

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. Charter applicants should include a list of waivers in the application on the chart below. Rows may be added as necessary.

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. Applicants should consult with the authorizer for more information.

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>.

KIPP Nashville College Prep Elementary School (KNCPE) 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 KNCPE 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. KNCPE's governance and leadership needs flexibility in its initial structure to overcome potential barriers in fulfilling its mission and goals. KNCPE 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, KNCPE 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. KNCPE also reserves the right to supplement this request or make additional waiver requests in the future.

State Statute	Description of Statute	Proposed Replacement Policy or Practice	How will waiver of this statute help student achievement?
TN EDUCATION STATUTE: 49-3-306(a)	AREA: Licensed Personnel Salaries	KIPP Nashville Board approves salaries during annual budgeting process	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 KNCPE payroll system reflects the school's purpose and philosophy.
TN EDUCATION STATUTE: 8-23-206(a)	AREA: Longevity Pay	KIPP Nashville Board approves salaries during annual budgeting process	RATIONALE FOR WAIVER: Public monies will be used properly to ensure personnel will be paid adequately, however it is critical to the KNCPE 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.
TN EDUCATION STATUTE: 49-5-401	AREA: Teacher Assignment	KIPP Nashville SST approves annual calendar and school schedules	RATIONALE FOR WAIVER: KNCPE will utilize an extended schedule, including increased instructional, as well as professional development hours. Teachers will receive compensation commensurate with the increased work hours.
TN EDUCATION STATUTE: 49-6-304A (2)-D	AREA: School Term Vacations and Other Non-Instructional Days	KIPP Nashville SST approves annual calendar and school schedules	RATIONALE FOR WAIVER: KNCPE 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.
TN EDUCATION STATUTE: 49-5-	AREA: Career Ladder	KIPP Nashville Board approves	RATIONALE FOR WAIVER: No need or funding

<p>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</p>		<p>salaries during annual budgeting process</p>	<p>is currently available for career ladder initiatives.</p>
<p>TN EDUCATION STATUTE: 49-5-5205</p>	<p>AREA: General Requirements for Evaluation</p>	<p>KIPP Nashville Board approves salaries and compensation plans during annual budgeting process</p>	<p>RATIONALE FOR WAIVER: A key to KNCPE’s success is being able to attract and retain a staff that is committed to the KNCPE mission and to provide them with the motivation necessary to get the job done. Accordingly, it is essential that KNCPE 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 KNCPE performance management system.</p>
<p>TN EDUCATION STATUTE: 49-5-5205</p>	<p>AREA: Evaluation of Third-Year Apprentice Educators</p>	<p>KIPP Nashville SST oversees performance evaluations through KIPP Nashville PM and leadership summit processes</p>	<p>RATIONALE FOR WAIVER: A key to KNCPE’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 KNCPE 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</p>

			performance goals as part of the KNCPE performance management system.
TN EDUCATION STATUTE: 49-5-5302, 49-5-5402, 49-5-5408, 49-5-5502	AREA: Evaluation of School leaders, Assistant Principals and Supervisors	KIPP Nashville SST oversees performance evaluations through KIPP Nashville PM and leadership summit processes	RATIONALE FOR WAIVER: A key to KNCPE'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 KNCPE 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 KNCPE performance management system.
TN EDUCATION STATUTE: 49-5-408-409	AREA: Evaluation Contracts and Termination of Contracts	KIPP Nashville SST oversees performance evaluations through KIPP Nashville PM and leadership summit processes	RATIONALE FOR WAIVER: A key to KNCPE'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 KNCPE 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.
TN EDUCATION STATUTE: 49-5-501-513	AREA: Tenure	KIPP Nashville SST oversees performance evaluations through	RATIONALE FOR WAIVER: As a charter school, KNCPE will be results-

		KIPP Nashville PM and leadership summit processes	driven. Therefore, all employees of KNCPE will be “at-will.”
TN EDUCATION STATUTE: 49-5-101(a)	AREA: Licensed School leaders	KIPP Nashville school leaders will participate in KIPP Foundation School Leadership Programs for training and skills development	RATIONALE FOR WAIVER: KNCPE will recruit the most qualified school leaders from around the country to fulfill its mission.
TN EDUCATION STATUTE:	AREA: Library Information Center Personnel	KIPP Nashville schools will provide students with access to classroom libraries	RATIONALE FOR WAIVER: A substantial library will be available to students at the nearest public library. This facility will be augmented by classroom libraries.
TN EDUCATION STATUTE: 49-6-3004	AREA: School Year Commencement	KIPP Nashville SST approves annual calendar and school schedules	RATIONALE FOR WAIVER: KNCPE will utilize an expanded school year calendar. For this reason, the school will start before Labor Day.
TN EDUCATION STATUTE: 49-3-316	AREA: Local Fiscal Accounting	KIPP Nashville Board approves budget through annual process	RATIONALE FOR WAIVER: While KNCPE 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 KNCPE program that management systems reflect KNCPE’s purpose and philosophy.
TN EDUCATION STATUTE: 49-6-4012(b)	AREA: Formulation and Administration of Behavior and Discipline Codes	KIPP Nashville SST approves student handbooks and discipline policies	RATIONALE FOR WAIVER: While parents and students will undergo due process, it is important that the discipline practices of KNCPE provide a safe and effective learning environment for all students.

TN EDUCATION STATUTE: 49-6-2206	AREA: Use of Unapproved Textbooks	KIPP Nashville SST approves use of curricular materials	RATIONALE FOR WAIVER: The KNCPE curriculum and instructional approaches will be linked to the school's mission and goals. KNCPE will use both state-approved textbooks and other unapproved instructional materials.
TN EDUCATION STATUTE: 49-3-311	AREA: Capital Outlay	KIPP Nashville board approves all facility contracts and leases	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 KNCPE 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 KNCPE mission and goals.

State Board Rules Waiver Requests:

State Board Rule	Description of Rule	Proposed Replacement Policy or Practice	How will waiver of this statute help student achievement?
STATE BOARD RULE: 0520-1-2-.02	AREA: Licensed Personnel Salaries	KIPP Nashville Board approves salaries during annual budgeting process	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 KNCPE payroll system reflects the school's purpose and philosophy.

<p>STATE BOARD RULE: 0520-1-3-.03(4)</p>	<p>AREA: School Term Vacations and Other Non-Instructional Days</p>	<p>KIPP Nashville SST approves annual calendar and school schedules</p>	<p>RATIONALE FOR WAIVER: KNCPE 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.</p>
<p>STATE BOARD RULE: 0520-2-2</p>	<p>AREA: Career Ladder</p>	<p>KIPP Nashville Board approves salaries during annual budgeting process</p>	<p>RATIONALE FOR WAIVER: No need or funding is currently available for career ladder initiatives.</p>
<p>STATE BOARD RULE: 0520-1-1-.01</p>	<p>AREA: General Requirements for Evaluation</p>	<p>KIPP Nashville Board approves salaries and compensation plans during annual budgeting process</p>	<p>RATIONALE FOR WAIVER: A key to KNCPE’s success is being able to attract and retain a staff that is committed to the KNCPE mission and to provide them with the motivation necessary to get the job done. Accordingly, it is essential that KNCPE 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 KNCPE performance management system.</p>
<p>STATE BOARD RULE: 0520-2-1-.03</p>	<p>AREA: Evaluation of Third-Year Apprentice Educators</p>	<p>KIPP Nashville SST oversees performance evaluations through KIPP Nashville PM and leadership summit processes</p>	<p>RATIONALE FOR WAIVER: A key to KNCPE’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 KNCPE be able to design hiring, pay, benefits, promotion and evaluation systems that are aligned with</p>

			our mission and goals. The guidelines and performance expectations are outlined specifically in the annual performance goals as part of the KNCPE performance management system.
STATE BOARD RULE: 0520-2-2(2)	AREA: Evaluation of School leaders, Assistant Principals and Supervisors	KIPP Nashville SST oversees performance evaluations through KIPP Nashville PM and leadership summit processes	RATIONALE FOR WAIVER: A key to KNCPE’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 KNCPE 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 KNCPE performance management system.
STATE BOARD RULE: 0520-2-2(2)	AREA: Evaluation Contracts and Termination of Contracts	KIPP Nashville SST oversees performance evaluations through KIPP Nashville PM and leadership summit processes	RATIONALE FOR WAIVER: A key to KNCPE’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 KNCPE 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.
STATE BOARD RULE: 0520-1-2-.03(6)	AREA: Licensed School leaders	KIPP Nashville school leaders will participate in KIPP Foundation School Leadership Programs for training and skills development	RATIONALE FOR WAIVER: KNCPE will recruit the most qualified school leaders from around the country to fulfill its mission.
STATE BOARD RULE: 0520-1-3-.07(2)	AREA: Library Information Center Personnel	KIPP Nashville schools will provide students with access to classroom libraries	RATIONALE FOR WAIVER: A substantial library will be available to students at the nearest public library. This facility will be augmented by classroom libraries.
STATE BOARD RULE: 0520-1-3-.05	AREA: Health, Physical and Wellness Education Curriculum	KIPP Nashville SST approves annual calendar and school schedules including time for student health and well-being through physical activity	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.
STATE BOARD RULE: 0520-1-3-.05	AREA: Fine Arts Curriculum	KIPP Nashville SST approves annual calendar and school schedules including fine arts programming	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.

Metropolitan Nashville Public Schools Policy Waiver Requests:

4. METROPOLITAN NASHVILLE PUBLIC SCHOOLS OPERATING POLICY WAIVERS

A) SCHOOL BOARD OPERATIONS

AREA: Naming of Facilities

POLICY NUMBER: SBO 1.100

RATIONALE FOR WAIVER: KNCPE may raise funding to build, repair, or restore a facility, and accordingly KNCPE 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: KNCPE creates an annual budget, approved by the KIPP Nashville board, which aligns to the mission of KNCPE. 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, KNCPE 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: KNCPE intends to recognize future success of alumni by creating memorials and/or recognition plaques that highlight college and post-graduate success of KNCPE 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: KNCPE 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: KNCPE 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: KNCPE 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: KNCPE 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 KNCPE 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.