



Title: **State Mandate Waivers**

Code: 825

Book: Policy Manual

Section: 800 Operations

Purpose

This policy establishes guidelines for developing, applying for and implementing waivers of state-imposed mandates and other provisions of state law, pursuant to the Education Empowerment Act. Board procedures will supplement those set forth in law or State Board regulations. Waiver applications submitted by the school district shall be processed and implemented in accordance with this policy.

Authority

The Board shall approve at a regular Board meeting the submission of an application for state mandate waivers that will enable the district to improve its instructional program or to operate in a more effective, efficient or economical manner. Approval by the Department of Education shall be required prior to implementation by the district.[1]

No waiver shall be in effect until after approval has been received from the Secretary of Education, and the Board has taken formal action acknowledging the approval and specifying the effective date of the waiver.

The Board reserves the right to decline to implement any waiver that has been approved, and to rescind any waiver in effect in the district.

Delegation of Responsibility

The Superintendent shall advise the Board of waiver requests being evaluated and developed beyond the preliminary stage.

The administration shall promptly notify the Board when a waiver application is approved or denied. When denied, the administration shall prepare a recommendation concerning revisions and re-submittal.

The administration shall be responsible to implement required measurement methods and prepare appropriate documentation for submission prior to the expiration of the three-year trial period.

Guidelines

Applications and supporting documentation for waivers applied for and those currently in force, as well as approval notices from the Secretary of Education, shall be public records maintained permanently by the Board Secretary and shall be made available for public inspection and copying, in accordance with Board policy. [2]

When amendments to adopted Board policy or existing administrative procedures are necessary or appropriate in order to effectively implement the waiver, the final recommended application presented to the Board and final solicitor's review shall be accompanied by specific language for proposed policy revisions and information about associated changes in administrative procedures.

Except where clearly not pertinent nor appropriate, all bid specifications; requests for proposals and quotations; and similar documents shall contain language advising that:

1. The effect of laws, regulations or standards otherwise applicable to the district may have been altered by virtue of a waiver under Act 16.
2. It is the responsibility of persons contemplating doing business with the district to be familiar with waivers in force or applied for as listed in district records.

Suggestions for waiver applications may be submitted by any Board member, staff member, student, resident or taxpayer of the school district. All suggestions must be in writing and submitted to the Superintendent, except that staff proposals shall be routed through the chain of command, with comments or recommendations from supervisors and administrators.

Adopted: **July 23, 2002**

Legal References:

- 1. 24 P.S. 1714-B
 - 2. Pol. 801
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