



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

August 28, 2006

**Memorandum**

**TO:** State Board of Education

**FROM:** Michael P. Flanagan, Chairman 

**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 8, 2006, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

**Attachment**

**STATE BOARD OF EDUCATION**

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**# R/0339 - 06 - 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:

- Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that a district can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The FTE was 7.73 for the current school year for learning disability programs. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

**#R/0340. - 06 -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:

- Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The FTE was 8.87 at the elementary level for classrooms for the mild cognitive impairment program. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

**# R/0340. - 06 -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:

- Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allow enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The FTE was 11.35 for classrooms for the mild cognitive impairment at the secondary level. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of free appropriate public education as it relates to their individual programs.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

**#R/0341 - 06 -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 12 students at any one time. The remainder of the rule is maintained.

**District Rationale:**

- Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that a district can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program-concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The FTE was 4.33 for the elementary level resource room programs.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

**Action:**

Approve

**Recommended waiver period:**

Department approval through June 30, 2009

**# R/0342 - 06 - OSE/EIS Jackson Public Schools**

Exemptions: N/A

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

Waiver Synopsis:

Increase caseload to no more than 23 different students; no more than 12 students in the classroom at any one time.

District Rationale:

- Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that a district can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The FTE was 5.57 for secondary level resource room programs.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

**# R/0343 - 06 - OSE/EIS Jackson Public Schools**

Exemptions: N/A

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Programs for the emotional impaired 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:

- Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The average FTE per classroom was 9.55 for classrooms for emotional impairment, although classrooms were operating at maximum numbers based upon headcount criteria. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

## **# R/0344 - 06 -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:**

•Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads. Teaching in one content area has proven that special education teachers are successfully servicing greater numbers of students. At the same time, increased emphasis of the least restrictive environment is keeping students with disabilities in regular education classrooms for greater periods of time. This has meant that the same time as the special education headcount has been rising, the full time equivalent index has fallen. The average special education full time equivalency (FTE) for JPS for 2005/2006 was 9.4 FTE for all classroom programs. The FTE was 8.36 for departmentalized education programs for the current school year. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained. Students still have the safeguard of a free appropriate public education as it relates to their individual programs.

•JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

### **Action:**

Approve

### **Recommended waiver period:**

Department approval through June 30, 2009

**#R/0345 - 06 -OSE/EIS Jackson Public Schools**

Exemptions: N/A

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

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

District Rationale:

- When the current caseload size for teacher consultants was established, teacher consultants were felt to provide consultative and evaluative services as an ancillary service across a number of school buildings. Jackson Public Schools (JPS) now employ teacher consultants to provide service to one or two buildings. This model eliminates the need for teacher consultants to expend time in travel.
- JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009