



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: August 13, 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 July 24, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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

R/0729-03- OSE/EIS Ingham Intermediate School District

Exemptions: Lansing

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Heartwood School — Eliminate the requirement of 230 days but maintain 1,150 hours of instruction. Allow a redesigned summer program which would operate 4 days per week, 4 hours per day, for 9 weeks.

District Rationale:

- Provides 1,201 hours for entire 12-month school year; number will be 1,229 hours for 2003/2004 school year.
- Transportation savings of 20% with 4-day week during summer school.
- Four-hour day optimizes instruction, ancillary-related services.
- Staff/student attendance will be better; fewer substitute teachers and paraprofessional substitutes needed; staff burn-out reduced.
- Favorable results with regard to staff and parent comments have been reported by Heartwood School, as well as other districts.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0730 -03- OSE/EIS Ingham Intermediate School District

Exemptions: Lansing

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

Waiver Synopsis:

Heartwood School — Eliminate the requirement of 230 days but maintain 1,150 hours of instruction. Allow a redesigned summer program which would operate 4 days per week, 4 hours per day, for 9 weeks.

District Rationale:

- Provides 1,201 hours for entire 12-month school year; number will be 1,229 hours for 2003/2004 school year.
- Transportation savings of 20% with 4-day week during summer school.
- Four-hour day optimizes instruction, ancillary-related services.
- Staff/student attendance will be better; fewer substitute teachers and paraprofessional substitutes needed; staff burn-out reduced.
- Favorable results with regard to staff and parent comments have been reported by Heartwood School, as well as other districts.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0321 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

Administrative Rule: 340.1742 (1)(a) - Programs for students with hearing impairment

Waiver Synopsis:

At the middle and high school levels, increase caseload to 10 with a maximum of 7 FTE. No more than 7 students will be in the class at one time.

District Rationale:

- Student performance has been improved primarily due to the fact that more students are able to receive specialized hearing impaired curriculum instruction without having to be assigned to another teacher for caseload management purposes.
- Effectiveness of hearing impaired student instructional programs has not been compromised in any measurable way.
- Efficiency of program has been improved by increased utilization of presently employed, highly skilled and experienced teachers implementing student individualized educational programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0323 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Individual caseloads of authorized providers of speech and language services cannot exceed 65 students.

District Rationale:

- Student performance has been improved primarily due to the fact that more students are able to receive specialized services of their currently assigned provider instead of being transferred to another provider for caseload reduction purposes.
- Effectiveness of students' speech and language services has not been compromised in any measurable way.
- Efficiency of services has been improved by increased utilization of presently employed, highly skilled and experienced teachers implementing student individualized educational programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0325.3 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase caseload of the elementary level resource program teacher from 18 to 25 students. No change in class size requirement.

District Rationale:

- Student performance has been improved primarily due to the fact that more students are able to receive specialized resource program instruction without having to be assigned to another teacher for caseload reduction purposes.
- Effectiveness of students' instructional program has not been compromised in any measurable way.
- Efficiency of services has been improved by increased utilization of presently employed, highly skilled and experienced teachers implementing student individualized educational programs.

Action:

Approve with modification. Increase caseload of elementary level resource program from 18 to 23 students, maintaining the class size requirement.

Recommended waiver period:

Department approval through June 30, 2006

R/0326.2 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase caseload of the secondary level resource program teacher from 20 to 25 students. No change in class size requirement.

District Rationale:

- Student performance has been improved primarily due to the fact that more students are able to receive specialized resource program instruction without having to be assigned to another teacher for caseload reduction purposes.
- Effectiveness of students' instructional program has not been compromised in any measurable way.
- Efficiency of services has been improved by increased utilization of presently employed, highly skilled and experienced teachers implementing student individualized educational programs.

Action:

Approve with modification. Increase caseload of secondary level resource program from 20 to 23 students, maintaining the class size requirement.

Recommended waiver period:

Department approval through June 30, 2006

R/0326.4 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

Administrative Rule: 340.1749 (3) - Secondary level resource program

Waiver Synopsis:

Eliminate restriction concerning teaching and offering tutorial assistance at the same time (applies only to nondepartmentalized secondary level special education programs).

District Rationale:

- Student performance has been significantly improved.
- More efficient when students who need tutoring and/or direct instruction are able to receive such specialized instruction without traveling to other providers.
- Effectiveness of students' instructional program has not been compromised in any measurable way.
- Efficiency of program has been improved by increased utilization of presently employed, highly skilled and experienced secondary level resource teachers implementing student individualized educational programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0327 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Replace "average" of 10 students per classroom period with "may not exceed 15 students per classroom period" (maximum of 15 students at one time).

District Rationale:

- Student performance has been improved due to secondary students with disabilities being able to receive additional instruction from departmentalized staff.
- The one-time maximum of 15 instead of "average of 10" has also proven to be a more efficient and effective way of organizing the departmentalized program.
- Classes are more stable and consistent in terms of the numbers served throughout the school day.
- Effectiveness of students' instructional experience has not been compromised in any measurable way.

Action:

Approve with modification. Each teacher shall serve not more than an average of 13 students per class period, and may not exceed 15 students per classroom period.

Recommended waiver period:

Department approval through June 30, 2006

R/0329.2 -03 -OSE/EIS Monroe County Intermediate School District

Exemptions: None

Administrative Rule: 340.1790 (c) - Teacher consultants for students with disabilities

Waiver Synopsis:

Reduce experience requirement to one year of teaching within special education for approval of a teacher consultant (maintain requirement of three years of satisfactory teaching experience).

District Rationale:

- Effectiveness and efficiency have been sustained and improved due to employment of highly competent special education teacher consultants.
- Has also subsequently led to improved student performance as districts have been able to hire teacher consultants with one year of special education experience instead of two, thereby serving students with teacher consultant support which might not have been otherwise available.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0177 -03 -OSE/EIS Sanilac Intermediate School District

Exemptions: None

Administrative Rule: 340.1740 (a) - Mild cognitive impairment

Waiver Synopsis:

Allow up to 18 students on a mild cognitively impaired teacher's caseload, with a limit of 15 students in the classroom at a time, a paraprofessional required when a classroom has 12 or more students at one time.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0178 -03 - OSE/EIS Sanilac Intermediate School District

Exemptions: None

Administrative Rule: 340.1740 (b) - Mild cognitive impairment

Waiver Synopsis:

Allow up to 18 students on a secondary mild cognitively impaired teacher's caseload, maintaining the limit of 15 students in the classroom at a time.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0180 -03 - OSE/EIS Sanilac Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow up to 65 students on a speech and language therapist's caseload.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0181 -03 -OSE/EIS Sanilac Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow up to 18 students on a specific learning disabilities teacher's caseload, 15 students in a classroom at a time, with a paraprofessional required when a classroom has 12 or more students at one time.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0183 -03 -OSE/EIS Sanilac Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow up to 30 students on a teacher consultant's caseload.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0185 -03 -OSE/EIS Sanilac Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow up to 21 students on an elementary level resource room teacher's caseload, maintaining an average of 12 students in a resource room at any one time. However, no more than 15 students in the classroom at a time.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0186 -03 -OSE/EIS Sanilac Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow up to, but not more than, 12 students per class period per instructional day for secondary level departmentalized programs.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0188 -03 -OSE/EIS Sanilac Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow up to 23 students on a secondary level resource room teacher's caseload maintaining an average of 12 students in a resource room at any one time. However, no more than 15 students in the classroom at a time.

District Rationale:

The ISD established a central registry of waivers implemented by each local school district within Sanilac County. A random survey of teachers, ancillary staff, parents, and administrators was conducted. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of the students' IEPs. A majority of the surveys indicated no negative effect on student learning.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0727 -03 -OSE/EIS Tuscola Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase to 1 teacher and 3 instructional aides for a maximum of 12 students. The third aide will be added with the enrollment of the tenth student.

District Rationale:

- Providing 3rd aide with 10th student allows for same aide-to-student ratio while giving the school district flexibility.
- During any given hour of the classroom day, 5 or more staff are in the classroom.
- Allows flexibility in providing individualized programs and services.
- Allows continuation of programs in a fiscally responsible manner.

Action:

Approve noting that the Coordinator of Planning, Monitoring, and Data Collection will meet with the teachers of these programs throughout the school year to determine their satisfaction with operations. In addition, a random sample survey will be completed with the parents of students in these programs to determine their satisfaction with the program.

Recommended waiver period:

Department approval through June 30, 2006