

Section XI – Waivers

A public charter school may apply to either the local board of education or the Commissioner of Education for waivers from certain State laws or rules that inhibit the schools’ proposed mission. Charter applicants should include a list of waivers in the application with accompanying rationale. State laws are available at this site: <http://www.lexisnexis.com/hottopics/tncode/>, and the State Board of Education rules are available at <http://tn.gov/sos/rules/0520/0520/htm>.

Pursuant to statute, neither the local board of education nor the commissioner may waive regulatory or statutory requirements related to:

- (1) federal and state civil rights,
- (2) federal, state, and local health and safety,
- (3) federal and state public records,
- (4) immunizations,
- (5) possession of weapons on school grounds,
- (6) background checks and fingerprinting of personnel,
- (7) federal and state special education services,
- (8) student due process,
- (9) parental rights,
- (10) federal and state student assessment and accountability,
- (11) open meetings, and
- (12) at least the same equivalent time of instruction as required in regular public schools.

Because a public charter school is governed by its own governing body, and not the local board of education, most local board of education policies will be inapplicable. However, policies that relate uniformly to all students in an authorizing district (e.g., intra-district transfer or alternative school policies) and policies relative to reporting data required by the State (e.g., student attendance and achievement on State achievement tests) will usually apply to public charter schools. Please contact the authorizing local board of education for more information.

Evaluation Rubric

- An excellent application will include the following regarding waiver requests:
- A list of state rules and regulations and/or State Board of Education rules and regulations from which a waiver is requested.
- An articulation of how the waiver will help the school “meet its goals or comply with its mission statement,” T.C.A. § 49-13-105, and what policies, if any, will replace the statutory or regulatory requirements.
- Alignment between the requested waivers and the proposed school’s mission, goals, operations, governance and employment relationships.

KIPP Nashville Middle School (KNMS) shall operate in compliance with all Metropolitan Nashville Public Schools policies and regulations and all applicable federal, state and local laws, rules and regulations, unless specifically waived. In order for KNMS to ensure its students meet or exceed local state and national academic standards, it must provide its students with a greater amount of time on task. KNMS’s governance and leadership needs flexibility in its initial structure to overcome potential barriers in fulfilling its mission and goals. KNMS formally requests a waiver from the laws, rules and regulations listed below. The request includes all laws, rules and regulations covering the same subject matter as those listed below and a waiver of all rules and regulations that come into force following the date of submission of this charter proposal.

While the list of requested waivers is illustrative of the range of potentially conflicting policies, it is impracticable to attempt a listing of all the rules and regulations that might now, or in the future, undermine the KIPP program. In addition to the specific waiver requests listed below, KNMS requests waivers of any additional rules and regulations that are waived for existing or future charter schools authorized by the state board of education and MNPS. KNMS also reserves the right to supplement this request or make additional waiver requests in the future.

1. PERSONNEL WAIVERS

A) COMPENSATION

AREA: Licensed Personnel Salaries

TN EDUCATION STATUTE: 49-3-306(a)

STATE BOARD RULE: 0520-1-2-.02

RATIONALE FOR WAIVER: While we ensure that public monies will be used properly and that all personnel will be paid adequately and timely, it is critical to our program that the KNMS payroll system reflects the school's purpose and philosophy.

AREA: Longevity Pay

TN EDUCATION STATUTE: 8-23-206(a)

STATE BOARD RULE:

RATIONALE FOR WAIVER: Public monies will be used properly to ensure personnel will be paid adequately, however it is critical to the KNMS program that the payroll system reflects the individual school's purpose and philosophy. Teachers may be given incentive pay that will compensate them for years of consistent student performance, not just years of service.

B) HOURS & BENEFITS

AREA: Teacher Assignment

TN EDUCATION STATUTE: 49-5-401

STATE BOARD RULE:

RATIONALE FOR WAIVER: KNMS will utilize an extended schedule, including increased instructional, as well as professional development hours. Teachers will receive compensation commensurate with the increased work hours.

AREA: School Term Vacations and Other Non-Instructional Days

TN EDUCATION STATUTE: 49-6-304A (2)-D

STATE BOARD RULE: 0520-1-3-.03(4)

RATIONALE FOR WAIVER: KNMS operates with an extended school year including additional school days in summer and/or on Saturdays along with an extended school day from 7:30 a.m. – 4:00 p.m.

C) PROMOTION & EVALUATION

AREA: Career Ladder

TN EDUCATION STATUTE: 49-5-5002-5010, 49-5-5206-5209, 49-5-5301, 49-5-5304-5306, 49-5-5401, 49-5-5405, 49-5-5406, 49-5-5501, 49-5-5504-5506

STATE BOARD RULE: 0520-2-2

RATIONALE FOR WAIVER: No need or funding is currently available for career ladder initiatives.

AREA: General Requirements for Evaluation

TN EDUCATION STATUTE: 49-5-5205

STATE BOARD RULE: 0520-1-1-.01

RATIONALE FOR WAIVER: A key to KNMS’s success is being able to attract and retain a staff that is committed to the KNMS mission and to provide them with the motivation necessary to get the job done. Accordingly, it is essential that KNMS be able to design hiring, pay, benefits, promotion and evaluation systems that are aligned with the school’s mission and goals. The guidelines and performance expectations are outlined specifically in the annual performance goals as part of the KNMS performance management system.

AREA: Evaluation of Third-Year Apprentice Educators

TN EDUCATION STATUTE: 49-5-5205

STATE BOARD RULE: 0520-2-1-.03

RATIONALE FOR WAIVER: A key to KNMS’s success is being able to attract and retain a staff that is committed to our mission and to provide them with the motivation necessary to get the job done. It is essential that KNMS be able to design hiring, pay, benefits, promotion and evaluation systems that are aligned with our mission and goals. The guidelines and performance expectations are outlined specifically in the annual performance goals as part of the KNMS performance management system.

AREA: Evaluation of Principals, Assistant Principals and Supervisors

TN EDUCATION STATUTE: 49-5-5302, 49-5-5402, 49-5-5408, 49-5-5502

STATE BOARD RULE: 0520-2-2(2)

RATIONALE FOR WAIVER: A key to KNMS’s success is being able to attract and retain a staff that is committed to our mission and to provide them with the motivation necessary to get the job done. It is essential that KNMS be able to design hiring, pay, benefits, promotion and evaluation systems that are aligned with our mission and goals. The guidelines and performance expectations are outlined specifically in the annual performance goals as part of the KNMS performance management system.

D) TENURE**AREA: Evaluation Contracts and Termination of Contracts**

TN EDUCATION STATUTE: 49-5-408-409

STATE BOARD RULE: 0520-2-2(2)

RATIONALE FOR WAIVER: A key to KNMS’s success is being able to attract and retain a staff that is committed to our mission and to provide them with the motivation necessary to get the job done. It is essential that KNMS be able to design hiring, pay, benefits, promotion and evaluation systems that are aligned with our mission and goals. Every teacher will be assessed based on their performance. Teachers, who attain the required levels of performance, as outlined in their performance management goals, will be offered an opportunity to remain on staff.

AREA: Tenure

TN EDUCATION STATUTE: 49-5-501-513

STATE BOARD RULE:

RATIONALE FOR WAIVER: As a charter school, KNMS will be results-driven. Therefore, all employees of KNMS will be “at-will.”

E) STAFFING REQUIREMENTS**AREA: Licensed Principals**

TN EDUCATION STATUTE: 49-5-101(a)

STATE BOARD RULE: 0520-1-2-.03(6)

RATIONALE FOR WAIVER: KNMS will recruit the most qualified school leaders from around the country to fulfill its mission.

AREA: Library Information Center Personnel

TN EDUCATION STATUTE:

STATE BOARD RULE: 0520-1-3-.07(2)

RATIONALE FOR WAIVER: A substantial library will be available to students at the nearest public library. This facility will be augmented by classroom libraries.

2. SCHOOL MANAGEMENT/OPERATIONAL WAIVERS

AREA: School Year Commencement

TN EDUCATION STATUTE: 49-6-3004

STATE BOARD RULE:

RATIONALE FOR WAIVER: KNMS will utilize an expanded school year calendar. For this reason, the school will start before Labor Day.

AREA: Local Fiscal Accounting

TN EDUCATION STATUTE: 49-3-316

STATE BOARD RULE:

RATIONALE FOR WAIVER: While KNMS will ensure that public monies will be used properly, that all non-waived regulations will be met and that all operations will stand up to a financial audit, it is critical to the KNMS program that management systems reflect KNMS's purpose and philosophy.

AREA: Formulation and Administration of Behavior and Discipline Codes

TN EDUCATION STATUTE: 49-6-4012(b)

STATE BOARD RULE:

RATIONALE FOR WAIVER: While parents and students will undergo due process, it is important that the discipline practices of KNMS provide a safe and effective learning environment for all students.

3. EDUCATIONAL WAIVERS

A) CURRICULUM

AREA: Health, Physical and Wellness Education Curriculum

TN EDUCATION STATUTE:

STATE BOARD RULE: 0520-1-3-.05

RATIONALE FOR WAIVER: Students will be involved in physical education activities each week. The School Leader will oversee these classes and work to ensure that the PE curriculum meets state content standards, despite the use of non-certified instructional personnel.

AREA: Fine Arts Curriculum

TN EDUCATION STATUTE:

STATE BOARD RULE: 0520-1-3-.05

RATIONALE FOR WAIVER: Students will be involved in fine arts activities incorporated into their general education classes. Fine arts classes may be taught by volunteers. The School Leader will oversee these classes and work to ensure that the fine arts curriculum meets state content standards, despite the use of non-certified instructional personnel.

AREA: Use of Unapproved Textbooks

TN EDUCATION STATUTE: 49-6-2206

STATE BOARD RULE:

RATIONALE FOR WAIVER: The KNMS curriculum and instructional approaches will be linked to the school's mission and goals. KNMS will use both state-approved textbooks and other unapproved instructional materials.

AREA: Capital Outlay

TN EDUCATION STATUTE: 49-3-311

STATE BOARD RULE:

RATIONALE FOR WAIVER: Preparing a charter school facility will pose a great challenge. Because charter schools must finance their own buildings and do not have the power to raise taxes to fund capital outlay, it is critical that KNMS gain freedom from non-health and safety standards for the school site and have control of the facility vested in the KIPP Nashville board, rather than the city board of education. Having this freedom will allow us to use the school site resources most efficiently and effectively and align building choices with the KNMS mission and goals.

4. METROPOLITAN NASHVILLE PUBLIC SCHOOLS OPERATING POLICY WAIVERS

A) SCHOOL BOARD OPERATIONS

AREA: Naming of Facilities

POLICY NUMBER: SBO 1.100

RATIONALE FOR WAIVER: KNMS may raise funding to build, repair, or restore a facility, and accordingly KNMS reserves the right to name all or a portion of the facility and to put a plaque on the wall to recognize donors.

B) FISCAL MANAGEMENT

AREA: BEP and New Teacher Money Programs

POLICY NUMBER: SBO 2.108

RATIONALE FOR WAIVER: KNMS creates an annual budget, approved by the KIPP Nashville board, which aligns to the mission of KNMS. This budget allocates resources in a way that best equips all KIPP Nashville teachers for success in pursuit of the mission.

AREA: EBS and Procedure to Pay User Access

POLICY NUMBER: SBO 2.106

RATIONALE FOR WAIVER: The KIPP Nashville board has authority to enter into contracts and is free from the restriction of using only MNPS approved vendors and suppliers. Accordingly, KNMS will not participate in the EBS system.

AREA: Employee Travel Regulations

POLICY NUMBER: SBO 2.102

RATIONALE FOR WAIVER: KIPP Nashville sets internal policy and regulations governing employee travel. These policies are approved by the KIPP Nashville Board and will vary from MNPS policy.

AREA: Facility Use

POLICY NUMBER: SBO 2.118

RATIONALE FOR WAIVER: KIPP Nashville may occasionally choose to use facilities for fundraisers and other social events that support the mission of the school. Further, KIPP Nashville may choose to run a summer camp in support of the mission, on property it rents or owns.

AREA: Grant Drawdowns and Reimbursements

POLICY NUMBER: SBO 2.125

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all grant application decisions and grant monies.

AREA: Grants Management

POLICY NUMBER: SBO 2.101

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all grant application decisions and grant monies.

AREA: Initiating Contracts

POLICY NUMBER: SBO 2.113

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all contracting decisions.

AREA: Inventory Control

POLICY NUMBER: SBO 2.129

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all contracting decisions. Further, KIPP Nashville has its own inventory procedures and does not participate in the MNPS File Maker Pro system.

AREA: Memorials or Recognitions on School Property

POLICY NUMBER: SBO 2.119

RATIONALE FOR WAIVER: KNMS intends to recognize future success of alumni by creating memorials and/or recognition plaques that highlight college and post-graduate success of KNMS alumni.

AREA: Payroll Overpayments and Underpayments

POLICY NUMBER: SBO 2.110

RATIONALE FOR WAIVER: KIPP Nashville sets its own fiscal policies that are approved by the KIPP Nashville board.

AREA: Purchasing Card Program

POLICY NUMBER: SBO 2.111

RATIONALE FOR WAIVER: KIPP Nashville sets its own fiscal policies that are approved by the KIPP Nashville board.

AREA: Purchasing for MNPS

POLICY NUMBER: SBO 2.111

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all contracting and purchasing decisions.

AREA: Student Fundraising Policy

POLICY NUMBER: SBO 2.107

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all contracting and purchasing decisions. Further, KIPP Nashville will make internal decisions and has the authority to internally approve selected fundraising activities.

AREA: Supplies and Materials Budget Allocation to Schools

POLICY NUMBER: SBO 2.109

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all contracting and purchasing decisions.

AREA: Purchasing for MNPS

POLICY NUMBER: SBO 2.111

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all contracting and purchasing decisions.

C) SUPPORT SERVICES

AREA: Film and Video Photography on MNPS Property

POLICY NUMBER: SBO 3.101

RATIONALE FOR WAIVER: KNMS occasionally records school events and reserves the right to schedule these events and control the distribution of the recorded material.

D) INSTRUCTIONAL MANAGEMENT

AREA: Essential Literature

POLICY NUMBER: SBO 4.129

RATIONALE FOR WAIVER: KNMS creates its own curriculum aligned to state standards and, accordingly, may not participate in the MNPS essential literature program.

AREA: Grading Procedures for Grades K-12

POLICY NUMBER: SBO 4.144

RATIONALE FOR WAIVER: KNMS creates its own curriculum aligned to state standards and the School Leader sets grading policies.

AREA: Physical Education and Lifetime Wellness

POLICY NUMBER: SBO 4.155

RATIONALE FOR WAIVER: KNMS creates its own curriculum aligned to state standards and the School Leader sets grading policies.

E) PERSONNEL/HUMAN RESOURCES

AREA: Coaching Staff Supplemental Pay

POLICY NUMBER: SBO 5.101

RATIONALE FOR WAIVER: KIPP Nashville is a 501(c)3 and controls its own budget including all salary and stipend decisions.

AREA: Evaluation of Assistant Principals

POLICY NUMBER: SBO 5.109

RATIONALE FOR WAIVER: The KNMS School Leader shall evaluate Deans, Grade Team Leaders, and Assistant Principals using the KIPP Nashville Performance Management system.

AREA: Sick Leave; Maternity Leave, FMLA Leave

POLICY NUMBER: SBO 5.148; 5.152; 5.155

RATIONALE FOR WAIVER: KIPP Nashville sets its own leave policies in compliance with all state and federal laws and approved by the KIPP Nashville Board of Directors.

AREA: Professional Development Stipend

POLICY NUMBER: SBO 5.164

RATIONALE FOR WAIVER: KIPP Nashville seeks to create a professional learning environment for its teachers. Accordingly, high performing teachers and staff members will have frequent opportunities to lead professional development sessions for their KIPP Nashville peers.