

Innovation School Waiver Requests

The Innovation Schools Act allows schools to obtain waivers from state statutes and regulations, district policies, and collective bargaining agreement provisions. Laws and policies may be waived as long as the Act does not specifically prohibit waiving them and as long as the procedures of the Act are followed. In their applications, innovation schools must:

- Identify the statutes they are seeking to waive; and
- Include replacement policies that demonstrate how the school will continue to comply with the intent of the waived statute, regulations, or policies.

An Innovation School that wants to operate with the freedoms available to charter schools could request the same waivers that are automatically granted to charter schools in Colorado, plus additional waivers that might be required to implement the planned innovations. For a list of the automatic waivers that charter schools in Colorado receive, visit

<http://www.cde.state.co.us/cdechart/waivers>.

Innovation Application Process

1. First an innovation plan must be submitted to and reviewed by the local board of education. The local board must make a decision to approve or deny an innovation plan within 60 days. If the plan is approved and it includes requests for waivers from state statute or rule, the plan is then submitted to CDE for review and submission to the State Board of Education for approval.
2. Once an innovation plan has been submitted to CDE, the Schools of Choice Office conducts an initial review of the plan and engages other offices for specific content review, as needed. The Schools of Choice Office works with the school or district that submitted the innovation plan to make revisions and finalize the plan prior to its formal submission to the State Board of Education.
3. When the innovation plan is submitted to the State Board of Education for approval, the board determines how it wants to review each waiver request in the plan. It is important to note that the board is given the ability in statute to consider each waiver request separate from previous requests. The board may consider differences in context. The board may decide that a presentation to the board is required, or may decide to place an item or the entire plan on the consent agenda. Even when placed on the consent agenda, any waiver request may be pulled from the consent agenda at the start of the board meeting.

The State Board of Education may waive all statutes and regulations contained in the innovation plan as they apply to the Innovation School or Innovation School Zone. Any statutes and regulations that are not waived remain in effect.

- a. To request waivers from state statute and rule, the following documentation must be included in the innovation plan pursuant to the Innovation Schools Act:

Areas of state statute innovation schools may not seek waivers from:

- Public School Finance Act; Exceptional Children's Education Act;
- State assessments;
- Education Accountability Act;
- Data for school performance reports;
- Fingerprinting and criminal history record checks;
- Children's Internet Protection Act; and
- Non-education statutes (outside Title 22).

Designation as a district of innovation shall not affect a school district's:

- Total program funding calculated pursuant to the "Public School Finance Act of 1994", article 54 of this title; or
- Eligibility for funding under, or the amount received through, a categorical program, as defined in section 22-55-102 (4).



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- A list of the waivers from state statute and rule; and
 - A “Rationale and Replacement Plan” (RRP) for each waiver requested from state statute and rule; and
 - Evidence of consent of the majority of teachers, administrators and members of the school advisory committee for each school affected by the waivers.
4. Upon approval, any waivers granted through the innovation plan are effective immediately.
 5. Three years after a local school board approves a plan and every three years thereafter, the local school board must review the performance of the school(s) and determine whether the school or zone is achieving or making adequate progress toward achieving the performance results identified in the innovation plan. If the academic performance of an innovation school or one or more schools in an innovation zone are not improving sufficiently, the local school board may revoke a school’s innovation status including all waivers, or may require that the plan be revised to improve academic performance.
 6. If the local board works with an innovation school or zone to revise the innovation plan and that revision includes a request for additional waivers from state statute or rule, or amends any of the replacement plans to the state waivers that were originally granted, then the innovation plan must be resubmitted to the State Board of Education for review and approval of the amended waivers. If the amendment does not impact any of the previously granted waivers then this process is done at the local level and does not need to come to the State Board of Education for approval.

Notes

In developing an innovation plan, schools and districts should be aware that federal requirements cannot be waived under the Innovation Schools Act process, because a state cannot waive federal laws. Additionally, there are areas of state law that are not waivable. See the first page of this document for a list of the areas of statute that cannot be waived. This would include, for example, provisions of the Individuals with Disabilities in Education Act and Every Student Succeeds Act.

Deadlines

Upon receipt of a complete innovation application, CDE staff has 60 days to review, provide feedback and submit the request to the state board for approval or denial. Should an innovation plan be denied by the state board, the board is required to submit a written explanation of the basis for its decision. There is no process for appeals.

Where can I learn more?

- For more information about the Innovation Schools Act, see C.R.S. 22-32.5-101, et seq.
- For information on Innovation Act waiver requests, visit: <http://www.cde.state.co.us/choice/innovationschools>
- For questions, contact Brian Martin at Martin_B@cde.state.co.us or 303-866-6897.
- To view all CDE fact sheets, visit: www.cde.state.co.us/Communications/factsheetsandfaqs