

BOARD POLICIES

BF
(LEGAL)

Waivers

Except as provided at Restrictions, a district or campus may apply to the commissioner of education for a waiver of a requirement, restriction, or prohibition imposed by the Education Code or rule of the State Board of Education or commissioner. An application 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, restriction, or prohibition; and
2. Written comments from the campus-level or district-level committee established under Education Code 11.251.

Education Code 7.056(a), (b)

Submission and
Approval

A campus or district seeking a waiver must submit a written application to the commissioner not later than the 31st day before the campus or district intends to take action requiring a waiver. If the commissioner objects to an application, the commissioner must notify the campus or district in writing that the application is denied not later than the 30th day after the date on which the application is received. If the commissioner does not notify the campus or district of an objection within that time, the application is considered granted. *Education Code 7.056(b), (c)*

Duration

A waiver is effective for the period stated in the application, which may not exceed three years. A campus or district for which a requirement, restriction, or prohibition is waived for a period of three years may receive an exemption from that requirement, restriction, or prohibition at the end of that period if the campus or district has fulfilled the achievement 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

Except as provided at Student Achievement Improvement Plan, a campus or district may not receive an exemption or waiver from a:

1. Prohibition on conduct that constitutes a criminal offense;
2. Requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or
3. Requirement, restriction, or prohibition relating to:
 - a. Essential knowledge or skills under Education Code 28.002, or high school graduation requirements under Education Code 28.025;

- b. Public school accountability as provided by Education Code Chapter 39, Subchapters B, C, D, and J, and Chapter 39A;
- c. Extracurricular activities under Education Code 33.081 or participation in a University Interscholastic League area, regional, or state competition under Education Code 33.0812;
- d. Health and safety under Education Code Chapter 38;
- e. Purchasing under Education Code Chapter 44, Subchapter B;
- f. Elementary school class size limits, except as provided by Education Code 25.112;
- g. Removal of a disruptive student from the classroom under Education Code Chapter 37, Subchapter A;
- h. At-risk programs under Education Code Chapter 29, Subchapter C;
- i. Prekindergarten programs under Education Code Chapter 29, Subchapter E;
- j. Educator rights and benefits under Education Code Chapter 21, Subchapters A, C, D, E, F, G, and I, and Chapter 22, Subchapter A;
- k. Special education programs under Education Code Chapter 29, Subchapter A;
- l. Bilingual education programs under Education Code Chapter 29, Subchapter B; or
- m. Requirements for the first day of instruction under Education Code 25.0811.

Education Code 7.056(e)

*Student
Achievement
Improvement
Plan*

A district or campus that is required to develop and implement a student achievement improvement plan under Chapter 39A, Subchapter A, or Section 39A.051 [see AIC(LEGAL)] may receive an exemption or waiver under these provisions from any law or rule other than:

- 1. A prohibition on conduct that constitutes a criminal offense;
- 2. A requirement imposed by federal law or rule;
- 3. A requirement, restriction, or prohibition imposed by state law or rule relating to:

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- a. Public school accountability under Education Code Chapter 39, Subchapters B, C, D, and J, and Chapter 39A; or
 - b. Educator rights and benefits under Education Code Chapter 21, Subchapters A, C, D, E, F, G, and I, and Chapter 22, Subchapter A; or
4. Selection of instructional materials under Education Code Chapter 31.

Education Code 7.056(f)