

Compliance with Standards**

The Board recognizes the need to comply with the educational standards as outlined by the State Board of Education.

It is also recognized that a District may request waivers of standards, rules and regulations that pose a hardship for the District or impede District improvement efforts. Waivers available to the District and their purpose are:

1. Waiver of a specific standard: To address an immediate concern or need, a school District may petition the State Superintendent of Public Instruction for a waiver of a specific standard for up to one year.
2. Waiver or extension of timeline: In cases of significant hardship and demonstrated need, a school District may request from the State Board of Education a waiver or extension of any timeline for program implementation required under ORS Chapter 329 for up to five years.
3. 21st Century Schools Waiver: A school District may request a waiver of any state statute, rule or local policy or agreement relating to educational practices, that limit the ability of the school to implement District or school improvement plans, with the exception of those that affect health, safety or constitutional rights under state or federal law for up to five years.
4. Educational Flexibility Partnership Demonstration Act (Ed-Flex) Waiver: A school District may request a waiver of statutory or regulatory requirements for specific federal programs or Acts for up to five years provided that the District meets the underlying purposes of the federal statutory requirements.

The District will maintain a record of any waivers which have been requested by the District and approved by the State Board of Education.

Waivers

School Districts may request four types of waivers as follows:

1. Waiver of a specific standard: To address an immediate concern or need, a school District may petition the State Superintendent of Public Instruction for a waiver of a specific standard. A petition shall specify the reason(s) the District is seeking the waiver and other relevant information. If it is determined that the request conforms with the intent of the standards, the State Superintendent shall recommend the waiver to the State Board. Waivers under this provision may be granted for up to one year.
2. Waiver or extension of timeline: A school District may request from the State Board of Education a waiver or extension of any timeline for program implementation required under ORS Chapter 329.
 - a. The request must address the following criteria:
 1. The need for the waiver or extension and a plan to fully implement the program within the proposed extension;
 2. The means that the District will use to measure its progress towards full implementation of the underlying purpose of the program; and

3. Failure to grant the waiver or extension will create a significant hardship for the District that would place the District in an inequitable position with regard to other Districts.
 - b. Waivers or extensions under this provision may be granted for up to five years.
3. 21st Century Schools Waiver: A school District may request a waiver of any state statute, rule or local policy or agreement relating to educational practices, that limit the ability of the school to implement District or school improvement plans, with the exception of those that affect health, safety or constitutional rights under state or federal law. The request for a 21st Century Schools Waiver must be made on the appropriate application form available from the Department of Education. Waivers under this provision may be granted for periods not to exceed five years.
4. Educational Flexibility Partnership Demonstration Act (Ed-Flex) Waiver:
 - a. This Federal Act allows school Districts to request a waiver of statutory or regulatory requirements under the following federal programs or Acts:
 1. Elementary and Secondary Education Act (ESEA) Title I, Helping Disadvantaged Children Meet High Standards;
 2. ESEA Title II, Eisenhower Professional Development;
 3. ESEA Title IV, Safe Drug Free Schools;
 4. ESEA Title VI, Innovative Education Program Strategies;
 5. ESEA Title VII, Part C – Emergency Immigrant Education; and
 6. Carl D. Perkins Vocational and Applied Technology Education Act.

The application must demonstrate that the school District, if the waiver is granted, will still meet the underlying purposes of the federal statutory requirements. The request of an Ed-Flex Waiver must be made on the appropriate application form available from the Department of Education. Waivers under this provision may be granted for periods not to exceed five years.

END OF POLICY

Legal References:

ORS 326.051

ORS 329.077

ORS 329.555

OAR Chapter 581, Division 022, Standard 1920