



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

March 27, 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 September 13, 2005, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

Attachment

STATE BOARD OF EDUCATION

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#0934 - 05 -OSE/EIS School District of the City of Pontiac

Exemptions: None

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

Waiver Synopsis: programs

Increase class size to not more than an average of 13 students per class period per instructional day with no more than 15 being served at one time.

District Rationale:

Provision of more efficient means for operating special education programs and fiscal integrity.

Action:

Approve, noting that consideration of any renewal will be based upon submission of documentation of the progress monitoring.

Recommended waiver period:

Department approval through June 30, 2008

#0935 - 05 -OSE/EIS School District of the City of Pontiac

Exemptions: None

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

Waiver Synopsis:

Request for each secondary resource teacher to have an increase of a caseload of 20 to 23. Maximum allowed in the classroom at one time of 15. Students shall need 50 percent or less of their instructional school day in special education.

District Rationale:

- Ensure that there is an appropriate staff-to-student ratio at all times in the classroom.
- Increased emphasis on least restrictive environment means students with disabilities are in general education classrooms for longer periods of time which allows special education teachers to support a larger number of students.
- Allows implementation of the co-teaching model in the general education classroom.
- In the secondary level pull-out models, the special education teacher is still providing students with access to the general education curriculum.
- Enables staff to provide better service to children with disabilities at a time that is more conducive to the students' schedules and learning styles.

Action:

Approve, noting that consideration of any renewal will be based upon submission of documentation of the progress monitoring.

Recommended waiver period:

Department approval through June 30, 2008

#0936 - 05 -OSE/EIS School District of the City of Pontiac

Exemptions: None

Administrative Rule: 340.1741 - Programs for students with emotional
Waiver Synopsis: impairment

Increase secondary emotionally impaired caseload to 16. Increase class size to 12 with the condition that an aide will be assigned with the 11th student.

District Rationale:

Provision of more efficient means for operating special education programs and fiscal integrity.

Action:

Approve, noting that consideration of any renewal will be based upon submission of documentation of the progress monitoring.

Recommended waiver period:

Department approval through June 30, 2008

#0937 - 05 -OSE/EIS School District of the City of Pontiac

Exemptions: None

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

Waiver Synopsis:

Increase the average number of students per class period per instructional day from 10 to 13 with no more than 15 at any one time. Increase caseload to no more than 23 total caseload. No more than 2 for evaluation.

District Rationale:

- Provision of more efficient means for operating special education programs and fiscal integrity.
- Allowing an average of 13 students per class period would minimize having to change a student's entire schedule to place him/her in an appropriate special education class.
- Increased emphasis on least restrictive environment means students with disabilities are in general education classes for longer periods of time.

Action:

Approve, noting that consideration of any renewal will be based upon submission of documentation of the progress monitoring.

Recommended waiver period:

Department approval through June 30, 2008