

Appendix D: Waiver Requests for Excel School Innovation

Table I –Policy Waivers Called for by the Innovation Plan

| DPS Board Policy | Description | Waiver Request |
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| BDFH | School Governance, Collaborative School Committees | The school will adhere to policy BDFH with the exception being: the Quality Management Team will provide strategic direction in support of the school by developing a locally created “school’s improvement plan” (SIP). This is separate from the improvement plans called for in statute and district policy. To address the policy requirements, an Excel Advisory Council will be established with representation from students, parents, community, faculty, administrators and classified staff to enhance student achievement and school climate by overseeing development of the school UIP. |
| Existing Policy | <p>There shall be at each school a collaborative school committee with representation from parents, community, faculty, administrators and classified staff.</p> <p>Purposes and Scope: The purposes and scope of a collaborative school committee shall be:</p> <ul style="list-style-type: none"> • to enhance student achievement and school climate by engaging the school community in collaborative efforts supporting the school and District's goals. • to provide strategic direction in support of the school's mission and vision as stated in the School Improvement Plan (SIP). The SIP, with the school's program design, should serve as the strategic plan for the school. • to be in compliance with state and federal law, regulations of the Colorado Department of Education, applicable U.S. District Court orders, the District Affirmative Action plan, the DPS/DCTA Agreement, other contracts and District mandates. <p>Meetings of a collaborative school committee will be open to the public. Notice of these meetings will be posted in appropriate public places. A copy of the agenda will be publicly posted and made available one working day before the meeting and the minutes from the meeting will also be publicly posted and made available.</p> <p>The collaborative school committee will:</p> <ul style="list-style-type: none"> • work collaboratively with the school community that includes the building principal, teachers, staff, students, parents, civic and | |

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| | <p>business leaders, service and neighborhood representatives, and other community members;</p> <ul style="list-style-type: none"> • focus on the CIP as its primary responsibility at the school; • use Multiple Measures and align resources to support the SIP and the school's program design; • provide guidance, evaluation and approval for the SIP; • provide guidance, evaluation, and approval for the annual school budget to insure its alignment with the SIP and the school's program design; • act as the School Improvement and Accountability Council (SIAC) for the building; • establish relationships with parents, community members, civic, service and neighborhood organizations to increase involvement in the school and provide a forum for community input; • provide guidance, evaluation, and approval for the use of the staffing allocations provided by the District as it relates to the SIP, school budget, and school program design, including consultation regarding adjustments that may be made due to pupil-count issues; • participate in the principal-selection process by interviewing candidates and recommending candidates to the superintendent; • participate in the principal's annual evaluation by giving input on the principal's involvement in and support of the collaborative committee process; • review, and when appropriate, approve discipline and safety procedures; • review, and when appropriate, revise the school calendar and/or schedule; • make recommendations regarding any changes to the school design to the District Board of Education through the building principal. <p>The collaborative school committee will not: participate in the day-to-day operations of the school; be involved in issues relating to individuals (staff, students, or parents) within the school; be involved in personnel issues (School Personnel Committee will stand alone in the current DPS/DCTA contract).</p> | |
| <p>Proposed Replacement Policy</p> | <p>Each year, prior to the start of a school year in August, Excel devotes a significant amount of professional development time toward reviewing program outcomes from the previous year and clarifying baseline measures for each program. From this analysis of the data, campus leadership teams, working with campus staff, set performance benchmarks for the upcoming school year. Strategies, responsibilities, and timelines for each objective complete the Campus Improvement Plan (CIP), which is each campus's strategic operational plan for the school year. Responsibility for the SIP lies with the Quality Management Team (QMT) comprised of the school leadership (principal, executive director, director of special populations, director of</p> | |

DPS Board Policy**Description****Waiver Request**

operations, director of special services, academic coordinators and team leaders) which meets on campus monthly to monitor and evaluate progress on the indicators.

Separate from the locally developed CIP, the school principal, in consultation with the school's instructional superintendent, will be responsible for the development of the school's Unified Improvement Plan (UIP) as specified by Colorado Statutes. Although separate, the CIP and the UIP should be developed in collaboration so that ideas and strategies presented in both documents are consistent.

Excel will comply with the intent of policy BDFH in the following manner: The school will establish a school accountability committee called the Excel Advisory Council (EAC). The EAC will provide valuable input to the function of the QMT. This Council will consist of at least seven members as follows:

- (I) The principal of the school or the principal's designee;
- (II) At least one teacher who provides instruction at the school;
- (III) At least three parents or legal guardians of students enrolled in the school;
- (IV) At least one adult member of an organization of parents, teachers, and students recognized by the school; and
- (V) At least one person from the community
- (VI) At least three students from student government of the School.

If the DPS Board chooses to increase the number of persons on a school accountability committee, Excel will ensure that the number of parents and students on the EAC exceeds the number of representatives from the group with the next highest representation.

A person may not be selected to fill more than one of the member positions identified above in a single term. If the board determines that the members of a school accountability committee should be appointed, the appointing authority shall, to the extent practicable, appoint persons to serve on the EAC who reflect the student populations that are significantly represented within Excel.

Members of the EAC shall annually select from among the parent representatives elected to the committee a member to serve as chair or co-chair of the committee.

(3) If a vacancy arises, the remaining members of the EAC shall fill the vacancy by majority action.

If, after making good-faith efforts, a principal or an organization of parents, teachers, and students is unable to find a sufficient number of persons who are willing to serve on the Excel Advisory Council, the principal, with advice from the organization of parents, teachers, and students, may establish an alternative membership plan for the EAC, which plan shall reflect the

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| | <p>membership specified in paragraph (a) of subsection (1) of this section as much as practicable.</p> <p>The Excel Advisory Council will have the following powers and duties:</p> <p>(a) To recommend to the Executive Director and Principal of its school priorities for spending school moneys. The Executive Director shall consider the EAC’s recommendations and take them into account in formulating budget requests for presentation to the DPS school board. The Executive Director will send a copy of its recommended spending priorities to the Excel Advisory Council for their review and consent.</p> <p>(b) To advise the principal concerning the preparation of a school’s Unified Improvement Plan or UIP), and to submit recommendations to the principal, and superintendent, concerning the contents of the performance or improvement plan;</p> <p>(c) To advise the local school board concerning the preparation of a school priority improvement or turnaround plan, if either is required pursuant to section 22-11-210, and to submit recommendations to the local school board or the institute concerning the contents of the plan;</p> <p>(d) To meet at least quarterly in a joint meeting of the Quality Management Team to discuss whether school leadership, personnel, and infrastructure are advancing or impeding implementation of the public school's performance, improvement, priority improvement, or turnaround plan, whichever is applicable, or other progress pertinent to the public school's accreditation contract with the local school board or the institute;</p> <p>(e) To provide input and recommendations on an advisory basis to district accountability committees and district administration concerning:</p> <p>(I) Principal development plans for their principal pursuant to section 22-9-106; and</p> <p>(II) Principal evaluations conducted pursuant to section 22-9-106.</p> | |
| CFBA | <p>General School Administration, Evaluation of Evaluators (pertaining to superintendents and those responsible for evaluations of professional staff).</p> | <p>The School requests a waiver from policy CFBA. The school principal is responsible for the evaluation of all DPS teachers and will be evaluated by an instructional superintendent. Camelot staff will be evaluated by Camelot-based supervisors (who will be exempt from the requirements of this policy) with feedback provided by the school principal.</p> |
| Existing Policy | <p>All persons who evaluate professional staff members shall possess an administrative certificate issued by the Colorado Department of Education and shall have received education and training in evaluation skills approved by the department. Issuance or renewal of an</p> | |

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| | <p>administrative certificate requires that the applicant has received such approved education and training in evaluation skills.</p> <p>Evaluation instruments for all professional staff administrators shall include a section dealing with their evaluation skills. The Superintendent or his/her designee shall review all evaluations done by professional staff administrators and when necessary shall discuss with them procedure and form.</p> <p>The Superintendent's evaluation skills shall be part of his evaluation by the Board of Education.</p> <p>As part of its ongoing review, the District Personnel Performance Evaluation Council shall seek evidence that evaluators are implementing the process in a fair, professional and credible manner and shall report its finding and recommendations to the Board of Education.</p> | |
| Proposed Replacement | <p>The campus principal will manage formal evaluation of all DPS teachers and will report to the superintendent or his/her designee (instructional superintendent). The principal will provide feedback on the performance of Camelot employees, but will not be their formal evaluator. The principal's qualifications, certification and experience are those required of DPS principals.</p> <p>The executive director is usually reassigned from other schools within the Excel system and may hold administrative certifications from other states but most certainly has experience in administration and school supervisory roles with at-risk students.</p> | |
| GBEBA | Personnel, Staff dress, accessories, and grooming for Certificated Staff and Non-teaching Staff | The School adheres to policies GBEBA, GBEBA-R and GBEBA with the exception being: those days designated by the principal as being "dress-down" days or "theme" days. |
| GCCAF | Personnel, Instructional staff sabbaticals | The School will not allow for staff sabbaticals. |
| Existing Policy | <p>A sabbatical leave of absence is interpreted as a leave from active duty (an interruption of service) with the Denver Public Schools granted for professional improvement. A sabbatical leave may be granted by the Board of Education upon the recommendation of the superintendent.</p> <p>The employee shall have completed, immediately prior to the leave, at least five consecutive full school years in active service as a regularly appointed contract employee in the Denver Public Schools...Teachers who are granted sabbatical leaves of absence shall not receive credit for teaching service for the semester or year while on leave...A sabbatical leave may be for one year, one semester or a portion</p> | |

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| | <p>thereof...An employee on sabbatical leave shall be paid at one-half of his annual salary rate. Upon return, the employee shall be placed on the appropriate step of the salary schedule as though he had not been on leave...An employee on sabbatical leave may not engage in remunerative work during the school year except for approved fellowship grants...A sabbatical leave may be followed by a regular leave of absence without pay or increments for one additional year. The employee shall agree to return to employment with the Denver Public Schools for one full year in the event of one-half year of absence or less or two full years in the event of a full year leave or more than one semester...Requests for sabbatical leaves shall be received by the superintendent in writing in such form as may be required by the superintendent no later than November 1 or April 1 preceding the semester.</p> | |
| <p>Proposed Replacement Policy</p> | <p>The school will not grant or seek approval of sabbaticals for personnel or instructional staff. Considering the smaller learning community of 375 students: having instructional personnel absent for a length of time could have a negative impact on students, the school climate and the school culture.</p> | |
| <p>GCID</p> | <p>Professional Staff Training, Workshops and Conferences</p> | <p>School will have flexibility to identify and manage professional development opportunities as appropriate</p> |
| <p>Policy language/summary</p> | <p>Attendance by school personnel at professional meetings shall be justified by meaningful guidelines or rationale for such attendance. Such guidelines or rationale may differ by department but shall be well-defined and understood by appropriate personnel. An understanding of reasonable expenses should be developed prior to travel. The budgetary allocation of departmental travel accounts shall not be construed as automatic approval for expenditure. Travel outside the continental United States shall be considered only as an exception.</p> | |
| <p>School's Replacement Policy</p> | <p>For purposes of this policy, the "department" capable of establishing guidelines and rationale for attendance of school personnel at professional meetings will be the Excel Advisory Council. This will be important for ensuring teacher PD that is aligned to the needs of the school community. Excel Academy may require staff participation in professional development beyond that of a typical district-run school. Required attendance at professional development trainings will include training before the start of the academic calendar as well as dedicated professional development days when school is cancelled for students, but maintained for staff. The school principal in consultation with the Excel Advisory Council will identify shared professional development events based on the needs of the school. Additionally, as part of the teacher evaluation process, all teachers will work collaboratively with their evaluator to develop a personalized professional development plan that identifies any particular needs related to</p> | |

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| | <p>implementation of the proposed educational model. The professional development opportunities subsequently identified for teachers will be driven from their PD plan.</p> <p>Professional development will be tied directly to the learning needs of the students, and will incorporate support for teachers to develop expertise with teaching classes in an intensive pathways school. The school calendar for teachers will be set in the spring of the preceding academic year and will highlight the additional professional development days. These days will be required participation for classroom teachers and part of their base salary. Professional development instances provided outside of the school's published staff calendar will either be optional for teachers or teachers will be provided with extra duty pay for participating.</p> | |
| IC/ICA | Instructional Program, School Year/School Calendar | The School will similarly follow the DPS calendar with the option to change as needed. |
| Existing Policy | <p>Prior to the end of the school year, the Board of Education shall determine the length of time during which district schools shall be in session during the next school year. The number of days of planned teacher-student instruction and of teacher-student contact shall meet or exceed the requirements of state law.</p> <p>The district calendar for the next school year shall be prepared and presented to the Board for approval in the spring of each year.</p> <p>The Board authorizes the administration in each school building to issue a school calendar based on the district calendar and in accordance with the required number of days (hours) adopted by the Board.</p> <p>All calendars shall include the dates for all staff inservice programs scheduled for the coming school year. The district shall allow public input from parents and teachers prior to scheduling the dates for staff inservice programs.</p> <p>A copy of the calendar shall be provided to all parents/guardians of students enrolled in district schools. Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice of no less than 30 days.</p> | |
| Proposed Replacement Policy | <p>Prior to the end of the school year, <i>Excel Academy</i> shall determine the length of time during which <i>Excel Academy</i> shall be in session during the next school year. The number of days of planned teacher-student instruction and of teacher-student contact shall meet or exceed the requirements of state law and <i>the DPS Board-approved district calendar</i>.</p> | |

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| | <p><i>The Excel Academy calendar shall include the dates for all staff in-service programs scheduled for the coming school year that are not identified on the DPS Board-approved district calendar.</i></p> <p>A copy of the calendar shall be provided to all parents/guardians of students enrolled at Excel Academy. <i>The calendar will also be published on the school's web page.</i> Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice <i>to students and parents.</i></p> | |
| IJOA/IJOA-R | Instructional Program, Field Trips | The school will adhere to policies IJOA & IJOA-R with the exception being: the School may also use contracted bus services (other than DPS transportation) for field trips. |
| IKB | Instructional Program, Homework | The School requests a waiver from policy IKB. |
| Existing Policy | <p>Parents should expect their children to have regular homework assignments and should question the lack of such assignments.</p> <p>Elementary school: The amount, length and type of homework at the elementary school level may vary...but the minimum amount assigned shall be as follows:</p> <p>Kindergarten and grade 1- 10-15 minutes, one or two days per week Grade 2- 10-20 minutes, two days per week Grade 3- 15-25 minutes, two days per week Grade 4- 15-30 minutes, two to three days per week Grade 5- 20-30 minutes, three to four days per week</p> <p>Middle school: A minimum of five hours of homework per week</p> <p>High school: The expected minimum amount of homework shall be 10 hours per week in grades 9 through 12.</p> | |
| Proposed Replacement Policy | <p>The School will establish its own guidelines for the amount of homework assigned. This will be determined by the student's IEP and/or individual graduation plan. Excel's rigorous instructional day and increased teacher-to-pupil contact hours may, in some cases, reduce the amount of homework assigned.</p> | |

Table II– Analysis of State Statutory Waivers Called for by the Innovation Plan

| State Statute | Description | Waiver Request |
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| Sec. 22-9-106 | Human Resource Management: Personnel Evaluations | Evaluation of DPS teachers and principals at Excel Academy will be consistent with the LEAP system or any |

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| | | future district-managed teacher evaluation system. |
| Existing Policy | All of the teacher and principal effectiveness legislation. | |
| Proposed Replacement Policy | Teacher and principal evaluations at Excel Academy will be based on LEAP (or any future system DPS will use) so that the currently legislated requirements for teacher and principal effectiveness are fully met. In any circumstances where existing policies differentiate between probationary and non-probationary staff, the school will comply with the requirements described for probationary staff. | |
| Sec.22-32-109(1)(f) | Human Resource Management: Staff Hiring, Compensation | Clarifying that the School will manage the hiring process for teachers and other designated DPS personnel. |
| Existing Policy | <p>22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties:</p> <p>(f) (I) To employ all personnel required to maintain the operations and carry out the educational program of the district and to fix and order paid their compensation...A board of a district of innovation...may delegate the duty specified in this paragraph (f) to an innovation school,</p> | |
| Proposed Replacement Policy | Excel Academy is not seeking a waiver from this policy. Rather it is clarifying board’s delegation of the duty to the school. The principal, in consultation with the school leadership, will select teaching staff directly. Rates of pay will remain consistent with the district schedule and policies. | |
| Sec.22-32-110(1)(h) | Local Board Powers Concerning Employment Termination of School Personnel | |
| Statute Description | <p>22-32-110. Board of education - specific powers. (1) In addition to any other power granted ... each board of education of a school district shall have the following specific powers, to be exercised in its judgment:</p> <p>(h) To discharge or otherwise terminate the employment of any personnel. A board of a district of innovation...may delegate the power specified in this paragraph (h) to an innovation school</p> | |

| State Statute | Description | Waiver Request |
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| School's Replacement Policy | (h) To discharge or otherwise terminate the employment of any personnel. The DPS board delegates the power specified in this paragraph (h) to Excel Academy | |
| Sec.22-32-126 | Human Resource Management: Personnel, Authority of principal | The School will establish guidelines for employment requirements and articulate the responsibilities of its principal consistent first with the contract between Camelot and DPS, second, consistent with evaluation methods used by the school's instructional superintendent, and finally within the terms of the innovation plan. |
| Existing Policy | <p>22-32-126. Principals - employment and authority</p> <p>(1) The board of education may employ through written contract public school principals who shall hold valid principal licenses or authorizations and who shall supervise the operation and management of the school and such property as the board shall determine necessary.</p> <p>(2) The principal shall assume the administrative responsibility and instructional leadership, under the supervision of the superintendent...for the planning, management, operation, and evaluation of the educational program of the schools to which he is assigned.</p> <p>(3) The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school under his supervision.</p> <p>(4) The principal shall perform such other duties as may be assigned...</p> <p>(5) (a) The principal or the principal's designee shall communicate discipline information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor who receives information under this subsection (5) shall maintain the confidentiality of the information and does not have authority to communicate the information to any other person.</p> <p>(b) Each school district shall include in its discipline code adopted in accordance with section 22-32-110 (2) procedures to inform the student and the student's parent or guardian when disciplinary information is communicated and to provide a copy of the disciplinary information to the student and the student's parent or guardian. The discipline code shall also establish procedures to</p> | |

| State Statute | Description | Waiver Request |
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| | allow the student and the student's parent or guardian to challenge the accuracy of the disciplinary information. | |
| Proposed Replacement Policy | <p>(1) The board of education may employ through written contract public school principals who shall hold valid principal licenses or authorizations and who shall supervise the operation and management of the school as outlined below:</p> <p>The principal is the overall academic leader of the campus and responsible for promoting growth in students' learning by setting clear goals for the academic program, allocating resources to instruction, managing the curriculum, monitoring lesson plans and evaluating teachers. The principal supervises all teachers and other instruction staff. The principal ensures compliance with all contract standards which specifically describe deliverables for student academic growth as outlined in the service agreement with the District by developing and monitoring campus improvement planning activities.</p> <p><u>Essential Functions, Principal</u></p> <ol style="list-style-type: none"> 1. Understands and implements Excel's philosophy, policy and procedures relating to conduct, discipline, educational and attendance outcomes for students and staff. 2. Complies with all federal and state guidelines for students receiving special services, including special education, bilingual education, and homelessness. 3. Directs the development, selection, evaluation and implementation of instructional programs and educational materials. 4. Provides direction and leadership in the assessment and identification of the instructional curriculum goals and objectives, while establishing a strategy to address academic needs of all students. 5. Possesses solid curriculum knowledge with an understanding of school district and state educational guidelines. Fully understands and complies with federal and state educational guidelines. 6. Continually evaluates and refines methods of instruction in accordance with the educational goals and objectives of Excel and student needs. 7. Communicates with outside agencies such as parents, school districts, other agencies as directed and as needed. 8. Interprets and effectively disseminates instructional and education trends and other pertinent data to staff, parents and | |

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| | <p>community groups while assisting in the support and development of policies and procedures.</p> <p>9. Participates in the selection process of new employees and is responsible for maintaining adequate educational staff and ensuring that Excel is meeting staffing requirements as it relates to certification and specified content area.</p> <p>10. Understands the Excel model and works with behavioral staff to promote a team environment that focuses both on educational success and behavioral management.</p> <p>11. Evaluates the teachers' performance on a timely basis including documented observations, informal feedback and utilizing the formalized performance management system that addresses individual achievements and identifies areas of development.</p> <p>12. Supervises assigned staff including documenting their performance, development, training and other issues. Ensures all assigned staff is in compliance with training, credentialing and performance issues are being addressed.</p> <p>13. Possesses knowledge of the JFF model of instruction and effectively implements in our academic program.</p> <p>14. Possesses knowledge about the Rounds Model and effectively implements to ensure that teachers receive constructive feedback 29</p> <p>15. from others about teaching and learning in their classrooms.</p> <p>16. Responsible for understanding and maintaining compliance of stakeholder's contract standards. This includes reading and understanding the current contract as it applies to educational services, training assigned staff and notifying Executive Director of any possible infractions.</p> <p>17. Possesses knowledge about the principles of student assessment, assessment procedures with emphasis on alternative assessment methods and assessments that aim to improve and demonstrate student learning.</p> <p>18. Performs other duties as assigned and to be determined based upon Excel needs.</p> | |
| Sec.22-63-202 | Human Resource Management: Personnel, Contracts in writing, duration | |
| Existing Policy (paraphrased) | Contracts shall be in writing, amount of notice required by a teacher/principal who intends to resign, when a position can be re-opened, penalties for resigning outside of the window, no direct placement requirement, priority hiring preference for | |

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| | effective/satisfactory teachers, management of displaced teachers, and disclosure of why contracts were terminated. | |
| Proposed Replacement Policy | All employees identified in the contract managed by Camelot will not be covered by this policy. Non-probationary teachers transferring from another DPS school will have their non-probationary status retained and will be managed consistent with existing district procedures governing non-probationary status (except for any other district or state waiver replacements specified in this plan) by the principal at Excel Academy. All other teachers hired by Excel Academy will be hired on an annual contract and will not be eligible for non-probationary status. Offer letter contracts will be in writing and will reflect these terms as they relate to each teacher’s individual situation. The school principal will have full authority to either accept or reject direct placements from the district on an individual basis. | |
| Sec. 22-63-203 | Human Resource Management: Probationary Teachers – Renewal and Nonrenewal of Employment Contract | |
| Statute Description | Tenure - how established, treatment of probationary teachers, time, ability to not renew contracts, | |
| School’s Replacement Policy | Any teachers who are not previously hired from a DPS school with non-probationary status will be hired according to an annual contract and Excel Academy will not recognize probationary or non-probationary status for these employees as a result. As it relates to non-probationary consideration, these teachers will retain any existing years of service accumulated prior to joining Excel Academy should they choose to apply for other district teaching positions, but they will not earn extra years of service while teaching at Excel. | |
| Sec. 22-63-206 | Human Resource Management: Personnel, Transfer of teachers | The School requests a waiver from Sec.22-63-206. |
| Existing Policy (paraphrased) | Specifies that schools are not required to accept transfers from the Chief Admin Officer of a district, but if they do, specifies the manner in which compensation should be handled. | |
| Proposed Replacement Policy | School will have the authority to decide whether to accept transfers of any staff from the district on a case-by-case basis. In situations where the school is being asked to receive a teacher for which there was not mutual consent, the salary expense will not be drawn from the school’s budget so long as the school has | |

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| | not released teachers into the priority hiring pool in the current or previous year where said teacher fails to secure a mutual consent placement and therefore becomes a direct placement at another district school. | |
| Sec.22-63-301 | Human Resource Management: Personnel, Grounds for dismissal. | |
| Existing Policy | Specifies reasons for why a teacher could be dismissed. | |
| Proposed Replacement Policy | <p>All teachers dismissed mid-year shall be entitled to a review process consistent with the proposed replacement policy specified for 22-63-302.</p> <p>All teachers other than teachers employed under a non-probationary status while teaching at Excel Academy can only be dismissed mid-year if the dismissal is for cause.</p> <p>All DPS teachers teaching at Excel Academy other than teachers employed under a non-probationary status will be employed on an annual contract and can have their contracts “non-renewed” for any reason. Any teacher who will not be returning for the next school year will be notified of this decision prior to the end of the current school year.</p> | |
| Sec. 22-63-302 | Human Resource Management: Personnel, Dismissal procedures/judicial review | The School requests a waiver from Sec.22-63-302. The school will implement DPS policy GDQD-R (and any future revisions) in its place. ¹ |
| Existing Policy | Detailed process for teacher dismissals. | |
| Proposed Replacement Policy | <p>I. Dismissal Procedures For Employees</p> <p>-These procedures are an effort to maintain fair and equitable treatment for all school employees.</p> <p>-These procedures do not change the at-will employment status of classified employees.</p> <p>A. No employee will be dismissed until he/she has been notified by one of his/her supervisors of the supervisor's intent to recommend dismissal to the Superintendent or his/her designee. The supervisor will inform the employee of the grounds for the recommended dismissal and will give the employee a reasonable opportunity to respond.</p> | |

¹ GDQD-R provides a process in the event that a teacher is dismissed, that provides timely notice to a teacher, an ability to have the decision reviewed through a post-termination hearing before an HR Administrator, and for non-probationary teachers, to have an added review (at the teacher's request) before an impartial hearing officer.

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| | <p>B. If the supervisor decides to proceed with the dismissal recommendation, the supervisor will provide the employee with written notice of the ground(s) for the dismissal recommendation and the employee may request a post-termination hearing before an administrator (designated by the Superintendent or his/her designee) in the Human Resources Department. The employee must request the post-termination hearing within three (3) scheduled working days of the last day of work.</p> <p>1. If the employee does not request the post-termination hearing within three (3) scheduled working days, the termination will be considered final. The recommendation for dismissal of employees who do not request a post-termination hearing will be forwarded to the Superintendent or his/her designee for final action. If the Superintendent or his/her designee does not uphold the supervisor's recommendation for dismissal, then the employee shall be entitled to back pay.</p> <p>2. If the employee makes a timely request for a post-termination hearing, then the Human Resources administrator shall conduct the hearing within ten (10) scheduled working days of the receipt of the request for hearing, unless extraordinary circumstances require additional time.</p> <p>i. The Human Resources administrator shall review the supervisor's decision in order to determine if there are facts that demonstrate that any of the ground(s) specified in the notice of dismissal recommendation provided the employee are present. The Human Resources administrator shall issue a decision in writing affirming, modifying, or reversing the dismissal recommendation. The decision shall be rendered within five (5) working days of the hearing, unless extraordinary circumstances require additional time.</p> <p>ii. If the Human Resources administrator affirms the dismissal recommendation, the recommendation will be forwarded to the Superintendent or his / her designee for final action. If the Superintendent or his/her designee does not uphold the recommendation for dismissal, the employee shall be entitled to back pay.</p> <p>iii. The Human Resources administrator's review concludes the dismissal procedures for individuals employed with DPS for less than two years.</p> <p>C. If the Human Resources administrator affirms the dismissal recommendation, an individual employed with DPS for two or more years may request a hearing before an impartial hearing officer. (As noted above, individuals employed with DPS for less than two years are not entitled to the hearing before an impartial hearing officer.) An individual employed with DPS for two or more years must request the hearing within ten (10) working days of the decision by the Human Resources administrator. The hearing officer will review</p> | |

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| | <p>the dismissal recommendation in order to determine if any of the ground(s) specified in the dismissal recommendation notice provided to the employee are present. This hearing officer will not be a district employee.</p> <p>The following procedures shall apply to the hearing before an impartial hearing officer:</p> <ol style="list-style-type: none"> 1. When a request for a hearing is received, the Superintendent or his/her designee, shall appoint a hearing officer skilled in the arbitration of labor relations matters and shall notify the Superintendent or his/her designee and the employee of the name of the hearing officer appointed. The hearing officer shall arrange the date and time of the hearing with the employee and a representative of the district. 2. The hearing officer so appointed shall have the authority to establish hearing dates and to make all the necessary procedural rules. The hearing shall be strictly confined to whether any of the ground(s) specified in the dismissal recommendation notice provided to the employee and affirmed by the Human Resources Administrator are present. 3. The parties shall exchange exhibits and witness lists at least five (5) working days prior to the commencement of the hearing. 4. Pertinent information not privileged under law in the possession of the district shall be made available to the employee at his/her request. 5. The employee may be represented by legal counsel at the hearing. 6. The hearing officer will issue a written recommendation to the Superintendent or his/her designee and the employee within fifteen (15) working days after the close of the hearing. The hearing officer's recommendation shall set forth detailed, written findings of fact. If the findings of fact demonstrate that any of the ground(s) specified in the notice for dismissal recommendation provided to the employee are present, the hearing officer is without authority to recommend the reversal of the dismissal recommendation. If the findings of fact demonstrate that none of the ground(s) specified in the notice for dismissal recommendation provided the employee are present, the hearing officer will have authority to recommend reversing the dismissal recommendation. The hearing officer's report shall be advisory only and shall not be binding on the Superintendent or his/her designee. 7. All hearings conducted by the hearing officer shall be confidential. 8. The Superintendent or his/her designee shall act on the hearing officer's report within ten scheduled working days, and his/her decision shall be final and shall terminate any rights of the | |

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| | <p>employee under this policy. If the Superintendent or his/her designee does not affirm a dismissal recommendation, back pay and associated benefits may be restored, if applicable.</p> <p>9. The cost associated with employment of the hearing officer shall be paid by the district. The district shall be responsible for its legal costs, and the employee shall be responsible for paying his/her legal costs, if any.</p> <p>10. An official stenographic transcript of the hearing may be made at the request of the district or the employee, and a copy of any request shall be made available to the hearing officer. The person requesting a stenographic transcript shall pay the cost, except, if the other party requests a copy of the transcript, the entire cost of the stenographic transcript shall be shared equally by both parties.</p> | |
| Sec.22-32-109 (1)(n)(l) | Instructional Program, Schedule and Calendar | The School requests the ability to modify the instructional program, schedule and calendar as needed in order to meet student needs. |
| Existing Policy | <p>22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties:</p> <p>(n) (l) To determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the next following school year, but in no event shall said schools be scheduled to have fewer than [varies by grade level] hours of planned teacher-pupil instruction</p> | |
| Proposed Replacement | <p>Prior to the end of the school year, <i>Excel Academy</i> shall determine the length of time during which <i>Excel Academy</i> shall be in session during the next school year. The number of days of planned teacher-student instruction and of teacher-student contact shall meet or exceed the requirements of state law and <i>the DPS Board-approved district calendar</i>.</p> <p><i>The Excel Academy calendar</i> shall include the dates for all staff in-service programs scheduled for the coming school year <i>that are not identified on the DPS Board-approved district calendar</i>.</p> <p>A copy of the calendar shall be provided to all parents/guardians of students enrolled at <i>Excel Academy</i>. <i>The calendar will also be published on the school's web page</i>. Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice <i>to students and parents</i>.</p> <p>State law establishes the school year as 1080 hours of planned teacher-student instruction for high schools. <i>Excel Academy</i> will</p> | |

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| | <p>exceed that amount with a longer instructional day. At Excel Academy, it will be a requirement for students to be engaged in learning for a longer school day; class periods are lengthened to one hour and twenty minutes in duration, providing a full Carnegie credit unit of 120 hours per course. Students will be required to accumulate 240 credits toward graduation and complete a senior community service project to meet graduation requirements.</p> | |
| <p>Sec. 22-32-109(1)(n)(II)(A)</p> | <p>Instructional Program, Teacher pupil contact hours</p> | <p>The School requests a waiver from Sec.22-32-109(1) (n) (II) (A).</p> |
| <p>Existing Policy</p> | <p>22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties:</p> <p>(II) (A) The actual hours of teacher-pupil instruction and teacher-pupil contact specified in subparagraph (I) of this paragraph (n) may be reduced to no fewer than one thousand fifty-six hours for secondary school pupils, no fewer than nine hundred sixty-eight hours for elementary school pupils, no fewer than four hundred thirty-five hours for half-day kindergarten pupils, or no fewer than eight hundred seventy hours for full-day kindergarten pupils, for parent-teacher conferences, staff in-service programs, and closing deemed by the board to be necessary for the health, safety, or welfare of students.</p> | |
| <p>Proposed Replacement Policy</p> | <p>Prior to the end of the school year, <i>Excel Academy</i> shall determine the length of time during which <i>Excel Academy</i> shall be in session during the next school year. The number of days of planned teacher-student instruction and of teacher-student contact shall meet or exceed the requirements of state law and <i>the DPS Board-approved district calendar</i>.</p> <p><i>The Excel Academy calendar</i> shall include the dates for all staff in-service programs scheduled for the coming school year <i>that are not identified on the DPS Board-approved district calendar</i>.</p> <p>A copy of the calendar shall be provided to all parents/guardians of students enrolled at Excel Academy. <i>The calendar will also be published on the school's web page</i>. Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice <i>to students and parents</i>.</p> <p>State law establishes the school year as 1080 hours of planned teacher-student instruction for high schools. Excel Academy will exceed that amount with a longer instructional day. At Excel Academy, it will be a requirement for students to be engaged in learning for a longer school day; class periods are lengthened to one hour and twenty minutes in duration, providing a full Carnegie credit unit of 120 hours per course. Students will be required to</p> | |

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| | accumulate 240 credits toward graduation and complete a senior community service project to meet graduation requirements. | |
| Sec.22-32-109(1)(n)(II)(B) | School Calendar | The School will adhere to Sec.22-32-109 (1) (n) (II) (B) with the exception of an earlier teacher start date in alignment with the Innovation Plan. This allows new teachers to receive ten days of induction and professional development and returning teachers to receive five days of professional development before the student start date. |
| Existing Policy | <p>22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties:</p> <p>(B) Prior to the beginning of the school year, each district shall provide for the adoption of a district calendar which is applicable to all schools within the district...A copy of the calendar shall be provided to the parents or guardians of all children enrolled...Such calendar shall include the dates for all staff in-service programs. The] school administration shall allow for public input from parents and teachers prior to scheduling ...staff in-service programs. Any change in the calendar...shall be preceded by adequate and timely...of not less than thirty days.</p> | |
| Replacement Policy | <p>Prior to the end of the school year, <i>Excel Academy</i> shall determine the length of time during which <i>Excel Academy</i> shall be in session during the next school year. The number of days of planned teacher-student instruction and of teacher-student contact shall meet or exceed the requirements of state law and <i>the DPS Board-approved district calendar</i>.</p> <p><i>The Excel Academy calendar</i> shall include the dates for all staff in-service programs scheduled for the coming school year <i>that are not identified on the DPS Board-approved district calendar</i>.</p> <p>A copy of the calendar shall be provided to all parents/guardians of students enrolled at Excel Academy. <i>The calendar will also be published on the school's web page</i>. Any change in the calendar except for emergency closings or other unforeseen circumstances shall be preceded by adequate and timely notice <i>to students and parents</i>.</p> <p>State law establishes the school year as 1080 hours of planned teacher-student instruction for high schools. Excel Academy will exceed that amount with a longer instructional day. At Excel Academy, it will be a requirement for students to be engaged in learning for a longer school day; class periods are lengthened to one hour and twenty minutes in duration, providing a full Carnegie credit unit of 120 hours per course. Students will be required to</p> | |

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| | accumulate 240 credits toward graduation and complete a senior community service project to meet graduation requirements. | |
| Sec.22-32-109(1)(cc) | Human Resource Management: Personnel, Dress code for Employees | The School adheres to Sec.22-32-109(1) (cc) with the exception being: those days designated by the principal as being “dress-down” days or “theme” days. |
| Existing Policy | 22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties: (cc) To adopt a dress code policy for teachers and other school employees. | |
| Proposed Replacement Policy | The School will adhere to district dress code policies with limited local autonomy in order for the principal to designate some days as being “dress-down” days or “theme” days. | |
| Sec.22-32-109(1)(jj) | Human Resource Management: Personnel, Principal Development or training | The School adheres to Sec.32-109(1) (jj) with the exception being: the School will supplement the DPS professional development of the principal. |
| Existing Policy | 22-32-109. Board of education - specific duties. (1) ...each board of education shall have and perform the following specific duties: (jj) To identify any areas in which one or more of the principals of the schools of the school district require further training or development. The board of education shall contract for or otherwise assist the identified principals in participating in professional development programs to assist the identified principals in improving their skills in the identified areas. | |
| Proposed Replacement Policy | In addition to any professional development identified by the instructional superintendent for Excel Academy, the principal will receive additional training and development to align with the innovation school model as may be deemed necessary by the Quality Management Team, which may include development in the following areas: 1) Excel’s Mission and Vision, 2) Single School Behavioral Culture, 3) Culture of Commitment, 4) Jobs for the Future Common Instructional Framework , 5) Curricular Alignment, 6) Four Key Dimensions of College Readiness, 7) Vigilant Use of Data to Drive Instruction, 8) College Readiness Standards, 9) Career Awareness, and 10) Response to Intervention. | |

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| <p>22-63-203.5 Portability of non-probationary status</p> | <p>Human Resource Management</p> | |
| <p>Existing Policy</p> | <p>Beginning with the 2014-15 school year, a nonprobationary teacher, except for a nonprobationary teacher who has had two consecutive performance evaluations with an ineffective rating, who is employed by a school district and is subsequently hired by a different school district may provide to the hiring school district evidence of his or her student academic growth data and performance evaluations for the prior two years for the purposes of retaining nonprobationary status. If, upon providing such data, the nonprobationary teacher can show two consecutive performance evaluations with effectiveness ratings in good standing, he or she shall be granted nonprobationary status in the hiring school district.</p> | |
| <p>School's Replacement Policy</p> | <p>Excel Academy will employ all teachers, other than existing DPS teachers who have existing non-probationary status, according to an annual contract and will not recognize probationary or non-probationary status for these employees as a result. This includes teachers hired into the school from outside of the district who came with an existing non-probationary status.</p> <p>As it relates to non-probationary consideration, these teachers will retain any accrued years of effective teaching service accumulated prior to joining Excel Academy should they choose to apply for other district teaching positions, but they will not earn extra years while teaching at Excel.</p> <p>Formal teaching evaluations using DPS systems will be tracked and monitored by the school and will be a portable part of a teacher's file.</p> | |

Table III– Analysis of Waivers From the DCTA Collective Bargaining Agreement Called for by the Innovation Plan

| DCTA Article | Description | Waiver Request |
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| Article 1-7, DCTA | Definitions – School Year | <i>School year will be school year as established by Excel Academy and it may be different from the district-defined school year.</i> |
| Article 5-4, DCTA | School Leadership Team | |
| Existing Policy | <p>Each school will have a School Leadership Team (SLT) consisting of the principal, the association representative, a teacher appointed by the principal, and a minimum of 3 teacher representatives ... elected annually by a majority of the faculty voting by secret ballot</p> <p>The SLT will make decisions by consensus. A consensus is either a unanimous decision or a majority decision that the entire SLT, including the dissenters, will support.</p> <p>Their responsibilities shall include: a. Collaborate in the development of the School Improvement Plans; b. Review and collaborate on the design of and schedule for the professional development c. Review and collaborate on the implementation of the District’s instructional program ...including prioritizing and sequencing activities within the work week;...f. Collaborate to implement best instructional practices</p> | |
| Proposed Replacement Policy | Responsibilities identified for the School Leadership Team will be assigned to the Excel Advisory Council who will fulfill the same duties in compliance with the state regulations or as outlined in the existing article. | |
| Article 8, DCTA | Professional Standards | |
| Existing Policy | Multiple sections including SLT, Contract year, 40 hour work week, planning time, teaching loads, non-teaching duties, lesson plans, classroom interruptions, class coverage, emergency school closings, teacher-in-charge, and transportation of students. | |
| Proposed Replacement Policy | Excel Academy will follow article 8 with the following exceptions: School leadership team will be replaced by the Excel Advisory Council. Contract year, planning time, and teaching load will be based on the Excel Academy identified school calendar and student schedule. | |
| Article 13, DCTA | Assignments, schedules, and transfer | Excel Academy will use school-directed recruitment and hiring processes to allow greater flexibility in the timing, recruitment, and selection of teaching candidates. |
| Existing Policy | 10 Pages. Sections include: Timelines with the HR process, Hiring through Personnel Committee, Reduction in Building Staff (RIBS), | |

| DCTA Article | Description | Waiver Request |
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| | Voluntary Transfers, In-Building Bidding, Posting Vacancies, Applications, Selection Procedure, Assignments/Placements. | |
| Proposed Replacement Policy | <p>Excel Academy will waive Article 13 to prevent school from accepting direct placement that is not a mutual consent.</p> <p>Excel Academy will also implement a locally-directed recruitment and hiring process to allow greater flexibility in the timing, recruitment, and selection of teaching candidates.</p> <p>Excel Academy will continue working with the district's assigned HR partner to ensure that all hiring and selection practices are consistent with HR policies that are not otherwise waived out of in the plan (including federal and state hiring policies).</p> | |
| Article 10, DCTA | Performance Evaluations | Excel Academy will follow formal teacher performance evaluation protocol as defined in LEAP (or whatever future DPS equivalents may be). |
| Existing Policy | 12 page process which includes: defining evaluators, documentation, records of teaching, observations, interview data, written communication, sequence of evaluation, pre and post observation conferences, evaluation data review conferences, performance ratings, completion of evaluation, remediation, conducting a remediation plan, PD plans, special evaluations, personnel performance evaluation council. | |
| Proposed Replacement Policy | <p>Excel Academy will conduct formal teacher performance evaluations consistent with LEAP (or whatever future DPS equivalents may be).</p> <p>If it is determined through the evaluation process that a teacher is in need of remediation at any point throughout the year, the school leader and teacher will meet to discuss an appropriate remediation plan. The plan will include: an appropriate timeline, specific measurable goals for the teacher, and appropriate supports for the teacher. If at the end of the remediation period, the school leader decides that the individual is not meeting performance expectations, then the teacher may be subject to termination.</p> | |