



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:** April 9, 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 March 27, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# 0891-03 - OSE/EIS Calhoun Intermediate School District**

Exemptions: N/A

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Increase caseloads of EI teachers at Starr Commonwealth to 14 students served at one time.

District Rationale:

While providing students with adequate educational support, we have seen caseloads increase. The increase has occurred due to the State's need to move children out of detention and into residential placements immediately. Whereas, in the past, the State was able to move a child into placement with an expanded timeline, this is no longer possible. The courts are requesting immediate placement of youth at Starr Commonwealth.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2004

**# 0890-03 - OSE/EIS Delta-Schoolcraft Intermediate School District**

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Shorten the 44 days x 4 hours per day summer program to 30 days x 4 hours per day, continuing to provide 1,230 hours of instruction in the SCI programs. Currently provide 1,110 hours in regular (or 180-day) program plus the 120 suggested in this request.

District Rationale:

Summer staffing difficulties

Action:

Approve for 1 summer, instructional program will have no breaks greater than 2 consecutive weeks. The results of survey forwarded to the MDE.

Recommended waiver period:

Department approval to the end of 2003 summer education program