

## **11.0 WAIVER OF STATE LAW AND REGULATION**

11.1 Many state laws and regulation impede the school district's progress toward achieving its mission. Therefore, the Board of Education directs the Superintendent of Schools to work with district legal counsel, the district accountability committee, and school principals to:

11.1.1. Review state laws and regulations for which a waiver application can be filed.

11.1.2 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 school district. This determination shall be made on a school-by-school basis and a district-wide basis.

11.1.3 Make recommendations to the Board of Education regarding which state laws and regulations the Board of Education should consider for waiver.

11.2 The Board of Education must consider whether to apply for waivers in a public meeting. The Board of Education shall consult with the district accountability committee concerning the intent to seek waivers prior to the scheduled public meeting.

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

11.4 The Board of Education shall post notice of the public meeting in the same place and manner as other public meetings and the notice shall include a description of the waivers to be considered.

Adopted:

LEGAL REF.: C.R.S. 22-2-117 (state board power to grant waivers)

CROSS REF.: AE-3, Accountability Program

*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. 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.*

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

- school accountability reports (22-7-601 et seq.)*
- state assessments (22-7-409)*
- duties of board president and vice president (22-32-105)*
- prohibition of tobacco on school property (22-32-109 (a)(bb)(l))*
- establishing program outside state boundaries (22-32-109(2))*
- attendance policy (22-23-104(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)*