

Waiver of State Law and Regulation

Mapleton Public Schools (the “District”) recognizes that while legislators and policymakers pass laws related to education with the best of intentions, there are some State laws and regulations that impede the District's progress toward achieving its mission. Therefore, the Board of Education for Mapleton Public Schools (the “Board”) directs the Superintendent to work with District legal counsel, the District Accountability Committee, District administrators, and school directors to:

1. Review State laws and regulations for which a waiver application can be filed;
2. Determine which State laws and regulations, if waived, would enhance educational opportunity and quality within the District and reduce or eliminate costs that are significantly limiting educational opportunities within the District; and,
3. Make recommendations to the Board regarding which State laws and regulations the Board should consider for waiver.

This determination shall be made on a school-by-school basis and/or a District-wide basis.

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 specify 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.

A school district that has been designated as a district of innovation may seek waivers from the State Board in accordance with the Innovation School Act of 2008, C.R.S. § 22-32.5-109. The District shall list separately each waiver granted to an innovation school or to schools in an innovation school zone.

The Board recognized that the State Board of Education cannot waive the following State laws:

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

*Adopted September 26, 2017, by the Board of Education for Mapleton Public Schools.
Revised August 28, 2018.*

LEGAL REFERENCES:

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 REFERENCES:

AE: Accountability/Commitment to Accomplishment