

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

April 21, 2022

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB22-197 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 20, before "MANAGEMENT" insert "SOME"
- 2 and after "MANAGEMENT" insert "ACTIVITIES".
  
- 3 Page 3, line 8, strike "ZONE," and substitute "ZONE REGARDING THE
- 4 ADMINISTRATION OF AN INNOVATION PLAN,".
  
- 5 Page 3, strike line 18 and substitute "(1.7), (4.5), and (5.5) as follows:".
  
- 6 Page 4, line 2, after "MANAGEMENT" insert "ACTIVITIES".
  
- 7 Page 4, after line 4 insert:
- 8 "(5.5) "NEUTRAL THIRD PARTY" MEANS A TRAINED INDIVIDUAL
- 9 WHO ASSISTS DISPUTANTS IN REACHING A MUTUALLY ACCEPTABLE
- 10 RESOLUTION OF THEIR DISPUTES BY IDENTIFYING AND EVALUATING
- 11 ALTERNATIVES, AND IS ON AN APPROVED LIST BY THE OFFICE OF DISPUTE
- 12 RESOLUTION ESTABLISHED IN SECTION 13-22-303 OR THE AMERICAN
- 13 ARBITRATION ASSOCIATION, OR ITS SUCCESSOR.".
  
- 14 Page 4, lines 9 and 10, strike "BE MANAGED BY" and substitute "HAVE
- 15 MANAGEMENT ACTIVITIES DELEGATED BY THE LOCAL BOARD TO".
  
- 16 Page 4, line 20, strike "INCLUDE" and substitute "INCLUDE, AT A
- 17 MINIMUM,".
  
- 18 Page 5, line 1, before "FINANCIAL" insert "METHOD THE SCHOOL DISTRICT
- 19 WILL USE FOR DETERMINING THE COST OF SERVICES AND A
- 20 CORRESPONDING" and strike "BETWEEN THE" and substitute "WITH THE
- 21 INNOVATION SCHOOL ZONE.".

- 1 Page 5, strike lines 2 through 5.
- 2 Page 5, line 13, strike "DISAGREEMENTS." and substitute "DISAGREEMENTS  
3 REGARDING THE ADMINISTRATION OF THE INNOVATION PLAN."
- 4 Page 5, strike lines 17 and 18.
- 5 Reletter succeeding paragraphs accordingly.
- 6 Page 5, line 23, after "SECTION 22-32.5-108;" insert "OR".
- 7 Page 5, line 27, strike "SERVICES OR COSTS OF SERVICES" and substitute  
8 "METHOD FOR DETERMINING THE COSTS OF SERVICES AND THE  
9 CORRESPONDING FINANCIAL AGREEMENT BETWEEN".
- 10 Page 6, line 1, strike "MAY PURCHASE FROM" and substitute "AND".
- 11 Page 6, line 2, strike "BOARD;" and substitute "BOARD."
- 12 Page 6, strike lines 3 through 14.
- 13 Page 7, line 21, strike "MAY" and substitute "SHALL".
- 14 Page 7, strike lines 23 through 27 and substitute "THIS SECTION."
- 15 Page 8, line 2, strike "ORAL".
- 16 Page 8, line 3, strike "REACH A WRITTEN" and substitute "ISSUE WRITTEN  
17 FINDINGS AND A".
- 18 Page 8, line 5, strike "AND".
- 19 Page 8, after line 5 insert:  
20 "(V) TO ARRIVE AT THE WRITTEN FINDINGS AND DETERMINATION,  
21 THE NEUTRAL THIRD PARTY SHALL CONSIDER:  
22 (A) THE ACADEMIC INTERESTS OF THE STUDENTS;  
23 (B) THE FULFILLMENT OF THE PURPOSES OF THIS ARTICLE 32.5;  
24 AND  
25 (C) STIPULATIONS BETWEEN THE PARTIES;"
- 26 Renumber succeeding subparagraph accordingly.

1 Page 8, line 8, strike "PROCESS." and substitute "PROCESS; AND".

2 Page 8, after line 8 insert:

3 "(VII) UPON COMPLETION OF THE DISPUTE RESOLUTION PROCESS,  
4 THE WRITTEN FINDINGS AND DETERMINATION OF THE NEUTRAL THIRD  
5 PARTY MUST BE SUBMITTED TO THE PARTIES FOR IMPLEMENTATION AND  
6 ARE FINAL."

7 Page 8, strike lines 9 through 21.

8 Page 8, line 22, strike "**add (4)**" and substitute "**amend (1); and add**  
9 **(2)(c) and (4)**".

10 Page 8, line 25, strike "(4) (a) THE LOCAL" and substitute "(1) (a) Three  
11 years after the local school board of a district of innovation approves an  
12 innovation plan or a plan for creating an innovation school zone, and  
13 every three years thereafter, the local school board shall review the level  
14 of performance of the innovation school and each public school included  
15 in the innovation school zone and determine whether the innovation  
16 school or innovation school zone is achieving or making adequate  
17 progress toward achieving the academic performance results identified in  
18 the school's or zone's innovation plan. The local school board, in  
19 collaboration with the innovation school or the innovation school zone,  
20 may revise the innovation plan, including but not limited to revising the  
21 identification of the provisions of the collective bargaining agreement that  
22 need to be waived to implement the innovations, as necessary to improve  
23 or continue to improve academic performance at the innovation school or  
24 innovation school zone. Any revisions to the innovation plan shall require  
25 the consent of a majority of the teachers and a majority of the  
26 administrators employed at and a majority of the school accountability  
27 committee for each affected public school.

28 (b) IF THE LOCAL SCHOOL BOARD DOES NOT SECURE THE CONSENT  
29 OF A MAJORITY OF TEACHERS AND A MAJORITY OF THE ADMINISTRATORS  
30 EMPLOYED AT THE INNOVATION SCHOOL ZONE WITH ALTERNATIVE  
31 GOVERNANCE AND A MAJORITY OF THE SCHOOL ACCOUNTABILITY  
32 COMMITTEE WITHIN THIRTY DAYS AFTER PROPOSING THE REVISED  
33 INNOVATION PLAN, THE INITIAL INNOVATION PLAN MUST REMAIN IN  
34 EFFECT.

35 (2) (c) CONSISTENT WITH SUBSECTIONS (2)(a) AND (2)(b) OF THIS  
36 SECTION, IF A LOCAL SCHOOL BOARD VOTES EITHER TO REVOKE THE  
37 INNOVATION STATUS OF AN INNOVATION SCHOOL ZONE WITH  
38 ALTERNATIVE GOVERNANCE, OR OF A SCHOOL WITHIN THE INNOVATION  
39 SCHOOL ZONE WITH ALTERNATIVE GOVERNANCE, OR TO REMOVE A SCHOOL

1 WITHIN THE INNOVATION SCHOOL ZONE WITH ALTERNATIVE GOVERNANCE  
2 FROM THE INNOVATION SCHOOL ZONE BASED ON THE INSUFFICIENT  
3 ACADEMIC PROGRESS OF THE STUDENTS ENROLLED IN THE INNOVATION  
4 SCHOOL ZONE WITH ALTERNATIVE GOVERNANCE, THE INNOVATION  
5 SCHOOL ZONE WITH ALTERNATIVE GOVERNANCE MAY REQUEST THAT THE  
6 STATE BOARD REVIEW THE LOCAL SCHOOL BOARD'S DETERMINATION. IF  
7 THE STATE BOARD FINDS THAT THE ENROLLED STUDENTS HAVE MADE  
8 SUFFICIENT ACADEMIC PROGRESS, THE STATUS OF THE INNOVATION  
9 SCHOOL ZONE WITH ALTERNATIVE GOVERNANCE, AND OF THE SCHOOLS  
10 WITHIN THE INNOVATION SCHOOL ZONE, REMAINS IN EFFECT. ANY  
11 DECISION BY THE STATE BOARD PURSUANT TO THIS SECTION IS FINAL AND  
12 NOT SUBJECT TO APPEAL.

13 (4) (a) THE LOCAL".

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