

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0630.01 Julie Pelegrin x2700

SENATE BILL 20-149

SENATE SPONSORSHIP

Crowder,

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Pelton,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTOMATIC WAIVERS OF LAW FOR RURAL SCHOOL**
102 **DISTRICTS.**

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>.)

The bill directs the state board of education (state board) to identify by rule a list of statutes and rules for which a rural school district board of education (local board) may invoke an automatic waiver. A local board may invoke an automatic waiver by adopting a resolution and transmitting the resolution to the state board and the commissioner of education. The local board may invoke the automatic waiver on behalf of

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

the entire rural school district or for one or more identified schools of the district. An automatic waiver remains in effect until revoked by the local board through adoption of a resolution. A rural school district that invokes an automatic waiver must identify the automatic waiver on its website and, starting July 1, 2021, provide a standardized description of and rationale for each automatic waiver of statute and the contact information for a school district employee who can explain the automatic waiver. The department of education, working with a statewide association that represents school districts, must adopt standardized descriptions of and rationales for each of the statutes included on the list of automatic waivers for rural school districts adopted by the state board.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-117, **amend**
3 (3)(a) introductory portion; and **add** (7) as follows:

4 **22-2-117. Additional power - state board - waiver of**
5 **requirements - automatic waivers - rules - definition.** (3) (a) ~~Any~~
6 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(d) OF THIS SECTION,
7 A waiver made pursuant to the provisions of this section ~~shall continue~~
8 CONTINUES until such time as:

9 (7) (a) THE STATE BOARD SHALL PROMULGATE RULES THAT LIST
10 THE STATUTES AND RULES FOR WHICH A RURAL SCHOOL DISTRICT MAY
11 INVOKE AN AUTOMATIC WAIVER AS PROVIDED IN THIS SUBSECTION (7). IN
12 IDENTIFYING THE AUTOMATIC WAIVERS FOR RURAL SCHOOL DISTRICTS,
13 THE STATE BOARD SHALL CONSIDER THE OVERALL IMPACT AND
14 COMPLEXITY OF THE REQUIREMENTS SPECIFIED IN THE STATUTE OR RULE
15 AND THE POTENTIAL CONSEQUENCES THAT WAIVING THE STATUTE OR
16 RULE MAY HAVE ON THE PRACTICES OF A RURAL SCHOOL DISTRICT OR
17 INDIVIDUAL SCHOOL. THE STATE BOARD SHALL ALSO TAKE INTO
18 CONSIDERATION THE STATUTES AND RULES FOR WHICH RURAL SCHOOL
19 DISTRICTS MOST OFTEN REQUEST WAIVERS PURSUANT TO SUBSECTIONS (1)

1 AND (2) OF THIS SECTION. THE STATE BOARD MAY REVIEW AND REVISE THE
2 LIST OF AUTOMATIC WAIVERS FOR RURAL SCHOOL DISTRICTS
3 PERIODICALLY. NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION
4 (7)(a) TO THE CONTRARY, THE STATE BOARD SHALL NOT INCLUDE THE
5 FOLLOWING STATUTES ON THE LIST OF AUTOMATIC WAIVERS FOR RURAL
6 SCHOOL DISTRICTS:

7 (I) SECTION 22-9-106, CONCERNING THE PERFORMANCE
8 EVALUATION SYSTEM FOR LICENSED PERSONNEL;

9 (II) SECTION 22-32-109 (1)(b), CONCERNING PROCEDURES FOR
10 COMPETITIVE BIDDING IN THE PURCHASE OF GOODS AND SERVICES, EXCEPT
11 PROFESSIONAL SERVICES;

12 (III) SECTION 22-32-109 (1)(n), CONCERNING THE ANNUAL
13 SCHOOL CALENDAR AND TEACHER-PUPIL CONTACT HOURS;

14 (IV) SECTION 22-32-110 (1)(y), CONCERNING THE POWER TO
15 ACCEPT AND EXPEND GIFTS, DONATIONS, OR GRANTS;

16 (V) PART 2 OF ARTICLE 63 OF THIS TITLE 22, CONCERNING THE
17 EMPLOYMENT OF LICENSED PERSONNEL; AND

18 (VI) A REQUIREMENT SPECIFIED IN A STATUTE LISTED IN
19 SUBSECTION (1)(b) OR (1.5) OF THIS SECTION.

20 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1), (2),
21 (5), OR (6) OF THIS SECTION, THE RURAL SCHOOL DISTRICT BOARD OF
22 EDUCATION, FOR THE ENTIRE RURAL SCHOOL DISTRICT OR ON BEHALF OF
23 ONE OR MORE SCHOOLS OF THE RURAL SCHOOL DISTRICT, MAY INVOKE THE
24 AUTOMATIC WAIVER OF A STATUTE OR RULE SPECIFIED BY THE STATE
25 BOARD PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION BY ADOPTING
26 A RESOLUTION, AT A REGULAR OR SPECIALLY HELD PUBLIC MEETING, THAT
27 EXPLAINS WHY THE BOARD OF EDUCATION IS INVOKING THE WAIVER AND

1 WHETHER THE WAIVER APPLIES TO THE ENTIRE RURAL SCHOOL DISTRICT
2 OR TO SELECTED SCHOOLS OF THE RURAL SCHOOL DISTRICT IDENTIFIED IN
3 THE RESOLUTION. THE BOARD OF EDUCATION SHALL TRANSMIT THE
4 ADOPTED RESOLUTION TO THE STATE BOARD AND THE COMMISSIONER.

5 (c) THE PROVISIONS OF SUBSECTION (1)(c) OF THIS SECTION
6 CONCERNING A REQUEST FOR A WAIVER BY A PRINCIPAL OF A SCHOOL OF
7 A SCHOOL DISTRICT THAT IS NOT A CHARTER SCHOOL APPLY TO A REQUEST
8 BY A PRINCIPAL FOR AN AUTOMATIC WAIVER PURSUANT TO THIS
9 SUBSECTION (7).

10 (d) AN AUTOMATIC WAIVER INVOKED BY A RURAL SCHOOL
11 DISTRICT BOARD OF EDUCATION PURSUANT TO THIS SUBSECTION (7)
12 CONTINUES IN EFFECT UNTIL REVOKED BY A RESOLUTION ADOPTED BY THE
13 RURAL SCHOOL DISTRICT BOARD OF EDUCATION AND TRANSMITTED TO THE
14 STATE BOARD AND THE COMMISSIONER.

15 (e) THE PROVISIONS OF THIS SUBSECTION (7) DO NOT AUTHORIZE
16 A RURAL SCHOOL DISTRICT BOARD OF EDUCATION TO INVOKE AN
17 AUTOMATIC WAIVER ON BEHALF OF, OR APPLY AN AUTOMATIC WAIVER TO,
18 A CHARTER SCHOOL OF THE RURAL SCHOOL DISTRICT. A CHARTER SCHOOL
19 OF A RURAL SCHOOL DISTRICT IS SUBJECT TO THE AUTOMATIC WAIVER
20 PROVISIONS SPECIFIED IN SECTIONS 22-30.5-104 (6) AND 22-30.5-105 (3).

21 (f) AS USED IN THIS SUBSECTION (7), "RURAL SCHOOL DISTRICT"
22 MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT
23 DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL
24 DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST
25 LARGE, URBANIZED AREA.

26 **SECTION 2.** In Colorado Revised Statutes, 22-44-305, **amend**
27 (1)(b) and (1)(c); and **add** (2.5) as follows:

1 **22-44-305. Waivers of state statute - reporting.**

2 (1) (b) Commencing July 1, 2018, ~~each~~ FOR CHARTER SCHOOLS AND
3 COMMENCING JULY 1, 2021, FOR RURAL SCHOOL DISTRICTS, AS DEFINED
4 IN SECTION 22-2-117(7), EACH RURAL SCHOOL DISTRICT AND EACH charter
5 school shall post, in a location and format that can be easily accessed and
6 downloaded, for free public access on its website the standardized
7 description and rationale created pursuant to subsection (2) of this section
8 for each of the automatic waivers that it invokes. Each RURAL SCHOOL
9 DISTRICT AND EACH charter school shall post with the list of automatic
10 waivers the name of and contact information for a person employed by
11 the RURAL SCHOOL DISTRICT OR charter school and available during
12 regular school hours who can provide additional information concerning
13 the RURAL SCHOOL DISTRICT'S OR charter school's automatic waivers.

14 (c) In listing its waivers, a school district, INCLUDING A RURAL
15 SCHOOL DISTRICT, shall include AUTOMATIC WAIVERS, IF APPLICABLE,
16 INVOKED BY AND waivers granted to the school district as a whole and
17 AUTOMATIC WAIVERS, IF APPLICABLE, INVOKED FOR AND waivers granted
18 to one or more schools of the school district, other than a charter school.
19 The school district shall list separately each AUTOMATIC WAIVER, IF
20 APPLICABLE, INVOKED FOR AND waiver granted to an innovation school or
21 to schools in an innovation school zone, as defined in section
22 22-32.5-103.

23 (2.5) BY JULY 1, 2021, THE DEPARTMENT, WORKING WITH A
24 STATEWIDE ASSOCIATION THAT REPRESENTS SCHOOL DISTRICTS, SHALL
25 DEVELOP A STANDARDIZED DESCRIPTION FOR EACH STATUTE THAT THE
26 STATE BOARD OF EDUCATION INCLUDES IN THE LIST OF AUTOMATIC
27 WAIVERS FOR RURAL SCHOOL DISTRICTS PURSUANT TO SECTION 22-2-117

1 (7) AND THE RATIONALE FOR INCLUDING THE STATUTE ON THE LIST OF
2 AUTOMATIC WAIVERS.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.