



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

April 24, 2006

**Memorandum**

**TO:** State Board of Education  
**FROM:** Mike 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 April 11, 2006, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

Attachment

**STATE BOARD OF EDUCATION**

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT  
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER  
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER  
REGINALD M. TURNER • EILEEN LAPPIN WEISER

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

**# R/0929 - 06 - OSE/EIS Monroe County Intermediate School District**

Exemptions: None

Administrative Rule: 340.1738(b) - Severe Cognitive Impairment

Waiver Synopsis:

Waive the requirement of 230 to 223 days, but maintain the 1,150 hours of instruction. Allow a reduction of up to 7 days as we would still maintain the 6.25-hour school day and exceed the number of clock hours required (1,375.45). Therefore, our calendar would provide 223 days of instruction with 6.25 hours per day for a total of 1,375.45 hours per year.

District Rationale:

- Reduction of the calendar from 230 to 223 days does not adversely affect programming or goal achievement.
- Allows traditional breaks to give students and families their normal holiday time together.
- Allows traditional breaks for staff for their normal respite which helps prevent staff burn-out. Additionally, acquiring full-year staff is not adversely affected.
- The need for school and transportation substitutes during holiday times would be avoided.
- The need for additional transportation days is avoided and does not necessitate a rise in costs for the nine local districts.
- The need for teacher substitutes is avoided and paraprofessionals receive professional development.
- The Monroe County ISD's Plan will include the identification of those rule waivers in effect for the ISD. The Monroe County ISD assumes oversight responsibility for rule waiver implementation in a manner similar to the annual monitoring process.
- At the conclusion of each year the waiver has been in place, the Monroe County ISD has reviewed feedback as to the waiver's impact on students and programming in order to assure that the waiver continues to meet waiver criteria and does not compromise each student's opportunity for a free appropriate public education.

Action:

Approve, noting there will be no breaks longer than two weeks.

Recommended waiver period:

Department approval through June 30, 2008