

11. State and district waivers



Charter School Waiver Request Form

(Updated December 2014)

The following automatic waivers have been granted to all charter schools pursuant to Colorado Revised Statutes § 22-2-107 (1) (c), § 22-2-106 (1) (h) and HB 14-1292. No documentation is required by the state for waivers from the following statutes:

State Statute Citation	Description
22-32-109(1)(b), C.R.S.	Local board duties concerning competitive bidding
22-32-109(1)(f), C.R.S.	Local board duties concerning selection of staff and pay
22-32-109(1)(n)(II)(A), C.R.S.	Determine teacher-pupil contact hours
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-Terminate employment of 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)(y), C.R.S.	Local board powers-Accepting gifts, donations, and grants
22-32-110(1)(ee), C.R.S.	Local board powers-Employ teachers' aides and other non-certificated personnel
22-32-126, C.R.S.	Employment and authority of principals
22-33-104(4)	Compulsory school attendance-Attendance policies and excused absences
22-63-301, C.R.S.	Teacher Employment Act- Grounds for dismissal
22-63-302, C.R.S.	Teacher Employment Act-Procedures for dismissal of teachers
22-63-401, C.R.S.	Teacher Employment Act-Teachers subject to adopted salary schedule
22-63-402, C.R.S.	Teacher Employment Act-Certificate required to pay teachers
22-63-403, C.R.S.	Teacher Employment Act-Describes payment of salaries
22-1-112, C.R.S.	School Year-National Holidays

For any non-automatic waiver requests, please provide electronic (PDF) versions of the following:

- A signed copy of the charter contract, renewal or extension between the charter school and its authorizer, including a complete list of requested waivers as an appendix.
- Waiver Request Form-complete, typed and signed by both the school and its authorizer
- A Rationale and Replacement Plan (RRP) for each non-automatic waiver being requested. A sample RRP can be found [here](#).

Please be advised that the following waivers are no longer considered automatic:

State Statute Citation	Description
22-9-106, C.R.S.	Local board duties concerning performance evaluations
22-32-109(1)(n)(I), C.R.S.	Local board duties concerning school calendar
22-32-109(1)(n)(II)(B), C.R.S.	Adopt district calendar
22-63-201, C.R.S.	Teacher Employment Act-Compensation & Dismissal Act-Requirement to hold a certificate
22-63-202, C.R.S.	Teacher Employment Act- Contracts in writing, damage provision
22-63-203, C.R.S.	Teacher Employment Act- Requirements for probationary teacher, renewal & nonrenewal
22-63-206, C.R.S.	Teacher Employment Act-Transfer of teachers

Charter School Information:

Charter School Name: _____

Charter school mailing address:

Street: _____

City: _____ Zip Code: _____

Charter school contact name: _____

Title: _____

Phone: (____)-____-____ EXT: _____ Email address: _____

Projected or current enrollment: _____ Grades served: Lowest: _____ Highest: _____

Term of the charter contract: ____/____/ 20__ (MM/DD/YY) through June 30, ____ (YYYY)

Enter the year the charter school originally opened: ____ (YYYY)

Waiver request prepared for the charter school by: _____

Phone: (____)-____-____ EXT: _____ Email: _____

Authorizer Information:

Charter School Institute Name of local school district: _____

Authorizer's mailing address:

Street: _____

City: _____ Zip Code: _____

Authorizer contact name: _____

Title: _____

Phone: (____)-____-____ EXT: _____ Email address: _____

Please list the non-automatic waiver(s) from statute and rule that are being requested below:

22-2-112(1)(q)(I)
22-7-1014(2)(a)
22-9-106
22-32-109(1)(n)(I)
22-32-109(1)(n)(II)(B)

22-63-201

22-63-202
22-63-203
22-63-204
22-63-205
22-63-206
22-63-302

Required Signatures

Authorizer Contact (Print Name)

Signature-Authorizer Contact

Date

Charter School Contact (Print Name)

Signature-Charter School Contact

Date

State Statute:	22-2-112(1)(q)(l)	Title/Subject:	Related to teacher data reporting
Rationale:			
Compass Montessori will not be required to report their teacher evaluation ratings as a part of the commissioner's report as required by this statute.			
Plan:			
Compass Montessori will not be required to report their teacher evaluation data through the TSDL collection; however, teacher performance data will be reviewed by the school and used to inform hiring practices and professional development. Core course level participation will continue to be reported pursuant to 22-11-503.5 as this is a non-waivable statute.			
Duration of Waiver:			
This waiver will remain through the term of the charter contract.			
Expected Outcomes:			
The school will demonstrate evidence of a link between human resource practices and its effective use of the school's established teacher evaluation frameworks.			

State Statute:	22-7-1014(2)(a)	Title/Subject:	Related to School Readiness Assessments
Rationale:			
Compass Montessori School should have the authority to implement relevant curriculum and assessments for their early childhood environment (called the "Children's House") that ensures school readiness that meets state standards, while also assessing for school readiness that is consistent with the Montessori design so that students are prepared for success as they matriculate to a Montessori elementary environment ("Lower Elementary" for grades 1-3). The domains of 1) physical well-being and motor development, 2) social-emotional development, 3) language and comprehension development, and 4) cognition and general knowledge will be assessed consistent with the requirements of the statute using tools that are aligned to the Montessori curriculum. Training, coaching, and support for all staff (including guides, assistants, and administrators) specific to implementation of this model are provided by, secured by, and managed by the school.			
Plan:			
Compass Montessori School has a full day Kindergarten program that utilizes a Montessori scope & sequence where lessons in the curriculum are aligned to state standards.			
<ol style="list-style-type: none"> 1. Physical well-being and motor development: <ul style="list-style-type: none"> • Students participate weekly in structured physical education programming that meets or exceeds state standards. Students are monitored by the teacher on motor-development skills acquired throughout the year. In addition, students participate in daily recess programming where gross motor development is monitored by their classroom teacher and teacher assistants. The classroom teachers, assistants, and any relevant content specialists meet regularly in team meetings to discuss student progress on a variety of domains including motor development. • Students participate in Montessori-based art education programming that is integrated into their classroom experience in a way that meets or exceeds state standards. Development of fine motor skills is achieved through drawing, painting and object creation. Student progress is monitored and evaluated throughout the year using Montessori-based observation protocol. • Students participate in Montessori-based music education programming that is integrated into their classroom experience in a way that meets or exceeds state standards. Students participate in a variety of movement, rhythm, dance, and music making exercises. Student 			

progress is monitored and evaluated throughout the year using Montessori-based observation protocol.

- Motor development for handwriting is a major component of Montessori programming. Students are taught proper pencil grip, and are monitored for proficiency in development of this skill. Montessori programming is also based on a premise that human learning must be integrated to “work of the hands” so that all Montessori materials in the classroom require tactile manipulation. Student progress is monitored and evaluated throughout the year using Montessori-based observation protocol.
- Assessment information is gathered by observation protocols based on appropriate developmental guidelines and State Standards in the area of physical well-being and motor development. A formal staff evaluation will take place within the first 60 days of the school year and then monitored quarterly as appropriate with any particular school readiness goals. When students are identified with concerns for school readiness, teachers will have a meeting with parents to discuss a school readiness plan. In addition, all parents receive progress reports from staff inclusive of this domain on a semi-annual basis.

2. Social-emotional development (based on State Standards)

- Students are taught the “grace & courtesy” curriculum that is the standard curriculum for Montessori schools. This includes classroom, lunchtime, recess and hallway expectations.
- The Montessori environment is designed for both individual and collaborative work and the grace & courtesy curriculum supports students with self knowledge and regulation to further advance strong social-emotional development. Student progress is monitored and evaluated throughout the year using a Montessori-based observation protocol.
- Students are taught the Montessori “peace process” as the primary method for conflict resolution, are provided with opportunities to observe and practice the peace process, and are coached by trained Montessori guides on use of the peace process. Observation of student use and success with the peace process is included in social-emotional assessment data.
- Assessment information is gathered by observation protocols based on appropriate developmental guidelines and State Standards in the area of social-emotional development. A formal staff evaluation will take place within the first 60 days of the school year and then monitored quarterly as appropriate with any particular school readiness goals. When students are identified with concerns for school readiness, teachers will have a meeting with parents to discuss a school readiness plan. In addition, all parents receive progress reports from staff inclusive of this domain on a semi-annual basis.

3. Language and comprehension development (based on State Standards)

- Students receive daily language instruction and are provided with a prepared environment for developing language skills. The language program is based on Montessori training and curriculum. Students master the sounds and letters as well as many sight words, enabling them to improve encoding and decoding skills. The program includes instruction in reading, writing, and speaking.
- Students receive all instruction in reading and writing on an individual basis or in small groups not to exceed 5 students. Student progress is monitored and assessed on a daily basis by the classroom teacher.
- Compass Montessori administers READ Act progress monitoring through use of the *DIBELSNext* assessment tool. Any student who does not make benchmark is progress

monitored every two or three weeks to note progress. Students not making benchmark are assessed with the *Burst* assessment to determine the literacy area most in need of improvement. If the student is far below benchmark on two consecutive administrations, the student is placed on a READ plan and will receive 1-1 tutoring in line with the read plan.

4. Cognition and general knowledge (based on State Standards)

- Math – Students receive daily lessons and are provided with opportunities to practice math skills through the used of didactic Montessori math materials. Students receive all instruction in math on an individual basis or in small groups not to exceed 5 students. Student progress is monitored and assessed on a daily basis by the classroom teacher.
- Science – Science topics of instruction are provided through the Montessori curriculum and include but are not limited to geology (Layers of the Earth, fossils and rocks, dinosaurs), oceanography, astronomy, the four seasons and weather, scientific classification, biology, health & wellness, and physics. Students are provided with scientific projects that are captured and evaluated in student work portfolios.
- Social Science – Social Science topics of instruction are provided through the Montessori curriculum and include but are not limited to human geography (land and water forms, biomes, globes, puzzle maps, and continents), world landmarks, flags of the world, indigenous cultures, early exploration and settlement, and symbols and figures. Students are provided with “cultural projects” that are captured and evaluated in student work portfolios.
- History and Geography – Students are instructed on various topics including: Geography – Spatial Sense (working with maps and globe students recognize rivers, lakes, mountains, Atlantic and Pacific Oceans and North and South Pole.); an overview of the seven continents; Native American Peoples, Past and Present; Early Exploration and Settlement (including the voyage of Columbus, the Pilgrims, and Independence Day), Presidents, Past and Present (including Washington, Jefferson, Lincoln, Theodore Roosevelt, and current United States President), and symbols and Figures (including the American Flag, Statue of Liberty, Mount Rushmore and The White House). Assessments are given regularly to monitor progress.

Classroom teachers make use of a comprehensive Montessori assessment instrument to inform their determination of student development over the year. The assessment is inclusive of the four domains identified above, and provides more granular evaluation across the following domains:

- Literacy/Pre-reading
- Writing
- Oral/Auditory Language
- Handwriting – Beginning writing
- Reading
- Math
- Skills & Behaviors that Support Learning
- Social Emotional
- Work Habits
- Attendance and Parent-Teacher Interaction

Information gathered is used to inform School-Readiness Planning. A formal staff evaluation will take

place within the first 60 days of the school year and then monitored quarterly as appropriate with any particular school readiness goals. When students are identified with concerns for school readiness, teachers will have a meeting with parents to discuss a school readiness plan. In addition, all parents receive progress reports from staff inclusive of this domain on a semi-annual basis.

Any student not making adequate growth in any of the above areas receive Response to Intervention strategies in small groups or 1:1 instruction. Rtl plans are developed with the support documentation attached. The information includes results of formal assessments, informal assessments and developmental checklists. If students do not respond with adequate growth following this intervention they may be referred to a Physical/Occupational Therapist; Psychologist; Speech/Language Therapist, Special Education Teacher, Counselor, or Mental Health Therapist for further assessment.

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 State Statue 22-7-1014(2)(a).

Duration of Waiver:

Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.

Expected Outcomes:

Compass Montessori Charter School expects that as a result of this waiver, our teachers will be able to more effectively progress monitor student school readiness within the educational framework that they have been trained in (Montessori). By aligning the assessment protocol to the educational model, we believe this will provide improved service to students and families as well as increased staff satisfaction, which will have a net positive effect on the climate and culture of the learning environment for the student.

State Statute:	22-9-106	Title/ Subject:	Local board of Education – Duties – Performance Evaluation System
Rationale:			
The Charter Schools Act establishes that charter schools are responsible for their own personnel evaluation procedures and remediation standards. Compass Montessori will be responsible for its own personnel evaluation methods as determined appropriate by its Executive Director, administration and Board of Directors and in alignment with the school’s mission to provide an authentic Montessori education in a public education environment.			
Plan:			
Compass Montessori will be responsible for these matters rather than the Jefferson County School District. The school will have teacher contracts and disciplinary and evaluation procedures that are different than the school district. All formal evaluations will be managed by a school administrator either with an education administrators license or with training in employee performance management from a recognized institution. All school principals will be trained in the use of the school’s evaluation system including calibration training for evaluation scoring.			
Duration of Waiver:			
Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.			
Expected Outcomes:			
With this waiver, Compass Montessori 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 mission, goals, and objectives. This will benefit staff members as well			

as students and the community.

State Statute:	22-32-109(1)(n)(I)	Title/ Subject:	Local board duties concerning school calendar
Rationale:			
Compass Montessori should be delegated the authority from Jefferson County School District to set their school calendar in accordance with the Charter School Agreement.			
Plan:			
Compass Montessori Board shall have the following duty – To determine, prior to the end of a school year, the length of time which the school shall be in session during the next following school year, but in no event shall said schools be scheduled to have fewer than one thousand eighty hours of planned teacher-pupil instruction and teacher-pupil contact during the school year for secondary school pupils in high school, middle school, or junior high school or less than nine hundred ninety hours of such instruction and contact for elementary school pupils or fewer than four hundred fifty hours of such instruction for a half-day kindergarten program or fewer than nine hundred hours of such instruction for a full-day kindergarten program. In no case shall the school be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education. In extraordinary circumstances, if it appears to the satisfaction of the commissioner that compliance with the provisions of this subparagraph (I) would require the scheduling of hours of instruction and contact at a time when pupil attendance will be low and the benefits to pupils of holding such hours of instruction will be minimal in relation to the cost thereof, the commissioner may waive the provisions of this subparagraph (I) upon application therefor by the board of education of the school.			
Duration of Waiver:			
This waiver will remain through the term of the charter contract with the school's authorizer.			
Expected Outcomes:			
The school will establish a calendar that is close to the district calendar, but will have minor changes to account for particular needs within the school design (particularly around start dates to account for peculiarities with Montessori summer staff training and for overnight trips).			

State Statute:	22-32-109(1)(n)(II)(B)	Title/ Subject:	Local board duties concerning school calendar
Rationale:			
Compass Montessori should be delegated the authority from Jefferson County School District to set their school calendar in accordance with the Charter School Agreement.			
Plan:			
Compass Montessori Board shall have the following duty – Prior to the beginning of the school year, the Compass Montessori Board shall adopt a school calendar which may be distinct from the adopted district calendar for Jeffco Public Schools. A copy of the calendar shall be provided to the parents or guardians of all children enrolled at Compass. Such calendar shall include the dates for all staff in-service programs scheduled for the school year. The Compass Montessori board shall allow for public input – through regularly scheduled board meetings - from parents and teachers prior to scheduling the dates for staff in-service programs. Any change in the calendar, excluding changes resulting from emergency closings or other unforeseen circumstances, shall be preceded by adequate and timely notice from the school administration of not less than thirty days.			
Duration of Waiver:			
This waiver will remain through the term of the charter contract with the school's authorizer and will be reviewed at the time of the school's charter school renewal.			

Expected Outcomes:			
The school will establish a calendar that is close to the district calendar, but will have minor changes to account for particular needs within the school design (particularly around start dates to account for peculiarities with Montessori summer staff training and for overnight trips).			

State Statute:	22-63-201, 22-63-202	Title/Subject:	Employment – certificate required, employment contracts
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Rationale:			
Compass Montessori should be granted the authority to hire teachers and principals that will support the schools goals and objectives. The executive director, principal, and teacher responsibilities and competencies for the position may have limited variations to traditional competencies for administrator and teacher positions (for example, Montessori certification). As such, the school will need to – at times – seek innovative recruitment channels that identify strong candidates for open positions even though the candidates may not have an active Colorado teaching license. The school will seek to attract principals/headmasters 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. All employees of Compass Montessori will be employed on an at-will basis. All teachers of Compass Montessori will meet Federal Highly Qualified Requirements (ie: hold a degree and demonstrated subject-matter competency).			

Plan:			
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 Highly Qualified teachers and/or administrators without a certificate and who possess unique background and/or skills that fill the need of Compass Montessori (for example, Montessori certification). The school recognizes the value of state teacher certification and will therefore also maintain a tiered compensation model that incentivizes and rewards teachers for earning and maintaining an active Colorado teaching license. In addition, on a funds-available basis, the school will make financial support available to teachers and staff who wish to enroll in an educator or administrator licensing program. All school staff will receive a written and signed Memorandum of Understanding specifying compensation for the year, provision of benefits, work responsibilities and employer responsibilities.			

Duration of Waiver:			
Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.			

Expected Outcomes:			
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.			

State Statute:	22-63-203	Title/Subject:	Probationary teachers – renewal and non-renewal of employment contract
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Rationale:			
Compass Montessori requires 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 (for example, advanced proficiency in teaching aligned to the Montessori Method). All employees of Compass Montessori are employed on an at-will basis and so the school does not have a probationary status			

Plan:
All school staff will receive a written and signed Memorandum of Understanding specifying compensation for the year, provision of benefits, work responsibilities and employer responsibilities. The school undergoes a renewal process in the spring preceding the next academic year and offers renewal agreements at that time.
Duration of Waiver:
Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.
Expected Outcomes:
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.

State Statute:	22-63-205	Title/Subject:	Exchange of teachers – exchange educator interim authorization
Rationale:			
Compass Montessori should have the ability to participate in CDE recognized educator exchange programs, but should be able to employ exchange educators in terms that are consistent with all other educators at the school.			
Plan:			
Should Compass Montessori seek to participate in CDE recognized exchange educator programs, Compass will have the ability to employ the exchange educator according to terms that align with the terms for all other employees of similar work responsibilities and qualifications			
Duration of Waiver:			
Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.			
Expected Outcomes:			
School will have the ability to participate in educator exchange programs in a fair and equitable way for all staff and community members.			

State Statute:	22-63-206	Title/Subject:	Teacher Transfer
Rationale:			
Compass Montessori is granted the authority under the Charter School Agreement to select its own teachers. No other school, nor the Jefferson County School District, should have the authority to transfer its teachers into Compass Montessori or have a responsibility to receive teachers from Compass Montessori into any other schools.			
Plan:			
The school will hire teachers on a best qualified basis. There is no provision for transfers; however, the school is committed to and recognizes the educational value towards teacher retention. As a result, the school will take proactive steps towards teacher retention including providing additional coaching and support for teachers who are struggling in a classroom as well as considering pay freezes and furloughs in hard financial times before considering any type of Reduction in Force policy.			
Duration of Waiver:			
Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.			
Expected Outcomes:			
The school expects that as a result of this waiver it will be responsible for managing staffing for the school			

without taking into account transfers to or from other schools.

State Statute:	22-63-302	Title/Subject:	Procedure for dismissal – judicial review
Rationale:			
The success of Compass Montessori in accomplishing its mission is dependent primarily upon the talents, skills and personal commitment of its teachers. The school must be able to terminate employees who cannot deliver its educational program successfully. The concept of non-probationary status does not apply to Compass Montessori as the school is an at-will employer.			
Plan:			
Continued employment in the school shall be subject to regular satisfactory performance evaluations, although all employees of Compass Montessori will be employed on an at-will basis. All school staff will receive a written and signed Memorandum of Understanding specifying compensation for the year, provision of benefits, work responsibilities and employer responsibilities. The school undergoes a renewal process in the spring preceding the next academic year and offers renewal agreements at that time.			
Duration of Waiver:			
Compass Montessori Charter School requests that the waiver be for the duration of its contract with Jefferson County School District.			
Expected Outcomes:			
As a result of these waivers, the school will be able to provide instruction in accordance with the philosophy and mission as stated in this Charter Proposal.			