



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:** December 3, 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 November 20, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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808 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909  
[www.michigan.gov/mde](http://www.michigan.gov/mde) • (517) 373-3324

# 0917-03 - OSE/EIS Holly Area Schools

Exemptions: N/A

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

Waiver Synopsis:

Request that elementary resource room teachers be allowed to have 23 different students on their caseload with not more than 13 in the classroom at any one time, and with no more than 10 FTEs.

District Rationale:

- FTEs range from 3.0 to 4.19 for elementary resource room teachers currently at their caseload limit, demonstrating belief in and practice of the approach that most children benefit most from some individualized support with the majority of their time spent in their general education classroom.
- District employs 26 para-educators to support special education students.
- Teachers are consistent and concise in their delivery of services and are able to provide consultation and support to general education teachers and special education students in general education classrooms.
- General education teachers are supportive of special education students in their classrooms and routinely differentiate instruction.
- District teachers and administrators are currently participating in Understanding by Design (training), which focuses on differentiating instruction for all students.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006