

Mesa Valley Community School Waivers

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| STATUTE 22-9-106 | Requires that employee performance evaluations be performed by a person holding an administrative certificate (Type D). |
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| Rationale |
| The Mesa Valley Community School (MVCS) Academic Director must have the ability to perform the evaluation of all personnel. Should the Academic Director of MVCS not have an administrative license, this should not preclude him or her from administering the evaluations. |
| Replacement Policy |
| MVCS will use District #51's evaluation system, with appropriate modifications as needed. The Academic Director will participate in regular and comprehensive training through the District. Policies for personnel employment, evaluation, and dismissal have also been developed for staff working under the supervision of the MVCS Academic Director. Qualifications for each type of employee, including the Director, have been established. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waiver has not created any financial impact upon the District or MVCS. |
| 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, standards, and evaluations that apply to the School District, as set forth in MVCS Guidebook and Contract. |
| Expected Results |
| With this waiver, MVCS 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 goals and objectives of MVCS and the District. This will benefit staff members as well as students and the community. |

STATUTE 22-32-109 (1)(b)

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

| Rationale |
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| MVCS will be operating 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 MVCS Guidebook, the approval of the MVCS Board of Directors, and the Contract with District 51. |
| Replacement Policy |
| The Board of Directors of MVCS will adopt replacement policies and the Academic Director of MVCS will implement those policies. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers have not created any financial impact on the Mesa County Valley School District 51. MVCS will be able to adopt policies and prescribe rules and regulations consistent with its budget. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by the same performance criteria, standards and assessments that apply to the School District, as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| As a result of this waiver, MVCS 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 MVCS Contract. |

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| STATUTE 22-32-109 (1)(f) | Requires the District Board to employ all personnel and fix their compensation. |
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| Rationale |
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| MVCS will be responsible for its own personnel matters, including employment of its own staff and establishing its own terms and conditions of employment, policies, rules and regulations, and providing its own training. Therefore, MVCS requests that these statutory duties be waived and delegated through Contract from the District to the MVCS Board of Directors. The success of MVCS will depend in large part upon its ability to select and employ its own staff and to train and direct that staff in accordance with the goals and objectives of the school as outlined in MVCS Guidebook and Contract. |
| Replacement Policy |
| MVCS will be responsible for these matters rather than the District. Fingerprinting, background checks, and inquiry to the Department of Education in accordance with the provisions of section 22-32-109.7 (1) will be completed in compliance with state law and District policy. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers have not created a financial impact upon the District. MVCS must operate within its budget, which includes the cost of employing staff. |
| How the Impact of the Waivers will be Evaluated |
| The impact of the waivers will be measured by the same performance criteria, standards and assessments that apply to the School District, as set forth in MVCS Guidebook and Contract. |
| Expected Results |
| As a result of these waivers, MVCS will select, employ and provide professional development for its own teachers and staff, in accordance with the terms and conditions set by MVCS Guidebook and NCLB requirements. |

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| STATUTE 22-32-109 (1)(n)(I) | Local Board duties concerning school calendar |
| STATUTE 22-32-109 (1)(n)(II)(B) | Adopt District calendar |

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| Rationale |
| MVCS will be responsible for setting its own calendar which will differ from that of the District. The personalized nature of MVCS’s program depends on flexibility in scheduling. Therefore, MVCS requests that these statutory duties be waived and delegated through Contract from the District to the MVCS Board of Directors. |
| Replacement Policy |
| MVCS will design the annual calendar of MVCS and each student’s daily schedule. These will meet or exceed minimum state requirements. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| Since student attendance and instructional time has a critical impact on the performance of the entire school, the impact of this waiver will be measured by the same performance criteria, standards, and evaluations that apply to the School District, as set forth in MVCS Guidebook and Contract. |
| Expected Results |
| As a result of these waivers, the school will be able to develop its own calendar of operations in order to benefit its students and the community. |

STATUTE 22-32-109 (1)(n)(II)(A)

Teacher-pupil contact hours

| Rationale |
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| MVCS will be operating 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 Policy Guidebook, and the Contract with the District. The school will prescribe the actual details of teacher-pupil contact hours to best meet the needs of students. |
| Replacement Policy |
| MVCS will adopt replacement policies as approved by the Board of Education, which shall meet all mandates of state law and the Colorado Department of Education. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by the performance criteria, standards, and assessments that apply to the School District, as set forth in the school's Policy Manuals and contracts which include consideration of the state performance frameworks and the Mesa County School District 51 school accreditation procedure. |
| Expected Results |
| As a result of this waiver, the school will be able to implement its instructional program, administer its affairs in an efficient manner, and accomplish its mission as set forth in the contract. |

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| STATUTE 22-32-109 (1)(t) | Grants the Board of Education the authority to determine the educational program to be implemented in schools of the District and to select textbooks. |
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| Rationale |
| The Mesa County Valley School Board has granted to the MVCS Board of Directors the authority to determine the educational program and textbooks to be used at MVCS. MVCS is a non-religious, non-sectarian public school and does not provide religious instruction, fund religious curriculum or award credit for religion classes. |
| Replacement Policy |
| The MVCS educational program and curriculum is detailed in the MVCS Guidebook and the Contracts with the Board of Education. An annual review will be submitted to the Colorado Department of Education, including, but not limited to, information on standardized assessment and use of financial resources. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| MVCS expects, as a result of this waiver, that it will be able to implement its curriculum and ensure that students meet the educational standards of the school, School District, and the State of Colorado. |

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| STATUTE 22-32-110 (1)(h) | Makes the Board of Education responsible for terminating school personnel. |
| STATUTE 22-32-110 (1)(i) | Reimburse employees for expenses |
| STATUTE 22-32-110 (1)(j) | Procure life, health, or accident insurance |
| STATUTE 22-32-110 (1)(k) | Policies relating to in-service training and official conduct |
| STATUTE 22-32-110 (1)(ee) | Employ teachers' aides and other non-certified personnel |

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| Rationale |
| MVCS 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, and terminating its own employees. Therefore, MVCS requests that these statutory duties be waived and delegated through Contract from the Mesa County Valley Board of Education to the Academic Director and Board of Directors of MVCS. The success of MVCS will depend in large part upon its ability to select and employ its own staff and to terminate individual staff members should they not perform in accordance with the MVCS Guidebook and Contract. |
| Replacement Policy |
| MVCS will be responsible for these matters rather than the District. Fingerprinting, background checks, and inquiry to the department of education in accordance with the provisions of section 22-32-109.7(1) will be completed in compliance with state law and School District policy. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waiver will not create any financial impact upon the Mesa County Valley School District 51. MVCS must operate within its budget including the cost of employing staff. |
| How the Impact of the Waivers will be Evaluated |
| The impact of the waivers will be measured by the same performance criteria, standards and assessments that apply to the School District, as set forth in MVCS Guidebook and Contract. |
| Expected Results |
| As a result of these waivers, MVCS will select, employ, and provide professional development for its own teachers and staff, in accordance with the terms and conditions set by MVCS Guidebook and NCLB requirements. |

STATUTE 22-32-126

Authorizes Board of Education to employ principals

| Rationale |
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| <p>MVCS will be responsible for its own personnel matters including hiring the staff and establishing the terms and conditions of employment, personnel policies, rules and regulations and providing its own training. Therefore, MVCS requests that these statutory duties be waived and delegated through contract from the Mesa County Valley School District 51 Board of Education to the Board of Directors of MVCS. The success of MVCS will depend in large part upon its ability to select and employ its own principal and staff in accordance with MVCS Guidebook and the goals and objectives of the school. In MVCS the role of the Academic Director will replace that of the principal in the traditional school setting.</p> |
| Replacement Policy |
| <p>MVCS will be responsible for these matters rather than the District. MVCS Academic Director and staff will have flexibility in structuring professional development and school policies to meet their needs. Fingerprinting, background checks, and inquiry to the Department of Education in accordance with the provisions of section 22-32-109.7(1) will be completed in compliance with state law and School District policy.</p> |
| Duration of the Waiver |
| <p>MVCS requests that the waivers be for the duration of the contract with the District.</p> |
| Financial Impact |
| <p>The requested waivers will not create a financial impact upon the District.</p> |
| How the Impact of the Waivers will be Evaluated |
| <p>The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract.</p> |
| Expected Results |
| <p>As a result of this waiver, MVCS will select, employ and provide professional development for its program staff, in accordance with the terms and conditions set by MVCS Guidebook and NCLB regulations.</p> |

STATUTE 22-32-104 (4)

Compulsory school attendance—attendance policies and excused absences.

| Rationale |
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| MVCS will be operating 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 Policy Guidebook, the approval of the Mesa County School Board, and the contract with the school. MVCS will prescribe the actual details of its attendance policy to best meet the needs of students. The local board will not set these policies. |
| Replacement Policy |
| MVCS will be responsible for these matters rather than the District. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| As a result of this waiver, MVCS will be able to implement the necessary policies to increase student achievement. |

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| STATUTE 22-63-201 | Prohibits the Board from entering into an employment contract with a person who does not hold a teacher's certificate or letter of authorization. |
| STATUTE 22-63-402 | Prohibits disbursement of district monies to teacher without a valid teacher's certificate, letter of authorization, or written authorization. |

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| Rationale |
| The success of MVCS will depend in large part upon its ability to hire staff that will support the school's goals and objectives. The Administrative 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 Administrator. The school will be operating differently from other schools with unique curricula for which having the proper teaching staff is essential. The school will seek to attract staff from a wide variety of backgrounds, including but not limited to, teachers from out-of-state 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 Policy |
| The school may hire certified staff. However, in some instances it may be advantageous for the school to be able to hire teachers and/or principals without a certificate who possess a unique background and/or skills to fulfill the need of the school. All educators in core content areas who are employees of MVCS will meet the Colorado definition of highly-qualified teachers as required by NCLB. Highly-qualified individuals meeting the degree and subject matter competency requirements will be the teacher of record for all core content areas. Special education teachers will not be waived from the licensing requirement. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| As a result of this waiver, MVCS will be able to employ professional staff possessing unique skills and/or background fulfilling all staffing needs. |

STATUTE 22-63-202

Requires teacher employment contracts to be in writing and approved by the Board of Education.

| Rationale |
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| <p>The Mesa Valley Community School Home and Community Program will be responsible for its own personnel matters, including hiring the staff and establishing the terms and conditions of employment, personnel policies, rules and regulations, including dismissal/termination of employees. For the Mission of MVCS to be successfully achieved MVCS Board of Directors must have the authority to govern all personnel matters.</p> |
| Replacement Policy |
| <p>No employee or agent of MVCS, except the Board of Directors and the Academic Director of MVCS, has the authority to make any contractual or legally binding commitment to an employee, and then only if the commitment is made in an express written contract signed by all parties.</p> |
| Duration of the Waiver |
| <p>MVCS requests that the waivers be for the duration of the contract with the District.</p> |
| Financial Impact |
| <p>The requested waivers will not create a financial impact upon the District.</p> |
| How the Impact of the Waivers will be Evaluated |
| <p>The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract.</p> |
| Expected Results |
| <p>As a result of this waiver, MVCS will be able to employ professional staff possessing unique skills and/or background fulfilling all staff needs.</p> |

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| STATUTE 22-63-203 | Provides for contract with probationary teachers and allows for non-renewal and renewal of employment contract. |
| STATUTE 22-63-403 | Governs payment of salaries upon termination of employment of a teacher |

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| Rationale |
| MVCS should be granted the authority to develop its own employment contracts and terms and conditions of employment. MVCS will be operating differently from other schools with unique curricula for which having the proper teaching staff is essential. Not every teacher who is successful in the regular public school will be successful at MVCS. |
| Replacement Policy |
| The contract for employees of MVCS is based on the terms and conditions set forth in MVCS Guidebook and Contract. Prior to employment, staff members will have knowledge of MVCS philosophy as well as all conditions of employment that are part of contracts between MVCS and entities participating in MVCS. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| As a result of these waivers, MVCS will be able to employ professional staff possessing unique skills and/or background fulfilling all staff needs. |

STATUTE 22-63-206

Permits transfer of teachers between schools upon recommendation of District’s chief administrative officer.

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| Rationale |
| MVCS is granted the authority under MVCS Contract to select its own teachers. The School District should not have the authority to transfer its teachers into MVCS or transfer teachers from MVCS to School District schools, except as provided for in MVCS Guidebook and Contract. |
| Replacement Policy |
| MVCS will hire teachers on a “best qualified” basis. Core teachers will be NCLB qualified. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| MVCS expects that as a result of this waiver, it will be able to effectively manage its own personnel affairs. |

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| STATUTE 22-63-301 | Grounds for dismissal |
| STATUTE 22-63-302 | Procedures for dismissal of teachers |

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| Rationale |
| The success of MVCS in accomplishing its mission is dependent primarily upon the talents, skills and personal commitment of its teachers. The MVCS Board of Directors and Academic Director must have the authority to terminate employees who cannot deliver its educational program successfully. The concepts of continuing employment status and permanent and probationary staff do not apply to the at-will employment policies of MVCS. The terms and conditions of at-will employment and the Policy Guidebook of MVCS will be used as the basis for employee growth, discipline, and termination. |
| Replacement Policy |
| Continued employment in MVCS shall be subject to an annual satisfactory performance evaluation. Evaluation of MVCS staff will be completed by the MVCS Academic Director or designee. The responsibility for designing the evaluation process for MVCS staff is delegated by contract agreement from the Mesa County Valley School District 51 Board to MVCS Board of Directors and Academic Director. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| As a result of these waivers, MVCS will be able to provide instruction and instructional staff in accordance with the philosophy and mission as stated in MVCS Guidebook and Contract. |

STATUTE 22-63-401

Provides for District Board of Education to adopt a salary schedule and place teachers on their schedule.

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| Rationale |
| MVCS should be delegated the authority to determine compensation rates, in accordance with MVCS Guidebook and Contract. MVCS staff, and the nature of their work, working conditions, work environment, work day and work year may be different from that of the School District and compensation must be adjusted accordingly. |
| Replacement Policy |
| MVCS will adopt its own salary schedules. Level of compensation will be as competitive as the budget will support. MVCS Academic Director and MVCS Board of Directors will determine the placement of teachers on the salary schedule. The District salary schedule will be used as a guideline for developing MVCS salary schedules. |
| Duration of the Waiver |
| MVCS requests that the waivers be for the duration of the contract with the District. |
| Financial Impact |
| The requested waivers will not create a financial impact upon the District. |
| How the Impact of the Waivers will be Evaluated |
| The impact of this waiver will be measured by performance criteria, standards and assessments that apply to the School District as set forth in the MVCS Guidebook and Contract. |
| Expected Results |
| As a result of this waiver, MVCS should be able to attract qualified personnel and provide instruction in accordance with the philosophy and mission as stated in MVCS Guidebook and Contract. |