Request for Waiver from Colorado Statutes and/or Rules
On Behalf of Charter Schools

Authorizing body:
☑ Charter School Institute
☐ Local School District (name of SD)

Name of authorizer representative: Tom McMillen

Mailing address for authorizer:
Street/PO Box 1580 Logan St. Suite 210
City Denver, CO Zip Code 8020
Phone 303-866-6201
Email address tomcmillen@csi.state.co.us

Name of charter school: Ricardo Flores Magon Academy
Name & title of charter school representative Lynda L. Medina-Molnzd, Head of School

Mailing address for charter school
Street/PO Box 5301 Lowell Blvd.
City Denver, CO Zip Code 80221
Phone 303-412-7610
Email address lynda@magonacademy.org

Charter school projected enrollment or current enrollment

Grades served by charter school:
K ☑ 1 ☑ 2 ☑ 3 ☑ 4 ☑ 5 ☑ 6 ☑ 7 ☑ 8 ☑ 9 ☑ 10 ☑ 11 ☑ 12 ☑

Term of charter school contract: 7/1/2012 (mo/day/year) through June 30, 2017

If this is a renewal, year the charter school originally opened: 2007

Waiver request prepared for the charter school by: Jerome DeHerrera
Preparer’s phone number: 303.892.7398
Preparer’s email address: Jerome.DeHerrera@dgslaw.com

Automatic waivers the charter school is applying for:
☑ 22-9-106, C.R.S. Local board duties concerning performance evaluations for licensed personnel
☑ 22-32-109 (1)(f), C.R.S. Local board duties concerning selection of personnel and pay
☑ 22-32-110 (1)(h), C.R.S. Local board powers concerning employment termination of school personnel
☑ 22-32-126, C.R.S. Employment and authority of principals
22-63-201, C.R.S. Teacher employment, compensation and dismissal act of 1990; Employment – License Required – Exception
22-63-203, C.R.S. Teacher employment, compensation and dismissal act of 1990; probationary teachers – renewal and nonrenewal of employment contract
22-63-206, C.R.S. Teacher employment, compensation and dismissal act of 1990; transfer of teachers -- compensation
22-63-301, C.R.S. Teacher employment, compensation and dismissal act of 1990; grounds for dismissal
22-63-302, C.R.S. Teacher employment, compensation and dismissal act of 1990; procedures for dismissal of teachers and judicial review
22-63-401, C.R.S. Teacher employment, compensation and dismissal act of 1990; teachers subject to adopted salary schedule
22-63-402, C.R.S. Teacher employment, compensation and dismissal act of 1990; license, authorization or residency required in order to pay teachers
22-63-403, C.R.S. Teacher employment, compensation and dismissal act of 1990; payment of salaries

If any additional waiver(s) from State Statute or Regulation is/are being requested, list those on a separate Word Document using the format shown above.

Lynda L. Medina-Moinzad
Printed name of authorizer representative

Signature of authorizer representative

Tom McMillen
Printed name of charter school representative

Signature of charter school representative

Include as attachments to this request:
1. An electronic copy of the charter contract. The contract must be signed by both the charter school and the Authorizer. The term date on the contract must match the term date on this form.
2. If you are requesting additional waivers, include a separate Word document listing each statute/rule. Additional waivers can be listed in the same format that the automatic waivers are listed above.
3. A Rationale and Replacement Plan (RRP) Document. There must be an RRP for each automatic and additional waiver requested. See sample RRP at: http://www.cde.state.co.us/cdechart/waivers.htm
   **Please Note:** It is acceptable to have one RRP for 2 or more waivers requested as long as the RRP addresses those waivers sufficiently.
4. An electronic copy of the new or renewed charter school application, if applicable.

   **Note:** Each attachment must be submitted as a separate document.

Please submit waiver requests electronically to fuller_j@cde.state.co.us. If you have any questions, contact Jessica Fuller by phone at 303-866-6971 or by email.
REQUEST FOR WAIVERS OF COLORADO REVISED STATUTES

School Name: Ricardo Flores Magon Academy
School Address: 5301 Lowell Blvd., Denver, Colorado 80221
Prepared by: Lynda L. Medina-Moinzad, Head of School
Preparer’s Phone Number: (303) 412-7610
Preparer’s Email Address: lynda@magonacademy.org
Head of School Name: Lynda L. Medina-Moinzad
Head of School Email Address: lynda@magonacademy.org
Governing Board President’s Name: Virginia Longoria
Governing Board President’s Email: virginia@acchouse.org

Rationales and Replacement Plans

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

Rationale for Waiver Request: The Ricardo Flores Magon Academy ("RFMA") Head of School, whether she holds required certifications or not, must have the authority to perform evaluations of all personnel. Additionally, other designated administrators should also have this authority, regardless of whether they hold required certifications. Finally, the RFMA Board of Trustees must have the authority to evaluate the Head of School.

Replacement Plan: RFMA is in the process of developing its own, customized performance appraisal system, consistent with the authority it holds pursuant to the Charter School Agreement it entered into with the Charter School Institute ("CSI").

Duration of the Requested Waivers: RFMA requests that the waiver be granted for the duration of its contract with the Charter School Institute. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Anticipated Financial Impact of the Requested Waivers: RFMA anticipates that the requested waiver will have no financial impact upon CSI’s budget or RFMA’s budget.

How the Impact of the Waivers will be Evaluated: Since teacher and staff 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 School Agreement with CSI.

Expected Outcome: With this waiver, the school will be able to implement its program and evaluate its teachers in accordance with its own custom, Performance Appraisal System, which is designed to produce greater accountability and be consistent with the school’s goals and objectives. This will benefit teachers, staff members, students, and the community.

Rationale for Waiver Request: RFMA requests a waiver from this statute because it wishes to be responsible for its own personnel matters, including employing its own staff and establishing the terms and conditions of employment. Therefore, RFMA requests that the statutory requirement that RFMA employees be employed by a school district be waived or delegated from CSI to the administration and Board of Trustees of RFMA. The success of the school 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 Charter School Agreement and the goals and objectives of RFMA. All RFMA staff will be employed on an “at-will” basis.

Replacement Plan: RFMA will be responsible for this matter rather than CSI. RFMA uses “at will” teacher agreements that specify the terms of employment, and also maintains an Employee Handbook specifying employment policies.

Duration of the Waivers: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact upon CSI. RFMA must operate within its budget and the cost of employing staff has been included in that budget.

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

Expected Outcome: As a result of this waiver, RFMA will select, employ and provide professional development for its own teachers and staff, in accordance with the terms and conditions set forth in the Charter School Agreement.

Rationale for Waiver Request: RFMA requests a waiver of this statute because RFMA seeks the authority to determine the education programs to be carried out at the school and prescribe the textbooks that will be used in its courses of instruction and studies in such programs. CSI has granted to the Board of Trustees of RFMA the authority to determine the curriculum and instructional program that will be used at RFMA.

Replacement Plan: The RFMA educational program and curriculum has been designed to provide its students with an education that will prepare them for success in College while at the same time, fulfilling mandated content and curriculum requirements.

Duration of the Waiver: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

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

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 RFMA, as described in the Charter School Agreement.

Expected Outcome: RFMA expects that, as a result of this waiver, it will be able to implement its curriculum and ensure that students meet the educational standards of RFMA.
C.R.S. § 22-32-110(1)(h): Local Board Powers

Rationale for Waiver Request: RFMA requests a waiver from the statute that vests authority for employment terminations with local school districts because RFMA seeks full authority over its employment decisions. The success of RFMA 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 Charter School Agreement and the goals and objectives of RFMA. All RFMA staff will be employed on an “at-will” basis.

Replacement Plan: RFMA will be responsible for these matters rather than CSI. RFMA uses “at will” teacher agreements that specify the terms of employment and also maintains an Employee Handbook specifying employment policy. RFMA’s By-Laws provide that its Board of Trustees is vested with the authority to approve or disapprove of all employment and termination recommendations and employment agreements.

Duration of the Waiver: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact upon the CSI or RFMA. RFMA must operate within its budget and the cost of employing staff has been included in that budget.

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

Expected Outcome: As a result of this waiver, the school will select, employ and provide professional development for its own teachers and staff, in accordance with the terms and conditions set by the Charter School Agreement.
C.R.S. § 22-32-126: Principals Employment Authority

Rationale for Waiver Request: RFMA seeks a waiver of this statute so that its Board of Trustees can select and employ the Head of School who they believe will carry out RFMA’s mission. In addition, RFMA seeks a waiver from this statute so that its Board of Trustees can determine the Head of School’s responsibilities and authority to operate RFMA. The success of RFMA will depend in large part upon its ability to select and employ its own Head of School in accordance with the Charter School Agreement and the goals and objectives of RFMA. The Head of School 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. Accordingly, the Board of Trustees must have the authority to select, employ and supervise the Head of School.

Replacement Plan: RFMA will be responsible for this matter rather than CSI. RFMA’s Head of School will have flexibility in structuring professional development and RFMA policies to meet his or her needs.

Duration of the Waiver: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact upon CSI. RFMA must operate within its budget and the cost of employing staff has been included in that budget.

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

Expected Outcome: As a result of this waiver, RFMA will select, employ and provide professional development for its principal, teachers and staff, in accordance with the terms and conditions set by the Charter School Agreement.
C.R.S. § 22-63-201: Employment Certificate Required

C.R.S. § 22-63-202: Employment Contracts, Contracts to be in Writing, Duration and Damage Provision

Rationale for Waiver Request: RFMA seeks a waiver of these statutes because it desires the authority to hire the teachers and staff it believes will best carry out its mission, regardless of their certification status, and because it desires the ability to terminate employment relationships when and how it deems necessary to advance its mission. RFMA will seek to attract 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.

Replacement Plan: RFMA will, as appropriate, hire certified teachers. However, in some instances it may be advantageous for RFMA 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 needs of RFMA.

Duration of the Waiver: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact on CSI or RFMA.

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 RFMA, as per the Charter School Agreement.

Expected Outcome: As a result of these waivers, RFMA 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

Rationale for Waiver: RFMA seeks a waiver from this statute because it will not be employing any probationary teachers and it will not rely on probationary teachers employed by CSI.

Replacement Plan: RFMA will hire and employ the teachers it believes are the best candidates to advance its mission. All of RFMA’s employees will receive “at-will” employment agreements.

Duration of the Waiver: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact on CSI or RFMA.

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

Expected Outcome: As a result of this waiver, RFMA 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

Rationale for Waiver Request: RFMA seeks a waiver of this statute because it seeks the authority to employ and terminate teachers and staff as it deems appropriate. No other school, nor should CSI, have the authority to transfer its teachers into RFMA or transfer teachers from RFMA to any other schools.

Replacement Plan: RFMA will hire teachers on a best qualified basis. RFMA has no provision for transfers.

Duration of the Waiver: RFMA requests that this waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact on CSI or RFMA.

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 RFMA, as set forth in the Charter School Agreement.

Expected Outcome: RFMA expects that as a result of this waiver it will be able to manage its own personnel affairs.
C.R.S. § 22-63-301: Grounds for Dismissal

C.R.S. § 22-63-302: Procedure for Dismissal, Judicial Review

Rationale of Waiver Request: RFMA seeks a waiver from these statutes because it must have the authority to terminate the employment of teachers and staff when necessary to advance RFMA’s mission. RFMA’s success in accomplishing its mission is dependent primarily upon the talents, skills and personal commitment of its teachers. Therefore, the school must be able to quickly and efficiently terminate employees who cannot deliver its educational program successfully. The concept of tenure does not apply to RFMA. All employees of RFMA will be employed on an “at-will” basis.

Replacement Plan: Continued employment at RFMA is not guaranteed because all employees are employed on an “at-will” basis.

Duration of the Waivers: RFMA requests that the waivers be granted for the duration of its contract with CSI. Therefore, the waivers are requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waivers will have no financial impact on CSI or RFMA. RFMA must operate within its budget and the cost of employing staff has been included in that budget.

How the Impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to RFMA, as set forth in the Charter School Agreement.

Expected Outcome: As a result of these waivers, RFMA will be able to provide instruction in accordance with the philosophy and mission as stated in the Charter School Agreement.
C.R.S. § 22-63-401: Salary Schedule, Adoption, Changes

C.R.S. § 22-63-402: Services, Disbursements

C.R.S. § 22-63-403: Payment of Salaries

Rationale for Waiver Request: RFMA seeks waivers from these statutes because successful operation of RFMA requires that it have authority to determine compensation rates and the method of compensating its teachers and staff. The workday, work year, and job responsibilities at RFMA may be different from that of other schools in the school district. Accordingly, RFMA must have the ability to set its compensation scales and policies according to what it deems appropriate to advance its mission.

Replacement Plan: RFMA will adopt its own salary schedule and compensation policies. RFMA will set competitive rates for each level of teachers it employs. RFMA’s Head of School will determine the placement of teachers.

Duration of the Waiver: RFMA requests that the waivers be for the duration of its contract with CSI. Therefore, the waivers are requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waivers will have no financial impact on CSI. RFMA will be able to employ teachers and determine a salary schedule consistent with its budget.

How the impact of the Waivers Will be Evaluated: The impact of these waivers will be measured by the performance criteria and assessments that apply to RFMA, as set forth in the Charter School Agreement.

Expected Outcome: As a result of these waivers, RFMA should be able to attract qualified personnel and provide instruction in accordance with its philosophy and mission as stated in the Charter Proposal.

Rationale: RFMA seeks a waiver of this statute because it will be operating independently from other schools in the school district and it seeks the authority to develop, adopt, and implement its own operational policies, rules and regulations, subject to the limitations in the Charter School Agreement.

Replacement Plan: RFMA's Board of Trustees will adopt policies that will be carried out by the Head of School.

Duration of the Waiver: RFMA requests that the waiver be granted for the duration of its contract with CSI. Therefore, the waiver is requested for five (5) academic operating years, through June 30, 2017.

Financial Impact: RFMA anticipates that the requested waiver will have no financial impact on CSI. RFMA will be able to adopt policies and prescribe rules and regulations consistent with its budget.

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 RFMA, as set forth in the Charter School Agreement.

Expected Outcome: As a result of this waiver, RFMA 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 School Agreement.