*****Massachusetts Department of***

***Elementary and Secondary Education***

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|  Jeffrey C. Riley *Commissioner* |  |

**Guidance on Requesting Waivers to Provisions of 603 CMR 50.00**

**Regulations on Education Collaboratives**

**March 2021**

The Commissioner of Elementary and Secondary Education (Commissioner) has the authority to waive the applicability of one or more provisions of [603 CMR 50.00](http://www.doe.mass.edu/lawsregs/603cmr50.html)[[1]](#footnote-1), the regulations governing the formation and operation of educational collaboratives under [M.G.L. c. 40 § 4E](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter43/).

**(1) Waivers:** Upon written request from a collaborative or member district, the Commissioner may waive the applicability of one or more provisions of 603 CMR 50.00, upon certification that the collaborative or member district has made a good faith effort to comply with said provisions or has presented a reasonable alternative to the Commissioner. The waiver request shall include sufficient documentation to support the need for relief. Waivers of 603 CMR 50.00 shall be considered only under circumstances the Commissioner deems exceptional and shall be granted only to the extent allowed by law.

603 CMR 50.12(1). The collaborative board of directors, or a collaborative member school committee or charter school board (member district) seeking a waiver of any provision(s) of 603 CMR 50.00 must follow these steps:

1. Email a written request for a waiver to the Department of Elementary and Secondary Education’s (Department) Education Collaborative Team for consideration by the Commissioner.
2. In the case of a request from a collaborative board of directors, the executive director of the collaborative must sign the request on behalf of the collaborative board of directors.
3. In the case of a request from a member school committee or charter school board, the superintendent or charter school leader must sign the request on behalf of the member school committee or charter school board.
4. Include in the waiver request:
	1. The specific provision(s) of 603 CMR 50.00 from which the waiver is sought;
	2. A detailed description/certification of the steps taken by the collaborative and/or the member district to make a good faith effort to comply with the provision(s) of regulations or present a reasonable alternative to the Commissioner;
	3. Documentation supporting the exceptional circumstances leading to the need of the collaborative and/or the member district to seek relief from the provision(s) of regulations;
	4. The specific time period for which the waiver is sought (e.g., one month, six months, one school year, etc.); and
	5. Contact information for the person with whom the Department will communicate concerning the request.
5. The Commissioner may request additional information of the collaborative or member district.

Each request for a waiver will be considered individually, based upon the specific circumstances of the collaborative and/or member district and the documentation presented. If a waiver is granted, the Commissioner will determine the extent of the waiver and any time limit for it. The Commissioner’s decision concerning the waiver will be provided in writing to the contact person, the collaborative director, the chair of the collaborative board, the superintendent and/or the school committee or charter school board chair, appropriate.

If the waiver relates as to a term of the collaborative agreement, a majority of the member school committees/charter school boards must approve action under the waiver before it can take effect. The Department will accept evidence of member school committee or charter school board votes of approval in the form of a signed certification from each member school committee chair or charter school board chair until such time as the approved meeting minutes become available.

For any questions about waivers to 603 CMR 50.00, please contact the Education Collaborative Team in the Center for Educational Options.

1. This guidance applies to waivers under 603 CMR 50.12(1). For hardship waivers relating to educator licensure, please contact the [Office of Educator Licensure](https://www.doe.mass.edu/licensure/resources/set-up-request-waiver.html): **Hardship Waivers:** M.G.L. c. 40, § 4E and 603 CMR 50.06(7) allow collaborative boards of directors to request an exemption from the Commissioner for any one school year from the requirement to employ certified or approved personnel. [↑](#footnote-ref-1)