WAIVERS

Except as indicated below, the District or a campus may apply to the Commissioner of Education for a waiver of a requirement or prohibition imposed by the Education Code or rule of the State Board or Commissioner. An application for a waiver must include:

1. A written plan approved by the Board that states the achievement objectives of the campus or District and the inhibition imposed on those objectives by the requirement or prohibition; and
2. Written comments from the campus-level or District-level committee.

Education Code 7.056(a), (b)

SUBMISSION AND APPROVAL

The application shall be submitted to the Commissioner not later than the 31st day before the campus or District intends to take action requiring a waiver. If the Commissioner does not notify the campus or District of an objection within 30 days after receiving the application, the waiver is granted. *Education Code 7.056(b), (c)*

DURATION

A waiver is effective for the period stated in the application, which cannot exceed three years. A campus or district that has received a waiver for three years may receive an exemption from the requirement, restriction, or prohibition at the end of that period if the campus or District has achieved the objectives stated in the application. The exemption remains in effect until the Commissioner determines that achievement levels of the campus or District have declined. *Education Code 7.056(d)*

RESTRICTIONS

A campus or district may not receive an exemption or waiver from a prohibition on conduct that constitutes a criminal offense; a requirement imposed by federal law or rule, including requirements for special education or bilingual education programs; or from a requirement, restriction, or prohibition imposed by state law or rule relating to:

1. A prohibition on conduct that constitutes a criminal offense.
2. Essential knowledge or skills, or high school graduation requirements.
3. Public school accountability.
4. Extracurricular activities or participation in a University Interscholastic League area, regional, or state competition.
5. Health and safety.
6. Purchasing.

7. Elementary school class size limits, except as provided by Education Code 25.112.
8. Removal of a disruptive student from the classroom.
9. At-risk programs.
10. Prekindergarten programs.
11. Educator rights and benefits.
12. Special education programs.
13. Bilingual education programs.
14. First day of instruction requirements.

Education Code 7.056(e)