

Agenda Item Details

Meeting	Aug 10, 2016 - State Board of Education Regular Board Meeting 9:00 a.m.
Category	18. Action Items: Innovation and Strategic Partnerships
Subject	18.04 A Waiver Request from State Statutes by Charter School Institute on behalf of Community Leadership Academy (CLA) and Victory Preparatory Academy (VPA)
Type	Action
Recommended Action	To approve the waivers from specific statute as set forth in the published agenda requested by Charter School Institute on behalf of Community Leadership Academy (CLA), Victory Preparatory Academy Middle State Charter School, and Victory Preparatory Academy High State Charter School.

The Charter School Institute has renewed the charter of CLA/ VPA ending on June 30, 2021. Community Leadership Academy (CLA), Victory Preparatory Academy Middle State Charter School, and Victory Preparatory Academy High State Charter School has requested the following non-automatic waivers in addition to those automatically granted:

- 22-9-106, C.R.S. Local board duties concerning performance evaluations
- 22-2-112(1)(q)(I), C.R.S. Commissioner Duties
- 22-1-110 Effect of use of alcohol and controlled substances to be taught
- 22-32-109(1)(n)(1), C.R.S. Local board duties concerning school calendar
- 22-32-119, C.R.S. Kindergarten
- 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
- 22-1-128, C.R.S. Education regarding human sexuality- content standards
- 22-83.8-103 C.R.S Breakfast After the Bell Nutrition Program
- 22-7-1014(2)(a) C.R.S Individualized readiness plans-school readiness-assessments

[Board Submission- Memo for Charter Waiver Request- CLAVPA - August 2016.pdf \(43 KB\)](#)

[CLAVPA Amendment- August 2016.pdf \(323 KB\)](#)

Motion & Voting

Approve the waivers from specific statute as set forth in the published agenda requested by Charter School Institute on behalf of Community Leadership Academy (CLA), Victory Preparatory Academy Middle State Charter School, and Victory Preparatory Academy High State Charter School.

Motion by Angelika Schroeder, second by Pam Mazanec.

Final Resolution: Motion Carries

Yea: Val Flores, Jane Goff, Pam Mazanec, Joyce Rankin, Angelika Schroeder, Steve Durham

Not Present at Vote: Debora L Scheffel

EXHIBIT C: REQUESTED WAIVERS

AUTOMATIC WAIVERS

22-1-112	School Year – National Holidays
22-32-109(1)(b)	Local board duties concerning competitive bidding
22-32-109(1)(f)	Local board duties concerning selection of staff and pay
22-32-109(1)(t)	Determine educational program and prescribe textbooks
22-32-110(1)(ee)	Local board powers-Employ teachers' aides and other non-certificated personnel
22-32-110(1)(h)	Local board powers-Terminate employment of personnel
22-32-109(1)(n)(II)(A)	Determine teacher-pupil contact hours
22-32-110(1)(i)	Local board duties-Reimburse employees for expenses
22-32-110(1)(j)	Local board powers-Procure life, health, or accident insurance
22-32-110(1)(k)	Local board powers-Policies relating the in-service training and official conduct
22-32-110(1)(y)	Local board powers-Accepting gifts, donations, and grants
22-32-126	Principals – Employment and Authority
22-33-104(4)	Compulsory School Attendance
22-63-301	Teacher Employment Act- Grounds for dismissal
22-63-302	Teacher Employment Act-Procedures for dismissal of teachers
22-63-401	Teacher Employment Act-Teachers subject to adopted salary schedule
22-63-402	Teacher Employment Act-Certificate required to pay teachers
22-63-403	Teacher Employment Act-Describes payment of salaries

NON-AUTOMATIC WAIVERS

22-2-112(1)(q)(I)	Commissioner-Duties
22-1-110	Alcohol & Controlled Substance Education
22-32-109(1)(n)(I)	Board of Education- Specific Duties School Calendar
22-32-119	Kindergarten
22-63-201	Employment. Certificate required Prohibits board from entering into an employment contract with a person who does not hold a teachers certificate or letter of authorization.
22-63-202	Teacher employment, contracts in writing-duration-damage provision
22-63-203	Probationary Teachers -renewal and non-renewal of employment contract
22-63-206	Teacher Employment, Compensation and Dismissal Act
22-9-106	Local Board of Education-Duties-Performance Evaluation System

22-1-128	Education regarding human sexuality – content standards
22-82.8-103	Breakfast After the Bell Nutrition Program
22-7-1014(2)(a)	Individualized readiness plans - school readiness – assessments

C.R.S. § 22-9-106 Local Board of Education-Duties-Performance Evaluation System

C.R.S. § 22-2-112(1)(q)(I) Commissioner-Duties

These statutes allow a charter school to implement their own performance evaluations and not to have to report those evaluation ratings.

Rationale: The head of school 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 head of school. The BOD must also have the ability to perform the evaluation for the Headmaster or designated head of school. Additionally, the school 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)

Plan: The school uses its own evaluation system as agreed to in the Charter School Agreement with the Charter School Institute and therefore should not be required to report their teacher evaluation data. The School’s evaluation system will continue to meet the intent of the law as outlined in statute. The methods used for the school’s evaluation system includes 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. Core course level participation will continue to be reported PURSUANT TO C.R.S. 22-11-503.5, as this is a nonwaivable statute.

Financial Impact: The school anticipates that the requested waiver will have no financial impact upon CSI or the school’s budget.

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 this Charter School Agreement.

Expected Outcome: With this waiver, the school 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 goals and objectives. This will benefit staff members as well as students and the community.

C.R.S. 22-1-110: Effect of Use of Alcohol and Controlled Substances to be Taught

Rationale: Through the charter contract, the Institute has granted CLA/VPA the authority to implement its educational program as included in the Application. Consequently, this waiver is requested solely to delegate responsibility from the Institute to CLA/VPA.

Replacement Plan: The school, as opposed to CSI, will be responsible for determining how these subjects will be taught within its program in alignment with Health and PE content standards.

Financial Impact: The school anticipates this waiver will have no financial impact on the Institute or CLA/VPA.

How the Impact of the Waiver 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: The school expects that, as a result of the waiver, it will be able to implement its program to meet or exceed standards and statutory requirements.

C.R.S. §22-32-109(1)(n)(I) Board of Education- Specific Duties

Rationale: The school year at CLA/VPA will total approximately 180 days per year which exceeds the current requirement in state statute. The school will prescribe the actual details of its own school calendar to best meet the needs of its students. The CSI Board will not set these policies and CLA/VPA will have a calendar that differs from the rest of the schools authorized by CSI.

Replacement Plan: The final calendar and the school's daily schedule will be designed by the school and will meet or exceed the expectations in state statute

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

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.

C.R.S. § 22-32-119- Kindergarten

Rationale: Through the charter contract, the Institute has granted CLA/VPA the authority to establish a kindergarten. Consequently, this waiver is requested solely to delegate responsibility from the Institute to CSI.

Replacement Plan: The school, as opposed to CSI, will be responsible for its kindergarten program.

Financial Impact: The school anticipates this waiver will have no financial impact on the Institute or CLA/VPA.

How the Impact of the Waiver 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: The school expects that, as a result of the waiver, it will be able to operate its Kindergarten program to the benefit of students, teachers, and community and ensure that students begin focusing on the curricular standards of CLA from the beginning.

C.R.S. § 22-63-201 Employment. Certificate required Prohibits board from entering into an employment contract with a person who does not hold a teachers certificate or letter of authorization.

C.R.S. § 22-63-202, C.R.S. Teacher employment, contracts in writing-duration-damage provision

Rationale: The school should be granted the authority to hire teachers and principals that will support the schools goals and objectives. The principal/headmaster 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 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 the school will be employed on an at-will basis. All employees of the school 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 the school.

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

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.

C.R.S. § 22-63-203 Probationary Teachers -renewal and non-renewal of employment contract Provides for contract with probationary teachers and allows for non-renewal and renewal of employment contract.

Rationale: CLA/VPA 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 the school. All employees of the school will be employed on an at-will basis.

Replacement Plan: CLA/VPA has teacher agreement with the terms of non-renewal and renewal of employment agreements, and payment of salaries upon termination of employment of a teacher.

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

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.

C.R.S. § 22-63-206 Teacher Employment, Compensation and Dismissal Act
Permits transfer of teachers between schools upon recommendation of district's chief administrative officer.

Rationale: The school 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 CLA/VPA or transfer teachers from CLA/VPA to any other schools.

Replacement Plan: The school will hire teachers on a best qualified basis. There is no provision for transfers.

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

How the Impact of the Waiver Will be Evaluated: The impact of this waiver will be measured by the performance criteria and assessments that apply to the school, as set forth in the Charter School Agreement.

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.

22-1-128 Education regarding human sexuality – content standards

Rationale: CLA/VPA is responsible for the design of its own educational program in agreement with its philosophies and values as put forth in the Charter document including when and what to teach and/or the appropriate teaching of human sexuality.

Replacement Plan: CLA/VPA will be responsible for identifying the instructional materials and strategies *at each grade level as appropriate* to teach these topics consistent with the school's philosophy and character education program and in alignment with the Health and PE content standards. Parents/Guardians will have the opportunity to preview the materials to be used in the class and/or meet with a teacher and have the choice to opt-out their student.

Financial Impact to the District: The Academy anticipates that the waiver will have no financial impact upon the Academy or CSI.

How the Impact of the Waiver will be Evaluated: the Academy will monitor and track student behavior trends per grade, as a school, and through individual student and discipline records. The effectiveness will be evaluated by administration as they review the implementation of all curricula and by students and parents through stakeholder feedback (E.g. annual survey).

Expected Outcome: A waiver from the statute will allow the school to continue educating students in these topics as desired by the philosophies and values of the founders and as described to our parents in the Parent/Student Handbook.

22-82.8-103 Breakfast After the Bell Nutrition Program

Rationale: CLA/VPA operates independently from other schools in the Colorado Charter School Institute and should therefore be exempt by the same rule that school districts with fewer than 1000 students are exempt from HB 13-1006. In addition, during the 2014-15 school year the school offered universal free breakfast to students and on average had 70% of students eat breakfast without providing Breakfast After the Bell. The Academy provides free transportation to all students within the geographical school district boundaries and transports over 60% of its students to and from school. This busing delivers students to the school thirty minutes prior to school start times and provides ample time for students to eat a hot breakfast each day.

Replacement Plan: The school will continue to offer universal free hot breakfast to all students who arrive at school prior to their first class. In addition, the school will provide after the bell breakfast to all students arriving late.

Financial Impact: The Academy anticipates that the requested waiver will have a positive financial impact the school budget and no impact on the Colorado Charter School Institute.

How the Impact of the Waivers will be Evaluated: The impact of the waiver will be measured by financial data and as set forth in the Charter.

Expected Outcome: As a result of this waiver, the Academy 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 Charter. The Academy will provide food prior to the beginning of instruction every day.

22-7-1014(2)(a) Individualized readiness plans - school readiness – assessments

Rationale: Community Leadership Academy State Charter School (CLA) should have sole authority to implement relevant curriculum and assessments that ensure students success in higher learning. The domains of physical well-being, motor development, social-emotional development, language and comprehension development, and cognition and general knowledge have been and are being assessed daily through the use of

existing curriculum and assessments. Support is readily available through numerous avenues based throughout the program.

Plan: CLA Kindergarten is a full day program that utilizes the Core Knowledge curriculum. The curriculum maps ensure that this program meets or exceeds Common Core/State Standards.

Each domain is targeted in the following ways:

1. Physical Well-Being and Motor Development

- Students participate once 60 times per year in structured physical education classes where curriculum maps are aligned with Common Core and Physical Education Standards, ensuring that instruction meets or exceeds Common Core/ State Standards. Students are assessed on developmentally appropriate motor-development skills as they are acquired throughout the year. In addition students participate in recess two times per day on a playground designed to focus on targeted muscle groups and coordination skills. Students will be assessed throughout the year in regards to motor development.
- Students participate over 60 times per year in Art education, meeting or exceeding state standards. Development of fine motor skills is achieved through of drawing, painting and creating objects. Students are assessed on fine motor skills acquired throughout the year.
- Students participate over 60 times per year in music education meeting or exceeding state standards. Students participate in a variety of movement and rhythm exercises. Students are assessed on motor development throughout the year.
- Students participate in weekly technology classes, learning keyboarding and how
- to manipulate the various functions of the computer. Students are assessed throughout the year.
- Assessment information is gathered by observation protocols based on appropriate developmental guidelines and Common Core/State Standards in the area of physical well-being and motor development.

2. Social-Emotional Development (based on Common Core/State Standards)

- Students are instructed in the positive behavior support system designed by the school. This includes classroom, cafeteria, recess and hallway expectations. Students are reward for the positive behavior they demonstrate.
- Various classroom positive behavior techniques are implemented. These include red/yellow/green chart, individual behavior charts, and whole class rewards. This is to strengthen self-regulation and executive-function that help them pay attention, remember directions and control their behavior.
- Students are guided in the areas of self-care and advocacy, peer accountability, promoting positive school and classroom culture, and celebrating successes of self and others through the integration of the school's Character Traits (Respect, Leadership, Integrity, Self-Discipline, and Compassion).
- Assessment information is gathered by observation protocols by the classroom teacher based on appropriate developmental guidelines and Colorado State Standards.

3. Language and Comprehension Development (based on Common Core/State Standards)

- Students receive instruction 120 minutes each day using the RIGGS Phonics, Reading Street, and Power Writing. These are comprehensive programs for

reading writing, listening and speaking that build vocabulary and knowledge. Students master sounds and letters for fluent decoding and encoding and build knowledge, language and vocabulary that are essential for comprehension. Assessments are administered as prescribed (and as teachers see the need for additional progress monitoring) per the curriculum to monitor growth.

- *DibelsNEXT* is administered three times per year. Any student who does not make benchmark is progress monitored every two or a minimum of every three weeks to note progress. Students not making benchmark continue to be assessed with the *STAR Early Literacy* 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 given an additional 30-45 minutes of small group instruction.

4. Cognition and General Knowledge (based on Common Core/State Standards)

- Students receive 50-60 minutes of math instruction using Real Math curriculum. This meets or exceeds Common Core/State Standards for math. Assessment is given each week to monitor progress. Students who fall behind are given additional time in small group or 1:1 sessions with the teacher in the area of need.
- Science - Students are instructed on various topics including: Plants and Animals, Animals and Their Needs, Human Body (including taking care of their body with exercise, cleanliness, healthy foods and rest), Introduction to Magnetism, Seasons and Weather, and Taking care of the Earth. Assessment is given regularly to monitor progress.
- 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 the 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.
- Assessments information is gathered from formal curriculum assessments and classroom teacher observations based on appropriate developmental guidelines and Common Core/State Standards.

Any student not making adequate growth in any of the above areas receive Response to Intervention strategies in small groups or 1:1 instruction. RtI plans are developed with the support documentation attached. The information includes results of formal assessments, informal assessments and developmental checklists. The information is housed in Alpine Achievement internet-based data warehouse system.

If students do not respond with adequate growth following this intervention they may be referred to a Learning Specialist, Physical/Occupational Therapist; Psychologist; Speech/Language Therapist, Counselor or Social Worker 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 Statute 22-7-1014(2)(a).

Student data is collected quarterly in kept in an Excel Spreadsheet. The data collected indicates each students' rating of 1 (needs improvement), 2 (satisfactory), or 3 (exemplary) in the areas of: Physical Well-Being and Motor Development, Social-Emotional Development, Cognition and General Knowledge, and a percentage score in the areas of Reading (Language and Comprehension Development) and math. The spreadsheet also shows each students' scores in the *DIBELS Next* Assessment.

Financial Impact: CLA anticipates that the requested waiver will have no financial impact upon CSI or the school.

How the Impact of the Waiver will be evaluated: The impact of this waiver will be measured by the performance criteria and assessments that apply to CLA's curriculum and the overall program design.

Expected Outcomes: CLA expects that as a result of this waiver, we will be able to continue to provide appropriate assessments and support that ensure student success in higher levels of learning in all academic content areas.