



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Darlene Prevatt, Team Leader
State Accountability

DATE: May 19, 2017

RE: State Board of Education's Waiver Process

The South Carolina Department of Education (SCDE) supports innovations that provide for increased student achievement through college-and-career-ready programs to meet the vision of the [Profile of the South Carolina Graduate](#). Occasionally, state statutes, State Board of Education (SBE) regulations, or SCDE policies may seem to impede the implementation of educational innovations. When this occurs, State Accountability is able to present waiver requests before the SBE.

The SBE has the authority to waive regulations pursuant to R. 43-261 (C) District and School Planning which states:

Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan. The State Board of Education may delegate to the State Superintendent the ability to waive regulatory requirements for similarly situated school districts and schools.

Generally, state statutes may not be waived unless the statute explicitly grants the SBE authority to do so.

Waiver Process

- All waivers must be requested in writing, signed by the local superintendent, and approved by the local school board. The waiver request must also reference the district's strategic plan and any applicable school's renewal plan. Requests are to be made prior to implementing the innovations or activities for which the waiver is written. "After the fact" waivers are discouraged.
- The SBE's Policy and Legislative Committee (morning) reviews all waiver requests and then the waivers are put forth to the full SBE (afternoon). District and/or school representatives are welcome to attend the SBE meetings and may also speak about their waiver.

- Certain waivers previously approved by the SBE may be granted to other districts. State Accountability makes monthly reports to the SBE on all approved waivers.
- Generally, waiver requests are granted for the duration of the district’s Strategic Plan.
- SBE meetings are held on the second Tuesday of most months. Waiver requests must be submitted to State Accountability **60 days** prior to the SBE meeting date. This time allows for processing and gives SBE members time to review the requests in advance. Please reference the chart below.

| Written Waiver Request Due Date | Earliest Possible Board Meeting Date |
|--|---|
| June 9, 2017* | August 8, 2017* |
| July 14, 2017 | September 12, 2017 |
| August 11, 2017 | October 10, 2017 |
| September 15, 2017 | November 14, 2017 |
| October 13, 2017 | December 12, 2017 |
| November 10, 2017 | January 9, 2018** |
| December 15, 2017 | February 13, 2018 |
| January 12, 2018 | March 13, 2018 |
| February 9, 2018 | April 10, 2018 |
| March 9, 2018 | May 8, 2018 |
| April 13, 2018 | June 12, 2018 |
| May 12, 2017** | July 10, 2018*** |
| June 16, 2018 | August 14, 2018 |

If you wish to submit a waiver to the SBE or would like to explore whether a waiver is needed, contact one of the following:

Darlene Prevatt (Team Leader) (803) 734-3477, dprevatt@ed.sc.gov
 Nicole Ivery (803) 734-6268, nivery@ed.sc.gov
 Roy Stehle (Director) (803) 734-8118, rstehle@ed.sc.gov

* Districts seeking waivers before the start of the 2017–18 school year are advised to have the request submitted as soon as possible to meet the deadline for the August 8, 2017, SBE meeting.

** SBE Meetings for 2018 have not been posted, hence the dates are estimates only and are subject to change by the SBE.

*** In the event the July 10, 2018, meeting is not held, any waivers submitted within that time will be placed on the August 14, 2018, agenda.