

**CHAPTER 67-19-02**  
**WAIVER OF ACCREDITATION STANDARDS OR**  
**HIGH SCHOOL UNIT INSTRUCTIONAL TIME**

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**67-19-02-01. Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. "Applicant" means a school seeking approval for waiver of an accreditation standard or under North Dakota Century Code section 15.1-06-08.1.
2. "Curricular instruction", as used in subsection 2 of North Dakota Century Code section 15.1-06-04 means the actual class period, including study hall, but does not include time to pass between classes, lunch periods, or other time that is not devoted directly to student instruction.
3. "Department" means the department of public instruction.
4. "School" means a public school located in North Dakota and subject to the regulatory authority of the state of North Dakota.
5. "Superintendent" means the superintendent of public instruction.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1

**67-19-02-02. Eligibility for waiver.**

Any school that has achieved a status of accredited, or accredited with commendation, may seek a waiver of accreditation standards required by this chapter or a waiver of high school unit instructional time required by North Dakota Century Code section 15.1-21-03.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

**67-19-02-03. Application.**

Application for a waiver of an accreditation standard or of high school unit instructional time must be made on SFN 58169. The application must include the school name, signatures of the administrator and board chairman, and information that is responsive to the considerations to be made by the superintendent, including how the proposed change relates to the criteria listed in section 67-19-02-05. At a minimum, each applicant shall include the following in the application:

1. A detailed account of the waiver requested and the reasons for the waiver, including:

- a. If the application is for a waiver of an accreditation standard, the standard for which a waiver is being requested, reasons for requesting the waiver of that standard, and an explanation of how the intent of the standard to be waived will be met if the waiver is granted; or
  - b. If the application is for a waiver of high school unit instructional time, a description of the waiver sought.
2. An applicant shall also provide a written statement of the mission or philosophy, the goals and the objectives of the school, and how the waiver of the standard or high school unit instructional time will support the statement and enhance student learning.
  3. An evaluation plan, including specific plans to evaluate:
    - a. Student performance;
    - b. Any innovations and their success rate;
    - c. The change in educational opportunities for students; and
    - d. The change in academic opportunities for students.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

#### **67-19-02-04. Application process.**

1. A completed SFN 58169 must be submitted to the department at:
 

Superintendent of Public Instruction  
 Department of Public Instruction  
 600 East Boulevard Avenue, Dept. 201  
 Bismarck, ND 58505-0440
2. To be considered by the superintendent, an application for a waiver under this chapter must be received in the department on or before March first of the year prior to the year for which a waiver is sought.
3. The director will review each application and make a recommendation to the superintendent to approve the application, approve the application with modifications as provided under section 67-19-02-06, or deny the application.
4. The superintendent's decision will be mailed by first-class mail to the applicant on or before April fifteenth of the year prior to the year for which a reconfigured school calendar is sought.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

#### **67-19-02-05. Evaluation of applications.**

Each application for a waiver will be evaluated using the following criteria:

1. Whether the application seeks a waiver of an accreditation standard required by state statute other than North Dakota Century Code section 15.1-06-08.1. If so, the waiver cannot be granted.

2. Whether a likely result of the waiver will be to:
  - a. Encourage innovation. Under this criterion, the superintendent will consider:
    - (1) Educational trends relevant to the proposed waiver;
    - (2) Research relevant to the proposed waiver; and
    - (3) The likelihood that instructional staff will develop and use innovative means of instruction;
  - b. Improve educational opportunities for students. Under this criterion, the superintendent will consider:
    - (1) Existing educational opportunities available to students; and
    - (2) Educational opportunities available to students if the waiver is granted; or
  - c. Enhance the academic opportunities of the students attending the school. Under this criterion, the superintendent will consider:
    - (1) Existing academic opportunities available to students; and
    - (2) Academic opportunities available to students if the waiver is granted.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

#### **67-19-02-06. Modifications to applications.**

At any time prior to March first of the year prior to the school year the proposed waiver is to take effect, an applicant that has submitted an application for waiver, upon the written request of the director or on its own initiative, may submit additional information to the superintendent for consideration as part of the waiver application.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

#### **67-19-02-07. Term of waiver - Application for extension.**

1. If approved, a school's request for a waiver of an accreditation standard or a waiver of high school unit instructional time is valid only for the time period requested but not exceeding one year.
2. A school may request the superintendent to extend the waiver of an accreditation standard for up to one additional year. A school may request the superintendent to extend the initial waiver of high school unit instructional time for one year and may request further extensions of a waiver of high school unit instructional time not exceeding two years in length.
3. A request for extension will be granted if:
  - a. The application for extension is received by the superintendent prior to July first of the year in which the waiver terminates; and
  - b. The school can demonstrate that during the period the waiver was in effect either:
    - (1) Innovation occurred in the school;

- (2) Enhanced educational opportunities were provided to the students; or
- (3) Enhanced academic opportunities were provided to the students.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

#### **67-19-02-08. Reconsideration.**

If an applicant's request for a waiver is denied, the denial will be in writing and will state the reason for the denial. The notice of denial will be mailed to the applicant at the address provided for in the application and will include a notice of the opportunity to request a reconsideration. A request for reconsideration must be in writing and must be received by the superintendent within three weeks of the date the department mailed the notice of denial. Late requests, or supplementation of a request for reconsideration after that time, will not be considered. The reconsideration request must state the following:

1. The facts, law, or rule the applicant believes was erroneously interpreted or applied; and
2. The applicant's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent of public instruction will issue a final written response to the reconsideration request within three weeks after receiving a complete reconsideration request.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04

#### **67-19-02-09. Monitoring.**

The superintendent will monitor the programs of applicants whose waiver requests are approved. At a minimum, the monitoring will include periodic reports from the applicant setting forth:

1. The number of hours of instructional time provided to high school and elementary students respectively;
2. The status of the enhanced educational and academic opportunities for students;
3. The status of any innovations resulting from the reconfiguration of the school calendar; and
4. Any cost-savings attributable to the reconfiguration.

**History:** Effective June 1, 2002.

**General Authority:** NDCC 15.1-06-08, 15.1-06-08.1, 28-32-02

**Law Implemented:** NDCC 15.1-06-08, 15.1-06-08.1, 15.1-21-03, 15.1-21-04