

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0860.01 Julie Pelegrin x2700

HOUSE BILL 16-1343

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

(None),

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE WAIVER OF LAWS FOR CHARTER SCHOOLS.**

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://www.leg.state.co.us/billsummaries>.)

Under current law, the state board of education (state board) may, by rule, automatically waive certain statutes and state board rules for all charter schools. A charter school may request additional waivers of statutes and state board rules by submitting a specific request, the rationale for the request, and a statement explaining the manner in which the charter school plans to meet the intent of the waived statute or rule.

The bill repeals the authority of the state board to automatically waive state statutes or state board rules by adopting a rule.

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.*

The provisions of the bill apply to charter school contracts that are entered into or renewed on or after the effective date of the bill. For a charter contract that is renewed on or after the effective date of the bill, a charter school must submit a request for a waiver, including the statement of rationale and plan for compliance, for any statute or state board rule that was previously automatically waived and for which the charter school seeks a continued waiver.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-113, **amend**
3 (2) as follows:

4 **22-30.5-113. State board - department of education - duties -**
5 **charter schools - evaluation - report.** (2) The state board shall compile
6 evaluations of charter schools received from local boards of education
7 and evaluations of institute charter schools prepared by the state charter
8 school institute created in section 22-30.5-503. The state board shall
9 review information regarding the statutes, ~~regulations~~, RULES, and
10 policies from which charter schools ~~were~~ ARE released pursuant to section
11 22-30.5-105 and from which institute charter schools ~~were~~ ARE released
12 pursuant to section 22-30.5-508 to determine if WHETHER the releases
13 assisted or impeded the charter schools or the institute charter schools in
14 meeting their stated goals and objectives. FOR THE 2016-17 BUDGET YEAR
15 AND AT LEAST EVERY THREE YEARS THEREAFTER, THE STATE BOARD
16 SHALL REVIEW THE WAIVERS OF STATE STATUTE AND RULES THAT ARE
17 AUTOMATICALLY GRANTED TO CHARTER SCHOOLS AND INSTITUTE
18 CHARTER SCHOOLS. IF THE STATE BOARD FINDS THAT THE AUTOMATIC
19 WAIVER OF A STATUTE OR RULE HAS RESULTED IN UNINTENDED
20 CONSEQUENCES IN THE PERFORMANCE OF CHARTER SCHOOLS OR INSTITUTE
21 CHARTER SCHOOLS, THE STATE BOARD SHALL REMOVE THE STATUTE OR
22 RULE FROM THE LIST OF AUTOMATIC WAIVERS AND REVOKE ALL EXISTING

1 AUTOMATIC WAIVERS OF THE STATUTE OR RULE.

2 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-104, **amend**
3 (6) (b) as follows:

4 **22-30.5-104. Charter school - requirements - authority.**

5 (6) (b) The state board shall promulgate rules that list the automatic
6 waivers for all charter schools. In promulgating the list of automatic
7 waivers, the state board shall consider the overall impact and complexity
8 of the requirements specified in the statute and the potential consequences
9 that waiving the statute may have on the practices of a charter school.
10 Notwithstanding any provision of this paragraph (b) to the contrary, the
11 state board shall not include the following statutes on the list of automatic
12 waivers:

13 (I) Section 22-9-106, concerning the performance evaluation
14 system for licensed personnel;

15 (II) Section 22-32-109 (1) (n), ~~(f) and (1) (n) (H) (B)~~, concerning
16 the annual school calendar AND TEACHER-PUPIL CONTACT HOURS; ~~and~~

17 (III) Part 2 of article 63 of this title AND SECTION 22-63-402,
18 concerning the employment of licensed personnel;

19 (IV) SECTION 22-32-110 (1) (y), CONCERNING ACCEPTING AND
20 EXPENDING GIFTS, DONATIONS, OR GRANTS; AND

21 (V) SECTION 22-32-110 (1) (ee), CONCERNING EMPLOYMENT OF
22 TEACHERS' AIDES AND OTHER AUXILIARY, NONLICENSED PERSONNEL TO
23 ASSIST LICENSED PERSONNEL.

24 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-507, **amend**
25 (7) (a) as follows:

26 **22-30.5-507. Institute charter school - requirements -**
27 **authority - rules.** (7) (a) Pursuant to the charter contract, an institute

1 charter school may operate free from specified statutes and state board
2 rules. The state board shall promulgate rules that list the automatic
3 waivers for all charter schools, including institute charter schools. In
4 promulgating the list of automatic waivers, the state board shall consider
5 the overall impact and complexity of the requirements specified in the
6 statute and the potential consequences that waiving the statute may have
7 on the practices of a charter school, including an institute charter school.
8 Notwithstanding any provision of this paragraph (a) to the contrary, the
9 state board shall not include the following statutes on the list of automatic
10 waivers:

11 (I) Section 22-9-106, concerning the performance evaluation
12 system for licensed personnel;

13 (II) Section 22-32-109 (1) (n), ~~(f) and (1) (n) (H) (B)~~, concerning
14 the annual school calendar AND TEACHER-PUPIL CONTACT HOURS; and

15 (III) Part 2 of article 63 of this title AND SECTION 22-63-402,
16 concerning the employment of licensed personnel;

17 (IV) SECTION 22-32-110 (1) (y), CONCERNING ACCEPTING AND
18 EXPENDING GIFTS, DONATIONS, OR GRANTS; AND

19 (V) SECTION 22-32-110 (1) (ee), CONCERNING EMPLOYMENT OF
20 TEACHERS' AIDES AND OTHER AUXILIARY, NONLICENSED PERSONNEL TO
21 ASSIST LICENSED PERSONNEL.

22 **SECTION 4. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2016 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.