

Waiver of State Law and Regulation

The Board of Education believes that many state laws and regulations impede the district's progress toward achieving its mission. Therefore, the Board directs the superintendent to work with district legal counsel, the district accountability committee and school principals to:

1. Determine which state laws and regulations, if waived, would enhance educational opportunity and quality within the school district and reduce or eliminate costs that are significantly limiting educational opportunity within the district. This determination shall be made on a school-by-school basis and a district-wide basis.
2. Make recommendations to the Board regarding which state laws and regulations the Board should consider for waiver.

The Board must consider whether to apply for waivers in a public meeting that includes a public hearing. The Board shall consult with the district accountability committee concerning the intent to seek waivers at least 60 days prior to the scheduled public hearing.

In the Board meeting, which includes a public hearing, the Board shall adopt a resolution stating the Board's intent to apply for waivers and specifying the statutes or rules for which the Board will request waivers. In the waiver application, the Board shall state the manner in which the district will comply with the intent of the waived rule or statute and be accountable to the State Board of Education.

The Board shall post notice of the public meeting in three public places within the district not less than 30 days prior to the meeting. The notice shall include a description of the waivers to be considered. If there is a newspaper published in the county, the Board shall also publish notice once a week for four weeks prior to the meeting.

The district shall post on its website a list of the statutes for which it has received a waiver from the State Board, in accordance with state law. This list shall be updated within 30 days after a waiver is revoked or a new waiver is granted.

Adopted: 2006
Revised: 8-8-2018

LEGAL REFS.: C.R.S. 22-2-117 (state board power to grant waivers)
C.R.S. 22-44-305 (district must post waivers of state law)
1 CCR 301-35, Rules 2217-R-1.00 et seq. (waiver rules)

CROSS REF.: AE, Accountability/Commitment to Accomplishment

NOTE 1: Districts that have a funded pupil count of 3,000 or more pupils must demonstrate that an application for waiver has the consent of a majority of the district accountability committee (or the school-level accountability committee if the waiver is sought for only one school), and a majority of the licensed administrators and teachers of the affected school or district. C.R.S. 22-2-117 (1)(d). However, these additional requirements do not apply to school districts with 3,000 or more students when the school district has been granted exclusive authority to charter schools within the geographic boundaries of the district, unless the district is asking for a waiver of certain laws pertaining to teachers. C.R.S. 22-2-117 (6).

NOTE 2: The State Board of Education cannot waive the following state laws:

- requirements pertaining to the data necessary for performance reports (22-11-501 et seq.)
- state assessments (22-7-1006.3)
- duties of board president and vice president (22-32-105)
- prohibition of tobacco products on school property (22-32-109 (1)(bb)(l))
- establishing program outside state boundaries (22-32-109 (2))
- attendance policy (22-33-104 (4))
- Public School Finance Act (22-54-101 et seq.)
- Exceptional Children's Educational Act (22-20-101 et seq.)
- provisions related to fingerprinting and criminal history record checks of personnel (22-32-109.7, 109.8, 109.9, 22-2-119)
- Children's Internet Protection Act (22-87-101 et seq.)
- student conduct and discipline code requirements (22-32-109.1 (2)(a))
- reporting requirements regarding school use of on-site peace officers as school resource officers (22-32-146)
- requirement to post the statutes for which waivers are granted (22-44-305)
- requirement to notify parents of alleged criminal conduct by district employees (22-1-130)

NOTE 3: Another process to seek waivers of state law and regulation is set out in the Innovation Schools Act of 2008, C.R.S. 22-32.5-108. A school district that has been designated as a district of innovation may seek waivers from the State Board in accordance with that law. A district of innovation may also seek a waiver from provisions of a collective bargaining agreement.

NOTE 4: Each district shall post, in a location and format that can be easily accessed and downloaded, for free public access on its website, a list of the statutes for which the district has received a waiver from the State Board. For each waiver, the district shall post a copy of the plan that explains the manner in which the district will meet the intent of the waived statute. In listing its waivers, the district shall include waivers granted to the district as a whole and waivers granted to one or more district schools, other than a charter school. The district shall list separately each waiver granted to an innovation school or to schools in an innovation school zone. C.R.S. 22-44-305.

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