

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-1009.01 Julie Pelegrin x2700

HOUSE BILL 17-1271

HOUSE SPONSORSHIP

Pettersen,

SENATE SPONSORSHIP

Priola,

House Committees

Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING WAIVERS GRANTED TO SCHOOL DISTRICTS OF**
102 **INNOVATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, if the state board of education (state board) designates a school district as a district of innovation based on the innovation plan the school district submits to the state board, the state board is required to grant any waivers of state statute or rule that are necessary to implement the innovation plan. The waivers remain in place so long as the district remains a district of innovation.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Under the bill, the state board must apply the same standard that it applies for waiving statutes and rules for school districts in other circumstances to determine whether to waive statutes or rules for a district of innovation. After granting a waiver, the state board may revoke the waiver if it receives evidence of good and just cause for the revocation, which is the same standard for revoking a waiver granted to a school district in other circumstances.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-32.5-108, **amend**
3 (1) introductory portion and (5) as follows:

4 **22-32.5-108. District of innovation - waiver of statutory and**
5 **regulatory requirements.** (1) Upon designation of a district of
6 innovation, the state board shall waive any statutes or rules specified in
7 the school district's innovation plan as they pertain to the innovation
8 schools or innovation school zones of the district of innovation IF THE
9 STATE BOARD DETERMINES THAT THE WAIVERS WOULD ENHANCE
10 EDUCATIONAL OPPORTUNITY AND QUALITY WITHIN THE INNOVATION
11 SCHOOLS OR INNOVATION SCHOOL ZONES OF THE DISTRICT OF INNOVATION
12 AND THAT THE COSTS OF COMPLYING WITH THE REQUIREMENTS FOR WHICH
13 THE WAIVERS ARE REQUESTED SIGNIFICANTLY LIMIT EDUCATIONAL
14 OPPORTUNITY WITHIN THE INNOVATION SCHOOLS OR INNOVATION SCHOOL
15 ZONES OF THE DISTRICT OF INNOVATION; except that the state board shall
16 not waive:

17 (5) (a) If the local school board for a district of innovation revises
18 an innovation plan as provided in section 22-32.5-110, the local school
19 board may request ~~and the state board shall grant~~, additional waivers or
20 changes to existing waivers as necessary to accommodate the revisions
21 to the innovation plan, AND THE STATE BOARD SHALL GRANT THE
22 ADDITIONAL WAIVERS OR CHANGES TO EXISTING WAIVERS IF IT

1 DETERMINES THAT THE NEW OR CHANGED WAIVERS MEET THE STANDARD
2 SPECIFIED IN SUBSECTION (1) OF THIS SECTION. In requesting a new waiver
3 or a change to an existing waiver, the local school board shall
4 demonstrate the consent of a majority of the teachers and a majority of the
5 administrators employed at and a majority of the school advisory
6 committee for each public school that is affected by the new or changed
7 waiver.

8 (b) ~~Except as otherwise provided in paragraph (a) of this~~
9 ~~subsection (5)~~ A waiver that is granted pursuant to this section shall
10 ~~continue~~ CONTINUES to apply to a public school so long as the public
11 school continues to be designated as an innovation school or included in
12 an innovation school zone, UNLESS:

13 (I) A CHANGE TO THE WAIVER IS REQUESTED AND GRANTED AS
14 PROVIDED IN SUBSECTION (5)(a) OF THIS SECTION; OR

15 (II) THE STATE BOARD REVOKES THE WAIVER AFTER RECEIVING
16 EVIDENCE THAT CONSTITUTES GOOD AND JUST CAUSE FOR REVOKING THE
17 WAIVER, AS DETERMINED BY THE STATE BOARD. THE STATE BOARD MAY
18 REVOKE A WAIVER GRANTED TO A DISTRICT OF INNOVATION ONLY BY
19 ACTION TAKEN IN A PUBLIC MEETING AND HEARING.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.