



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: September 10, 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 August 28, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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0904-04 - OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Each teacher shall serve not more than an average of 13 students per class period per instructional day and will serve no more than 15 at one time.

District Rationale:

- Most districts are using departmentalization. This instructional concentration enables special education students to move from one class to another, just as general education students do in the typical secondary programs.
- Allows teachers to concentrate on one academic area per hour of instruction.
- Teaching in one content area per hour allows special education teachers to successfully serve a greater number of students.
- Teachers have access to greater instructional/technical resources than in past years.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0466.1-04 - OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1740 (a) - Mild cognitive impairment

Waiver Synopsis:

Increase elementary mild cognitive impairment total caseload to 18; 12 or more students require an aide. Approve with the understanding that the maximum number of students in the classroom at one time remains 15.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0466.2-03- OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1740 (b) - Mild cognitive impairment

Waiver Synopsis:

Increase secondary mild cognitive impairment total caseload to 18; no more than 15 at one time.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0467.1-03- OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Elementary programs for the emotionally impaired shall serve no more than 18 different students; however, no more than 12 students can be in the room at any one time. When the class size reaches 11 students at any one time, an aide must be provided. Programs designed to serve severely emotionally impaired would not be considered for this waiver.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0467.2-03- OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Secondary programs for the emotionally impaired shall serve no more than 18 different students; however, no more than 12 students can be in the room at any one time. When the class size reaches 11 students at any one time, an aide must be provided. Programs designed to serve severely emotionally impaired would not be considered for this waiver.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0468-03- OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Maintain caseload of 60 students; however, students under evaluation will not be counted on the caseload. Further, the waiver does not supplant subdivision (b) of the rule which continues to influence the caseload based upon “the severity and multiplicity of the handicaps and the extent of the service.”

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0469 -03 - OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase total caseload to 18; no more than 15 at one time. An aide must be assigned when 12 or more students are in the classroom at one time.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0470.2 -03 - OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Maintain caseload of 25 students; however, students under evaluation will not be counted on the caseload.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0472.1 -03 -OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase total caseload to 23; 15 students at one time. The resource room teacher will be responsible for no more than 2 students at one time for evaluation.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve with modification. Increase total caseload to 23. 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:

Department approval through June 30, 2006

R/0476 -03 -OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase total caseload from 20 to 23 and number of students in the classroom at one time from 10 to 15.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve with modification. Increase total caseload to 23. 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:

Department approval through June 30, 2006

R/0481 -04 -OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

All teacher consultants must possess a master's degree pursuant to federal requirements. A minimum of 3 years of satisfactory teaching experience is required; however, this teaching experience can be in general education, special education, or a combination of the two.

District Rationale:

- Waivers used on an as needed and individual basis.
- Flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

0905 -04 -OSE/EIS Gratiot-Isabella Regional Education Service District

Exemptions: None

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

Waiver Synopsis:

Reduce the number of days school is in session to 226 days, but maintain 1,150 hours of instruction.

District Rationale:

- Offers families more relaxed summer schedule while encouraging professional staff to work during the summer.
- Reducing number of days worked will maximize instructional impact.
- Students spending less time on the bus during warm months.
- Parents have been generally agreeable with reduced days.
- The Parent Advisory Committee is supportive.

Action:

Approve. 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 MDE to be used in assessing viability of the model.

Recommended waiver period:

Department approval through June 30, 2004

0906-04 - OSE/EIS Gratiot-Isabella Regional Education Service District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Reduce the number of days school is in session to 226 days, but maintain 1,150 hours of instruction.

District Rationale:

- Offers families more relaxed summer schedule while encouraging professional staff to work during the summer.
- Reducing number of days worked will maximize instructional impact.
- Students spending less time on the bus during warm months.
- Parents have been generally agreeable with reduced days.
- The Parent Advisory Committee is supportive.

Action:

Approve. 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 MDE to be used in assessing viability of the model.

Recommended waiver period:

Department approval through June 30, 2004

R/0240 -04 - OSE/EIS Gratiot-Isabella Regional Education Service District

Exemptions: None

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

Waiver Synopsis:

Allow the programs for the learning disabled to have not more than 13 students in the classroom at any one time, and the teacher to be responsible for the educational programming for not more than 18 different students. One paraprofessional will be employed when 12 or more students are in the classroom at any one time.

District Rationale:

- Equal opportunities for students will not be compromised nor will the educational interests of any student be jeopardized by this waiver request. Accountability will be assured through compliance to the individualized education program process.
- Waiver request facilitates flexibility in educational programming ... continues to address the intent of the rule and assurance of individualized instruction within a responsible teacher-pupil ratio.

Action:

Approved.

Recommended waiver period:

Department approval through June 30, 2006

R/0242.2 -03- OSE/EIS Gratiot-Isabella Regional Education Service District

Exemptions: None

Administrative Rule: 340.1749 b(2) - Sec. resource program

Waiver Synopsis:

Total caseload of not more than 22 different students for secondary resource room teachers with no more than 12 different students served at any single instructional period.

District Rationale:

- Equal opportunities for students will not be compromised nor will the educational interests of any student be jeopardized by this waiver request. Accountability will be assured through compliance to the IEP process.
- Waiver request facilitates flexibility in educational programming ... continues to address the intent of the rule and assurance of individualized instruction within a responsible teacher-pupil ratio.

Action:

Approved.

Recommended waiver period:

Department approval through June 30, 2006

R/0243 -03- OSE/EIS Gratiot-Isabella Regional Education Service District

Exemptions: None

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

Waiver Synopsis:

Each teacher, with IEPC determined responsibilities for disabled pupils served in departmentalized secondary special education programs, shall serve not more than an average of 13 students per class period per instructional day.

District Rationale:

- Equal opportunities for students will not be compromised nor will the educational interests of any student be jeopardized by this waiver request. Accountability will be assured through compliance to the IEP process.
- Waiver request facilitates flexibility in educational programming ... continues to address the intent of the rule and assurance of individualized instruction within a responsible teacher-pupil ratio.

Action:

Approve with modification, no more than 15 students in the classroom at one time.

Recommended waiver period:

Department approval through June 30, 2006

R/0780 -03- OSE/EIS Gratiot-Isabella Regional Education Service District

Exemptions: None

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

Waiver Synopsis:

Elementary resource room programs shall have not more than 12 students in the classroom at any one time, and the teacher shall be responsible for the educational programming of not more than 20 different students.

District Rationale:

- Equal opportunities for students will not be compromised nor will the educational interests of any student be jeopardized by this waiver request. Accountability will be assured through compliance to the IEP process.
- Waiver request facilitates flexibility in educational programming ... continues to address the intent of the rule and assurance of individualized instruction within a responsible teacher-pupil ratio.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0339 -03- OSE/EIS Jackson Public Schools

Exemptions: N/A

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

Waiver Synopsis:

Increase total caseload to 18 students; no more than 12 students at any one time. An aide must be assigned when 12 students are in the classroom at one time.

District Rationale:

- Average special education FTE for Jackson P/S for 2002-2003 was 6.2 FTE for all classroom programs; for LD programs, FTE was 6.8 for current school year.
- Anticipated that FTE count will increase proportionately, but classroom student numbers will continue to allow for effective and appropriate instruction for each student.
- Quality programming can be maintained via waiver proposal.
- Students will still have safeguard of FAPE as it relates to their individual programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0340.1 -03 -OSE/EIS Jackson Public Schools

Exemptions: N/A

Administrative Rule: 340.1740 (a) - Mild cognitive impairment

Waiver Synopsis:

Increase total caseload to 18 students; no more than 12 students at any one time. An aide must be assigned when 12 students are in the classroom at one time.

District Rationale:

- Average special education FTE for Jackson P/S for 2002-2003 was 6.2 FTE for all classroom programs; for MCI programs, FTE was 9.5 for current school year at elementary level.
- Anticipated that FTE count will increase proportionately, but classroom student numbers will continue to allow for effective and appropriate instruction for each student.
- Quality programming can be maintained via waiver proposal.
- Students will still have safeguard of FAPE as it relates to their individual programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0340.2 -03 -OSE/EIS Jackson Public Schools

Exemptions: N/A

Administrative Rule: 340.1740 (b) - Mild cognitive impairment

Waiver Synopsis:

Increase total caseload to no more than 18 different students; no more than 12 students at any one time. An aide must be assigned when 12 students are in the classroom at one time.

District Rationale:

- Average special education FTE for Jackson P/S for 2002-2003 was 6.2 FTE for all classroom programs; for MCI programs, FTE was 11.1 for current school year at the secondary level.
- Anticipated that FTE count will increase proportionately, but classroom student numbers will continue to allow for effective and appropriate instruction for each student.
- Quality programming can be maintained via waiver proposal.
- Students will still have safeguard of FAPE as it relates to their individual programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0341 -04 - OSE/EIS Jackson Public Schools

Exemptions: N/A

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

Waiver Synopsis:

Increase to no more than 23 different students; no more than 13 students at any one time. The remainder of the rule is maintained.

District Rationale:

•Average special education FTE for Jackson Public Schools for 2002-2003 was 6.2 FTE for all classroom programs.

Action:

Approve with modification. No more than 12 students at any one time.

Recommended waiver period:

Department approval through June 30, 2006

R/0342 -04 - OSE/EIS Jackson Public Schools

Exemptions: N/A

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

Waiver Synopsis:

Increase caseload to no more than 23 different students; no more than 13 students in the classroom at any one time.

District Rationale:

•Average special education FTE for Jackson Public Schools for 2002-2003 was 6.2 FTE for all classroom programs; for secondary level resource room programs, FTE was 6.8 for current school year.

Action:

Approve with modification. No more than 12 students in the classroom at any one time.

Recommended waiver period:

Department approval through June 30, 2006

R/0343 -03 -OSE/EIS Jackson Public Schools

Exemptions: N/A

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Programs for the EI shall serve no more than 18 different students, of which no more than 12 students can be in the room at any one time. When the class size reaches 11 students at any one time, an aide will be provided.

District Rationale:

- Average special education FTE for Jackson P/S for 2002-2003 was 6.2 FTE for all classroom programs; for classroom for emotional impairment, average FTE per classroom was 8.0, although classrooms were operating at maximum numbers based upon headcount criteria.
- Anticipated that FTE count will increase proportionately, but classroom student numbers will continue to allow for effective and appropriate instruction for each student.
- Quality programming can be maintained via waiver proposal.
- Students will still have safeguard of FAPE as it relates to their individual programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0344 -03 -OSE/EIS Jackson Public Schools

Exemptions: N/A

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

Waiver Synopsis:

Increase to no more than an average of 13 students per class period per instructional day. However, no more than 15 students may be in a classroom at any one time.

District Rationale:

- Average special education FTE for Jackson P/S for 2002-2003 was 6.2 FTE for all classroom programs; for departmentalized education programs, average FTE was 9.5 for the current school year.
- Increases average number of students that can be serviced per class period per instructional day to 13 students.
- Anticipated that FTE count will increase proportionately, but classroom student numbers will continue to allow for effective and appropriate instruction for each student.
- Quality programming can be maintained via waiver proposal.
- Students will still have safeguard of FAPE as it relates to their individual programs.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0345 -03- OSE/EIS Jackson Public Schools

Exemptions: N/A

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

Waiver Synopsis:

Teacher consultants assigned to no more than 2 different buildings may serve up to 30 students on their caseload.

District Rationale:

The current caseload size for TCs was established when TCs provided consultative and evaluative services as ancillary services across a number of school buildings. JPS, like most large urban areas, now employs TCs to provide service to one or two buildings. This model thus eliminates the need for TCs to expend time in travel.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006