



Massachusetts Department of Elementary and Secondary Education

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Guidance Concerning Waivers of the Provisions of 603 CMR 50.00

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](#)¹, the regulations governing the formation and operation of educational collaboratives under [M.G.L. c. 40 § 4E](#). A waiver will only be considered in circumstances the Commissioner deems exceptional, will be granted only to the extent permitted by applicable law, and will be granted in the sole discretion of the Commissioner. The collaborative 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 adhere to the following steps:

1. A request for waiver must be in writing, and mailed to the Commissioner of Elementary and Secondary Education in care of:

Office of Regional Governance
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

2. A written request for waiver must be signed by:
 - the executive director of the collaborative, in the case of a waiver request by a collaborative; or
 - the superintendent or charter school leader, in the case of a waiver request by a member school committee or charter school board.
3. A written request for waiver must include the specific provision(s) of 603 CMR 50.00 from which the waiver is sought.
4. A written request for waiver must include the following accompanying documentation:
 - A detailed description 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;
 - Documentation supporting the exceptional circumstances leading to the need of the collaborative and/or the member district for relief from the provision(s) of regulations;
 - The specific time period for which the waiver from provision(s) of regulations is sought (e.g., one month, six months, one school year, etc.); and
 - The email address and telephone number of a contact person with whom the Department of Elementary and Secondary Education may communicate concerning the request.

¹ This guidance applies to waivers under 603 CMR 50.12(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...”

For hardship waivers, please contact the Office of Educator Licensure: “Hardship Waivers: M.G.L. c. 40, § 4E and 603 CMR 50.06(7) allow collaborative boards of directors to request an exemption of the Commissioner for any one school year from the requirement to employ certified or approved personnel.” See [Office of Educator Licensure](#).

5. The Commissioner, at his discretion, may request additional information of the collaborative or member district, as appropriate or as needed.
6. Each request for a waiver will be considered individually, based upon the specific circumstances of each collaborative and/or member district.
7. The Commissioner's decision concerning the request for 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, as appropriate.

For any questions about waivers of 603 CMR 50.00, please contact the Office of Regional Governance at collaboratives@doe.mass.edu or 781-338-6526.