

Innovation School Waiver Requests

Pursuant to Title 22, Article 32.5, C.R.S.



COLORADO
Department of Education

Overview

The Innovation Schools Act (title 22, article 32.5, C.R.S.) provides a path for schools and districts to design and implement innovative ideas and practices. Under the Act, schools may obtain waivers from state and local policies and collective bargaining agreements in order to implement locally designed innovation plans.

Any public school may apply to its local school board to become an **Innovation School**. Groups of public schools within a district may apply to become Innovation Schools operating in an **Innovation School Zone**. The information below provides a summary of the application requirements and process for requesting to become an Innovation School or Zone.

Contents of an Innovation Application

For a school or group of schools to be granted innovation status, the following information must be submitted to the Schools of Choice Office (SOC) in the Colorado Department of Education (CDE) at

soc@cde.state.co.us:

- A statement of the school's mission and why designation as an innovation school would enhance the school's ability to achieve its mission;
- A description of the innovations the school intends to implement, along with anticipated improvements in academic achievement and a list of school policies and programs that would be affected;
- The state statutes and local policies the school is seeking to waive and corresponding replacement plans;
- A description of any costs savings or increased efficiencies the school expects as a result of the waivers, along with the school's prior year and proposed budget;
- Evidence of approval from teachers, administrators, and the School Accountability Committee;
- A description of the level of support for the innovation plan from other members of the school community; and
- A signed board resolution.

Section 22-32.5-108, C.R.S. prohibits the State Board of Education from waiving any of the following statutory provisions for an innovation school:

- Public School Finance Act of 1994 (article 54 of title 22, C.R.S.)
- Exceptional Children's Educational Act (article 20 of title 22, C.R.S.)
- Provisions of title 22, C.R.S., relating to fingerprinting and criminal history record checks of educators and school personnel
- Children's Internet Protection Act (article 87 of title 22, C.R.S.)
- State assessments (section 22-7-1006.3, C.R.S.)
- Provisions of title 22, article 11, C.R.S., relating to school accountability
- Notification to parents of alleged criminal conduct by school employees (section 22-1-130, C.R.S.)
- Requirements concerning suspension and expulsion of students in preschool through second grade (section 22-33-106.1, C.R.S.)
- Provisions of section 22-1-128, C.R.S., relating to comprehensive human sexuality education content requirements
- Provisions concerning discrimination based on hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race (sections 22-30.5-104(3), 22-30.5-507(3), 22-32-109(1)(II), 22-32-110(1)(k), 22-38-104(1)(d), or 22-63-206(1))

In addition, the State Board of Education does not have authority to grant waivers from non-education statutes (statutes outside of title 22) or Federal statutes, including ESSA and IDEA.

Innovation Application Process

1. First, an innovation plan must be submitted to and reviewed by the local board of education. The local board must take action 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 SOC Office conducts an initial review of the plan and engages other offices for specific content review, as needed. The SOC 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 (SBE).
3. When the innovation plan is submitted to the SBE for approval, the board determines how it wants to review the waiver request(s) in the plan. It is important to note that the board is given the ability in statute to consider the waiver requests in the plan separate from previous requests. The board may decide that a presentation to the board is required or may decide to place the entire plan on the consent agenda. Even when placed on the consent agenda, the plan may be pulled from the consent agenda at the start of the board meeting.
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 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 SBE 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 SBE for approval.

Waivers

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>.

Deadline

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, see the Innovation Schools Act (section 22-32.5-101, et seq., C.R.S.) or www.cde.state.co.us/choice/innovationschools.

For questions, contact Paola Paga at Paola_p@cde.state.co.us or 303-866-6848.

To view all CDE fact sheets, visit: www.cde.state.co.us/Communications/factsheetsandfags.