

SHALER AREA SCHOOL DISTRICT

No: 825

SECTION: OPERATIONS
TITLE: STATE MANDATE WAIVERS
ADOPTED: MAY 16, 2001
REVISED: OCTOBER 13, 2010

825 - STATE MANDATE WAIVERS	
1. Purpose	<p>This policy establishes guidelines for implementing approved waivers of state-imposed mandates and other provisions of state law. Board procedures will supplement those set forth in law or State Board regulations. Waivers shall be processed and implemented in accordance with this policy.</p>
2. Authority	<p>The Board reserves the right to decline to implement any waiver that has been approved, and to rescind any waiver in effect in the district.</p>
3. Delegation of Responsibility	<p>The administration shall be responsible to implement required measurement methods and prepare appropriate documentation for submission prior to the expiration of the three-year trial period.</p>
4. Guidelines Pol. 801	<p>Applications and supporting documentation for waivers currently in force, as well as approval notices from the Secretary of Education, shall be public records maintained permanently by the Board Secretary and shall be made available for public inspection and copying, in accordance with Board policy.</p> <p>When amendments to adopted Board policy or existing administrative procedures are necessary or appropriate in order to effectively implement the waiver, the final recommended application presented to the Board and final solicitor's review shall be accompanied by specific language for proposed policy revisions and information about associated changes in administrative procedures.</p> <p>Except where clearly not pertinent nor appropriate, all bid specifications; requests for proposals and quotations; and similar documents shall contain language advising that:</p> <ol style="list-style-type: none">1. The effect of laws, regulations or standards otherwise applicable to the district may have been altered by virtue of a waiver.2. It is the responsibility of persons contemplating doing business with the district to be familiar with waivers in force as listed in district records.

	<p>Appendix A of this policy contains correspondence from PDE outlining a current listing of all waivers in effect in the Shaler Area School District. For each waiver listed, the following information is outlined in the PDE correspondence:</p> <ol style="list-style-type: none">1. Cite to the provisions of law waived.2. Effect of the waiver.3. Original effective date and renewal date of permanently renewed waivers.4. The Policies revised as a result of the three approved waivers are:<ul style="list-style-type: none">• 610 – Purchases Subject to Bid• 610.1 – Construction Contracts <p>References:</p> <p>School Code – 24 P.S. Sec. 1714-B</p> <p>Board Policy – 801</p> <p style="text-align: right;">cag</p>
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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
333 MARKET STREET
HARRISBURG, PA 17126-0333

June 28, 2010

SECRETARY OF EDUCATION
James Giel, Jr., President
Board of Directors
Shaler Area School District
1800 Mt. Royal Boulevard
Glenshaw, PA 15116

717-787-5820 (TEL)
717-787-7222 (FAX)
717-783-8445 (TTY)

Dear Mr. Giel:

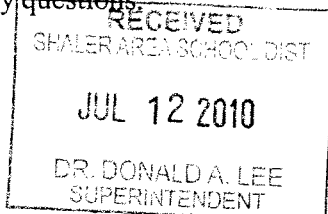
On May 14, 2010, the Pennsylvania Department of Education received your Mandate Waiver Program Application. In the application, you requested approval to waive 24 P.S. §8-807.1(a) and (a.1) of the School Code. Specifically, the district seeks to increase the \$10,000 bidding threshold to \$15,200 and the \$4,000 quotation threshold to \$6,100. The district states with approval they will cooperate in a more effective, efficient or economical manner.

Your application is premised upon the assertion that the bidding guidelines have not been adjusted for inflation in many years. The Department carefully reviewed your application and, by applying an inflation calculator to the bidding threshold and to the quotation threshold, we conclude that the requested waiver is permitted under Section 1714-B of the School Code to extend the bidding threshold to the amount of \$15,200 and the quotation threshold to the amount of \$6,100.

Therefore, it is my pleasure to inform you that the Department has approved your request to waive 24 P.S. §8-807.1(a) and (a.1) raising the bidding threshold from \$10,000 to \$15,200 and raising the quotation threshold from \$4,000 to \$6,100 and only to the circumstances described in the application; if any other laws, regulations or requirements are affected, the school should consult with its solicitor. I must also point out that the Department's approval is conditioned upon its understanding that the waiver does not violate any other law, court order or provision of the collective bargaining unit. Furthermore, the Department's approval applies only to the situation described in the application.

Pursuant to Section 1714-B (f) of the School Code, the district is required to submit an evaluation to the Department on or before June 30, 2013, showing the anticipated savings accrued as a result of the waiver approval.

I wish you success in the implementation of your waiver request. Please do not hesitate to contact the Mandate Waiver Program via email at RA-PDEMANDATEWAIVER@state.pa.us if you have any questions.



Sincerely,

Thomas E. Gluck
Acting Secretary of Education

cc: Dr. Donald A. Lee, Superintendent



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Dear Mr. Giel:

On May 14, 2010, the Pennsylvania Department of Education received your Mandate Waiver Program Application. In the application, you requested approval to waive 24 P.S. §8-807.1 of the School Code. Specifically, the District seeks a waiver of the bidding requirements when purchasing goods or services for which prices previously have been solicited through competitive bidding and have met the bidding requirements procedures through state contract awards, joint purchasing agreements, or PEPPM, at prices lower than those under the state contracts, etc.

The Department carefully reviewed your application and we conclude that the requested waiver is permitted under Section 1714-B of the School Code.

Therefore, it is my pleasure to inform you that the Department has approved your request to waive 24 P.S. §8-807.1 and only to the circumstances described in the application; if any other laws, regulations or requirements are affected, the school district should consult with its solicitor. I must also point out that the Department's approval is conditioned upon its understanding that the waiver does not violate any other law, court order or provision of the collective bargaining unit. Furthermore, the Department's approval applies only to the situation described in the application.

Pursuant to Section 1714-B (f) of the School Code, the school district is required to submit an evaluation to the Department on or before June 30, 2013, showing the anticipated savings accrued as a result of the waiver approval.

I wish you success in the implementation of your waiver request. Please do not hesitate to contact the Mandate Waiver Program via email at RA-PDEMANDATEWAIVER@state.pa.us if you have any questions.

Sincerely,

Thomas E. Gluck
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Dear Mr. Giel:

On May 14, 2010, the Pennsylvania Department of Education received your Mandate Waiver Program Application. In the application, the district requested approval to waive 24 P.S. §7-751(b). Specifically, the district seeks to increase the threshold of \$5,000 or less for any construction, reconstruction, repairs, or work of any nature where the entire cost or value, including labor and materials, to be performed by its own maintenance personnel and raising the threshold to \$25,000. The district states with approval they will operate in a more effective efficient or economical manner.

Upon review of the application, the Department concludes that the requested waiver is permitted under Section 1714-B of the School Code.

Therefore, it is my pleasure to inform you that the Department has approved your request to waive 24 P.S. §7-751(b) and only to the circumstances described in the application; if any other laws, regulations or requirements are affected, the school should consult with its solicitor. I must also point out that the Department's approval is conditioned upon its understanding that the waiver does not violate any other law, court order or provision of the collective bargaining unit. Furthermore, the Department's approval applies only to the situation described in the application.

Pursuant to Section 1714-B (f) of the School Code, the school district is required to submit an evaluation to the Department on or before June 30, 2013, showing the anticipated savings accrued as a result of the waiver approval.

I wish you success in the implementation of your waiver request. Please do not hesitate to contact the Mandate Waiver Program via email at RA-PDEMANDATEWAIVER@state.pa.us if you have any questions.

Sincerely,

Thomas E. Gluck
Acting Secretary of Education

cc: Dr. Donald A. Lee, Superintendent