

## [Tex. Educ. Code § 7.056](#)

This document is current through the 2019 Regular Session, 86th Legislature, and 2019 election results.

*Texas Statutes & Codes Annotated by LexisNexis® > Education Code > Title 2 Public Education (Subts. A — I) > Subtitle B State and Regional Organization and Governance (Chs. 7 — 10) > Chapter 7 State Organization (Subchs. A — D) > Subchapter C Commissioner of Education (§§ 7.051 — 7.070)*

### **Sec. 7.056. Waivers and Exemptions.**

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- (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 high school graduation requirements under Section 28.025;
  - (B) public school accountability as provided by Subchapters B, C, D, and J, Chapter 39, and Chapter 39A;
  - (C) extracurricular activities under Section 33.081 or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812;
  - (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) prekindergarten 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;
  - (L) bilingual education programs under Subchapter B, Chapter 29; or
  - (M) the requirements for the first day of instruction under Section 25.0811.
- (f) A school district or campus that is required to develop and implement a student achievement improvement plan under Subchapter A, Chapter 39A, or Section 39A.051 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 J, Chapter 39, and Chapter 39A; 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) selection of instructional materials 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.

## History

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Enacted by Acts 1995, 74th Leg., ch. 260 (S.B. 1), § [1](#), effective May 30, 1995; am. Acts 2003, 78th Leg., ch. 342 (S.B. 618), § [1](#), effective September 1, 2003; am. Acts 2005, 79th Leg., ch. 812 (S.B. 658), § [2](#), effective June 17, 2005; am. Acts 2006, 79th Leg., 3rd C.S., ch. 5 (H.B. 1), art. 9, § 9.01, effective May 31, 2006; am. Acts 2009, 81st Leg., ch. 895 (H.B. 3), § [3](#), effective June 19, 2009; am. Acts 2011, 82nd Leg., 1st C.S., ch. 6 (S.B. 6), § 3, effective July 19, 2011; am. [Acts 2017, 85th Leg., ch. 324 \(S.B. 1488\), § 21.003\(3\)](#), effective September 1, 2017.

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