation of Social Media Use
EHB	Records Retention

## G Policies: Personnel

GBA	Equal Employment Opportunity and Nondiscrimination
GBA-R1	Procedures for the Investigation of Employee Complaints of Discrimination or Harassment
GBA-R2	Procedures for Employee Requests for Reasonable Accommodations and Procedures for the Investigation of Employee Complaints Regarding the Provision of Requested Modifications or Accommodations
GBEBC	Gifts to and Solicitations by Staff
GBGB	Personal Safety and Security
GCF/GDF	Staff Recruiting/Hiring

## I Policies: Instructional Program

IHAM	Health and Family Life/Sex Education
IHAM-R	Regulation for implementing Health and Family Life/Sex Education
IHBK	Preparation for Postsecondary and Workforce Success
IHBK-R	Regulations for Preparation for Postsecondary and Workforce Success
IKA	Grading/Assessment Systems
IKA-R	Regulation for Grading/Assessment Systems
IKE	Promotion, Retention and Acceleration of Students
IKE-R	Procedure for the Promotion, Retention, and Acceleration of Students
ILBC	Early Literacy and Reading Comprehension
ILBC-R	Procedures to Implement the Colorado READ Act
IMDB	Flag Displays

## J Policies: Students

JICA	Student Dress Code
JICDE	Bullying Prevention and Education
JICEA	School-Related Student Publications

JICEA-R	Regulation regarding School-Related Student Publications
JICEC	Student Distribution of Noncurricular Materials
JICEC-R	Regulation for Student Distribution of Noncurricular Materials
JICF	Secret Societies/Gang
JICG	Use of Tobacco by Students
JICH	Drug and Alcohol Use by Students
JICH-R	Regulations for Drug and Alcohol Use by Students
JJH	Student Travel and Field Trips (if not waived, "superintendent" approval will be replaced by "charter school leader" approval)
JJH-R	Regulation regarding Student Travel and Field Trips
JLC	Student Health Services and Records
JLCDA	Students with Food Allergies
JLI	Student Safety
JQ	Student fees, Fines and Charges (if not waived, "area superintendent approval" will be read as "charter school leader approval")
JRA/JRC	Student Records/Release of Information on Students
JRA/JRC- R	Regulation Regarding Student Records and Release of Student Information

### K Policies: Instructional Program

KB	Family Engagement (Including Title I Family Engagement)
KB-R	Regulation for Family Engagement (Including Title 1 Family Engagement)
KDB	Public's Right to Know - Freedom of Information
KDB-R	Regulation regarding Public's Right to Know - Freedom of Information
KFA	Public Conduct on School Property
KFA-R	Regulation regarding Public Conduct on School Property
KHB	Advertising in Schools
KI	Visitors to Schools

By signing the charter contract, the School affirms that is has replacement policies that complies with the intent of the policy for each of the non-automatic waivers sought above that are legally required.

## **Type III DPS Charter Waivers**

The school seeks the following non-automatic waivers and has attached the replacement policy for DPS review:

10110				
	GBEA	Conflicts of Interest		
	GBEC	Drug, Alcohol and Tobacco-Free Workplace (Use by Staff Members)		
	GBEC-R	Regulation for the Enforcement of the Drug, Alcohol and Tobacco-free Workplace Policy		
	IKF-R	Graduation Requirements for Class of 2021 and Beyond - Supporting Details		
	IKF	IKF - Requirements for Graduating class of 2021 and beyond		
	IKF	IKF - Graduation Requirements (Up to Class of 2020)		
	JB	Equal Educational Opportunity and nondiscrimination		
	JB-R1	Procedures for the Investigation of Student Complaints of Discrimination or Harassment		
	JB-R2	Regulation for Implementing Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Section 504 Grievance Procedures		
	JIH	Student Interviews, Interrogations, Searches and Arrests		
	JK	Student Discipline (note: provisions related to expulsion cannot be waived)		
	JK-R	Student Conduct and Discipline Procedures (note: provisions related to expulsion cannot be waived)		
	JKA	Restraint of Students		
	JKA-R	Restraint of Students Regulation		
	JLCDB	Administration of Medical Marijuana to Qualified Students		
	JLCDB- E	Written Plan: Administration of Medical Marijuana to Qualified Students		
	JLF	Child Abuse and Reporting		
	JLF-R	Reporting Child Abuse and Child Protection		

By signing the charter contract, the School affirms that they have submitted replacement policies for any of the above waived policies to the Portfolio Management Team.