



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

JENNIFER M. GRANHOLM
GOVERNOR

Memorandum

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., ~~Chairman~~
Tom

DATE: July 26, 2004

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 8, 2004, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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R/0899 -04 - OSE/EIS Barry Intermediate School District

Exemptions: None

Administrative Rule: 340.1738(b) - Severe cognitive impairment

Waiver Synopsis:

Maintain year-round educational programming on a reduced schedule over the summer months, providing three full days per week of instruction, continuing to meet and exceed the required 1,150 clock hours of instruction, and provide 204 days of instruction in year-round programming. Schedule will continue to provide year-round programming throughout the summer session for students with severe cognitive impairment without jeopardizing their skill levels.

District Rationale:

- Parents were 100 percent in favor of the reduced week, although mixed responses were received regarding some of the proposed time off during the summer. Parents' responses were considered when developing the proposed schedule for the summer of 2004.
- Waiver actually only reduced instructional time to students by seven hours for the entire summer from the traditional summer program.
- Instructional time on task was increased for students. Longer days allowed for increased and sustained time on a task.
- Parents and staff will be surveyed annually during the duration of the waiver request and results will be presented at a Parent Advisory Committee meeting and used to develop a summer schedule.

Action:

Approve, noting that the instructional program shall have no breaks greater than two consecutive weeks.

Recommended waiver period:

Department approval through June 16, 2006

R/0898 -04 - OSE/EIS Copper Country Intermediate School District

Exemptions: Grant Twp. S/D #2

Administrative Rule: 340. 1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Reduce 50 days x 4 hours/day summer program to 40 days x 4 hours/day while continuing to provide 1,240 hours of instruction. Currently provide 1,080 hours in regular 180-day program plus the 160 suggested in the proposal.

District Rationale:

- Staff continues to be supportive. Staffing problems were reduced with the Monday through Thursday summer schedule.
- With the four-day-a-week program, more regular school-year staff and therapists committed to working the entire summer.
- Program supervisors are hopeful that the waiver renewal will help with summer staffing issues.
- Most parents approve the proposal.
- There was an increase in attendance over previous summer school years.
- In surveys of staff, regular school year personnel did not report any adverse effects on student's IEP goals.
- A parent and teacher satisfaction survey following each summer school session will be used.
- Student progress will continue to be reviewed by the student's individualized education program team in all cases.
- Will continue to survey regular school year (180 days) staff about student progress upon return in the fall.
- A secondary measure will be an expected decrease in staff and student absenteeism from the summer program.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

0927 -04 - OSE/EIS Genesee Intermediate School District

Exemptions: Woodland Park Academy, Grand Blanc Academy, Northridge Academy, International Academy of Flint, Center Academy, Linden Charter Academy, Academy of Flint, Burton Glen Charter Academy, and Richfield Public School Academy

Administrative Rule: 340.1738 (b)- Severe cognitive impairment

Waiver Synopsis:

Reduce the number of days by eight days and the number of hours will increase by 11.5 over previous years' calendars. The Genesee Intermediate School District will operate on a four-day week basis from June 14, 2004 through August 26, 2004. The total number of clock hours equals 1173.75 with a total of 228 days.

District Rationale:

- Student attendance in previous summer months is approximately 60 percent of the total student population. It is expected that attendance and student performance will increase by operating a four-day program with extended hours each day.
- The Genesee Intermediate School District Mandatory Plan Steering Committee recommends the program.
- Parents overwhelmingly support the program as it eases the management of child care needs and three-day weekends provide more opportunity for family activities.
- Majority of staff members were in full support of the change in the program allowing them to continue to have consistency with the same schedule that students are accustomed to during the school year, and they will continue to provide Community-based Instruction during the full day that they are unable to provide during a half day due to the limited amount of available time.

Action:

Approve.

Recommended waiver period:

Department approval through June 14, 2006

0928 -04 - OSE/EIS Genesee Intermediate School District

Exemptions: Woodland Park Academy, Grand Blanc Academy, Northridge Academy, International Academy of Flint, Center Academy, Linden Charter Academy, Academy of Flint, Burton Glen Charter Academy, and Richfield Public School Academy

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

Waiver Synopsis:

Reduce the number of days by eight days and the number of hours will increase by 11.5 over previous years' calendars. The Genesee Intermediate School District will operate on a four-day week basis from June 14, 2004 through August 26, 2004. The total number of clock hours equals 1173.75 with a total of 228 days.

District Rationale:

- Student attendance in previous summer months is approximately 60 percent of the total student population. It is expected that attendance and student performance will increase by operating a four-day program with extended hours each day.
- The Genesee Intermediate School District Mandatory Plan Steering Committee recommends the program.
- Parents overwhelmingly support the program as it eases the management of child care needs and three-day weekends provide more opportunity for family activities.
- Majority of staff members were in full support of the change in the program allowing them to continue to have consistency with the same schedule that students are accustomed to during the school year, and they will continue to provide Community-based Instruction during the full day that they are unable to provide during a half day due to the limited amount of available time.

Action:

Approve.

Recommended waiver period:

Department approval through June 14, 2006

R/0003 -04 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: All PSAs are exempt except: Aisha Shule/WEB Dubois Prep. Sch., Canton Charter, Cesar Chavez, Creative Montessori, Detroit Ac. of Arts & Sciences, Detroit Advantage, George Washington Carver, Joy Preparatory, King, Metro Charter, Mich. Health, Old Redford, Riverside, Star International, Summit Ac. -Flat Rock, Summit Ac. North, Thomas-Gist, Universal, University Preparatory, and West Village

Administrative Rule: 340. 1747 - Specific learning disabilities; number of students

Waiver Synopsis:

For elementary classrooms, 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.

District Rationale:

- The initial rule waiver accountability requirement included a biannual status report for each LEA implementing waivers. Based on the results of these status reports, LEA superintendents and directors agreed to submit a renewal application.
- The Wayne Co. Parent Advisory Committee was informed of the intent to submit a renewal application on May 13, 2004.
- The renewal application has been developed with the intent that each LEA would continue to have the ability to implement the waiver or continue to adhere to current rule. Parent input will be solicited in any district considering implementing this waiver.
- Waiver allows teachers to better meet the individual needs of the special education students. It allows for better and more flexible grouping for students.
- Opportunities for learning are not diminished or compromised in any way.
- Waiver allows for grouping students by age, grade, and ability level and is necessary to provide students with access to specialized programs such as Orton-Gillingham that will remediate deficits and meet individualized education planning team goals and objectives.
- Waiver is necessary to provide certified staff skilled in best practices and strategies that will stimulate pupil performance.

Action:

Approve.

Recommended waiver period:

Department approval through June 16, 2007

R/0006 -04 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: All PSAs are exempt except: Aisha Shule/WEB Dubois Prep. Sch., Canton Charter, Cesar Chavez, Creative Montessori, Detroit Ac. of Arts & Sciences, Detroit Advantage, George Washington Carver, Joy Preparatory, King, Metro Charter, Mich. Health, Old Redford, Riverside, Star International, Summit Ac. -Flat Rock, Summit Ac. North, Thomas-Gist, Universal, University Preparatory, and West Village

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

Waiver Synopsis:

For secondary classrooms, 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 except when the teacher is part of a departmentalized program.

District Rationale:

- The initial rule waiver accountability requirement included a biannual status report for each LEA implementing waivers. Based on the results of these status reports, LEA superintendents and directors agreed to submit a renewal application.
- The Wayne Co. Parent Advisory Committee was informed of the intent to submit a renewal application on May 13, 2004.
- The renewal application has been developed with the intent that each LEA would continue to have the ability to implement the waiver or continue to adhere to current rule. Parent input will be solicited in any district considering implementing this waiver.
- Waiver allows teachers to better meet the individual needs of the special education students. It allows for better and more flexible grouping for students.
- Opportunities for learning are not diminished or compromised in any way.
- Waiver allows for grouping students by age, grade, and ability level and is necessary to provide students with access to specialized programs such as Orton-Gillingham that will remediate deficits and meet individualized education planning team goals and objectives.
- Waiver is necessary to provide certified staff skilled in best practices and strategies that will stimulate pupil performance.

Action:

Approve.

Recommended waiver period:

Department approval through June 16, 2007

R/0007 -04 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: All PSAs are exempt except: Aisha Shule/WEB Dubois Prep. Sch., Canton Charter, Cesar Chavez, Creative Montessori, Detroit Ac. of Arts & Sciences, Detroit Advantage, George Washington Carver, Joy Preparatory, King, Metro Charter, Mich. Health, Old Redford, Riverside, Star International, Summit Ac. -Flat Rock, Summit Ac. North, Thomas-Gist, Universal, University Preparatory, and West Village

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

Waiver Synopsis:

To allow 23 different students with a maximum of 15 students at any given time. The remainder of the rule is maintained.

District Rationale:

- The initial rule waiver accountability requirement included a biannual status report for each LEA implementing waivers. Based on the results of these status reports, LEA superintendents and directors agreed to submit a renewal application.
- The Wayne Co. Parent Advisory Committee was informed of the intent to submit a renewal application on May 13, 2004.
- The renewal application has been developed with the intent that each LEA would continue to have the ability to implement the waiver or continue to adhere to current rule. Parent input will be solicited in any district considering implementing this waiver.
- Waiver allows teachers to better meet the individual needs of the special education students. It allows for better and more flexible grouping for students.
- Opportunities for learning are not diminished or compromised in any way.
- Waiver allows for grouping students by age, grade, and ability level and is necessary to provide students with access to specialized programs such as Orton-Gillingham that will remediate deficits and meet individualized education planning team goals and objectives.
- Waiver is necessary to provide certified staff skilled in best practices and strategies that will stimulate pupil performance.

Action:

Approve.

Recommended waiver period:

Department approval through June 16, 2007

R/0009 -04 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: All PSAs are exempt except: Aisha Shule/WEB Dubois Prep. Sch., Canton Charter, Cesar Chavez, Creative Montessori, Detroit Ac. of Arts & Sciences, Detroit Advantage, George Washington Carver, Joy Preparatory, King, Metro Charter, Mich. Health, Old Redford, Riverside, Star International, Summit Ac. -Flat Rock, Summit Ac. North, Thomas-Gist, Universal, University Preparatory, and West Village

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

Waiver Synopsis:

To allow a maximum caseload of 23 different students, no more than 15 of which are to be served at any given time. ~~Secondly, in lieu of the current secondary program standard, allow adoption of the elementary resource room standard which is for students who need 50% or less of their total instructional time and 2 or less of their content courses taught solely by the resource room teacher.~~
(This section of the rule was rescinded on June 6, 2002.)

District Rationale:

- The initial rule waiver accountability requirement included a biannual status report for each LEA implementing waivers. Based on the results of these status reports, LEA superintendents and directors agreed to submit a renewal application.
- The Wayne Co. Parent Advisory Committee was informed of the intent to submit a renewal application on May 13, 2004.
- The renewal application has been developed with the intent that each LEA would continue to have the ability to implement the waiver or continue to adhere to current rule. Parent input will be solicited in any district considering implementing this waiver.
- Waiver allows teachers to better meet the individual needs of the special education students. It allows for better and more flexible grouping for students.
- Opportunities for learning are not diminished or compromised in any way.
- Waiver allows for grouping students by age, grade, and ability level and is necessary to provide students with access to specialized programs such as Orton-Gillingham that will remediate deficits and meet individualized education planning team goals and objectives.
- Waiver is necessary to provide certified staff skilled in best practices and strategies that will stimulate pupil performance.

Action:

Approve with modification.

Recommended waiver period:

Department approval through June 16, 2007

R/0013 -04 - OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: All PSAs are exempt except: Aisha Shule/WEB Dubois Prep. Sch., Canton Charter, Cesar Chavez, Creative Montessori, Detroit Ac. of Arts & Sciences, Detroit Advantage, George Washington Carver, Joy Preparatory, King, Metro Charter, Mich. Health, Old Redford, Riverside, Star International, Summit Ac. -Flat Rock, Summit Ac. North, Thomas-Gist, Universal, University Preparatory, and West Village

Administrative Rule: 340.1749(2)- Teacher consultant, caseload, responsibilities

Waiver Synopsis:

Increase the total active caseload to 30 special education students. The remainder of the rule is maintained.

District Rationale:

- The initial rule waiver accountability requirement included a biannual status report for each LEA implementing waivers. Based on the results of these status reports, LEA superintendents and directors agreed to submit a renewal application.
- The Wayne Co. Parent Advisory Committee was informed of the intent to submit a renewal application on May 13, 2004.
- The renewal application has been developed with the intent that each LEA would continue to have the ability to implement the waiver or continue to adhere to current rule. Parent input will be solicited in any district considering implementing this waiver.
- Waiver allows teachers to better meet the individual needs of the special education students. It allows for better and more flexible grouping for students.
- Opportunities for learning are not diminished or compromised in any way.
- Waiver allows for grouping students by age, grade, and ability level and is necessary to provide students with access to specialized programs such as Orton-Gillingham that will remediate deficits and meet individualized education planning team goals and objectives.
- Waiver is necessary to provide certified staff skilled in best practices and strategies that will stimulate pupil performance.

Action:

Approve.

Recommended waiver period:

Department approval through June 16, 2007