

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 01-0857.01 Jeff Conway

HOUSE BILL 01-1355

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A BILL FOR AN ACT

101 **CONCERNING THE PROCEDURES INVOLVED WITH THE WAIVER OF**
102 **EDUCATIONAL LAWS GRANTED BY THE STATE BOARD OF**
103 **EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Repeals the provision that requires a school district that submits an application for a waiver of education statutes or rules and that has a funded pupil count of 3,000 or more pupils to obtain the consent of a majority of the school district's accountability committee and the affected administrators and teachers.

Repeals the provisions that require a school district that submits an application for the waiver of education statutes or rules to:

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.

HOUSE
3rd Reading Unamended
March 16, 2001

HOUSE
Amended 2nd Reading
March 15, 2001

- Publish notice of the meeting and hearing on the application in a newspaper for 4 weeks; and
- Consult with the school district accountability committee at least 60 days prior to the meeting and hearing.

Requires a school district that submits an application for the waiver of education statutes or rules to post notice of such meeting and hearing at least 30 days prior to the meeting in the same manner as regular school district board of education meetings.

Clarifies that a school district board of education may request a revocation of the waiver for just cause.

Repeals the provision that requires review of a waiver granted to a charter school every 2 years and allows revocation by the state board of education if the waiver is deemed no longer necessary.

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

2 **SECTION 1.** 22-2-117 (1) (d), (2), and (3) (a) (I), Colorado
3 Revised Statutes, are amended to read:

4 **22-2-117. Additional power - state board - waiver of**
5 **requirements - rules.** (1) (d) In addition to any requirements for a
6 waiver application that are specified in this subsection (1), any application
7 submitted by a school district that has a funded pupil count, as defined in
8 section 22-54-103 (7), of ~~three~~ SIX thousand or more pupils shall
9 demonstrate that such application has ~~the consent of a majority of~~ BEEN
10 SUBMITTED FOLLOWING CONSULTATION WITH the appropriate
11 accountability committee, ~~a majority of~~ the affected licensed
12 administrators, and ~~a majority of~~ the teachers of the affected school or
13 district.

14 (2) Prior to submitting an application for a waiver as provided in
15 subsection (1) of this section, a school district board of education, in a
16 public meeting including a public hearing, shall adopt a resolution stating
17 the board's intent to apply for a waiver and specifying the statutes and
18 rules for which the board will request waivers. ~~The school district board~~

1 ~~of education shall post notice of such public meeting in three public~~
2 ~~places within the district for a period of not less than thirty calendar days~~
3 ~~prior to such meeting, giving the time and location of such meeting and a~~
4 ~~description of the waiver request. and, if a newspaper is published within~~
5 ~~the county, shall publish such notice once each week for at least four~~
6 ~~weeks prior to the meeting in such newspaper. At least sixty days prior~~
7 ~~to such public meeting and hearing, the school district board of education~~
8 ~~shall meet with the school district accountability committee to consult~~
9 ~~with the committee concerning the intent to seek the waiver. AT LEAST~~
10 ~~THIRTY DAYS PRIOR TO SUCH PUBLIC MEETING, THE SCHOOL DISTRICT~~
11 ~~BOARD OF EDUCATION SHALL POST NOTICE OF SUCH HEARING IN~~
12 ~~COMPLIANCE WITH SCHOOL BOARD POLICY REGARDING PROPER NOTICE TO~~
13 ~~THE PUBLIC OF SCHOOL DISTRICT BOARD OF EDUCATION MEETINGS.~~

14 (3) (a) Any waiver made pursuant to the provisions of this section
15 shall continue until such time as:

16 (I) The school district board of education that holds the waiver by
17 resolution requests revocation of the waiver FOR JUST CAUSE; or

18 **SECTION 2.** 22-30.5-104 (6), Colorado Revised Statutes, is
19 amended to read:

20 **22-30.5-104. Charter school - requirements - authority.**

21 (6) Pursuant to contract, a charter school may operate free from specified
22 school district policies and state regulations. Pursuant to contract, a local
23 board of education may waive locally imposed school district
24 requirements, without seeking approval of the state board. The state
25 board may waive state statutory requirements or rules promulgated by the
26 state board; except that the state board may not waive any statute or rule
27 relating to the assessments required to be administered pursuant to section

1 22-7-409 or necessary to prepare the school report cards pursuant to part
2 6 of article 7 of this title. Upon request of the charter applicant, the state
3 board and the local board of education shall provide summaries of such
4 regulations and policies to use in preparing a charter school application.
5 The department of education shall prepare the summary of state
6 regulations within existing appropriations. Any waiver of state or local
7 school district regulations made pursuant to this subsection (6) shall be for
8 the term of the charter for which the waiver is made. ~~except that a waiver~~
9 ~~of state statutes or regulations by the state board shall be subject to review~~
10 ~~every two years and may be revoked if the waiver is deemed no longer~~
11 ~~necessary by the state board.~~

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.