



Submitting Waiver Requests

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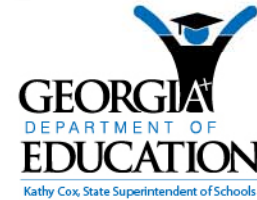
July 29, 2009

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Purpose

- Discuss the impact of SBOE action at called SBOE meeting
- Provide clear instructions on how to submit waiver requests for additional flexibility
- Answer your questions

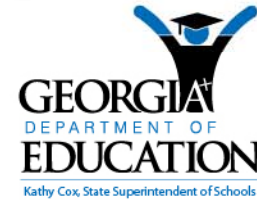
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Recap of State Board Called Meeting

- The SBOE exercised its authority under state law (20-2-168) to recognize an emergency and critical shortage in state revenue.
- Authorized local boards of education during FY 2010 to depart from a strict interpretation of “school year” for certified staff as defined in State Board Rule 160-5-1-.01 and in other related rules.
- This action allows flexibility concerning all school days in excess of 180 days (up to 10 days) of instruction or its equivalent.

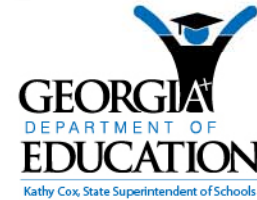
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Recap of State Board Meeting

- Action does not require local school districts to furlough employees.
- Local school districts must consult with their local board attorneys to ensure they are in compliance with teacher contracts.

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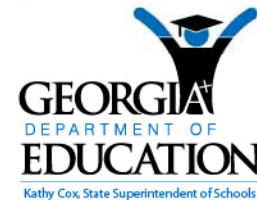


Additional Options of Flexibility

- Consider waivers of current SBOE rules.
- Consider waivers of current state law.

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Types of Waivers



Title 50 Administrative Procedures Act	Title 20 Student Achievement “Improvement of student performance”
<ul style="list-style-type: none">• Can be used when SBOE rules lead to substantial hardship for local board of education• Allows waivers of or variances from SBOE rules• Waivers granted for hardship• Must be posted on Secretary of State’s website for 15 days	<ul style="list-style-type: none">• Allows waivers of state law <u>and</u> state rules related to student achievement• The goal of these waivers is to improve student achievement.• SBOE can’t waive any laws or rules relating to civil rights, insurance, health and safety of students or employees, or reporting requirements in law.

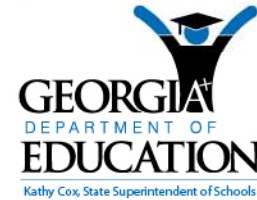
Types of Waivers



Title 50 Administrative Procedures Act	Title 20 Student Achievement “Improvement of student performance”
<u>Restrictions</u> – State Board of Education has authority to only grant waiver of and variance from:	<u>Restrictions</u> – State Board of Education has no authority to grant waiver of or variance from:
<ul style="list-style-type: none">• SBOE Rule	<ul style="list-style-type: none">• Class Size in 20-1-182 (unless hardship)
	<ul style="list-style-type: none">• Expenditure controls 20-2-171
	<ul style="list-style-type: none">• Certification regulations 20-2-200
	<ul style="list-style-type: none">• Salary schedule 20-2-212

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Submitting a Waiver Request



Title 50 Administrative Procedures Act	Title 20 Student Achievement “Improvement of student performance”
Submit the following:	Submit the following:
Cover Letter summarizing the request	Waiver application that includes: www.gadoe.org/pea_policy.aspx
Local Board of Education Resolution (Sample provided)	<ul style="list-style-type: none"> • Rationale for request
Cover letter and Resolution <u>must</u> be signed in blue ink and submitted by first class mail	<ul style="list-style-type: none"> • Evaluation and School Improvement considerations
Both may be emailed to the Georgia Department of Education to start the process (policy@doe.k12.ga.us)	<ul style="list-style-type: none"> • Local Board of Education Resolution

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Rules for Consideration

- 160-5-1-.22 – Personnel Required
 - Flexibility in the number of personnel required per FTE
- 160-5-1-.29 – Minimum Direct Instruction (65% Rule)
 - Can be waived under hardship
- 160-4-8-.05 – Guidance Counselors
 - Can waive requirement that Guidance Counselors are engaged in counseling activities for at least 5 of 6 fulltime segments

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Rules for Consideration

- 160-5-1-.08 – Class Size
 - Can seek additional flexibility for Gifted, EIP, and Career Tech
- 160-4-2-.14 – Instructional Extension (20 day)
 - Flexibility in the number of required days
- 160-4-5-.02 – English Language Learners
 - Flexibility in the maximum class size for ELL instruction
- HB 193 allows the conversion from school days to hours

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Other Consideration

160-5-3-.08 School Bus Drivers

- Review section (e) “Salary” 1.
 - School systems shall not pay to any regular driver in their employment, regardless of the type of ownership, a salary less than that prescribed by the state uniform minimum salary schedule.
 - The driver shall receive the state minimum monthly salary for 12 months provided the driver works the entire 180-day school year.
 - The 180 days include the authorized sick and personal leave.

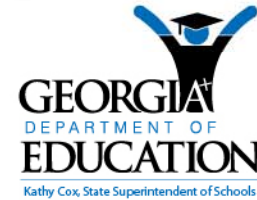
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Federal Waivers

Waiver Requests to US ED:

- Exclude ARRA funds in determining the 20 percent obligation for choice-related transportation and SES
- Exclude ARRA funds in determining the per pupil amount for supplemental education services (SES)
- Exclude ARRA funds in determining the 10 percent professional development set-aside for an LEA in improvement
- Exclude ARRA funds in determining the 10 percent professional development set-aside for a school in needs improvement status

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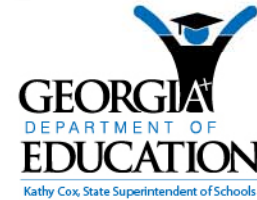


Federal Waivers

Waiver Requests to US ED:

- Waive prohibition on approving an identified school or LEA as an SES provider
- Waive provision that prohibits a SEA ability to grant an LEA a waiver of the carryover limitation more than once every three years
- Allow LEAs to offer SES in addition to Public School Choice, to eligible students in Title I schools in needs improvement status

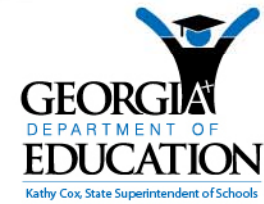
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Reminders

- Look on eBoard to see when SBOE meetings are held.
- Resubmit school calendar if changes are made due to furloughs and/or waivers (policy@doe.k12.ga.us).
- Check with your local board attorney about your plans.
- We are here to help, so please contact us if you have specific questions.

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Questions?

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