

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0860.01 Julie Pelegrin x2700

HOUSE BILL 16-1343

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

(None),

House Committees
Education

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, 22-30.5-103, **repeal**
3 (1.5) as follows:

4 **22-30.5-103. Definitions.** As used in this part 1, unless the
5 context otherwise requires:

6 (1.5) ~~"Automatic waiver" means the waiver of a state statute or~~
7 ~~state board rule:~~

8 ~~(a) That is included on the list of automatic waivers adopted by~~
9 ~~rule of the state board;~~

10 ~~(b) That is available to each charter school, including an institute~~
11 ~~charter school, and is valid for the initial, or subsequent renewal, term of~~
12 ~~the charter contract; and~~

13 ~~(c) For which a charter school, including an institute charter~~
14 ~~school, is not required to submit a statement that specifies the manner in~~
15 ~~which the charter school intends to comply with the intent of the~~
16 ~~automatically waived state statute or state board rule.~~

17 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-104, **amend**
18 (6) (a) and (6) (c) introductory portion; and **repeal** (6) (b) as follows:

19 **22-30.5-104. Charter school - requirements - authority.**

20 (6) (a) Pursuant to contract, a charter school may operate free from
21 specified school district policies and free from state rules, as provided in
22 ~~paragraph (b)~~ PARAGRAPH (c) of this subsection (6). Pursuant to contract,

1 a local board of education may waive locally imposed school district
2 requirements, without seeking approval of the state board; except that a
3 charter school shall not, by contract or otherwise, operate free of the
4 requirements contained in the "Public School Finance Act of 1994",
5 article 54 of this title, the requirements specified in part 4 of article 11 of
6 this title concerning school accountability committees, or the
7 requirements contained in the "Children's Internet Protection Act", article
8 87 of this title.

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

17 (I) ~~Section 22-9-106, concerning the performance evaluation~~
18 ~~system for licensed personnel;~~

19 (II) ~~Section 22-32-109 (1) (n) (I) and (1) (n) (II) (B), concerning~~
20 ~~the annual school calendar; and~~

21 (III) ~~Part 2 of article 63 of this title, concerning the employment~~
22 ~~of licensed personnel.~~

23 (c) A school district, on behalf of a charter school, may apply to
24 the state board for a waiver of a state statute or state rule. ~~that is not an~~
25 ~~automatic waiver.~~ Notwithstanding any provision of this subsection (6)
26 to the contrary, the state board ~~may~~ SHALL not waive any statute or rule
27 relating to:

1 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-105, **amend**
2 (2) (a) and (3) as follows:

3 **22-30.5-105. Charter schools - contract contents - regulations.**

4 (2) (a) The contract between a charter school and the chartering local
5 board of education shall reflect all agreements regarding the ~~release~~
6 ~~WAIVER of the charter school from~~ school district policies FOR THE
7 CHARTERSCHOOL. Each charter school's contract shall include a statement
8 specifying THE RATIONALE FOR THE REQUESTED WAIVER AND the manner
9 in which the charter school ~~shall comply with~~ PLANS TO MEET the intent
10 of the ~~state statutes, state board rules, and~~ district rules that are waived for
11 the charter school. ~~by application.~~

12 (3) A contract between a charter school and the chartering local
13 board of education shall reflect all requests for ~~release of the charter~~
14 ~~school from~~ WAIVERS OF state statutes and state board rules ~~that are not~~
15 ~~automatic waivers and a list of the automatic waivers that the charter~~
16 ~~school is invoking~~ AND A STATEMENT SPECIFYING THE RATIONALE FOR
17 EACH REQUESTED WAIVER AND THE MANNER IN WHICH THE CHARTER
18 SCHOOL PLANS TO MEET THE INTENT OF EACH STATE STATUTE AND STATE
19 BOARD RULE THAT IS WAIVED. Within ten days after the contract is
20 approved by the chartering local board of education, the chartering local
21 board of education shall deliver to the state board any request for waiver
22 of state statutes and state board rules ~~that are not automatic waivers. The~~
23 ~~chartering local board of education shall request the release by submitting~~
24 a complete copy of the signed charter contract. Within forty-five days
25 after THE STATE BOARD RECEIVES a request for ~~release is received by the~~
26 ~~state board~~ WAIVER, the state board shall either grant or deny the request.
27 If the state board grants the request, it may orally notify the chartering

1 local board of education and the charter school of its decision. If the state
2 board denies the request, it shall notify the chartering local board of
3 education and the charter school in writing that the request is denied and
4 specify the reasons for denial. If the chartering local board of education
5 and the charter school do not receive notice of the state board's decision
6 within forty-five days after ~~submittal of~~ SUBMITTING the request for
7 ~~release~~ WAIVER, the request shall be deemed granted. If the state board
8 denies a request for ~~release~~ WAIVER that includes multiple state statutes
9 or state board rules, the denial shall specify the state statutes and state
10 board rules for which the ~~release~~ WAIVER is denied, and the denial shall
11 apply only to those state statutes and state board rules so specified.

12 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-106, **amend**
13 (1) (o) as follows:

14 **22-30.5-106. Charter application - contents.** (1) The charter
15 school application is a proposed agreement upon which the charter
16 applicant and the chartering local board of education negotiate a charter
17 contract. At a minimum, each charter school application includes:

18 (o) A list of the waivers of statute, state rule, and school district
19 policies that the proposed charter school is requesting. For each requested
20 waiver of a statute or state rule, ~~that is not an automatic waiver~~, the
21 charter school application must state the rationale for the requested
22 waiver and the manner in which the proposed charter school plans to meet
23 the intent of the waived statute, rule, or policy.

24 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-110, **add**
25 (2.5) as follows:

26 **22-30.5-110. Charter schools - term - renewal of charter -**
27 **grounds for nonrenewal or revocation.** (2.5) IN ADDITION TO THE

1 INFORMATION SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE FIRST
2 RENEWAL APPLICATION SUBMITTED ON OR AFTER THE EFFECTIVE DATE OF
3 THIS SUBSECTION (2.5) FOR A CHARTER CONTRACT THAT EXISTS AS OF THE
4 EFFECTIVE DATE OF THIS SUBSECTION (2.5) MUST INCLUDE A REQUEST FOR
5 A WAIVER OF EACH STATE STATUTE OR STATE BOARD RULE THAT WAS
6 PREVIOUSLY AUTOMATICALLY WAIVED AND FOR WHICH THE CHARTER
7 SCHOOL SEEKS A CONTINUING WAIVER. THE REQUEST FOR EACH WAIVER
8 MUST INCLUDE A STATEMENT SPECIFYING THE RATIONALE FOR EACH
9 REQUESTED WAIVER AND THE MANNER IN WHICH THE CHARTER SCHOOL
10 PLANS TO MEET THE INTENT OF EACH STATE STATUTE AND STATE BOARD
11 RULE THAT IS WAIVED. THE LOCAL BOARD OF EDUCATION SHALL SUBMIT
12 THE REQUESTS FOR WAIVER AND THE STATE BOARD SHALL DECIDE
13 WHETHER TO GRANT THE WAIVER IN ACCORDANCE WITH THE PROCESS AND
14 DEADLINES SPECIFIED IN SECTION 22-30.5-105 (3).

15 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-502, **repeal**
16 (1.5) as follows:

17 **22-30.5-502. Definitions.** As used in this part 5, unless the
18 context otherwise requires:

19 (1.5) ~~"Automatic waiver" means the waiver of a state statute or~~
20 ~~state board rule:~~

21 ~~(a) That is included on the list of automatic waivers adopted by~~
22 ~~rule of the state board;~~

23 ~~(b) That is available to each charter school, including each~~
24 ~~institute charter school, and is valid for the initial, or subsequent renewal,~~
25 ~~term of the charter contract; and~~

26 ~~(c) For which a charter school, including an institute charter~~
27 ~~school, is not required to submit a statement that specifies the manner in~~

1 ~~which the charter school intends to comply with the intent of the~~
2 ~~automatically waived state statute or state board rule.~~

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

5 **22-30.5-507. Institute charter school - requirements -**
6 **authority - rules.** (7) (a) Pursuant to the charter contract, an institute
7 charter school may operate free from specified statutes and state board
8 rules. ~~The state board shall promulgate rules that list the automatic~~
9 ~~waivers for all charter schools, including institute charter schools. In~~
10 ~~promulgating the list of automatic waivers, the state board shall consider~~
11 ~~the overall impact and complexity of the requirements specified in the~~
12 ~~statute and the potential consequences that waiving the statute may have~~
13 ~~on the practices of a charter school, including an institute charter school.~~
14 ~~Notwithstanding any provision of this paragraph (a) to the contrary, the~~
15 ~~state board shall not include the following statutes on the list of automatic~~
16 ~~waivers:~~

17 ~~(I) Section 22-9-106, concerning the performance evaluation~~
18 ~~system for licensed personnel;~~

19 ~~(II) Section 22-32-109 (1) (n) (I) and (1) (n) (II) (B), concerning~~
20 ~~the annual school calendar; and~~

21 ~~(III) Part 2 of article 63 of this title, concerning the employment~~
22 ~~of licensed personnel.~~

23 (b) An institute charter school may apply to the state board,
24 through the institute, for a waiver of state statutes and state rules. ~~that are~~
25 ~~not automatic waivers.~~ The state board may waive state statutory
26 requirements or rules promulgated by the state board; except that the state
27 board may not waive any statute or rule relating to:

1 (I) School accountability committees as described in section
2 22-11-401;

3 (II) The assessments required to be administered pursuant to
4 section 22-7-1006.3;

5 (III) The school performance reports pursuant to part 5 of article
6 11 of this title;

7 (IV) The provisions of the "Public School Finance Act of 1994",
8 article 54 of this title; or

9 (V) The "Children's Internet Protection Act", article 87 of this
10 title.

11 (e) (b) A waiver of state statute or state board rule made pursuant
12 to this subsection (7) is for the term of the contract for which the waiver
13 is made. A request for a waiver may be submitted to the institute as a part
14 of the application for an institute charter school. If the institute applies to
15 the state board for a waiver on behalf of an institute charter school, the
16 institute is only required to provide a complete copy of the signed charter
17 contract.

18 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-508, **amend**
19 (3) as follows:

20 **22-30.5-508. Institute charter schools - contract contents -**
21 **regulations.** (3) The charter contract between the institute charter school
22 and the institute shall reflect all requests for ~~release from~~ WAIVERS OF
23 state statutes and rules made by the institute charter school applicant AND
24 A STATEMENT SPECIFYING THE RATIONALE FOR EACH REQUESTED WAIVER
25 AND THE MANNER IN WHICH THE INSTITUTE CHARTER SCHOOL PLANS TO
26 MEET THE INTENT OF EACH STATE STATUTE AND RULE THAT IS WAIVED.
27 Within forty-five days after THE STATE BOARD RECEIVES a request for

1 ~~release is received by the state board~~ A WAIVER, the state board shall
2 either grant or deny the request. If the state board grants the request, it
3 may orally notify the institute charter school of its decision. If the state
4 board denies the request, it shall notify the institute charter school in
5 writing that the request is denied and specify the reasons for denial. If the
6 institute charter school does not receive notice of the state board's
7 decision within forty-five days after ~~submission of~~ SUBMITTING the request
8 for ~~release~~ A WAIVER, the request shall be deemed granted. If the state
9 board denies a request for ~~release~~ A WAIVER that includes multiple state
10 statutes or rules, the denial shall specify the state statutes and rules for
11 which the ~~release~~ WAIVER is denied, and the denial shall apply only to
12 those state statutes and rules so specified.

13 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-509, **amend**
14 (1) (o) as follows:

15 **22-30.5-509. Institute charter school application - contents.**

16 (1) The institute charter school application is a proposed agreement upon
17 which the institute charter applicant and the institute negotiate a charter
18 contract. At a minimum, each institute charter school application
19 includes:

20 (o) A list of the waivers of statute and state rules that the
21 proposed institute charter school is requesting. For each requested waiver
22 of a statute or state rule, ~~that is not an automatic waiver~~, the institute
23 charter school application must state the rationale for each requested
24 waiver and the manner in which the proposed institute charter school
25 plans to meet the intent of the waived statute or rule.

26 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-511, **add**
27 (2.7) as follows:

1 **22-30.5-111. Institute charter schools - term - renewal of**
2 **contract - grounds for nonrenewal or revocation - appeal.** (2.7) THE
3 FIRST RENEWAL APPLICATION SUBMITTED ON OR AFTER THE EFFECTIVE
4 DATE OF THIS SUBSECTION (2.7) FOR AN INSTITUTE CHARTER CONTRACT
5 THAT EXISTS AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2.7) MUST,
6 AT A MINIMUM, INCLUDE A REQUEST FOR A WAIVER OF EACH STATE
7 STATUTE OR STATE BOARD RULE THAT WAS PREVIOUSLY AUTOMATICALLY
8 WAIVED AND FOR WHICH THE INSTITUTE CHARTER SCHOOL SEEKS A
9 CONTINUING WAIVER. THE REQUEST FOR EACH WAIVER MUST INCLUDE A
10 STATEMENT SPECIFYING THE RATIONALE FOR EACH REQUESTED WAIVER
11 AND THE MANNER IN WHICH THE INSTITUTE CHARTER SCHOOL PLANS TO
12 MEET THE INTENT OF EACH STATE STATUTE AND STATE BOARD RULE THAT
13 IS WAIVED.

14 **SECTION 11. Applicability.** This act applies to charter school
15 and institute charter school applications submitted and charter school and
16 institute charter school contracts entered into or renewed on or after the
17 effective date of this act.

18 **SECTION 12. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2016 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.