



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

Memorandum

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., Chairman

DATE: July 24, 2002

SUBJECT: Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process, e.g. teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since June 13, 2002, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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0877 -02 - OSE/EIS Charlevoix-Emmet Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow summer program to operate 209 days with 6 hours of instruction, 3 days per week.

District Rationale:

In previous summers, students attended SMI programs for 3 hours, 5 days per week. This did not allow for many community based learning opportunities, due to the time required to take students on and off the buses, feeding routines, and individual toileting needs. Staff noted difficulty parents had providing for day care for their child with half-day programming. Attendance also varied during the summer due to parents trying to schedule short vacation periods with their family.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2002 summer education program

0882 -02 - OSE/EIS COOR Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow 220 day program; 4-day school week during July and August, 6.25 hours per day.

District Rationale:

- Provide 1,375 hours of instruction, exceeding hour requirement.
- Provides continuity of programming throughout the summer months without regression for students served.
- Reduce special education staff and transportation costs.

Action:

Approve. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2004 summer education program

R/0817 -02 - OSE/EIS Dickinson-Iron Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow a redesigned summer program which will operate 4 days/week, 4 hours/day, for 9 weeks.

District Rationale:

- Parents were surveyed ... overall, the program was successful with improved attendance and staff availability. Negative comment was received from 2 (of 9) parents.
- Parents felt that the shortened program allowed their student to maintain current levels of functioning and are in favor of the 4-day schedule.

Action:

Approve. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2004 summer education program

0880 -02 - OSE/EIS Mecosta-Osceola Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow 208 day program with 5:55 hours of instruction, 3 days per week during the summer.

District Rationale:

- Past summer schedule of 3 hours, 5 days per week did not allow for many community based learning opportunities, due to the time required to take students on and off the buses.
- Staff attendance has been less than desired due to "burnout."
- Hiring substitute teachers and aides was difficult because fewer individuals wanted to work for 3 hours.
- With this waiver, SMI students would be receiving 1,230 hours of instruction.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2002 summer education program

0881 -02 - OSE/EIS Mecosta-Osceola Intermediate School District

Exemptions: None

Administrative Rule: 340.1748 (2) - Programs for students with severe multiple impairments

Waiver Synopsis:

Allow 208 day program with 5:55 hours of instruction, 3 days per week during the summer.

District Rationale:

- Past summer schedule of 3 hours, 5 days per week did not allow for many community based learning opportunities, due to the time required to take students on and off the buses.
- Staff attendance has been less than desired due to "burnout."
- Hiring substitute teachers and aides was difficult because fewer individuals wanted to work for 3 hours.
- With this waiver, SXI students would be receiving 1,230 hours of instruction.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2002 summer education program

0878 -02 - OSE/EIS Menominee Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Reduce number of days to 219, clock hours will be 1281. The summer program will operate 5 hours per day, 5 days per week.

District Rationale:

- Absentee rates over the past 2 summer programs have been high; especially on Mondays and Fridays.
- For the past 2 summers we have had to rely on contracted teaching and ancillary staff positions. This reduction in required days will allow us to use staff that are familiar with our district and the students.
- The economic benefits to our district will benefit our budget; however, that is not the intent of this waiver.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2002 summer education program

0879 -02 - OSE/EIS Menominee Intermediate School District

Exemptions: None

Administrative Rule: 340.1748 (2) - Programs for students with severe multiple impairments

Waiver Synopsis:

Reduce number of days to 219, clock hours will be 1281. The summer program will operate 5 hours per day, 5 days per week.

District Rationale:

- Absentee rates over the past 2 summer programs have been high; especially on Mondays and Fridays.
- For the past 2 summers we have had to rely on contracted teaching and ancillary staff positions. This reduction in required days will allow us to use staff that are familiar with our district and the students.
- The economic benefits to our district will benefit our budget; however, that is not the intent of this waiver.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2002 summer education program

R/0820 -02 - OSE/EIS Monroe Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow a reduction of up to 5 days, maintaining the 6.25 hour school day and exceed the number of clock hours required (1406.25)

District Rationale:

- Per parent questionnaire -- happy with 225-day calendar.
- Reduction from 230 to 225 days will not adversely effect programming or goal achievement.
- Allowing traditional holiday breaks will give students and families their normal holiday time together.
- Allowing traditional breaks will give staff their normal respite which will help prevent staff burnout.
- The need for school and transportation substitutes during holiday times would be avoided.

Action:

Approve. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2004 summer education program

0876.1 -02 - OSE/EIS Oakland Schools

Exemptions: Avondale, Berkley, Bloomfield Hills, Brandon, Clarenceville, Clawson, Farmington, Ferndale, Hazel Park, Holly, Huron Valley, Lake Orion, Lamphere, Madison Heights, Novi, Oak Park, Oxford, Pontiac, Rochester, Royal Oak, South Lyon, Southfield, Troy, Walled Lake, Waterford

Administrative Rule: 340.1758 (1)(a) - Programs for students with autism

Waiver Synopsis:

Increase elementary class size to 6 students with 1 teacher and 2 paraprofessionals, which would provide a ratio of 1 adult to 2 AI students.

District Rationale:

Our AI programs have expanded greatly over the past 10 years. The number of students has nearly tripled, putting tremendous pressure on the districts offering center based AI programs. We are at a point throughout the county where the current centers cannot expand any further. However, we still have districts and parents asking for AI self-contained placements. The waiver would allow us to expand the spaces available to students in the county.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005

0876.2 -02 - OSE/EIS Oakland Schools

Exemptions: Avondale, Berkley, Bloomfield Hills, Brandon, Clarenceville, Clawson, Farmington, Ferndale, Hazel Park, Holly, Huron Valley, Lake Orion, Lamphere, Madison Heights, Novi, Oak Park, Oxford, Pontiac, Rochester, Royal Oak, South Lyon, Southfield, Troy, Walled Lake, Waterford

Administrative Rule: 340.1758 (1)(a) - Programs for students with autism

Waiver Synopsis:

Increase middle school class size to 7 students with 1 teacher and 2 or more paraprofessionals. The paraprofessional allocation would be driven by the needs of the students.

District Rationale:

Our AI programs have expanded greatly over the past 10 years. The number of students has nearly tripled, putting tremendous pressure on the districts offering center based AI programs. We are at a point throughout the county where the current centers cannot expand any further. However, we still have districts and parents asking for AI self-contained placements. The waiver would allow us to expand the spaces available to students in the county.

Action:

Approve with modification: Allow class size to increase to 7 students, a classroom with 3 or more students shall have 1 paraprofessional and the second paraprofessional will be added with the 6th student.

Recommended waiver period:

Department approval through June 30, 2005

0876.3 -02 - OSE/EIS Oakland Schools

Exemptions: Avondale, Berkley, Bloomfield Hills, Brandon, Clarenceville, Clawson, Farmington, Ferndale, Hazel Park, Holly, Huron Valley, Lake Orion, Lamphere, Madison Heights, Novi, Oak Park, Oxford, Pontiac, Rochester, Royal Oak, South Lyon, Southfield, Troy, Walled Lake, Waterford

Administrative Rule: 340.1758 (1)(a) - Programs for students with autism

Waiver Synopsis:

Increase high school class size to 8 students with 1 teacher and 2 or more paraprofessionals. The paraprofessional allocation would be driven by the needs of the students.

District Rationale:

Our AI programs have expanded greatly over the past 10 years. The number of students has nearly tripled, putting tremendous pressure on the districts offering center based AI programs. We are at a point throughout the county where the current centers cannot expand any further. However, we still have districts and parents asking for AI self-contained placements. The waiver would allow us to expand the spaces available to students in the county.

Action:

Approve with modification: Allow class size to increase to 8 students, a classroom with 3 or more students shall have 1 paraprofessional and the second paraprofessional will be added with the 6th student.

Recommended waiver period:

Department approval through June 30, 2005

0876.4 -02 - OSE/EIS Oakland Schools

Exemptions: Avondale, Berkley, Bloomfield Hills, Brandon, Clarenceville, Clawson, Farmington, Ferndale, Hazel Park, Holly, Huron Valley, Lake Orion, Lamphere, Madison Heights, Novi, Oak Park, Oxford, Pontiac, Rochester, Royal Oak, South Lyon, Southfield, Troy, Walled Lake, Waterford

Administrative Rule: 340.1758 (1)(a) - Programs for students with autism

Waiver Synopsis:

Increase post-secondary class size to 10 students with 1 teacher and 3 or more paraprofessionals. The paraprofessional allocation would be driven by the needs of the students.

District Rationale:

Our AI programs have expanded greatly over the past 10 years. The number of students has nearly tripled, putting tremendous pressure on the districts offering center based AI programs. We are at a point throughout the county where the current centers cannot expand any further. However, we still have districts and parents asking for AI self-contained placements. The waiver would allow us to expand the spaces available to students in the county.

Action:

Approve with modification: Allow class size to increase to 8 students with 2 or more paraprofessionals. A classroom with 3 or more students shall have 1 paraprofessional and a second paraprofessional will be added with the 6th student.

Recommended waiver period:

Department approval through June 30, 2005

R/0088 -02 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: None

Administrative Rule: 340.1740 (1) - Educable mentally impaired; number of students

Waiver Synopsis:

Increase caseload to 18, with a maximum of 15 at one time with aide added when 12 or more students are in the classroom at any given time.

District Rationale:

- The waivers allow for more effective flexible special education programming and are more efficient and economical.
- The use of caseload waivers allowed us to provide effective services without having to reassign students due to the increase in numbers.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005

R/0089 -02 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: None

Administrative Rule: 340.1740 (2) - Educable mentally impaired; number of students

Waiver Synopsis:

Raise the caseload maximum from 15 to 18 students and maintain the present limit of 15 students allowed in a classroom at a time with aide added when 12 or more students are in the classroom at any given time.

District Rationale:

- The waivers allow for more effective flexible special education programming and are more efficient and economical.
- The use of caseload waivers allowed us to provide effective services without having to reassign students due to the increase in numbers.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005

R/0711 -02 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: None

Administrative Rule: 340.1749 c(4) - Departmentalization of secondary special education programs

Waiver Synopsis:

Allow an average of 13 students per class period per instructional day with no more than 15 students being served at one time at the secondary level.

District Rationale:

- The waivers allow for more effective flexible special education programming and are more efficient and economical.
- The use of caseload waivers allowed us to provide effective services without having to reassign students due to the increase in numbers.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005

R/0833 -02 - OSE/EIS Wexford-Missaukee Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow 208 days while meeting the 1,150 clock hours of instruction. Summer program would include 6 hours of instruction, 3 days per week.

District Rationale:

Using the waiver during the summer of 2001 resulted in:

- 3 students who do not normally attend during the summer attending almost the entire summer
- Student attendance was up, on average, 3 students
- Staff attendance was up significantly
- Positive survey results

Action:

Approve. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2004 summer education program