

Board Waiver of Administrative Rules

[R277-121](#)

Any charter school board may request a waiver from a Board rule by filing a written request with the Superintendent. The written request shall include:

- 1) a recommendation from the State Charter School Board;
- 2) verification that the charter school board voted to request the waiver in an open meeting;
- 3) student achievement data that supports the requested waiver;
- 4) data demonstrating the cost effectiveness of the waiver request;
- 5) a proposed agreement with the Board that includes:
 - a. proposed effective date;
 - b. provisions for public review and accountability;
 - c. data gathering and reporting timelines;
 - d. a sunset date (typically three years)

In order to facilitate the requirement to provide a recommendation with the waiver request, the following process should be followed:

- **Submit an amendment application.**
 - o Located on the [SCSB webpage's applications page](#)
 - o Uploaded into UCAP by **5:00pm MST on the third Friday of the month prior** to the SCSB meeting
- **After submission, staff will review for completion.**
- **Staff will place the application on the next month's SCSB agenda.**
- **The charter school governing board should be prepared to attend the SCSB meeting to discuss the waiver request.**
- **If the waiver is not recommended by the SCSB, the process is terminated.**
- **If the waiver request is recommended, SCSB staff will have a letter prepared for the SCSB's Chair's signature.**
- **SCSB staff will provide the letter to the school after the meeting is concluded.**
- **The charter school is responsible for completing the remainder of the USBE process, according to rule, by submitting the written request to the Superintendent.**

Waivers from a Board rule are not granted if the requirement is required by or adopts criteria from a federal statute, federal regulation, or state law, would negatively affect the health, safety, or welfare of public education students, could reasonably result in discrimination or harassment of public school students or employees, would benefit one element of the public education system to the detriment of another; or when the concerns giving rise to an request could be addressed through means other than waiver of Board rules.