

Appendix A

STATE POLICIES – COLORADO REVISED STATUTES

To enhance the ability of John E. Flynn a Marzano Academy (the Academy) to innovate, the school is requesting the following Colorado Revised Statutes be waived.

Request for Waivers from State Statute		
State Statute	C.R.S. 22-9-106	Area of Impact: Local Board duties concerning performance evaluations. Talent management – performance evaluation.
Action	Delegate authority to the Academy to establish its own evaluation procedures.	
Replacement Policy or Practice	School will use district evaluation procedures, which comply with state law, but adopt sub-standards so they are aligned with the instructional program(s) and High Reliability Schools’ commitments identified by Marzano Academies.	
State Statute	C.R.S. 22-32-109(1)(f)	Area of Impact: Local Boards of Education duties concerning selection of personnel and pay; talent management – hiring.
Action	Delegate authority to the Academy to establish its own hiring and compensation procedures.	
Replacement Policy or Practice	The Academy retains the right to determine its hiring procedures and timelines, including but not limited to nomination, appointment, or commitment for employment as needed to support the innovation plan. Pursuant to state law, the WPS Board will delegate decision-making authority related to selection of school personnel and determination of compensation to the Academy. The principal, in collaboration with the school leadership team and in alignment with the innovation plan, will select school personnel directly and rates of pay will be at or above the district schedule. For all unique job descriptions the school leadership team shall determine the rate of pay during the budget cycle for the following year.	
State Statute	C.R.S. 22-32-109(1)(n)(I) C.R.S. 22-32-109(1)(n)(II)(A) C.R.S. 22-32-109(1)(n)(II)(B)	Area of Impact: Schedule and calendar, actual hours of teacher-pupil instruction and contact, school calendar.
Action	Delegate authority to the Academy to establish its own calendar.	
Replacement Policy or Practice	The Academy will exceed statutory minimums for calendar, hours of teacher pupil contact and schedule, subject to District oversight. The Academy will have authority to establish its own calendar, including professional development days, or days off that may differ from the district.	
State Statute	C.R.S. 22-32-109(1)(t)	Area of Impact: Determine educational program and prescribe textbooks.

Action	Delegate authority to the Academy to establish an educational program and textbook adoption process while requiring such programs and processes align to state and local standards.	
Replacement Policy or Practice	In accordance with the innovation plan, school leadership in collaboration with any delegated staff leadership committee shall determine its own educational programs to be carried on in the Academy and shall prescribe the textbooks for any course of instruction or study in such programs. The school leadership team designated to provide governance over any changes to instructional material for any course of instruction will follow the school-based approval process for implementation plans at the direction of the school leadership team and principal. No changes to any instructional material for any course of instruction will be enacted until the school leadership team votes on its adoption during an announced public meeting, conducted pursuant to Colorado open meeting laws. If the Academy decides not to make changes to courses or instruction, it will default to the existing district-adopted instructional materials.	
State Statute	C.R.S. 22-32-110(1)(h)	Area of Impact: Local Board powers concerning employment termination of school personnel.
Action	Delegate authority to the Academy the ability to discharge employees in accordance with statutory due process expectations (when applicable).	
Replacement Policy or Practice	In accordance with the innovation plan, the WPS board delegates the power specified in the statute to the Academy principal.	
State Statute	C.R.S. 22-32-110(1)(k)	Area of Impact: In-service training.
Action	Delegate authority to the Academy to adopt rules and regulations that relate to professionalism in the profession to include: professional growth, official conduct, safety, and employee welfare.	
Replacement Policy or Practice	Consistent with law and unaffected by an employee’s religion, creed, color, sex, sexual orientation, marital status, racial or ethnic background, national origin, ancestry, or participation in community affairs, the Academy will develop expectations for professional development and growth consistent with the innovation plan. The Academy will also develop expected guidelines for an employee’s official conduct, safety, and welfare.	
State Statute	C.R.S. 22-32-118	Area of Impact: Summer schools, continuation, evening and community education programs.
Action	Delegate authority to the Academy to provide summer, evening, and/or community education programs and to set fees for the provision thereof.	
Replacement Policy or Practice	In accordance with the innovation plan, the WPS board delegates the power specified in the statute to the Academy principal.	

State Statute	C.R.S. 22-63-201	Area of Impact: Teacher Employment, Compensation and Dismissal Act of 1990; employment required-exception.
Action	The Academy will make hiring decisions for non-core content teachers based on its own criteria.	
Replacement Policy or Practice	The Academy will verify to the District the qualifications of teachers for the purpose of complying with federal and state law. All core content instructional staff employed at the Academy will have a valid teaching license and meet subject matter competency requirements for the teaching subject. The school may employ non-licensed teachers for supplemental and enrichment instruction, but will require these teachers to hold a college degree and demonstrate subject-matter competency by either holding an internationally-recognized certification to teach in the subject area in which they are hired to teach or having received a passing score on a State Board of Education approved content exam in the subject area in which they are hired to teach.	
State Statute	C.R.S. 22-63-202	Area of Impact: Teacher Employment Act – contracts in writing, damage provision. Talent management – contracts.
Action	Delegate authority to the Academy to enter into contracts with teachers.	
Replacement Policy or Practice	All contracts with the Academy will be in writing and annual in duration. Mutual terminations will be negotiated between the teacher and the Academy principal. If a teacher on an annual contract intends to terminate a contract after the beginning of the academic year, the teacher shall give written notice of his/her intent at least thirty days prior to the date s/he intends to stop performing the services required by the employment contract. The Academy principal has the authority to make employment offers to qualified candidates. The Academy will not provide first opportunity to interview rights to priority hiring pool candidates, but will consider them for employment. The Academy will not contribute teachers to the district hiring pool. The Academy has the right to refuse direct assignments or mandatory transfers from the district.	
State Statute	C.R.S. 22-63-203	Area of Impact: Teacher Employment Act – requirements for probationary teacher, renewal and non-renewal. Talent management – teacher contracts.
Action	Delegate authority to the Academy to enter into and renew annual contracts.	
Replacement Policy or Practice	Teachers are hired on an annual contract. Annual contract status may be maintained as long as the teacher continues to receive a final effectiveness rating of <i>Effective</i> or higher.	
State Statute	C.R.S. 22-63-206	Area of Impact: Teacher transfers, talent management – staff transfers.

Action	To protect the strategic recruitment, hiring, and retention of staff with qualities and credentials in alignment with the innovation plan, the school requires the authority to refuse direct placements or involuntary transfers.	
Replacement Policy or Practice	The Academy may refuse direct placements or involuntary transfers of professional staff as initiated by the district. The Academy will not provide first opportunity to interview rights to district priority hiring pool candidates, but will consider them for employment. District employees who are qualified for a vacant position at the Academy will have an opportunity to apply for the position.	
State Statute	C.R.S. 22-63-301	Area of Impact: Teacher Employment Act – grounds for dismissal. Talent management – teacher dismissal.
Action	Delegate authority to the Academy to dismiss teachers.	
Replacement Policy or Practice	All teachers are hired on annual contracts. Annual contract status may be maintained as long as the teacher continues to receive a final effectiveness rating of <i>Effective</i> or higher. Annual contracts can be non-renewed at the end of the contract term for any reason. In all situations related to teacher dismissal, a teacher on an annual contract may be dismissed for cause.	
State Statute	C.R.S. 22-63-302	Area of Impact: Teacher Employment Act – procedures for dismissal of teachers. Talent management – teacher dismissal.
Action	Delegate authority to the Academy the ability to establish its own termination and dismissal procedures.	
Replacement Policy or Practice	All employees shall work at the Academy on an annual contract. At any time when it is determined a teacher is not meeting performance expectations the principal will place the teacher on a Plan of Improvement. The duration of the plan of improvement will be no less than thirty (30) days, but may not be limited to thirty (30) days. The plan will list the deficiencies that the teacher will be required to improve on to the satisfaction of the principal. Resources will be provided to the teacher in an effort to assist the teacher in correcting the performance concerns. The teacher will be provided written feedback of all observation and status meetings conducted during the plan of improvement. The principal has the right to terminate any teacher who is not performing at a rating of <i>Effective</i> or higher and/or making progress on the performance goals identified in the Plan of Improvement.	
State Statute	C.R.S. 22-63-401	Area of Impact: Teacher Employment Act – teachers subject to adopted salary schedule. Talent management – compensation.
Action	Delegate authority to the Academy to determine compensation schedules and to set rates of pay at or above existing District schedules.	

Replacement Policy or Practice	The Academy will use the district’s compensation structure as a base compensation model, and incentive and extra-duty pay may be differentiated based on annual budget allocation and school needs. The school leadership team, in collaboration with any delegated staff leadership committee, will determine the following school year’s compensation and incentive structures during the budgeting process for the following school year. If the Academy does not make changes to its compensation or incentive structures, it will default to the existing district schedules.	
State Statute	C.R.S. 22-63-402	Area of Impact: License and letter of authorization required in order to pay teachers.
Action	Delegate authority to the Academy the ability to hire non-licensed teachers for non-core subject area.	
Replacement Policy or Practice	The Academy may employ either licensed or non-licensed teachers for non-core subject areas. All core subject teachers will be licensed and in-field under the requirements of ESSA. School district monies will be used to pay both licensed and non-licensed teachers hired to perform services consistent with the innovation plan. Prior to hiring any person, in accordance with state law the district shall conduct background checks.	
State Statute	C.R.S. 22-63-403	Area of Impact: Payment of salaries.
Action	Delegate to the Academy the authority to determine compensation schedules and to set rates of pay outside of existing District schedules.	
Replacement Policy or Practice	The Academy principal reserves the right to develop a supplemental compensation system to reimburse employees for extra duty pay as it may arise for mandated extended school year, mandated professional development outside of the school year, and mandated additional time. This may include such activities as coaching, tutoring, external professional development or for performance incentive pay.	