

EXHIBIT C: REQUESTED WAIVERS



COLORADO
 Department of Education
 Innovation, Choice and
 Engagement Division

Charter School Waiver Request Addendum

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AUTOMATIC WAIVERS

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)(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

NON-AUTOMATIC WAIVERS

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan
Statutory Citation and Title
CRS § 22-9-106: Local Board Concerning Performance Evaluations

CRS § 22-2-112(1)(q)(I): Commissioner-Duties (reporting performance evaluation ratings)
Rationale: The RFMA Principal 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 Principal. The RFMA Board of Directors must also have the ability to perform the evaluation for the Principal and Executive Director. Additionally, RFMA 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: RFMA uses its own evaluation system as agreed to in the Charter School Agreement with CSI and therefore should not be required to report their teacher evaluation data. The RFMA evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for RFMA’s evaluation system include 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. In addition, the evaluation data is used to inform professional development decisions for each teacher. All staff have been trained in the RFMA evaluation system.
Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with CSI. Therefore, the waiver is requested through the term of their contract with CSI.
Financial Impact: The school anticipates that the requested waivers will have no financial impact on the CSI or RFMA.
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 the Charter Agreement.
Expected Outcome: If granted, the waiver will enable the school 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 CRS § 22-32-109 (1)(n)(I): Board of Education – Specific Duties – School Calendar CRS § 22-32-109 (1)(n)(II)(A): Determine Teacher-Pupil Contact Hours CRS § 22-32-109 (1)(n)(II)(B): Board of Education – Specific Duties – District Calendar
Rationale: The school year at RFMA will total approximately 180+ days per year and meet the minimum required contact hours as directed by CDE for corresponding grade levels. The number of days exceeds the current requirement in state statute. RFMA will prescribe the actual details of its own school calendar and bell schedule to best meet the needs of its students. The local board will not set these policies and RFMA will have a calendar that may differ from the rest of the schools within the district.
Replacement Plan: The final calendar and the school’s daily schedule will be designed by RFMA and will meet or exceed the expectations in state statute. We will, in all cases possible, align to local calendars to support local families.
Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with CSI. Therefore, the waiver is requested through the term of their contract with CSI.
Financial Impact: The school anticipates that the requested waivers will have no financial impact on the CSI or RFMA.
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

CRS § 22-63-201: Teacher Employment Act – Compensation & Dismissal Act – Required to hold a certificate

CRS § 22-63-202: Teacher Employment Act – Contracts in writing, damage provision

Rationale:

RFMA should be granted the authority to hire teachers and principals that will support the school’s goals and objectives. The Executive Director 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 Executive Directors, administrators, 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 RFMA will be employed on an at-will basis. All employees of RFMA will meet Federal Highly Qualified Requirements (i.e.: hold a degree and demonstrated subject-matter competency).

Replacement 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 RFMA.

Duration of Waivers:

We formally request the waiver be in effect for the duration of our contract with CSI. Therefore, the waiver is requested through the term of their contract with CSI.

Financial Impact:

The school anticipates that the requested waivers will have no financial impact on the CSI or RFMA.

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

CRS § 22-62-203: Teacher Employment Act – Requirements for probationary teacher, renewal & nonrenewal

Rationale:

RFMA 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 in the regular public school will be successful at RFMA. All employees of RFMA will be employed on an at-will basis.

<p>Replacement Plan: RFMA has teacher agreements with the terms of non-renewal and renewal of employment agreements, and payment of salaries upon termination of employment of a teacher.</p>
<p>Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with CSI. Therefore, the waiver is requested through the term of their contract with CSI.</p>
<p>Financial Impact: The school anticipates that the requested waivers will have no financial impact on the CSI or RFMA.</p>
<p>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.</p>
<p>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.</p>

Non-Automatic Waivers: Statute Description and Rationale and Replacement Plan
<p>Statutory Citation and Title CRS § 22-63-206: Teacher Employment Act – Transfer of Teachers</p>
<p>Rationale: RFMA is granted the authority under the Charter School Agreement to select its own teachers. No other school or CSI should not have the authority to transfer its teachers into RFMA or transfer teachers from RFMA to any other schools, except as provided for in the Charter School Agreement.</p>
<p>Replacement Plan: The school will hire teachers on a best-qualified basis. There is no provision for transfers.</p>
<p>Duration of Waivers: We formally request the waiver be in effect for the duration of our contract with CSI. Therefore, the waiver is requested through the term of their contract with CSI.</p>
<p>Financial Impact: The school anticipates that the requested waivers will have no financial impact on the CSI or RFMA.</p>
<p>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 RFMA, as set forth in this Charter School Agreement.</p>
<p>Expected Outcome: The school expects that as a result of this waiver it will be able to manage its own personnel affairs. There is no provision for transfers.</p>