

Waivers

Public charter schools may apply to either the local board of education or the Commissioner of Education for waivers from certain state requirements or rules that inhibit the schools' proposed mission. Pursuant to state statute, neither the local board of education nor the commissioner may waive regulatory or statutory requirements related to:

- Federal and state civil rights
- Federal, state and local health and safety regulations
- Federal and State public records
- Immunizations
- Possession of weapons on school grounds
- Background checks and fingerprinting of personnel
- Federal and state special education services
- Student due process
- Parental rights
- Open meetings
- 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, 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 to the state (e.g. student attendance and achievement on state assessments) will usually apply to public charter schools.

State laws are available at this site: <http://www.lexisnexis.com/hottopics/tncode> and State Board of Education rules are available at <http://tn.gov/sos/rules/0520/0520/htm>.

STATE STATUTE	DESCRIPTION OF STATUTE	PROPOSED REPLACEMENT POLICY OR PRACTICE	HOW WILL WAIVER OF THIS STATUTE HELP STUDENT ACHIEVEMENT?
Duty Free Lunch Period: 49-1-302(e)(1)	The board shall develop and adopt rules and regulations to achieve for the 1985-1986 school year and thereafter, a duty-free lunch period for all teachers, kindergarten through grade twelve (K- 12), of at least the length of the student lunch period, during which time the teacher has no other assigned responsibilities	We believe that it is important for teachers to have this flexibility if to choose how they use this time. While all Green Dot teachers are encouraged to take a lunch break, many choose to use lunch time to build relationships with students and take care of other issues that come up throughout the morning.	Allowing teachers flexibility to use their time in the way they feel is most efficient leads to better student outcomes.
Licensed Principals: 49-5- 101(a)	No person shall be employed as principal, teacher or supervisor of any public elementary or high school by any local school district, or receive any pay for such services out of the public school funds of such local school district until the person presents to the director of schools a valid license as prescribed in this part. It is unlawful for any board of education to issue any warrant or check to such persons for services as principal, teacher or supervisor until the person has presented for record a license valid for the term of employment.	Green Dot strives to hire highly qualified leaders for all of our schools. We require that all of our Principals have a credential; however, since our leaders may come from California, it may take them time to obtain a Tennessee credential. We therefore would like to waive this requirement for those leaders while they obtain their license in the early years of joining a school.	Having a highly effective leader at our schools leads supports more highly effective teaching, which ultimately drives higher student achievement. Allowing our leaders in California the opportunity to work in Tennessee ensures that we have leaders who ingrained in the Green Dot culture and have experience with the Green Dot model, making it more likely they will be able to implement it with fidelity.

<p>Formulation and Administration of Behavior and Discipline Codes: 49-6-3004(f)</p>	<p>a) The governing body of each LEA shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by such LEA. (b) The director of schools or other administrative head of the LEA shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within that school. (c) The governing body of each LEA shall review and, if necessary, redraft existing behavior and discipline codes prior to January 1, 1997. In formulating the behavior and discipline codes, the governing body of each LEA shall seek recommendations from parents, employees, law enforcement personnel, and youth-related agencies in the community.</p>	<p>Green Dot has a well-established and well-functioning discipline policy based on Restorative Practice. We also have a recommended code of conduct. Please refer to Section 1.10 for further details on our discipline policies.</p>	<p>Using Restorative Practices as our approach to discipline has historically worked with our students and we expect student achievement to be highest if we can continue to implement our tried and tested model.</p>
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Bicycle Safety Curriculum: 49-6-1003	It is the duty of the principal of the school or schools to instruct pupils in the art of safety against injury on the public thoroughfares, highways and streets of the state and other places where the students may come in contact with, or be in danger of, bodily injury, for at least fifteen (15) minutes in each week during the time the school is in session.	Given the extensive time required for intervention during the school day, it is hard to commit to weekly bicycle safety but administrators will incorporate this into other safety topics.	A heavy emphasis on literacy and math interventions are likely to be most beneficial to student achievement; therefore, dedicating more time to these subject areas will benefit students.
Use of Unapproved Textbooks: 49-6-2206	No teacher or principal in a TN public school shall allow the use of a textbook whose subject is excluded by the textbooks listed by the commission, unless the textbook contains a subject that is included in a textbook that was previously listed and purchased with public funds. Principals and teachers in violation of this provision shall be fined.	Green Dot has developed an academic curriculum that has historically been successful. In order to continue to execute this curriculum, we need the flexibility to continue using the standards-based materials we have identified as aligned to this curriculum.	Using high quality materials that are aligned to our academic model and curriculum will enable the highest student achievement.
Custody of School Property: 49-6-2004	(a) The custody of all county school property shall be with the county board of education. (b) The board may designate the principal teacher of the local school, during the school term, or the truancy officer, to look after the protection and preservation of school grounds, houses and equipment.	Since Green Dot will have full ownership over operating the facility and will incur all associated costs, we must also maintain custody over the property.	Maintaining control over our own building will enable us to make facility decisions that are in the best interests of our students.

Capital Outlay: 49-3-311	The state board shall establish minimum standards for school sites, including locations, school attendance centers, the construction of buildings for school purposes, the remodeling or renovation of buildings for school purposes of a capital outlay nature and for equipment for buildings for school purposes. No board shall obligate or expend any state or local school funds for any project of a capital outlay nature that does not conform to the standards adopted by the state board as authorized in this section.	As Green Dot will fully manage its own facility, we would like to also have the ability to improve the facility as needed.	Having flexibility to improve facilities to best address our student needs will support higher performance.
Licensed Personnel Salaries: 49-3-306(a)	The commissioner, as approved by the state board of education, shall annually formulate a table of training and experience factors and a state salary schedule to be effective for each school year, which shall be applicable to all licensed personnel in every LEA.	Green Dot has developed a salary schedule for teachers based on number of years with the organization. A school-wide bonus may also be offered based on the TVAAS level achieved by the school.	We believe that our compensation system allows us to attract and retain the most highly effective teachers in our classrooms.
Tenure: 49-5	The statutes within this section outline a variety of requirements for teachers with tenure.	GDPST is an at-will employer and would like to maintain the flexibility to retain and let go of teachers based on our performance evaluations and not tenure.	Having the most highly effective teachers in classrooms regardless of tenure is best for student achievement.

Leave: 49-5-702-713 and 49-5-806-810	Requirements for substituting/replacing teachers during leave of absences are outlined here.	We would like to have the flexibility to decide the best way to respond to a leave of absence depending on the specific circumstances.	This would give Green Dot the flexibility to determine the best way to manage a leave of absence without impacting students.
STATE BOARD RULE	DESCRIPTION OF RULE	PROPOSED REPLACEMENT RULE OR PRACTICE	HOW WILL WAIVER OF THIS RULE HELP STUDENT ACHIEVEMENT?
Library Information Center 0520-1-3.07(2); 0520-1-3-.07(3)	The requirements in this rule specify personnel, including the need for a library information specialist with endorsement as a library information specialist for a high school of our size, and material procurement.	Given resource constraints, the school may not have a librarian but we will still ensure that students are able to access and use the library by leveraging existing staff. We would also like to maintain flexibility on library resources based on our students' needs.	Allowing students access to a library and ensuring there are supports to guide them, even if not in the form of a librarian, will ensure that they are still getting the most out of the resource.