



## Dallas Independent School District

# WAIVER PROCEDURE HANDBOOK

The Dallas Independent School District (District), as an equal opportunity educational provider and employer, does not discriminate on the basis of race, color, religion, sex, national origin, disability, sexual orientation and/or age in educational programs or activities that it operates or in employment decisions. The District is required by Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Age Discrimination Act of 1975, as amended, as well as Board policy not to discriminate in such a manner. (Not all prohibited bases apply to all programs.)

If you suspect discrimination please contact: Mary McCants, Title IX Coordinator at 972-925-3250, Chris Velasco, Section 504 Coordinator at 214-932-5212 or Employee Relations at 972-925-4200. General questions about the District should be directed to Customer Service at 972-925-3960.

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## **APPLICATION FOR WAIVER**

**GENERAL INSTRUCTIONS:** The General Superintendent has mandated that all campuses or persons acting on behalf of the District who are seeking a waiver adhere to the waiver guidelines.

Campuses/Departments applying for a waiver request should carefully review the Waiver Application Process Handbook prior to submitting waivers for review and consideration. Handbooks are accessible to staff members through the intranet site located on the District's home web page.

Except as prohibited by law, a school campus may seek a waiver from Board policy, administrative regulation, or State Board rules. (See BF (LEGAL)).

All waiver requests must be submitted in the proper format with all supporting documentation. (See appendix for required forms).

The principal is responsible for ensuring that no campus-initiated decision violates rule, law, or policy, unless the campus has obtained a waiver. (See BQB (Local)).

### **Routing Process Overview**

#### **A. Submission of the Waiver**

All waivers must be submitted in a timely fashion in order to meet the statutory deadline requirements, as well as those set out in this handbook prior to implementation.

All requests for waivers and supporting documents must be submitted in hardcopy to Ann Barnett, Coordinator, Research & Evaluation, 3709 Ross Ave., Portable # 3, Box 8; Dallas, Texas 75204. Electronic transmissions are acceptable and can be sent to Barnett@dallasisd.org. When submitting electronic transmissions keep in mind original signatures are required on the Transmittal Sheet prior to processing. For all formatting questions, contact Ms. Barnett at 972-925-4040. For all legal questions, contact Valerie Carrillo, School Attorney, at 972-925-3250.

#### **B. Legal Review**

All waivers must undergo a Legal Review prior to submission to the Waiver Review Committee. (BQB (Local)). Ms. Carrillo will serve as the primary point of contact in the Office of Legal Services to answer legal questions associated with the waiver.

All applications approved as to form by the Office of Legal Services will be submitted to the Waiver Review Committee (WRC) prior to implementation. Ms. Barnett will ensure the waiver is included on the agenda of the next scheduled Waiver Review Committee Meeting.

#### **C. Waiver Review Committee**

The WRC shall consist of the following voting members: Chief of Staff, General Counsel, Deputy Superintendent of Administrative Services, Deputy Superintendent of Business Services, Deputy Superintendent of Human Resources and Security Services, and Deputy Superintendent of Curriculum and Instruction. The WRC will review the waiver and all documents supporting the waiver after approval as to form is given by the Office of Legal Services.

The WRC meets the second Monday of each month immediately following the Grants Council Meeting, which begins at 9:00 a.m., in Room 105 of the Central Administration Building. A representative from the campus or department requesting the waiver must be available to meet with the WRC and address any concerns the committee may have regarding the waiver request. The representative must be an administrator.

#### **D. Outcome of Waiver after Receipt by Waiver Review Committee**

The outlines detailing the route the waiver application will need to take from submission to completion follows: For a quick reference, determine whether the request is for a waiver for a Local Administrative Regulation, Local Board Policy or a State Rule. Proceed to the applicable section to route the waiver and all supporting documents in the most efficient manner.

## SECTION A.

### **REQUIRED FORMS USED TO COMPLETE WAIVERS**

Campus/District Administrators who file a waiver for an Administrative Regulation, Local Board Policy or waiver to the Commissioner of Education shall use the following forms:

#### **1. Required Forms For Administrative Regulations**

- a. Transmittal Sheet for Waiver Applications. Complete sections 1,2, 3 and 5a (Campuses) 5b (District Administration). Forms may be obtained via the intranet under Forms.
- b. Application. An application for a waiver must include a written plan developed by the principal and campus staff, as appropriate, stating the achievement objectives of the campus, the reasons for requesting the waiver and the inhibitions imposed on those objectives by the requirement or prohibitions. (See BQB (Local)).

To be considered for approval by the Board, the campus plan must provide or address the following:

1. Give a brief narrative description of the requested waiver.
2. Does the District or campus plan reflect the need for this waiver? If yes, what is the specific objective impacted by the waiver?
3. Cite the Local Administrative Regulation or Local Board Policy that the District or campus wishes to waive.
4. Describe the plan to be implemented, if the waiver is granted.
5. State how granting of the waiver will help achieve the District's or campus' objective.
6. Explain how the District or campus will evaluate the impact of the waiver towards meeting the District or campus' goals.
7. Identify the school years for which the waiver is requested, to a maximum of three years.

#### **2. Required Forms For Waivers to Local Board Policy**

- a. Transmittal Sheet for Waiver Applications. Complete sections 1,2, and 3. Forms may be obtained via the intranet under Forms.
- b. Application. An application for a waiver must include a written plan developed by the principal and campus staff, as appropriate, stating the achievement objectives of the campus, the reasons for requesting the waiver and the inhibitions imposed on those objectives by the requirement or prohibitions.
- c. Mandatory Uniforms. See applicable section.
- d. Board Document. Ann Barnett will generate the Board Documents for Campuses. Departments seeking waivers will complete their own Board Documents which are accessible through the Microsoft Word templates.

1. Use the complete title for the Local Policy to be waived when completing your title. The Title of the Document should begin with “ Approval of the Waiver to Board Policy...”
2. Provide the Policy Reference Code
3. Complete the following sections:
  - a. Recommended Action
  - b. Justification section
  - c. For Information Contact
  - d. Signature blocks (1) and (6).

3. **Required Forms for Waivers to the State Commissioner**

- a. Transmittal Sheet for Waiver Applications. Complete sections 1,2, and 3. Forms may be obtained via the intranet under Forms.
- b. For Expedited and General State Waivers use the Texas Education Agency State Waiver Form, “Application for Expedited and General State Waivers.” (See appendix for examples).
- c. For class size waivers use the Texas Education Agency State Waiver Form “Request for Maximum Class Size Waiver.”
- d. State forms are available through the Texas Education Agency (TEA) website. <http://www.tea.state.tx.us/waivers/index.html>

## **SECTION B.**

### **PROCEDURES TO FOLLOW WHEN APPLYING FOR WAIVERS**

Campus/District Administrators who file a waiver for an Administrative Regulation, Local Board Policy or waiver to the Commissioner of Education must use the following procedures:

#### **A. ADMINISTRATIVE REGULATIONS**

Review section A of this handbook for guidance on the use of the proper forms prior to completing your waiver.

1. The Principal/ District Administrator prepares the Transmittal Form and obtains the required signatures prior to forwarding the application and supporting documents in hardcopy to Ann Barnett, Coordinator, Research & Evaluation, 3709 Ross Ave., Portable # 3, Box 8; Dallas, Texas 75204. Electronic transmissions are acceptable and can be sent to Barnett@dallasisd.org. When submitting electronic transmissions keep in mind original signatures are required on the Transmittal Sheet prior to processing. For all formatting questions, contact Ms. Barnett at 972- 925-4040. For all legal questions contact Valerie Carrillo, School Attorney, at 972-925-3250.
2. Ms. Barnett will coordinate with the originator to ensure all documents are received in the proper format and will serve as the facilitator for the movement of all waivers.
3. All waivers will undergo a legal review prior to implementation.
4. The Office of Legal Services will review the application and all supporting documentation within 5 working days. If the application requires clarification and/or modification the Office of Legal Services will work directly with Ms. Barnett, who will work directly with the originator to provide any and all clarifications and/or modifications.
5. All applications and supporting documents approved as to form by the Office of Legal Services will be forwarded to the Waiver Review Committee for review.
6. The WRC meets the second Monday of each month immediately following the Grants Council Meeting, which begins at 9:00 a.m., in Room 105 of the Central Administration Building. A representative from the campus or department requesting the waiver must be available to meet with the WRC and address any concerns the committee may have regarding the waiver request. The representative must be an Administrator.
7. The WRC will review the waiver and all supporting documentation and make a recommendation to the General Superintendent as to acceptance or denial of the waiver.
8. The General Superintendent will sign the application and indicate denial or acceptance on the application form.
9. All administrative regulation waivers become effective the day the General Superintendent signs the application and indicates his acceptance on the application form.
10. The WRC will notify the originator of the General Superintendent's decision.
11. The General Superintendent is the final authority as to Administrative Regulations. The decision of the General Superintendent cannot be appealed.

#### **B. BOARD POLICY**

Review section A of this handbook for guidance on the use of the proper forms prior to completing your waiver.

1. The Principal/District Administrator prepares the Transmittal Form and obtains the required signatures prior to forwarding the application and supporting documents in hardcopy to Ann Barnett, Coordinator, Research & Evaluation, 3709 Ross Ave., Portable # 3, Box 8; Dallas, Texas 75204. Electronic transmissions are acceptable and can be sent to Barnett@dallasisd.org. When submitting electronic transmissions keep in mind original signatures are required on the Transmittal Sheet prior to processing. For all formatting questions, contact Ms. Barnett at 972- 925-4040. For all legal questions, contact Valerie Carrillo, School Attorney, at 972-925-3250.
2. Ms. Barnett will coordinate with the originator to ensure all documents are received in the proper format and will serve as the facilitator for the movement of all waivers.
3. All waivers will undergo a legal review prior to implementation.
4. The Office of Legal Services will review the application and all supporting documentation within 5 working days. If the application requires clarification and/or modification the Office of Legal Services will work directly with Ms. Barnett, who will work directly with the originator to provide any and all clarifications and/or modifications.
5. All applications and supporting documents approved as to form by the Office of Legal Services will be forwarded to the Waiver Review Committee for review.
6. The WRC meets the second Monday of each month immediately following the Grants Council Meeting, which begins at 9:00 a.m., in Room 105 of the Central Administration Building. A representative from the campus or department requesting the waiver must be available to meet with the WRC and address any concerns the committee may have regarding the waiver request. The Representative must be an Administrator.
7. The WRC will review the waiver and all supporting documentation and make a recommendation to the General Superintendent as to acceptance or denial of the waiver.
8. The General Superintendent will sign the application and indicate denial or acceptance on the application form.
9. All waivers approved by the General Superintendent pertaining to Board policy or State Board rules will be forwarded to the Policy Administrator who will place the action item on the next Policy Briefing Agenda.
10. The waiver will then follow the established procedures for Board Agenda Items for consideration and adoption.
11. The WRC will notify the originator of the Board's decision.
12. There is no appeal process from the decision of the Board. The Board of Trustees is the final authority as to Local Board Policies.
13. No waivers will be submitted to the Commissioner of Education without prior approval from the Board of Trustees.

### **C. WAIVERS SUBMITTED TO THE COMMISSIONER**

Review section A of this handbook for guidance on the use of the proper forms prior to completing your waiver.

1. The Principal/District Administrator prepares the Transmittal Form and obtains the required signatures prior to forwarding the application and supporting documents in hardcopy to Ann Barnett, Coordinator, Research & Evaluation, 3709 Ross Ave., Portable # 3, Box 8; Dallas, Texas 75204. Electronic transmissions are acceptable and can be sent to Barnett@dallasisd.org. When submitting electronic transmissions keep in mind original signatures are required on the Transmittal Sheet prior to processing. For all formatting questions, contact Ann at 972-925-4040. For all legal questions, contact Valerie Carrillo, School Attorney, at 972-925-3250.

2. Ms. Barnett will coordinate with the originator to ensure all documents are received in the proper format and will serve as the facilitator for the movement of all waivers.
3. All waivers will undergo a legal review prior to implementation.
4. The Office of Legal Services will review the application and all supporting documentation within 5 working days. If the application requires clarification and/or modification the Office of Legal Services will work directly with Ms. Barnett, who will work directly with the originator to provide any and all clarifications and/or modifications.
5. All applications and supporting documents approved as to form by the Office of Legal Services will be forwarded to the Waiver Review Committee for review.
6. The WRC meets the second Monday of each month immediately following the Grants Council Meeting, which begins at 9:00 a.m., in Room 105 of the Central Administration Building. A representative from the campus or department requesting the waiver must be available to meet with the WRC and address any concerns the committee may have regarding the waiver request. The representative must be an Administrator.
7. The WRC will review the waiver and all supporting documentation and make a recommendation to the General Superintendent as to acceptance or denial of the waiver.
8. The General Superintendent will sign the application and indicate denial or acceptance on the application form.
9. All waivers approved by the General Superintendent pertaining to State Board rules will be forwarded to the Policy Administrator, who will place the action item on the next Policy Briefing Agenda.
10. The waiver will then follow the established procedures for Board Agenda Items for consideration and adoption.
11. The WRC will notify the originator of the Board's decision.
12. Upon approval by the Board of Trustees, Ms. Barnett will forward the waiver to the Commissioner of Education.

Texas Education Code, Section 7.056 governs waivers to the Commissioner of Education. A copy of the statute effective as of the date of publication is provided in the appendix.

## SECTION C.

### Mandatory Uniform Waiver Procedures

The General Superintendent has mandated that all schools interested in obtaining a Mandatory Uniform waiver will follow the procedures outlined in this handbook. This section is divided into two parts: those schools seeking a first-time Mandatory Uniform Waiver and those seeking to revert to the District's Dress Code.

#### Procedures for Obtaining a Mandatory Uniform Waiver

1. Receive the input of the SBDM Committee before proceeding with the application process.
2. Survey the campus staff and students' households. The attached survey form and cover letters (English and Spanish) must be used for this process. A total of 80% of all staff must be in favor of mandatory uniforms. A total of 80% of all student households must be in favor of mandatory uniforms. Note that 80% of households responding affirmatively to the survey is insufficient if the number responding affirmatively is less than 80% of all households. Multiple children in a family attending the same school will equal one household vote.

Example: Your school has 750 households. A total of 500 households return the survey and 450 or 90% approve of mandatory uniforms. This is insufficient. A total of 80% of all households or 600 households ( $750 \times .80 = 600$ ) must approve of mandatory uniforms.

For documentation, the school must keep a master list of campus households and an indication of whether the household responded in favor of or against mandatory uniforms or did not respond at all. In addition, the campus must keep the original survey forms for the life of the waiver plus a period of one year for record keeping purposes. The master list must accompany the waiver application to the Waiver Committee.

3. Devise a Mandatory Uniform policy for the campus which includes the following:
  - a. A description of the uniform.
  - b. A procedure whereby parents or guardians of students with philosophical or religious objections to mandatory uniforms may be exempted from the requirement or given an opportunity to transfer to a school at which space is available. Parents and/or guardians who choose this option must submit a statement of a bona fide religious or philosophical objection to the principal in writing. The filing of the objection begins the appropriate complaint process set forth in FNCA (Local)).
  - c. A provision for providing a uniform for any student whose family states that they cannot afford a uniform. **Regular school funds cannot be used for purchasing uniforms.** These uniforms must be provided by adopters, parents donating uniforms, PTA donations, or some other outside funding source.
  - d. A description of the procedures to be followed when a student without an exemption does not wear a uniform to school. Such procedures must comply with the Student Code of Conduct.

- e. See the sample policy statements in the appendix to this document for parts b, c, and d above.
4. The following forms are required to be completed for all schools who are applying for the use or discontinuance of Mandatory Uniforms Forms may be obtained on line via the intranet and internet. Complete the required forms and include with the forms the following: the policies governing the mandatory uniform waiver, the master list of campus households, the letter to be sent to parents informing them of the mandatory uniform policy if it is approved, and the plans for assuring that all parents are notified and aware of the policy. Submit the forms and documentation to Ann Barnett, Coordinator, Research & Evaluation, 3709 Ross Ave., Portable # 3, Box 8; Dallas, Texas 75204. Electronic transmissions are acceptable and can be sent to Barnett@dallasisd.org. Plan on attending the Waiver Review Committee meeting to answer questions about the proposed waiver. (See general instructions for meeting dates and times).
- a. Transmittal Sheet for Waiver Applications. Prior to submission complete sections 1,2, and 3.
  - b. Application For Waiver. An application for a waiver must include a written plan developed by the principal and campus staff, as appropriate, stating the achievement objectives of the campus, the reasons for requesting the waiver and the inhibitions imposed on those objectives by the requirement or prohibitions.
  - c. Board Document. Ann Barnett will generate the Board Documents for Campuses.
5. Timelines: State law requires that a mandatory uniform policy cannot go into effect until 90 days after it is approved by the Board of Trustees (See Texas Education Code Section 11.162 provided in the appendix). The following timeline represents the minimum time needed to implement an approved mandatory uniform policy by the beginning of the following school year:
- a. Completed waiver application with signatures of the Principal, the Chairperson of the SBDM Committee, and the Area Superintendent goes to the Waiver Committee no later than the third week of February. It is strongly recommended that the waiver go to the committee by the third week of January in case more time is needed for approval. The Principal or designee must attend the Waiver Committee meeting to answer any questions about the waiver. The designee must be a Campus Administrator.
  - b. If approved in February, the Waiver will normally be put on the Board Policy Committee Briefing Agenda for March. The deadline for filing a waiver for the Policy Briefing is the day after the prior Policy Briefing meeting. If the waiver follows this schedule waivers submitted to the Waiver Review Committee in February, will be considered by the Board at the March Board meeting.
  - c. If approved by the Board in March, the waiver can be implemented after 90 days, meaning the end of June. This allows the waiver to be implemented at the start of the following school year. **Any waiver approved after the March Board meeting must observe the mandatory 90-day waiting period for a mandatory uniform policy to begin.** However, at any time prior to the implementation of the mandatory uniform policy, the uniform policy can be implemented on a voluntary basis.

### **Procedures for Mandatory Uniform Schools Wishing to Revert to the District's Dress Code:**

1. Three years after implementation—elementary and high school mandatory uniforms may be discontinued after conducting a new survey of staff and households. Two years after implementation middle school mandatory uniform waivers may be discontinued after conducting a new survey.
2. Survey the campus staff and students' households. The attached survey form and cover letters (English and Spanish) must be used for this process. A total of 80% of all staff must be in favor of discontinuing the use of mandatory uniforms. A total of 80% of all student households must be in favor of discontinuing the use of mandatory uniforms. Note that 80% of households responding affirmatively to the survey is insufficient if the number responding affirmatively is less than 80% of all households. Multiple children in a family attending the same school will equal one household vote.

Example: Your school has 750 households. A total of 500 households return the survey and 450 or 90% approve of discontinuing mandatory uniforms. This is insufficient. A total of 80% of all households or 600 households ( $750 \times .80 = 600$ ) must approve discontinuing the use of mandatory uniforms.

For documentation, the school must keep a master list of campus households and an indication of whether the household responded in favor of or against mandatory uniforms or did not respond at all. The campus must keep the original survey forms for a period of two years for record keeping purposes. The master list must accompany the waiver application to the Waiver Committee.

3. Receive the consensus of your SBDM Committee before proceeding with the process.
4. Complete the application.
5. Forms may be obtained on line via the intranet. Complete the form and include the following: the policies governing the mandatory uniform waiver, the master list of campus households, the letter to be sent to parents informing them of the desire to discontinue the use of mandatory uniforms if it is approved, and the plans for assuring that all parents are notified and aware of the change in campus policy. Submit the form to Ann Barnett, Coordinator, Research & Evaluation, 3709 Ross Ave., Portable # 3, Box 8; Dallas, Texas 75204. Electronic transmissions are acceptable and can be sent to [Barnett@dallasisd.org](mailto:Barnett@dallasisd.org). However, keep in mind that original signatures are required on the Transmittal Sheet. Plan on attending the Waiver Review Committee meeting to answer questions about the proposed waiver. (See general instructions as to meeting dates and times).

If approved by the Committee, your waiver will then go through the approval process described in the timelines above. If approved by the Board, the discontinuation will be effective immediately.

# APPENDIX

TRANSMITTAL SHEET FOR WAIVER APPLICATIONS

General Instructions: For all Campus Waivers complete sections 1, 2,3, 4,and 5a. All other waivers must complete sections 1,3,4, and 5b. Please direct questions to Ann Barnett, 972-749-2776 or Barnett@dallasisd.org

Section 1. PLEASE COMPLETE THIS SECTION FOR ALL WAIVERS.

Originator or contact person \_\_\_\_\_ Position \_\_\_\_\_

School/Department \_\_\_\_\_ Telephone \_\_\_\_\_

Section 2. PLEASE COMPLETE THIS SECTION FOR ALL CAMPUS WAIVERS

SBDM Committee Chairperson Signature: \_\_\_\_\_

Section 3. PLEASE INDICATE THE TYPE OF WAIVER SOUGHT \_\_\_\_\_

Section 4. LIST THE ALPHA CODE OR STATE RULE PERTAINING TO YOUR WAIVER:

Administrative Regulation \_\_\_\_\_, Local Board Policy \_\_\_\_\_, State Rule \_\_\_\_\_

SECTION 5. REQUIRED REVIEW/APPROVAL SIGNATURES

a. Area Superintendent (Campuses Only)
(Approved) \_\_\_\_\_ Denied \_\_\_\_\_
Revised Edition (Approved) \_\_\_\_\_ Denied \_\_\_\_\_

b. Deputy Superintendent (District Administrators Only)
(Approved) \_\_\_\_\_ Denied \_\_\_\_\_
Revised Edition (Approved) \_\_\_\_\_ Denied \_\_\_\_\_

c. Initial date received for Processing \_\_\_\_\_ date: \_\_\_\_\_

d. Initial date received for legal review \_\_\_\_\_ date: \_\_\_\_\_

e. Returned to Originator for Revisions \_\_\_\_\_ date \_\_\_\_\_

f. Second date received for Processing \_\_\_\_\_ date \_\_\_\_\_

g. Second date received for legal review \_\_\_\_\_ date \_\_\_\_\_

h. Approved as to Form/Legal Review \_\_\_\_\_ date \_\_\_\_\_

SECTION 6. WAIVER REVIEW COMMITTEE SIGNATURE AND RECOMMENDATION

Chairperson, Waiver Review Committee \_\_\_\_\_ Approve \_\_\_\_\_ Deny \_\_\_\_\_

SECTION 7. GENERAL SUPERINTENDENT SIGNATURE

General Superintendent \_\_\_\_\_ Approve \_\_\_\_\_ Deny \_\_\_\_\_

DATE BOARD APPROVED \_\_\_\_\_

**TEXAS EDUCATION AGENCY  
STATE WAIVERS**

APPLICATION FOR EXPEDITED AND GENERAL STATE WAIVERS

**General Instructions.** For Expedited Waivers, please complete Sections 1, 2, 3, and 4. For General State Waivers, please complete Sections 1, 2, 3, 6, and 7. **Bolded** items in Section 2 and Section 3 must be completed. Please direct questions to the State Waiver Unit at (512) 463-9630 or [www.tea.state.tx.us/training/CDD-106R03.pdf](http://www.tea.state.tx.us/training/CDD-106R03.pdf).

**SECTION 1. PLEASE COMPLETE THIS SECTION FOR ALL WAIVERS.**

District Name _____	County/District No. _____ - _____
Address _____	Telephone No. (    ) _____
_____	Fax No. (    ) _____
Contact Person _____	Telephone No. (    ) _____

**SECTION 2. PLEASE COMPLETE THIS SECTION FOR ALL WAIVERS.**

Superintendent _____	Typed Name _____	Signature _____
Board President _____	Typed Name _____	Signature _____

**Date Board Approval** \_\_\_\_\_

**SECTION 3. PLEASE COMPLETE THIS SECTION FOR ALL WAIVERS.**

**Comments of appropriate Site-Based Decision Making Committee:**

\_\_\_\_\_

**SBDM Committee Chairperson Signature** \_\_\_\_\_

**SECTION 4. EXPEDITED WAIVERS. PLEASE CHECK ALL THAT APPLY.**

**Staff Development Waiver**, pursuant to Texas Education Code (TEC) §25.081. This waiver allows the district to train staff on various educational strategies designed to improve student performance in lieu of a maximum of three days of student instruction. Please state the number of days requested: \_\_\_\_\_

Please check the years requested:      2003-2004      2004-2005      2005-2006

**Reading/English Language Arts; Mathematics; Science; and/or Social Studies Staff Development Waiver**, pursuant to TEC §25.081. This waiver allows the district to conduct additional staff training for reading/English language arts, mathematics, science, or social studies strategies aligned with the Texas Essential Knowledge and Skills in lieu of a maximum of two days of student instruction.

Please check the number of days requested:    Reading/English Language Arts \_\_\_\_\_    Mathematics \_\_\_\_\_

Science \_\_\_\_\_ Social Studies \_\_\_\_\_

Please check the years requested:      2003-2004      2004-2005      2005-2006

**Staff Development through Participation in Eligible Conferences Waiver**, pursuant to TEC §25.081. This waiver allows the district to send staff to eligible conferences for staff development to improve student performance in lieu of one day of student instruction.

Please check the years requested:      2003-2004      2004-2005      2005-2006

**Early Release Waiver**, pursuant to TEC §25.082. This waiver allows the district to conduct school for less than seven (7) hours for a total of six (6) days of student instruction to provide additional training in educational methodologies and/or to provide time to meet the needs of students and local communities. Please state the number of days requested: \_\_\_\_\_

Please check the years requested:      2003-2004      2004-2005      2005-2006

**Modified Schedule/TAKS Testing Days Waiver**, pursuant to TEC §25.082. This waiver allows the district to modify the schedule of classes on TAKS testing days during the current school year to reduce interruptions during testing periods. This waiver is approved yearly.

**SECTION 4. EXPEDITED WAIVERS. PLEASE CHECK ALL THAT APPLY.**

**Textbooks for Advanced Placement and International Baccalaureate**, Pursuant to TEC §7.056. This waiver allows the district reimbursement for the purchase of textbooks used in Advanced Placement and International Baccalaureate courses for which no textbooks were adopted by the state.

Please check the years requested:      2003-2004      2004-2005      2005-2006

**Textbooks for College Courses**, Pursuant to TEC §7.056. This waiver allows the district reimbursement for the purchase of non-state adopted textbooks used in dual credit courses in which the student receives state graduation credit and post-secondary education credit.

Please check the years requested:                      2003-2004                      2004-2005                      2005-2006

**Textbooks for Photojournalism and Astronomy**, Pursuant to TEC §7.056. This waiver allows the district reimbursement for the purchase of non-state adopted textbooks used in Photojournalism and Astronomy courses for which no textbooks were adopted by the state. Reimbursement is equal to the state maximum cost or the cost of the textbook, whichever is lowest.

Please check the years requested:                      2003-2004                      2004-2005                      2005-2006

**SECTION 5. GENERAL WAIVER.**  
**Disciplinary Alternative Education Programs**, pursuant to TEC 37.008(g). This waiver allows the district to use more than 18% of the district's SCE allotment to provide basic services for disciplinary alternative education programs established under Section 37.008. The school district is required to state the reason for needing to exceed the 18% limit and to report the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system. This waiver is granted for one year and the waiver must be renewed in writing prior to the start of the school year through the Texas Education Agency waiver office for each subsequent year, in accordance with TEA policies and deadlines for filing. Please state the total percentage of the district's SCE allotment that is being requested to provide basic services at the DAEP. \_\_\_\_\_

**SECTION 6. PLEASE COMPLETE THIS SECTION FOR GENERAL WAIVERS.**

Please check one:

Course Requirement                      Foreign Exchange Student                      Disciplinary Alternative  
Pregnancy Related Services                      Study of Electronic Courses                      Education Campus  
Other Specify \_\_\_\_\_

**SECTION 7. COMPLETE THIS SECTION FOR ALL WAIVERS OTHER THAN EXPEDITED WAIVERS.**  
PLEASE USE SEPARATE PAGE.

1. Give a brief narrative description of the requested waiver.
2. Does the district or campus plan reflect the need for this waiver? If yes, what is the specific objective impacted by the waiver?
3. Cite the Texas Education Code or the Texas Administration Code that the district or campus wishes to waive?
4. Describe the plan to be implemented, if the waiver is granted.
5. How will granting this waiver help achieve the district or campus's objective?
6. Please explain how the school district or campus will evaluate the impact of the waiver towards meeting the district or campus's goal.
7. Please specify the school years for which the waiver is requested, to a maximum of three years.

2003-2004                      2004-2005                      2005-2006

All applications should be mailed or faxed. The fax number is (512) 475-3666.

State Waiver Unit  
Texas Education Agency  
1701 North Congress Avenue  
Austin, TX 78701-1494  
Phone (512) 463-9630

**Texas Education Agency  
Request for Maximum Class Size Waiver  
Fall Semester (2003-2004 School Year)**

\_\_\_\_\_  
District Name

\_\_\_\_\_  
County-District Number

Current District Accountability Rating

This form is also available on-line at [www.tea.state.tx.us](http://www.tea.state.tx.us). Completed forms must be submitted in hard copy to the Texas Education Agency, State Waiver Unit, 1701 North Congress Avenue, Austin, TX 78701-1494 or Fax: 512-475-3666. (This report is authorized under TEC §39.183.)

**\* It is not necessary to submit this form unless a waiver is needed.**

			<b>Total Number of District Sections That Exceed 22:1 Class Size Ratio:</b> _____ (This amount should be entered only one time even though additional sheets may be needed for campus information.)						
Campus Name(s)	Campus No.	Campus Accountability Rating	K	1	2	3	4		F=Facilities T=Teachers G=Unanticipated Growth Reason(s)
			Total Sections	Total Sections	Total Sections	Total Sections	Total Sections	Total K-4 Sections	
District Totals									

**Instructions**

Each district is to conduct a class enrollment survey kindergarten through grade four (K-4) no later than **September 5, 2003**. Based on class enrollment surveys for grades K-4, enter the campus name and campus number for each campus in which the class size ratio exceeds 22:1. Enter the total number of sections and the reason(s) for the waiver request. Class size limits do not apply to physical education or fine arts classes.

The waiver request must be submitted by **October 7, 2003**, and must include a current compliance plan that has been approved by the local board of trustees. The plan must include the name(s) of campus(es), campus rating, grade(s), and number of sections exceeding a 22:1 class size ratio; steps to be taken to bring the district into compliance, timeline for completion, any new efforts/progress toward compliance (if plan was previously submitted), and specific reasons that noncompliance must be addressed. In addition, districts that request a waiver due to an inability to employ teachers must document efforts to recruit and hire staff.

\_\_\_\_\_  
Print Name of Superintendent

\_\_\_\_\_  
Signature of Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Board President

\_\_\_\_\_  
Signature of Board President

\_\_\_\_\_  
Date of Board Approval

\_\_\_\_\_  
Print Name of Contact Person

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

### **Texas Education Code § 7.056. Waivers and Exemptions**

(a) Except as provided by Subsection (e), a school campus or district may apply to the commissioner for a waiver of a requirement, restriction, or prohibition imposed by this code or rule of the board or commissioner.

(b) A school 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. The application must include:

(1) a written plan approved by the board of trustees of the district 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- or district-level committee established under Section 11.251.

(c) If the commissioner objects to an application for a waiver, the commissioner must notify the school 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 school campus or district of an objection within that time, the application is considered granted.

(d) A waiver granted under this section is effective for the period stated in the application, which may not exceed three years. A school campus or district for which a requirement, restriction, or prohibition is waived under this section 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.

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

(1) a prohibition on conduct that constitutes a criminal offense;

(2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or

(3) a requirement, restriction, or prohibition relating to:

(A) essential knowledge or skills under Section 28.002 or minimum graduation requirements under Section 28.025;

(B) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39;

(C) extracurricular activities under Section 33.081;

(D) health and safety under Chapter 38;

(E) purchasing under Subchapter B, Chapter 44;

(F) elementary school class size limits, except as provided by Section 25.112;

(G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37;

- (H) at-risk programs under Subchapter C, Chapter 29;
  - (I) pre-kindergarten programs under Subchapter E, Chapter 29;
  - (J) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22;
  - (K) special education programs under Subchapter A, Chapter 29; or
  - (L) bilingual education programs under Subchapter B, Chapter 29.
- (f) A school district or campus that is required to develop and implement a student achievement improvement plan under Section 39.131 may receive an exemption or waiver under this section 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:
    - (A) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39; or
    - (B) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22; or
  - (4) textbook selection under Chapter 31.
- (g) In a manner consistent with waiver authority granted to the commissioner by the United States Department of Education, the commissioner may grant a waiver of a state law or rule required by federal law, including Subchapter A, B, or C, Chapter 29. Before exercising any waiver authority under this subsection, the commissioner shall notify the Legislative Budget Board and the office of budget and planning in the governor's office.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

**Texas Education Code § 7.057. Appeals**

- (a) Except as provided by Subsection (e), a person may appeal in writing to the commissioner if the person is aggrieved by:
- (1) the school laws of this state; or
  - (2) actions or decisions of any school district board of trustees that violate:
    - (A) the school laws of this state; or
    - (B) a provision of a written employment contract between the school district and a school district employee, if a violation causes or would cause monetary harm to the employee.
- (b) Except as provided by Subsection (c), the commissioner, after due notice to the parties interested, shall hold a hearing and issue a decision without cost to the parties involved. In conducting a hearing under this subsection, the commissioner has the same authority relating to discovery and conduct of a hearing as a hearing examiner has under Subchapter F, Chapter 21. This section does not deprive any party of any legal remedy.
- (c) In an appeal against a school district, the commissioner shall issue a decision based on a review of the record developed at the district level under a substantial evidence standard of

review. A school district's disclosure of the record to the commissioner under this subsection is not an offense under Section 551.146, Government Code.

(d) A person aggrieved by an action of the agency or decision of the commissioner may appeal to a district court in Travis County. An appeal must be made by serving the commissioner with citation issued and served in the manner provided by law for civil suits. The petition must state the action or decision from which the appeal is taken. At trial, the court shall determine all issues of law and fact, except as provided by Section 33.081(g).

(e) This section does not apply to:

- (1) a case to which Subchapter G, Chapter 21, applies; or
- (2) a student disciplinary action under Chapter 37.

(f) In this section:

- (1) "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument.
- (2) "School laws of this state" means Title 1 and this title and rules adopted under those titles.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

Amended by Acts 2001, 77th Leg., ch. 895, § 1, eff. June 14, 2001.

### **§ 11.162. School Uniforms**

(a) The board of trustees of an independent school district may adopt rules that require students at a school in the district to wear school uniforms if the board determines that the requirement would improve the learning environment at the school.

(b) The rules the board of trustees adopts must designate a source of funding that shall be used in providing uniforms for students at the school who are educationally disadvantaged.

(c) A parent or guardian of a student assigned to attend a school at which students are required to wear school uniforms may choose for the student to be exempted from the requirement or to transfer to a school at which students are not required to wear uniforms and at which space is available if the parent or guardian provides a written statement that, as determined by the board of trustees, states a bona fide religious or philosophical objection to the requirement.

(d) Students at a school at which uniforms are required shall wear the uniforms beginning on the 90th day after the date on which the board of trustees adopts the rules that require the uniforms.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.



# Dallas Independent School District

## APPLICATION FOR WAIVER

To be considered for approval by the Board, the following questions must be completed or addressed: (See BQB (Local)).

1. Give a brief narrative description of the requested waiver.
  
2. Does the District or campus plan reflect the need for this waiver? If yes, what is the specific objective impacted by the waiver?
  
3. Cite the Local Administrative Regulation or Local Board Policy that the District or campus wishes to waive.
  
4. Describe the plan to be implemented, if the waiver is granted.
  
5. State how granting of the waiver will help achieve the District's or campus' objective.
  
6. Explain how the District or campus will evaluate the impact of the waiver towards meeting the District or campus' goals.
  
7. Identify the school years for which the waiver is requested, to a maximum of three years.

Dear Parent/Guardian:

The administration of our school applied for a waiver to implement a school-wide mandatory uniform policy for the students. The Board of Trustees has approved the waiver and, effective immediately, we will implement our new uniform policy on a voluntary basis. This new uniform policy will be mandatory 90 days after the date of approval by the Board of Trustees, which is (fill in date).

Please see the attached information sheet describing the uniform for both boys and girls. Once the uniform becomes mandatory, students coming to school without a uniform will be asked to change into a uniform issued by the office. Consequences for noncompliance will be based on the current DISD Student Code of Conduct procedures.

Parents/guardians who do not wish to have their children wear the mandatory uniforms may choose to have their child exempted from the requirement or transferred to a school at which students are not required to wear uniforms, provided space is available. If a parent or guardian chooses to have his/her child exempted, the parent or guardian is required to provide a written statement that, as determined by the Board of Trustees, states a bona fide religious or philosophical objection to the uniform requirement.

Parents wishing to exercise the exemption should submit their objection in writing to the principal immediately. All objections whether religious or philosophical will be handled in accordance with District policy (see FNCA (Local)).

Those students whose parents/guardians have submitted a statement of religious or philosophical objection will not be required to wear the uniform until a final decision has been made on the complaint/objection but must adhere to the regular DISD dress code policies. (See FNCA (Local)).

If you have any questions or concerns regarding our new dress code, please do not hesitate to call me.

Sincerely,

Dear Parent/Guardian:

Our school is considering discontinuing the use of mandatory uniforms for our students. Under this campus policy change, students would not be required to wear uniforms each day. Students will, however, be subject to the District's dress code. Consequences for not adhering to the District's dress code will be based on the District's current Student Code of Conduct.

If, after the completion of our survey, it is determined that many of our parents and our staff are in favor of discontinuing the use of mandatory uniforms, the request will be forwarded to the Board of Trustees for approval. Upon approval from the Board of Trustees students will no longer be required to wear uniforms.

If you have any questions or concerns regarding our new dress code, please do not hesitate to call me.

Sincerely,

Our school is considering having a mandatory uniform policy for our students. Under this policy students would be required to wear uniforms each day. Consequences for not wearing the adopted uniform will be based on the current DISD Student Code of Conduct dress code procedures.

If it is determined that many of our parents and our staff approve of the use of mandatory uniforms the request will be forwarded to the Board of Trustees for approval. Upon approval from the Board of Trustees students will be required to begin wearing uniforms 90 days later. Our school will make uniforms available for those students who cannot afford to purchase uniforms.

Parents who oppose the wearing of mandatory uniforms may file a written statement that states a bona fide religious or philosophical objection to the mandatory uniform policy. This objection will be handled as any other student complaint. (See FNG (Local)).

Having read the information provided above please check one box below and return this survey to the school.

Yes, I am in favor of having a mandatory uniform policy at this school.

No, I am not in favor of having a mandatory uniform policy at this school.

Our school is considering discontinuing the use of mandatory uniforms for our students. Under this campus policy change students would not be required to wear uniforms each day. Students will, however, be subject to the District's dress code. Consequences for not adhering to the District's dress code will be based on the current DISD Student Code of Conduct.

If it is determined that many of our parents and our staff approve of the discontinuance of mandatory uniforms the request will be forwarded to the Board of Trustees for approval. Upon approval from the Board of Trustees students will no longer be required to wear uniforms.

Having read the information provided above please check one box below and return this survey to the school.

- Yes, I am in favor of discontinuing the mandatory uniform policy at this school.
- No, I want to keep having a mandatory uniform policy at this school.