

TEXAS EDUCATION AGENCY

INTERIM REPORT



Texas Education Agency
Division of Governmental Relations

January 2004

January 15, 2004

The Honorable Rick Perry, Governor of Texas Education Agency
The Honorable David Dewhurst, Lieutenant Governor of Texas
The Honorable Tom Craddick, Speaker of the House
Members of the Texas Legislature

The Interim Report provides a summary of the exemptions and waivers granted to school districts under Section 7.056 or 39.112, Texas Education Code (TEC) and a review of the effectiveness of each campus or district following deregulation, as required by Section 39.185.

This report will be posted to the TEA's website at <http://www.tea.state.tx.us/comm/page6.html>. If you require additional information, please contact Governmental Relations at 512/463-9682.

I am pleased to submit this report for your consideration.

Respectfully submitted,

Shirley Neeley, Ed.D.
Commissioner of Education

WAIVERS AND EXEMPTIONS

The 72nd Texas Legislature granted the Commissioner of Education the authority to approve or deny all requests for waivers of state law and State Board of Education rules. The purpose of waivers is to set aside a requirement or prohibition imposed by law or rule that inhibits student achievement. A waiver request may apply to one or more campuses in the district, or to the district as a whole. Every waiver request requires the approval of the local board of trustees and must be developed with the involvement of the district or campus Site-Based Decision-Making Committee, as appropriate.

The 74th Texas Legislature continued this waiver authority and broadened it with the rewriting of the Texas Education Code (TEC). The new law stipulated in TEC, Section 39.112, Excellence Exemptions, that districts or campuses rated as “exemplary” under the state’s accountability system are automatically exempt from many provisions of law.

According to TEC, Section 7.056, a waiver may not be granted if it relates to any of the following:

- ★ essential knowledge or skills;
- ★ minimum graduation requirements;
- ★ public school accountability;
- ★ restrictions on extracurricular activities;
- ★ health and safety;
- ★ purchasing;
- ★ elementary school class size limits, except as otherwise provided by law;
- ★ removal of a disruptive student from the classroom;
- ★ at-risk programs;
- ★ prekindergarten programs;
- ★ educator rights and benefits;
- ★ special education programs;
- ★ bilingual education programs;
- ★ conduct that constitutes a criminal offense; and
- ★ requirements imposed by federal law or rule.

Waiver initiatives enable local authorities to develop innovative means for assisting all students to demonstrate exemplary performance in reading and in the foundation subjects of English language arts, mathematics, science, and social studies.

State Waivers

While the new Texas Education Code greatly enhanced local authority, school districts and campuses continue to seek waivers from state laws and rules they believe impede efforts to improve student performance. During the 2002-2003 school year, the Commissioner of Education granted 1,451 general waivers from state laws.

State Waivers Approved in 2002-03

Expedited Waivers:

Staff Development	375
Staff Development for: Reading/Language Arts; Mathematics; Science; and Social Studies Conference	178 26
Modified Schedule - Texas Assessment of Knowledge and Skills	196
Early Release Days	321

General:

Course Requirements	9
Certification	22
Disciplinary Alternative Education Campus	2
Education Home Instruction	5
First Day of Instruction for Students	120
Alternative Education Program Attendance	12
Student Identification/Gifted and Talented	2
Foreign Exchange Students	17
Pregnancy-Related Services	21
Textbooks	132
Other Miscellaneous Waivers	13
Total Waivers Approved	1,451

The type of waiver most frequently requested allows a district or campus to modify its calendar to make additional time available for staff development. For the 2002-2003 school year, the Commissioner of Education approved waivers granting a maximum of three days for general staff development. These waivers for general staff development accounted for 25.8 percent, or 375, of the general state waivers approved in the 2002-2003 school year. To encourage staff development related to reading/language arts, mathematics, science, and social studies, the Commissioner approved an additional two days for waivers. One additional day of staff development was approved for districts requesting to participate in specific conferences. A total of 204 districts requested one or all of these additional days for staff development.

The overall impact of general state waivers may be seen in improved student educational performance statewide, including rising scores in statewide student testing and gains in the number of campuses achieving exemplary status under the state's accountability rating system. In the 2001-02 school year, the number of exemplary campuses increased to 1,908 or 26.1 percent of the total campuses. The comparable numbers for the 2000-01 school year were 1,571 or 24.2 percent of the campuses. More current statistics are not available due to the transition from the former accountability rating system that used Texas Assessment of Academic Skills results and annual dropout rates to the new accountability rating system that will use the Texas Assessment of Knowledge and Skills results and longitudinal completion rates. In summer 2003, district 2002 accountability ratings were carried forward to 2003 and printed on the 2002-2003 district Academic Excellence Indicator System reports. Campus ratings were not carried forward.