



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: March 12, 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 December 12, 2002, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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R/0556-03 - OSE/EIS Detroit Public Schools

Exemptions: N/A

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Reduce number of instructional days from 230 to 215; operating the program 5 days a week, 6 hours per day. The instructional program will have no breaks greater than 2 weeks.

District Rationale:

- Majority of parents who returned the survey responded positively.
- Staff members reported that having a 2-week break enabled them to return refreshed and enthused for the fall semester.
- Cost savings achieved.
- Reduction in staff and student absenteeism.

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 2003 summer education program

R/0557-03 - OSE/EIS Detroit Public Schools

Exemptions: N/A

Administrative Rule: 340.1748 (1) - Severely multiply impaired programs

Waiver Synopsis:

Reduce number of instructional days from 230 to 215; operating the program 5 days a week, 6 hours per day; no breaks greater than 2 consecutive weeks. The instructional program will have no breaks greater than 2 weeks.

District Rationale:

- Majority of parents who returned the survey responded positively.
- Staff members reported that having a 2-week break enabled them to return refreshed and enthused for the fall semester.
- Cost savings achieved.
- Reduction in staff and student absenteeism.

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 2005 summer education program

0885-02 - OSE/EIS Litchfield Community Schools

Exemptions: N/A

Administrative Rule: 340.1747 - Program for students with specific learning disabilities

Waiver Synopsis:

Allow district programs for students with specific learning disabilities to replace the caseload limitation of 15 students to 18 different students. An aide will be assigned when 13 or more students are in the classroom at any given time. When higher numbers occur, additional classroom support will provide for greater efficiency and effective teaching in the classroom.

District Rationale:

- When higher numbers occur, additional classroom support will provide for greater efficiency and effective teaching in the classroom.
- Superintendent Association reviewed and supports the waiver.
- The Parent Advisory Committee reviewed and supports this waiver.
- The local educational agency special education coordinator reviewed proposal with special education teachers.

Action:

Approve with modification: Allow a total caseload of 18 different students with a maximum of 15 in the classroom at any given time. An aide to be assigned when 12 or more students are in the classroom at any given time.

Recommended waiver period:

Department approval through June 30, 2006

0886-03 - OSE/EIS Lenawee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase caseloads from 20 to 25, with assignment of an instructional assistant when the caseload reaches 23 students. Maximum allowed in classroom at one time of 15 students and no more than an average of 12 per class period per instructional day.

District Rationale:

The instructional assistant would be expected to work with students on the teacher's caseload in the general education classrooms except for times when needed in the special education classroom.

Action:

Approve with modification: Increase caseload from 20 to 23, with assignment of an instructional assistant when the caseload reaches 23 students. Maximum allowed in classroom at one time of 15 students and no more than an average of 12 per class period per instructional day.

Recommended waiver period:

July 1, 2003 through June 30, 2006

0887-03 - OSE/EIS Lenawee Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Reduce number of days from 230 days to 220; minimum clock hours of 1,150 instruction will continue to be met if not exceeded. The summer program will operate 37 days, 4 hours each day.

District Rationale:

Student attendance drops dramatically. Waiver supports better consistency of student attendance because a block of time is available for vacation. All affected parents were surveyed; no parents were critically opposed.

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 2003 summer education program

0888-03 - OSE/EIS Lenawee Intermediate School District

Exemptions: None

Administrative Rule: 340.1742 - Programs for students with hearing impairment

Waiver Synopsis:

Change caseload maximum from 7 individual students to 7 FTE.

District Rationale:

Instructional assistant would be expected to work with students on the teacher's caseload in the general education classrooms except for times when needed in the special education classroom.

Action:

Approve noting that a classroom aide will be assigned when the overall FTE on the teacher's caseload is 5 or greater. A maximum total number of individual students is capped at 10.

Recommended waiver period:

Department approval through June 30, 2006

0889-03- OSE/EIS Lenawee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Reduce number of days from 230 days to 220; minimum clock hours of 1,150 instruction will continue to be met if not exceeded. The summer program will operate 37 days, 4 hours each day.

District Rationale:

Student attendance drops dramatically. Waiver supports better consistency of student attendance because a block of time is available for vacation. All affected parents were surveyed; no parents were critically opposed.

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 2003 summer education program

R/0438-03- OSE/EIS Lenawee Intermediate School District

Exemptions: None

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Increase secondary EI caseload to 16. Increase class size to 12 with the condition that an aide be assigned with the 11th student.

District Rationale:

Provision of more efficient means for operating special education programs and fiscal integrity.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0439-03- OSE/EIS Lenawee Intermediate School District

Exemptions: None

Administrative Rule: 340.1747 - Programs for students with specific learning disabilities

Waiver Synopsis:

Allow elementary LD programs to operate with a maximum caseload of 16 students, no more than 10 at one time; and secondary LD programs with a maximum caseload of 18 students, no more than 12 at one time.

District Rationale:

Provision of more efficient means for operating special education programs and fiscal integrity.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0441-03- OSE/EIS Lenawee Intermediate School District

Exemptions: None

Administrative Rule: 340.1749 a(2) - Elementary level resource program

Waiver Synopsis:

Allow a maximum caseload of 21 students with no more than 12 at one time, maintaining rule requirement of 2 additional students for evaluation purposes.

District Rationale:

Provision of more efficient means for operating special education programs and fiscal integrity.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0443-03 - OSE/EIS Lenawee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase average number of students per class period per instructional day from 10 to 12, with no more than 15 students at one time.

District Rationale:

Provision of more efficient means for operating special education programs and fiscal integrity.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006