

**R277. Education, Administration.**

**R277-121. Board Waiver of Administrative Rules.**

**R277-121-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to establish procedures for an LEA to request a waiver from a Board rule.

**R277-121-2. Procedures for Waiver Requests.**

(1)(a) An LEA board may request a waiver from a Board rule by filing a written request with the Superintendent.

(b) A written request under Subsection (1)(a) shall include:

(i) verification that the LEA board voted to request the waiver in an open meeting;

(ii) student achievement data that supports the requested waiver;

(iii) data demonstrating the cost effectiveness of the waiver request;

(iv) a proposed agreement with the Board that includes:

(A) a proposed effective date;

(B) provisions for public review and accountability;

(C) data gathering and reporting timelines;

(D) a sunset date; and

(v) in the case of a charter school, a recommendation from the board of the school's authorizer.

(2) An LEA board may not request a waiver from a Board rule:

(a) that is required by or adopts criteria from a federal statute, federal regulation, or state law;

(b) that would negatively affect the health, safety, or welfare of public education students;

(c) that could reasonably result in discrimination or harassment of public school

students or employees;

(d) that would benefit one element of the public education system to the detriment of another; or

(e) when the concerns giving rise to an LEA board's request could be addressed through means other than waiver of Board rules.

### **R277-121-3. Board Review of Waiver Requests.**

(1) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.

(2) The standing committee assigned in accordance with Subsection (1):

(a) may solicit additional information or testimony;

(b) shall review the request in an open meeting; and

(c) shall make a recommendation for consideration by the full Board.

(3) The Board Executive Committee may consolidate consideration of duplicate or similar requests.

(4) The Board shall consider available data in evaluating an LEA waiver request and shall make data driven decisions.

### **R277-121-4. Annual Review of Approved Waivers.**

An LEA that receives a waiver from Board rule in accordance with this R277-121 for more than one year shall annually report to a Board committee:

(1) student achievement data that supports continuation of the requested waiver;  
and

(2) data demonstrating the cost effectiveness of the waiver, if applicable.

**KEY: Board, waiver, administrative rules**

**Date of Enactment or Last Substantive Amendment: August 7, 2017**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4)**