

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0567.02 Julie Pelegrin

SENATE BILL 08-130

---

SENATE SPONSORSHIP

Groff and Spence, and Romer

HOUSE SPONSORSHIP

Witwer and Carroll T.,

---

Senate Committees  
Education

House Committees

---

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION OF SCHOOL DISTRICT BOARDS OF  
102 EDUCATION TO IMPLEMENT POLICY INNOVATIONS IN PUBLIC  
103 SCHOOLS, AND, IN CONNECTION THEREWITH, ENACTING THE  
104 "INNOVATION SCHOOLS ACT OF 2008".

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Allows a public school or group of public schools to submit to its school district board of education ("local board") an innovation plan ("plan") to allow the school or group of schools to implement innovations within the school or group of schools, including but not limited to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

innovations in delivery of educational services, personnel administration and decision-making, and budgeting. Requires the local board to review each submitted plan and approve the school as an innovation school or the group of schools as an innovation school zone or reject the plan. Allows a local board to initiate creation of a plan in collaboration with one or more schools of the school district. Specifies the minimum contents of a plan. Encourages schools, groups of schools, and local boards to consider innovations in specified areas and to seek public and private funding to offset the costs of developing and implementing the plans.

Following creation or approval of one or more plans, allows a local board to submit the plan to the commissioner of education ("commissioner") and the state board of education ("state board") and seek designation as a district of innovation. Directs the commissioner and state board to review and comment on the plan, and directs the state board to make the designation unless the plan would likely result in lower academic achievement or would be fiscally unfeasible. Requires the state board to provide a written explanation if it does not make the designation.

Specifies statutes that are automatically waived for the innovation schools and innovation school zones in a district of innovation. Directs the state board to grant any additional statutory and regulatory waivers requested in the plan for the district of innovation. Specifies statutes that the state board may not waive.

Requires the collective bargaining agreement for each district of innovation to allow for removal of an innovation school or a school within an innovation school zone from the terms of the agreement. Allows a district of innovation to hold elections in innovation schools and in each school within an innovation school zone to remove the school from the school district's collective bargaining agreement. Specifies that a district of innovation is not required to seek removal. If an employee of a school that is removed from the collective bargaining agreement requests a transfer, directs the district to make every reasonable effort to transfer the employee.

Beginning March 2010, requires the commissioner and the state board annually to report to the governor and the education committees of the general assembly concerning implementation of the act and to post the report on the department of education's web site.

Allows a local board of a district of innovation to delegate to an innovation school or a school in an innovation school zone certain duties and powers relating to personnel.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY

1 THE ADDITION OF A NEW ARTICLE to read:

2 **ARTICLE 32.5**

3 **Innovation Schools and Innovation School Zones**

4 **Within School Districts**

5 **22-32.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
6 MAY BE CITED AS THE "INNOVATION SCHOOLS ACT OF 2008".

7 **22-32.5-102. Legislative declaration.** (1) THE GENERAL  
8 ASSEMBLY HEREBY FINDS THAT:

9 (a) THE CONSTITUTIONAL PROVISIONS REGARDING THE PUBLIC  
10 EDUCATION SYSTEM DIRECT THE GENERAL ASSEMBLY TO ESTABLISH A  
11 THOROUGH AND UNIFORM STATEWIDE SYSTEM OF PUBLIC EDUCATION, BUT  
12 THEY ALSO RECOGNIZE THE IMPORTANCE OF PRESERVING LOCAL  
13 FLEXIBILITY BY GRANTING TO EACH SCHOOL DISTRICT BOARD OF  
14 EDUCATION THE CONTROL OF INSTRUCTION IN THE SCHOOLS OF THE  
15 SCHOOL DISTRICT;

16 (b) THE CONSTITUTION'S REQUIREMENT THAT EACH SCHOOL  
17 DISTRICT BOARD OF EDUCATION IS RESPONSIBLE FOR CONTROLLING THE  
18 INSTRUCTION IN ITS SCHOOLS IS BASED ON THE BELIEF THAT THE DELIVERY  
19 OF EDUCATIONAL SERVICES MUST BE TAILORED TO THE SPECIFIC  
20 POPULATION OF STUDENTS THEY ARE INTENDED TO SERVE AND THAT THE  
21 PARENTS OF THOSE STUDENTS SHOULD HAVE GREAT OPPORTUNITY FOR  
22 INPUT REGARDING THE EDUCATIONAL SERVICES THEIR CHILDREN RECEIVE;

23 (c) IN TAILORING THE DELIVERY OF EDUCATIONAL SERVICES, IT IS  
24 ALSO IMPORTANT THAT THE PERSONS DELIVERING THOSE SERVICES, THE  
25 PRINCIPAL OF THE PUBLIC SCHOOL AND THE FACULTY EMPLOYED AT THAT  
26 SCHOOL, HAVE THE MAXIMUM DEGREE OF FLEXIBILITY POSSIBLE TO  
27 DETERMINE THE MOST EFFECTIVE AND EFFICIENT MANNER IN WHICH TO

1 MEET THEIR STUDENTS' NEEDS;

2 (d) TO FURTHER THE GOALS OF HIGH-QUALITY PUBLIC EDUCATION  
3 THROUGHOUT THE STATE, THEREFORE, EACH SCHOOL DISTRICT BOARD OF  
4 EDUCATION SHOULD HAVE THE AUTHORITY TO GRANT PUBLIC SCHOOLS OF  
5 THE SCHOOL DISTRICT THE MAXIMUM DEGREE OF FLEXIBILITY POSSIBLE TO  
6 MEET THE NEEDS OF INDIVIDUAL STUDENTS AND THE COMMUNITIES IN  
7 WHICH THEY LIVE; AND

8 (e) WHILE THE ULTIMATE RESPONSIBILITY FOR CONTROLLING THE  
9 INSTRUCTION IN PUBLIC SCHOOLS CONTINUES TO LIE WITH THE SCHOOL  
10 DISTRICT BOARD OF EDUCATION OF EACH PUBLIC SCHOOL, EACH SCHOOL  
11 DISTRICT BOARD OF EDUCATION IS STRONGLY ENCOURAGED TO DELEGATE  
12 TO EACH PUBLIC SCHOOL A HIGH DEGREE OF AUTONOMY IN IMPLEMENTING  
13 CURRICULUM, MAKING PERSONNEL DECISIONS, ORGANIZING THE SCHOOL  
14 DAY, DETERMINING THE MOST EFFECTIVE USE OF RESOURCES, AND  
15 GENERALLY ORGANIZING THE DELIVERY OF HIGH-QUALITY EDUCATIONAL  
16 SERVICES, THEREBY EMPOWERING EACH PUBLIC SCHOOL TO TAILOR ITS  
17 SERVICES MOST EFFECTIVELY AND EFFICIENTLY TO MEET THE NEEDS OF  
18 THE POPULATION OF STUDENTS IT SERVES.

19 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE  
20 BEST INTERESTS OF THE PEOPLE OF COLORADO TO ENACT THE  
21 "INNOVATION SCHOOLS ACT OF 2008" TO ACHIEVE THE FOLLOWING  
22 PURPOSES:

23 (a) TO GRANT TO COLORADO'S SCHOOL DISTRICTS AND PUBLIC  
24 SCHOOLS GREATER ABILITY TO MEET THE EDUCATIONAL NEEDS OF A  
25 DIVERSE AND CONSTANTLY CHANGING STUDENT POPULATION;

26 (b) TO ENCOURAGE INTENTIONALLY DIVERSE APPROACHES TO  
27 LEARNING AND EDUCATION WITHIN INDIVIDUAL SCHOOL DISTRICTS;

1 (c) TO IMPROVE EDUCATIONAL PERFORMANCE THROUGH GREATER  
2 INDIVIDUAL SCHOOL AUTONOMY AND MANAGERIAL FLEXIBILITY;

3 (d) TO ENCOURAGE SCHOOL DISTRICTS, WHERE APPROPRIATE, TO  
4 CREATE AND MANAGE A PORTFOLIO OF SCHOOLS THAT MEET A VARIETY OF  
5 EDUCATION NEEDS, INCLUDING IDENTIFYING ELEMENTARY, MIDDLE OR  
6 JUNIOR HIGH, AND HIGH SCHOOLS TO COLLECTIVELY OPERATE AS A  
7 VERTICALLY INTEGRATED INNOVATION ZONE OF SCHOOLS;

8 (e) TO ENCOURAGE INNOVATION IN EDUCATION BY PROVIDING  
9 LOCAL SCHOOL COMMUNITIES AND PRINCIPALS WITH GREATER CONTROL  
10 OVER LEVELS OF STAFFING, PERSONNEL SELECTION AND EVALUATION,  
11 SCHEDULING, AND EDUCATIONAL PROGRAMMING WITH THE GOAL OF  
12 ACHIEVING IMPROVED STUDENT ACHIEVEMENT;

13 (f) TO ENCOURAGE SCHOOL DISTRICTS AND PUBLIC SCHOOLS TO  
14 FIND NEW WAYS TO ALLOCATE RESOURCES, INCLUDING THROUGH  
15 IMPLEMENTATION OF SPECIALIZED SCHOOL BUDGETS, FOR THE BENEFIT OF  
16 THE STUDENTS THEY SERVE; AND

17 (g) TO HOLD PUBLIC SCHOOLS THAT RECEIVE GREATER AUTONOMY  
18 UNDER THIS ARTICLE ACCOUNTABLE FOR STUDENT ACADEMIC  
19 ACHIEVEMENT, AS MEASURED BY THE COLORADO STUDENT ASSESSMENT  
20 PROGRAM, OTHER MORE SPECIFICALLY TAILORED ACCOUNTABILITY  
21 MEASURES, AND THE FEDERAL REQUIREMENTS OF ADEQUATE YEARLY  
22 PROGRESS.

23 **22-32.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION  
26 APPOINTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION  
27 22-2-110.

1 (2) "DISTRICT OF INNOVATION" MEANS A SCHOOL DISTRICT THAT  
2 IS DESIGNATED AS A DISTRICT OF INNOVATION PURSUANT TO SECTION  
3 22-32.5-107.

4 (3) "INNOVATION SCHOOL" MEANS A SCHOOL IN WHICH A LOCAL  
5 SCHOOL BOARD IMPLEMENTS AN INNOVATION PLAN PURSUANT TO SECTION  
6 22-32.5-104.

7 (4) "INNOVATION SCHOOL ZONE" MEANS A GROUP OF SCHOOLS OF  
8 A SCHOOL DISTRICT THAT SHARE COMMON INTERESTS, SUCH AS  
9 GEOGRAPHICAL LOCATION OR EDUCATIONAL FOCUS, OR THAT  
10 SEQUENTIALLY SERVE CLASSES OF STUDENTS AS THEY PROGRESS THROUGH  
11 ELEMENTARY AND SECONDARY EDUCATION AND IN WHICH A LOCAL  
12 SCHOOL BOARD IMPLEMENTS A PLAN FOR CREATING AN INNOVATION  
13 SCHOOL ZONE PURSUANT TO SECTION 22-32.5-104.

14 (5) "LOCAL SCHOOL BOARD" MEANS THE BOARD OF EDUCATION OF  
15 A SCHOOL DISTRICT.

16 (6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
17 CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE  
18 CONSTITUTION.

19 **22-32.5-104. Innovation plans - submission - contents.**

20 (1) (a) A PUBLIC SCHOOL OF A SCHOOL DISTRICT MAY SUBMIT TO ITS  
21 LOCAL SCHOOL BOARD AN INNOVATION PLAN AS DESCRIBED IN  
22 SUBSECTION (3) OF THIS SECTION. A GROUP OF PUBLIC SCHOOLS OF A  
23 SCHOOL DISTRICT THAT SHARE COMMON INTERESTS, SUCH AS  
24 GEOGRAPHICAL LOCATION OR EDUCATIONAL FOCUS, OR THAT  
25 SEQUENTIALLY SERVE CLASSES OF STUDENTS AS THEY PROGRESS THROUGH  
26 ELEMENTARY AND SECONDARY EDUCATION MAY JOINTLY SUBMIT TO  
27 THEIR LOCAL SCHOOL BOARD A PLAN TO CREATE AN INNOVATION SCHOOL

1 ZONE AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

2 (b) A LOCAL SCHOOL BOARD SHALL RECEIVE AND REVIEW EACH  
3 INNOVATION PLAN OR PLAN FOR CREATING AN INNOVATION SCHOOL ZONE  
4 SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1). THE  
5 LOCAL SCHOOL BOARD SHALL EITHER APPROVE OR DISAPPROVE THE  
6 INNOVATION PLAN OR PLAN FOR CREATING AN INNOVATION SCHOOL ZONE  
7 WITHIN SIXTY DAYS AFTER RECEIVING THE PLAN.

8 (c) IF THE LOCAL SCHOOL BOARD REJECTS THE PLAN, IT SHALL  
9 PROVIDE TO THE PUBLIC SCHOOL OR GROUP OF PUBLIC SCHOOLS THAT  
10 SUBMITTED THE PLAN A WRITTEN EXPLANATION OF THE BASIS FOR ITS  
11 DECISION. A PUBLIC SCHOOL OR GROUP OF PUBLIC SCHOOLS MAY  
12 RESUBMIT AN AMENDED INNOVATION PLAN OR AMENDED PLAN FOR  
13 CREATING AN INNOVATION SCHOOL ZONE AT ANY TIME AFTER DENIAL.

14 (d) IF THE LOCAL SCHOOL BOARD APPROVES THE PLAN, IT MAY  
15 PROCEED TO SEEK DESIGNATION OF THE SCHOOL DISTRICT AS A DISTRICT  
16 OF INNOVATION PURSUANT TO SECTION 22-32.5-107.

17 (2) A LOCAL SCHOOL BOARD MAY INITIATE AND COLLABORATE  
18 WITH ONE OR MORE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT TO CREATE  
19 ONE OR MORE INNOVATION PLANS, AS DESCRIBED IN SUBSECTION (3) OF  
20 THIS SECTION, OR ONE OR MORE PLANS TO CREATE INNOVATION SCHOOL  
21 ZONES, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. IN CREATING  
22 AN INNOVATION PLAN OR A PLAN TO CREATE AN INNOVATION SCHOOL  
23 ZONE, THE LOCAL SCHOOL BOARD SHALL ENSURE THAT EACH PUBLIC  
24 SCHOOL THAT WOULD BE AFFECTED BY THE PLAN HAS OPPORTUNITY TO  
25 PARTICIPATE IN CREATION OF THE PLAN. A LOCAL SCHOOL BOARD MAY  
26 APPROVE OR CREATE A PLAN TO CREATE AN INNOVATION SCHOOL ZONE  
27 THAT INCLUDES ALL OF THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT. IF

1 THE LOCAL SCHOOL BOARD CREATES AN INNOVATION PLAN OR A PLAN FOR  
2 CREATING AN INNOVATION SCHOOL ZONE, THE LOCAL SCHOOL BOARD MAY  
3 SEEK DESIGNATION OF THE SCHOOL DISTRICT AS A DISTRICT OF  
4 INNOVATION PURSUANT TO SECTION 22-32.5-107.

5 (3) EACH INNOVATION PLAN, WHETHER SUBMITTED BY A PUBLIC  
6 SCHOOL OR CREATED BY A LOCAL SCHOOL BOARD THROUGH  
7 COLLABORATION BETWEEN THE LOCAL SCHOOL BOARD AND A PUBLIC  
8 SCHOOL, SHALL INCLUDE THE FOLLOWING INFORMATION:

9 (a) A STATEMENT OF THE PUBLIC SCHOOL'S MISSION AND WHY  
10 DESIGNATION AS AN INNOVATION SCHOOL WOULD ENHANCE THE SCHOOL'S  
11 ABILITY TO ACHIEVE ITS MISSION;

12 (b) A DESCRIPTION OF THE INNOVATIONS THE PUBLIC SCHOOL  
13 WOULD IMPLEMENT, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED TO,  
14 INNOVATIONS IN SCHOOL STAFFING; CURRICULUM AND ASSESSMENT;  
15 CLASS SCHEDULING; USE OF FINANCIAL AND OTHER RESOURCES; AND  
16 FACULTY RECRUITMENT, EMPLOYMENT, EVALUATION, AND  
17 COMPENSATION;

18 (c) A LISTING OF THE PROGRAMS, POLICIES, OR OPERATIONAL  
19 DOCUMENTS WITHIN THE PUBLIC SCHOOL THAT WOULD BE AFFECTED BY  
20 THE PUBLIC SCHOOL'S IDENTIFIED INNOVATIONS AND THE MANNER IN  
21 WHICH THEY WOULD BE AFFECTED. THE PROGRAMS, POLICIES, OR  
22 OPERATIONAL DOCUMENTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

23 (I) THE RESEARCH-BASED EDUCATIONAL PROGRAM THE PUBLIC  
24 SCHOOL WOULD IMPLEMENT;

25 (II) THE LENGTH OF SCHOOL DAY AND SCHOOL YEAR AT THE  
26 PUBLIC SCHOOL;

27 (III) THE STUDENT PROMOTION AND GRADUATION POLICIES TO BE



1 IMPLEMENTED AT THE PUBLIC SCHOOL;

2 (IV) THE PUBLIC SCHOOL'S ASSESSMENT PLAN;

3 (V) THE PROPOSED BUDGET FOR THE PUBLIC SCHOOL; AND

4 (VI) THE PROPOSED STAFFING PLAN FOR THE PUBLIC SCHOOL.

5 (d) AN IDENTIFICATION OF THE IMPROVEMENTS IN ACADEMIC

6 PERFORMANCE THAT THE PUBLIC SCHOOL EXPECTS TO ACHIEVE IN

7 IMPLEMENTING THE INNOVATIONS;

8 (e) AN ESTIMATE OF THE COST SAVINGS AND INCREASED

9 EFFICIENCIES, IF ANY, THE PUBLIC SCHOOL EXPECTS TO ACHIEVE IN

10 IMPLEMENTING ITS IDENTIFIED INNOVATIONS;

11 (f) A STATEMENT OF THE LEVEL OF SUPPORT FOR DESIGNATION AS

12 AN INNOVATION SCHOOL DEMONSTRATED BY THE PERSONNEL EMPLOYED

13 AT THE PUBLIC SCHOOL, THE STUDENTS AND PARENTS OF STUDENTS

14 ENROLLED IN THE PUBLIC SCHOOL, AND THE COMMUNITY SURROUNDING

15 THE PUBLIC SCHOOL;

16 (g) A DESCRIPTION OF ANY STATUTORY, REGULATORY, OR

17 DISTRICT POLICY REQUIREMENTS THAT WOULD NEED TO BE WAIVED FOR

18 THE PUBLIC SCHOOL TO IMPLEMENT ITS IDENTIFIED INNOVATIONS; AND

19 (h) ANY ADDITIONAL INFORMATION REQUIRED BY THE LOCAL

20 SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH THE INNOVATION PLAN

21 WOULD BE IMPLEMENTED.

22 (4) EACH PLAN FOR CREATING AN INNOVATION SCHOOL ZONE,

23 WHETHER SUBMITTED BY A GROUP OF PUBLIC SCHOOLS OR CREATED BY A

24 LOCAL SCHOOL BOARD THROUGH COLLABORATION WITH A GROUP OF

25 PUBLIC SCHOOLS, SHALL INCLUDE THE INFORMATION SPECIFIED IN

26 SUBSECTION (3) OF THIS SECTION FOR EACH PUBLIC SCHOOL THAT WOULD

27 BE INCLUDED IN THE INNOVATION SCHOOL ZONE. A PLAN FOR CREATING

1 AN INNOVATION SCHOOL ZONE SHALL ALSO INCLUDE THE FOLLOWING  
2 ADDITIONAL INFORMATION:

3 (a) A DESCRIPTION OF HOW INNOVATIONS IN THE PUBLIC SCHOOLS  
4 IN THE SCHOOL INNOVATION ZONE WOULD BE INTEGRATED TO ACHIEVE  
5 RESULTS THAT WOULD BE LESS LIKELY TO BE ACCOMPLISHED BY EACH  
6 PUBLIC SCHOOL WORKING ALONE;

7 (b) AN ESTIMATE OF ANY ECONOMIES OF SCALE THAT WOULD BE  
8 ACHIEVED BY INNOVATIONS IMPLEMENTED JOINTLY BY THE PUBLIC  
9 SCHOOLS WITHIN THE INNOVATION SCHOOL ZONE; AND

10 (c) A STATEMENT OF THE LEVEL OF SUPPORT FOR CREATING AN  
11 INNOVATION SCHOOL ZONE DEMONSTRATED BY THE PERSONNEL  
12 EMPLOYED AT EACH PUBLIC SCHOOL THAT WOULD BE INCLUDED IN THE  
13 ZONE, THE STUDENTS AND PARENTS OF STUDENTS ENROLLED IN EACH  
14 PUBLIC SCHOOL THAT WOULD BE INCLUDED IN THE ZONE, AND THE  
15 COMMUNITY IN WHICH THE LOCAL SCHOOL BOARD WOULD APPROVE THE  
16 INNOVATION SCHOOL ZONE. IN DETERMINING THE LEVEL OF SUPPORT,  
17 EACH PUBLIC SCHOOL SHALL SPECIFICALLY SOLICIT INPUT CONCERNING  
18 THE SELECTION OF PUBLIC SCHOOLS INCLUDED IN THE INNOVATION  
19 SCHOOL ZONE AND THE STRATEGIES AND PROCEDURES THAT WOULD BE  
20 USED IN IMPLEMENTING AND INTEGRATING THE INNOVATIONS WITHIN THE  
21 PUBLIC SCHOOLS IN THE ZONE.

22 **22-32.5-105. Suggested innovations.** (1) IN CONSIDERING OR  
23 CREATING AN INNOVATION PLAN OR A PLAN FOR CREATING AN  
24 INNOVATION SCHOOL ZONE, EACH LOCAL SCHOOL BOARD IS STRONGLY  
25 ENCOURAGED TO CONSIDER INNOVATIONS IN THE FOLLOWING AREAS:

26 (a) CURRICULUM AND ACADEMIC STANDARDS AND ASSESSMENTS;

27 (b) ACCOUNTABILITY MEASURES, INCLUDING BUT NOT LIMITED TO

1 EXPANDING THE USE OF A VARIETY OF ACCOUNTABILITY MEASURES TO  
2 MORE ACCURATELY PRESENT A COMPLETE MEASURE OF STUDENT  
3 LEARNING AND ACCOMPLISHMENT. THE ACCOUNTABILITY MEASURES  
4 ADOPTED BY AN INNOVATION SCHOOL OR AN INNOVATION SCHOOL ZONE  
5 MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

6 (I) USE OF GRADUATION OR EXIT EXAMINATIONS;

7 (II) USE OF END-OF-COURSE EXAMINATIONS;

8 (III) USE OF STUDENT PORTFOLIO REVIEWS;

9 (IV) USE OF NATIONAL AND INTERNATIONAL ACCOUNTABILITY  
10 MEASURES SUCH AS THE NATIONAL ASSESSMENT OF EDUCATIONAL  
11 PROGRESS AND THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT;

12 (V) MEASURING THE PERCENTAGE OF STUDENTS CONTINUING INTO  
13 HIGHER EDUCATION; AND

14 (VI) MEASURING THE PERCENTAGE OF STUDENTS  
15 SIMULTANEOUSLY OBTAINING A HIGH SCHOOL DIPLOMA AND AN  
16 ASSOCIATE'S DEGREE OR A CAREER AND TECHNICAL EDUCATION  
17 CERTIFICATE.

18 (c) PROVISION OF SERVICES, INCLUDING BUT NOT LIMITED TO  
19 SPECIAL EDUCATION SERVICES; SERVICES FOR GIFTED AND TALENTED  
20 STUDENTS; SERVICES FOR STUDENTS FOR WHOM ENGLISH IS NOT THE  
21 DOMINANT LANGUAGE; EDUCATIONAL SERVICES FOR STUDENTS AT RISK OF  
22 ACADEMIC FAILURE, EXPULSION, OR DROPPING OUT; AND SUPPORT  
23 SERVICES PROVIDED BY THE DEPARTMENT OF HUMAN SERVICES OR  
24 COUNTY SOCIAL SERVICES AGENCIES;

25 (d) TEACHER RECRUITMENT, TRAINING, PREPARATION, AND  
26 PROFESSIONAL DEVELOPMENT;

27 (e) TEACHER EMPLOYMENT;

1 (f) PERFORMANCE EXPECTATIONS AND EVALUATION PROCEDURES  
2 FOR TEACHERS AND PRINCIPALS;

3 (g) COMPENSATION FOR TEACHERS, PRINCIPALS, AND OTHER  
4 SCHOOL BUILDING PERSONNEL, INCLUDING BUT NOT LIMITED TO  
5 PERFORMANCE PAY PLANS, TOTAL COMPENSATION PLANS, AND OTHER  
6 INNOVATIONS WITH REGARD TO RETIREMENT AND OTHER BENEFITS;

7 (h) SCHOOL GOVERNANCE AND THE ROLES, RESPONSIBILITIES, AND  
8 EXPECTATIONS OF PRINCIPALS IN INNOVATION SCHOOLS OR SCHOOLS  
9 WITHIN AN INNOVATION SCHOOL ZONE; AND

10 (i) PREPARATION AND COUNSELING OF STUDENTS FOR TRANSITION  
11 TO HIGHER EDUCATION OR THE WORK FORCE.

12 **22-32.5-106. Innovation planning - financial support.** EACH  
13 PUBLIC SCHOOL AND EACH LOCAL SCHOOL BOARD IS AUTHORIZED AND  
14 ENCOURAGED TO SEEK AND ACCEPT PUBLIC AND PRIVATE GIFTS, GRANTS,  
15 AND DONATIONS TO OFFSET THE COSTS OF DEVELOPING AND  
16 IMPLEMENTING INNOVATION PLANS AND PLANS FOR CREATING  
17 INNOVATION SCHOOL ZONES.

18 **22-32.5-107. District of innovation - designation.** (1) EACH  
19 LOCAL SCHOOL BOARD MAY SEEK FOR ITS SCHOOL DISTRICT DESIGNATION  
20 BY THE STATE BOARD AS A DISTRICT OF INNOVATION. A LOCAL SCHOOL  
21 BOARD MAY SEEK THE DESIGNATION ON THE BASIS OF INNOVATION PLANS  
22 OR PLANS FOR CREATING INNOVATION SCHOOL ZONES APPROVED OR  
23 COLLABORATIVELY CREATED BY THE LOCAL SCHOOL BOARD PURSUANT TO  
24 SECTION 22-32.5-104.

25 (2) A LOCAL SCHOOL BOARD THAT SEEKS DESIGNATION AS A  
26 DISTRICT OF INNOVATION SHALL SUBMIT ONE OR MORE INNOVATION PLANS  
27 OR PLANS FOR CREATING AN INNOVATION SCHOOL ZONE TO THE

1 COMMISSIONER FOR REVIEW AND COMMENT BY THE COMMISSIONER AND  
2 THE STATE BOARD. WITHIN SIXTY DAYS AFTER RECEIVING A LOCAL  
3 SCHOOL BOARD'S PLAN, THE COMMISSIONER AND THE STATE BOARD SHALL  
4 RESPOND TO THE LOCAL SCHOOL BOARD WITH ANY SUGGESTED CHANGES  
5 OR ADDITIONS TO THE PLAN, INCLUDING BUT NOT LIMITED TO  
6 SUGGESTIONS FOR FURTHER INNOVATIONS OR FOR MEASURES TO INCREASE  
7 THE LIKELIHOOD THAT THE INNOVATIONS WILL RESULT IN GREATER  
8 ACADEMIC ACHIEVEMENT WITHIN THE INNOVATION SCHOOLS OR  
9 INNOVATION SCHOOL ZONES. BASED ON THE COMMISSIONER'S AND THE  
10 STATE BOARD'S COMMENTS, THE LOCAL SCHOOL BOARD MAY CHOOSE TO  
11 WITHDRAW AND RESUBMIT ITS INNOVATION PLAN OR PLAN FOR CREATING  
12 AN INNOVATION SCHOOL ZONE.

13 (3) (a) WITHIN SIXTY DAYS AFTER RECEIVING A LOCAL SCHOOL  
14 BOARD'S INNOVATION PLAN OR PLAN FOR CREATING AN INNOVATION  
15 SCHOOL ZONE, THE STATE BOARD SHALL DESIGNATE THE LOCAL SCHOOL  
16 BOARD'S SCHOOL DISTRICT AS A DISTRICT OF INNOVATION UNLESS THE  
17 STATE BOARD CONCLUDES THAT THE SUBMITTED PLAN:

18 (I) IS LIKELY TO RESULT IN A DECREASE IN ACADEMIC  
19 ACHIEVEMENT IN THE INNOVATION SCHOOLS OR INNOVATION SCHOOL  
20 ZONES; OR

21 (II) IS NOT FISCALLY FEASIBLE.

22 (b) IF THE STATE BOARD DOES NOT DESIGNATE A SCHOOL DISTRICT  
23 AS A DISTRICT OF INNOVATION, IT SHALL PROVIDE TO THE LOCAL SCHOOL  
24 BOARD A WRITTEN EXPLANATION OF THE BASIS FOR ITS DECISION. THE  
25 LOCAL SCHOOL BOARD MAY RESUBMIT AN AMENDED INNOVATION PLAN OR  
26 PLAN FOR CREATING AN INNOVATION SCHOOL ZONE AND SEEK  
27 DESIGNATION OF ITS SCHOOL DISTRICT AS A SCHOOL DISTRICT OF

1 INNOVATION AT ANY TIME AFTER DENIAL.

2 **22-32.5-108. District of innovation - waiver of statutory and**  
3 **regulatory requirements.** (1) THE INNOVATION SCHOOLS AND

4 INNOVATION SCHOOL ZONES OF A DISTRICT OF INNOVATION SHALL NOT BE  
5 SUBJECT TO THE FOLLOWING STATUTORY PROVISIONS NOR TO ANY RULES  
6 ADOPTED BY THE STATE BOARD TO IMPLEMENT THE FOLLOWING  
7 STATUTORY PROVISIONS:

8 (a) SECTION 22-9-106, REGARDING LOCAL SCHOOL BOARD DUTIES  
9 CONCERNING PERFORMANCE EVALUATIONS FOR LICENSED PERSONNEL;

10 (b) SECTION 22-32-126, REGARDING EMPLOYMENT AND  
11 AUTHORITY OF PRINCIPALS;

12 (c) SECTIONS 22-63-201 TO 22-63-203, REGARDING EMPLOYMENT  
13 OF TEACHERS;

14 (d) SECTION 22-63-206, REGARDING TRANSFER OF TEACHERS AND  
15 COMPENSATION;

16 (e) PART 3 OF ARTICLE 63 OF THIS TITLE, REGARDING DISMISSAL OF  
17 TEACHERS;

18 (f) SECTION 22-63-401, REGARDING ADOPTION AND  
19 IMPLEMENTATION OF SALARY SCHEDULES;

20 (g) SECTION 22-63-402, REGARDING THE REQUIREMENT OF  
21 HOLDING A TEACHER LICENSE OR AUTHORIZATION; AND

22 (h) SECTION 22-63-403, REGARDING PAYMENT OF TEACHER  
23 SALARIES.

24 (2) UPON DESIGNATION OF A DISTRICT OF INNOVATION, THE STATE  
25 BOARD SHALL WAIVE ANY STATUTES OR RULES SPECIFIED IN THE SCHOOL  
26 DISTRICT'S INNOVATION PLAN AS THEY PERTAIN TO THE INNOVATION  
27 SCHOOLS OR INNOVATION SCHOOL ZONES OF THE DISTRICT OF

1 INNOVATION; EXCEPT THAT THE STATE BOARD SHALL NOT WAIVE ANY  
2 STATUTES SPECIFIED IN SECTION 22-2-117 (1) (b).

3 (3) EACH DISTRICT OF INNOVATION SHALL CONTINUE TO BE  
4 SUBJECT TO ALL STATUTES AND RULES THAT ARE NOT AUTOMATICALLY  
5 WAIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION OR WAIVED BY  
6 THE STATE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION,  
7 INCLUDING BUT NOT LIMITED TO ALL STATUTES AND RULES CONCERNING  
8 IMPLEMENTATION OF:

9 (a) THE COLORADO STUDENT ASSESSMENT PROGRAM CREATED IN  
10 SECTION 22-7-409;

11 (b) PART 6 OF ARTICLE 7 OF THIS TITLE; AND

12 (c) THE REQUIREMENTS OF THE FEDERAL "NO CHILD LEFT BEHIND  
13 ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ.

14 (4) DESIGNATION AS A DISTRICT OF INNOVATION SHALL NOT  
15 AFFECT A SCHOOL DISTRICT'S:

16 (a) TOTAL PROGRAM FUNDING CALCULATED PURSUANT TO THE  
17 "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE; OR

18 (b) ELIGIBILITY FOR FUNDING UNDER, OR THE AMOUNT RECEIVED  
19 THROUGH, A CATEGORICAL PROGRAM, AS DEFINED IN SECTION 22-55-102  
20 (4).

21 **22-32.5-109. District of innovation - collective bargaining**  
22 **agreements.** (1) (a) ON AND AFTER THE DATE ON WHICH THE STATE  
23 BOARD DESIGNATES A SCHOOL DISTRICT AS A DISTRICT OF INNOVATION,  
24 ANY COLLECTIVE BARGAINING AGREEMENT INITIALLY ENTERED INTO OR  
25 RENEWED BY THE LOCAL SCHOOL BOARD OF THE DISTRICT OF INNOVATION  
26 SHALL INCLUDE A TERM THAT ALLOWS EACH INNOVATION SCHOOL AND  
27 EACH INNOVATION SCHOOL ZONE IN THE SCHOOL DISTRICT TO BE REMOVED

1 FROM THE COLLECTIVE BARGAINING AGREEMENT.

2 (b) FOR AN INNOVATION SCHOOL, REMOVAL FROM THE COLLECTIVE  
3 BARGAINING AGREEMENT SHALL BE BASED ON OBTAINING THE APPROVAL  
4 BY MEANS OF A SECRET BALLOT VOTE OF A MAJORITY OF THE PERSONNEL  
5 WHO ARE EMPLOYED AT THE INNOVATION SCHOOL.

6 (c) FOR AN INNOVATION SCHOOL ZONE, REMOVAL FROM THE  
7 COLLECTIVE BARGAINING AGREEMENT SHALL BE BASED ON OBTAINING AT  
8 EACH SCHOOL INCLUDED IN THE INNOVATION SCHOOL ZONE THE APPROVAL  
9 OF A MAJORITY OF THE PERSONNEL WHO ARE EMPLOYED AT THE SCHOOL.  
10 THE INNOVATION SCHOOL ZONE SHALL SEEK TO OBTAIN MAJORITY  
11 APPROVAL THROUGH A SECRET BALLOT VOTE OF THE PERSONNEL AT EACH  
12 SCHOOL INCLUDED IN THE INNOVATION SCHOOL ZONE. THE LOCAL SCHOOL  
13 BOARD FOR THE INNOVATION SCHOOL ZONE MAY CHOOSE TO REVISE THE  
14 PLAN FOR CREATING AN INNOVATION SCHOOL ZONE TO REMOVE FROM THE  
15 ZONE ANY SCHOOL IN WHICH A MAJORITY OF THE PERSONNEL DO NOT VOTE  
16 TO REMOVE THE SCHOOL FROM THE COLLECTIVE BARGAINING AGREEMENT.

17 (d) REMOVAL OF AN INNOVATION SCHOOL OR OF AN INNOVATION  
18 SCHOOL ZONE FROM A COLLECTIVE BARGAINING AGREEMENT PURSUANT  
19 TO THIS SUBSECTION (1) SHALL CONTINUE SO LONG AS THE SCHOOL  
20 REMAINS AN INNOVATION SCHOOL OR THE INNOVATION SCHOOL ZONE  
21 CONTINUES TO EXIST. CREATION OF A NEW, OR RENEWAL OF AN EXISTING,  
22 COLLECTIVE BARGAINING AGREEMENT FOR THE OTHER SCHOOLS OF THE  
23 DISTRICT OF INNOVATION SHALL NOT AFFECT AN INNOVATION SCHOOL OR  
24 AN INNOVATION SCHOOL ZONE THAT PREVIOUSLY APPROVED REMOVAL  
25 FROM A COLLECTIVE BARGAINING AGREEMENT PURSUANT TO THIS  
26 SUBSECTION (1).

27 (2) A DISTRICT OF INNOVATION SHALL NOT BE REQUIRED TO SEEK



1 REMOVAL OF AN INNOVATION SCHOOL OR OF A PUBLIC SCHOOL IN AN  
2 INNOVATION SCHOOL ZONE FROM ITS COLLECTIVE BARGAINING  
3 AGREEMENT. EACH DISTRICT OF INNOVATION SHALL INCLUDE IN ITS  
4 INNOVATION PLAN A STATEMENT AS TO WHETHER IT WILL SEEK TO  
5 REMOVE AN INNOVATION SCHOOL OR THE PUBLIC SCHOOLS INCLUDED IN  
6 AN INNOVATION SCHOOL ZONE FROM ITS COLLECTIVE BARGAINING  
7 AGREEMENT.

8 (3) A PERSON WHO IS A MEMBER OF THE COLLECTIVE BARGAINING  
9 UNIT AND IS EMPLOYED BY AN INNOVATION SCHOOL OR BY A SCHOOL  
10 INCLUDED IN AN INNOVATION SCHOOL ZONE MAY REQUEST A TRANSFER TO  
11 ANOTHER PUBLIC SCHOOL OF THE DISTRICT OF INNOVATION. THE LOCAL  
12 SCHOOL BOARD SHALL MAKE EVERY REASONABLE EFFORT TO  
13 ACCOMMODATE THE PERSON'S REQUEST.

14 **22-32.5-110. Reporting.** (1) ON OR BEFORE MARCH 1, 2010, AND  
15 ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, THE COMMISSIONER  
16 AND THE STATE BOARD SHALL SUBMIT TO THE GOVERNOR AND TO THE  
17 EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF  
18 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT  
19 CONCERNING THE DISTRICTS OF INNOVATION. AT A MINIMUM, THE REPORT  
20 SHALL INCLUDE:

21 (a) THE NUMBER OF SCHOOL DISTRICTS DESIGNATED AS DISTRICTS  
22 OF INNOVATION IN THE PRECEDING ACADEMIC YEAR AND THE TOTAL  
23 NUMBER OF DISTRICTS OF INNOVATION IN THE STATE;

24 (b) THE NUMBER OF INNOVATION SCHOOLS AND THE NUMBER OF  
25 INNOVATION SCHOOL ZONES, INCLUDING THE NUMBER OF SCHOOLS IN THE  
26 ZONE, IN EACH DISTRICT OF INNOVATION AND THE NUMBER OF STUDENTS  
27 SERVED IN THE INNOVATION SCHOOLS AND INNOVATION SCHOOL ZONES,

1 EXPRESSED AS A TOTAL NUMBER AND AS A PERCENTAGE OF THE STUDENTS  
2 ENROLLED IN THE DISTRICT OF INNOVATION;

3 (c) AN OVERVIEW OF THE INNOVATIONS IMPLEMENTED IN THE  
4 INNOVATION SCHOOLS AND THE INNOVATION SCHOOL ZONES IN THE  
5 DISTRICTS OF INNOVATION;

6 (d) AN OVERVIEW OF THE ACADEMIC PERFORMANCE OF THE  
7 STUDENTS SERVED IN INNOVATION SCHOOLS AND INNOVATION SCHOOL  
8 ZONES IN EACH DISTRICT OF INNOVATION, INCLUDING A COMPARISON  
9 BETWEEN THE STUDENTS' ACADEMIC PERFORMANCE BEFORE AND SINCE  
10 IMPLEMENTATION OF THE INNOVATIONS;

11 (e) ANY RECOMMENDATIONS FOR LEGISLATIVE CHANGES BASED ON  
12 THE INNOVATIONS IMPLEMENTED OR TO FURTHER ENHANCE THE ABILITY  
13 OF LOCAL SCHOOL BOARDS TO IMPLEMENT INNOVATIONS; AND

14 (f) ANY ADDITIONAL INFORMATION REQUESTED BY THE GOVERNOR  
15 OR A MEMBER OF THE GENERAL ASSEMBLY.

16 (2) THE COMMISSIONER SHALL ENSURE THAT THE ANNUAL REPORT  
17 SUBMITTED PURSUANT TO THIS SECTION IS PROMPTLY POSTED ON THE  
18 DEPARTMENT OF EDUCATION WEB SITE.

19 **SECTION 2.** 22-32-109 (1) (f) (I), Colorado Revised Statutes, is  
20 amended to read:

21 **22-32-109. Board of education - specific duties.** (1) In addition  
22 to any other duty required to be performed by law, each board of  
23 education shall have and perform the following specific duties:

24 (f) (I) To employ all personnel required to maintain the operations  
25 and carry out the educational program of the district and to fix and order  
26 paid their compensation. Prior to the employment of any person, the  
27 board shall make an inquiry to the department of education in accordance

1 with the provisions of section 22-32-109.7 (1). A BOARD OF A DISTRICT  
2 OF INNOVATION, AS DEFINED IN SECTION 22-32.5-103 (2), MAY DELEGATE  
3 THE DUTY SPECIFIED IN THIS PARAGRAPH (f) TO AN INNOVATION SCHOOL,  
4 AS DEFINED IN SECTION 22-32.5-103 (3), OR TO A SCHOOL IN AN  
5 INNOVATION SCHOOL ZONE, AS DEFINED IN SECTION 22-32.5-103 (4).

6 **SECTION 3.** 22-32-110 (1) (h), Colorado Revised Statutes, is  
7 amended to read:

8 **22-32-110. Board of education - specific powers.** (1) In  
9 addition to any other power granted to a board of education of a school  
10 district by law, each board of education of a school district shall have the  
11 following specific powers, to be exercised in its judgment:

12 (h) To discharge or otherwise terminate the employment of any  
13 personnel. A BOARD OF A DISTRICT OF INNOVATION, AS DEFINED IN  
14 SECTION 22-32.5-103 (2), MAY DELEGATE THE POWER SPECIFIED IN THIS  
15 PARAGRAPH (h) TO AN INNOVATION SCHOOL, AS DEFINED IN SECTION  
16 22-32.5-103 (3), OR TO A SCHOOL IN AN INNOVATION SCHOOL ZONE, AS  
17 DEFINED IN SECTION 22-32.5-103 (4).

18 **SECTION 4. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.