

CRESTONE CHARTER SCHOOL (CCS) WAIVER LIST IN CONTRACT AND RATIONALE

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22-9-106 C.R.S. Local Board duties concerning performance evaluation for licensed personnel.

Performance evaluations are done by the Director of CCS. They are based on several documents that are at the core of the school's Mission and program. These documents include Performance Standards for Teachers at CCS, the Ends Policies (Carver Governance), and are based on observations and teacher reports regarding their accomplishment of Ends Policies. This form of evaluation has been used at CCS for several years, and has resulted in forming a stable staff and allowed the school to pursue a School Improvement Planning Process that has had a positive influence on program and results in student performance

22-32-109(1)(f) C.R.S. Local board duties concerning the selection of personnel and pay.

The CCS Governing Council has the responsibility of approving employee Contracts, while, under Carver Governance, the school's Director has operational authority and responsibility for hiring teachers and setting pay scales. The school has a pay scale that is different from the District's, insuring that teachers at CCS are paid at a rate that compares favorably with Moffat District and other small districts in the San Luis Valley. This approach has resulted in a staff that is highly stable and insures the professionalism of the staff.

22-32-110 (1)(h) C.R.S. Local Board powers concerning employment termination of school personnel.

The Director of CCS has sole authority for hiring and terminating school personnel, based on commonly accepted practices that are current in public schools. Termination, other than by amicable agreement, have not occurred, and the Staff Handbook lays out the policies for doing so. The Governing Council is the ultimate authority in this matter.

22-32-126 C.R.S. Employment and authority of principals. See above descriptions for authority and responsibility given the Director of CCS under this section.

22-32-109 (1)(b) Local Board duties/competitive bidding. Requires Board to establish rules for competitive bidding.

Since CCS is a very small school in a very rural area, and because contractors and suppliers are in short supply, it is often necessary to select suppliers by other criteria than competitive bidding. Since the Moffat School, the other school in the District, is often in the same situation, the Board must often provide exemption to that school for not fully complying with Board policy. The Board's policies do recognize, to some degree, the difficulties described above, so that CCS uses them as guides, but does not seek exemptions for minor matters.

22-32-110 (1)(i) Local board powers, reimburse employees: gives local Boards power to reimburse employees.

CCS has its own budget and conducts its own financial operations, although it purchases accounting, auditing and bookkeeping services from the District. The local Board has no authority to usurp the financial decisions made by the administration and Governing Council of CCS, unless laws are being broken.

22-32-110 (1)(j) Local board power, procure insurance, given Boards power to procure insurance for employees.

Since CCS maintains its own budget, it reserves the right to procure insurance for its employees under the most advantageous conditions it can find. Because of its size and the constitution of the insurance industry, the most advantageous insurance provider is that used by the District. This waiver is requested in the interests of CCS retaining its autonomy in this matter, in case the situation were to change.

22-32-110 (1)(k) Local board powers related to in-service training and official conduct: gives local board power over several personnel matters.

Hiring, training, termination and other personnel actions regarding employees are retained by the Governing Council and Administration of CCS. Since the school provides alternative education opportunities for families in this area, it generally seeks employees, including teachers, who have unusual credentials and special talents and skills. While using normative practices in personnel matters, the school must retain its ability to deal with personnel in ways that differ, from time to time, from District policies. Under this general waiver, no personnel actions have been undertaken by the school or employees, except that in one instance an employee claim for unemployment

insurance payments was challenged by the District and CCS, but was not upheld.

22-32-110 (1)(ee) Local boards power – employee teacher aides and other non-licensed personnel: gives local board power to employ certain non-licensed personnel.

See above sections regarding CCS autonomy and authority for hiring employees.

22-33-105 Suspensions, expulsions, and denial of admission: law relates foregoing processes.

Because of its alternative program, CCS has different criteria for exercising these actions. Enrollment is still essentially on a first come/first served basis. Students attend CCS on voluntary basis, so that conventional practices regarding suspension or expulsion are not called into play, and behavioral problems are dealt with on an individual basis with each student and family. The school's retention of its authority in this matter is essential to its being able to carry out its program successfully. No expulsions or suspensions have been initiated in the past four years.

22-63-201 Teacher employment, license required, prohibits Board from hiring nonlicensed personnel

CCS needs this exemption for two reasons. We need to employ teachers with certain skills and experience in order to fulfill the school's Mission and Ends Policies, and we are a small school in a very rural area. Both of these factors limit the available pool of teachers. In the past, two formerly non-licensed teachers completed their licensure program at Western State College. Because of the school's unique program, a teaching license does not insure a prospective teacher's competence to teach multiple subjects or multi-graded classrooms. We focus on integrated learning and the license does not guarantee that a teacher will be able to, as example, integrate art across the curriculum, or manage to teach several subjects in our small high school. We have prospered with this exemption previously, and now have a staff that is quite aware of the laws pertaining to demonstrated competence under NCLB, and will comply with its provisions.

22-63-202 Employment contracts to be in writing with certain requirements.

CCS has used at-will contracts with its teachers since the school began. All teachers work on one year re-newable contracts. The written contracts that we have with teachers conform to all legal requirements, but contain elements that are unique to our school, specifying a range of duties that are not normally included in teacher contracts. The current staff has remained stable for three years and the school does not wish the

local Board to intervene in its contractual relationship with its teachers, which have produced the quality of program that we currently enjoy.

22-63-203 Probationary teachers, contract renewal, relating to first three years of employment

We do not have classes of teachers at CCS. We do not grant tenure. We treat all teachers with equity, under the school's at-will contracts. We only employ experienced teachers in the Head Teacher position. We have a very small staff and new teachers are mentored by their colleagues, and regularly evaluated by the Director of the school, according to a number of factors (ability to teach to the school's Ends Policies) that are unique to our program.

22-63-206 Transfer, compensation, district authority to transfer teachers within the District

Exemption from this statute is critical to the school's success. There is one other school in the District. CCS serves approximately one third of the students resident in the District. Teachers at Moffat School and CCS are hired differently, have different background and skill requirements and differing assignments and expectations. We could not employ teachers assigned to our school without reference to our unique needs, nor could we allow our teachers to be transferred away from the school to teach at Moffat School.

22-63-301 Grounds for dismissal, procedures and judicial review

CCS employs teachers for one year at a time under at-will contracts. This allows the teacher to resign and the school to dismiss them under conditions that are specified in our contracts with them. During the course of the current contract no teachers have been dismissed under these provisions, although there have been several amicable resignations. Because of the program's unique demands and the centrality of the relationship between teachers and students, the conditions under which teachers retain their positions are special and unique to our situation.

22-63-302 Procedures for dismissal of teachers

This exemption follows the previous one and is based on the same logical grounds. The Teacher's Handbook of CCS specifies the conditions of employment, the standard that govern teacher performance and various other matters, such as drug

usage, that could result in teacher dismissal. The teacher contract specify the conditions under which teachers can be dismissed.

22-63-401 Salary schedule, requires Boards to adopt a salary schedule and policy based on performance level.

CCS has a salary schedule that differs from that of the District, because of our need for teachers with special skills and experiences. As a functioning charter school, the staff has more influence over program and methods than do teachers in conventional schools. We construe performance in a broader sense than allowed under this statute. It is important that the school is not constrained by the different standards that the District may use in its other school to effect the accomplishment of goals in that environment. In general, as long as a teacher fulfills the expectations of the Director and Governing Council as are defined by the school's Ends Policies, they are retained. We have a broad range of goals that are parallel with academic goals, but different from them. Whether a teacher achieves performance levels in building social skills or cultural awareness (as examples) cannot be measured in conventional ways.

22-63-402 Services, disbursements, prohibits disbursements to teacher who is not licensed.

See 22-63-201 above.

22-63-403 Payment of salaries, provides salary conditions if terminated.

Because the school has its own salary scale, at-will contracts, different hiring procedures and standards and different conditions of performance evaluations, it also needs to be able to deal with issues of termination in ways that are based on contracts between the school and teachers, in ways that are consistent with law regarding such contracts and in conformance with reasonable and normative practices.