



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

Memorandum

**TO:** State Board of Education  
**FROM:** Thomas D. Watkins, Jr., Chairman  
**DATE:** November 5, 2003  
**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 October 23, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# 0909-04 - OSE/EIS Bloomfield Hills Public Schools**

Exemptions: N/A

**Administrative Rule:** 340.1742 (a) - Programs for students with hearing impairment

**Waiver Synopsis:**

Increase the student caseload from 7:1 to 10:1 in hearing impaired programs for secondary students only. Class size would remain the same.

**District Rationale:**

- Implementation of this waiver indicates a program cost reduction of \$134,586, making it more efficient and economical without being detrimental to students who are disabled.
- Twenty-six percent of all secondary hearing impaired students spend more than half of their day in general education courses.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# 0910-04 - OSE/EIS Bloomfield Hills Public Schools**

Exemptions: N/A

**Administrative Rule:** 340.1740 (b) - Mild cognitive impairment

**Waiver Synopsis:**

At the high school only, allow a caseload of 18 students maintaining the requirements of: (1) a paraprofessional being added when 12 or more students are in the classroom at any one time, and (2) no more than 15 students in the educable mentally impaired (mild cognitive impairment) classroom at any one time.

**District Rationale:**

Possible financial savings to the district.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# 0911-04- OSE/EIS Bloomfield Hills Public Schools**

Exemptions: N/A

**Administrative Rule: 340.1749 b(2) - Secondary level resource program**

**Waiver Synopsis:**

Allow secondary resource room teachers to evaluate up to 2 students at one time and reduce their caseload to 18 special education students.

**District Rationale:**

Create a more flexible core of evaluators on the secondary level.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# R/0135-03- OSE/EIS Dickinson-Iron Intermediate School District**

Exemptions: None

**Administrative Rule: 340.1749 a(2) - Elementary level resource programs; number of students**

**Waiver Synopsis:**

Increase caseload to 20 students and maintain an average of 10 students. However, no more than 15 students may be in the resource room at one time.

**District Rationale:**

- Few programs reach maximum numbers allowed by waiver.
- Intend to address caseload in the ISD Plan and want to extend waiver until the Plan is submitted (approved).
- Current caseloads do not exceed rule, but some districts have very mobile populations and may need the waiver for periods of time during the school year.
- Local districts will be very involved in the formation of the new ISD Plan, and caseloads will be looked at closely.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# R/0136-03- OSE/EIS Dickinson-Iron Intermediate School District**

Exemptions: None

**Administrative Rule: 340.1749 b(2) - Secondary level resource program**

**Waiver Synopsis:**

Allow a caseload maximum of 20 and an average of 12 students at one time; however, the maximum number of students at one time should be no more than 15.

**District Rationale:**

- Few programs reach maximum numbers allowed by waiver.
- Intend to address caseload in the ISD Plan and want to extend waiver until the Plan is submitted (approved).
- Current caseloads do not exceed rule, but some districts have very mobile populations and may need the waiver for periods of time during the school year.
- Local districts will be very involved in the formation of the new ISD Plan, and caseloads will be looked at closely.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# R/0137-03- OSE/EIS Dickinson-Iron Intermediate School District**

Exemptions: None

**Administrative Rule: 340.1749 c(3)(4) - Departmentalization of 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:**

- Few programs reach maximum numbers allowed by waiver.
- Intend to address caseload in the ISD Plan and want to extend waiver until the Plan is submitted (approved).
- Current caseloads do not exceed rule, but some districts have very mobile populations and may need the waiver for periods of time during the school year.
- Local districts will be very involved in the formation of the new ISD Plan, and caseloads will be looked at closely.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# R/0138-03- OSE/EIS Dickinson-Iron Intermediate School District**

Exemptions: None

**Administrative Rule:** 340.1745 (c) - Services for students with speech and language impairment

**Waiver Synopsis:**

Increase individual teacher caseloads by 5 students so that caseloads shall not exceed 65 different students.

**District Rationale:**

- Intend to address caseload in the ISD Plan and want to extend waiver until the Plan is submitted (approved).
- Current caseloads do not exceed rule, but some districts have very mobile populations and may need the waiver for periods of time during the school year.
- Local districts will be very involved in the formation of the new ISD Plan, and caseloads will be looked at closely.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# 0912-04- OSE/EIS Holly Area Schools**

Exemptions: N/A

**Administrative Rule:** 340.1740 (a) - Mild cognitive impairment

**Waiver Synopsis:**

Allow a caseload of 18 students maintaining the requirements of: (1) a paraprofessional being added when 12 or more students are in the classroom at any one time, and (2) no more than 15 students in the educable mentally impaired (mild cognitive impairment) classroom at any one time.

**District Rationale:**

Possible financial savings to the district.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006

**# 0915-04 - OSE/EIS Huron Valley Schools**

Exemptions: N/A

**Administrative Rule: 340.1749 b(2) - Secondary level resource program**

**Waiver Synopsis:**

Allow secondary resource room teachers to evaluate up to 2 students at one time and reduce their caseload to 18 special education students.

**District Rationale:**

Create a more flexible core of evaluators on the secondary level.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006