



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

July 24, 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 May 9, 2006, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

Attachment

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**# R/0877 - 06 -OSE/EIS Charlevoix-Emmet Intermediate School District**

Exemptions: None

Administrative Rule: 340.1738(b) - Severe cognitive impairment

Waiver Synopsis:

Allow summer program to operate 209 days with 6 hours of instruction, 3 days per week.

District Rationale:

- Waiver will allow lesser number of summer days but longer student days.
- Waiver would require 209 days of instruction in an academic year and will exceed 1,150 hours of instruction.
- Parents and staff expressed continued satisfaction in the format of programming for the summers of 2003, 2004, and 2005. Parents could extend weekend travel opportunities. Many comments were received supporting the format due to the decrease in weekly travel time in relation to increased class time. Staff supported the format each of the three summers as they felt that the educational benefit from full-day programming supported student educational plans.
- The Parent Advisory Committee and the board of education support the waiver due to satisfaction of staff, students, and parents.
- No problem areas were noted, and parents and staff strongly support this schedule.

Action:

Approve noting that the instructional program will have no breaks greater than two consecutive weeks.

Recommended waiver period:

Department approval through June 30, 2009

**# R/0438 - 06 - OSE/EIS Lenawee Intermediate School District**

Exemptions: None

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

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

District Rationale:

- ♦ Provide more efficient means for operating special education programs.
- ♦ Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦ Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System (CIMS)). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦ No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

Approve.

Recommended waiver period:

July 1, 2006 through June 30, 2009

## **# R/0439 - 06 -OSE/EIS Lenawee Intermediate School District**

Exemptions: None

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

Waiver Synopsis:  
Allow elementary LD programs to operate with a maximum caseload of 16 students, no more than 10 at one time; and secondary learning disabled programs with a maximum caseload of 18 students, no more than 12 at one time.

District Rationale:

- ♦Provide more efficient means for operating special education programs.
- ♦Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

Approve

Recommended waiver period:

July 1, 2006 through June 30, 2009

**# R/0441 - 06 -OSE/EIS Lenawee Intermediate School District**

Exemptions: None

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

Waiver Synopsis:

Allow a maximum caseload of 21 students with no more than 12 at one time, maintaining rule requirement of 2 additional students for evaluation purposes.

District Rationale:

- ♦Provide more efficient means for operating special education programs.
- ♦Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

Approve

Recommended waiver period:

July 1, 2006 through June 30, 2009

**# R/0443 - 06 - OSE/EIS Lenawee Intermediate School District**

Exemptions: None

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

Waiver Synopsis:  
Increase average number of students per class period per instructional day from 10 to 12, with no more than 15 students at any one time.

District Rationale:

- ♦ Provide more efficient means for operating special education programs.
- ♦ Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦ Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦ No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

Approve

Recommended waiver period:

July 1, 2006 through June 30, 2009

**# R/0886 - 06 - OSE/EIS Lenawee Intermediate School District**

Exemptions: None

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

Waiver Synopsis:

Increase caseload from 20 to 23, with assignment of an instructional assistant when the caseload reaches 23 students. Maximum allowed in classroom at one time of 15 students and no more than an average of 12 per class period per instructional day.

District Rationale:

- ♦Provide more efficient means for operating special education programs.
- ♦Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

Approve with modification: Increase caseload from 20 to 23, with assignment of an instructional assistant when the caseload reaches 23 students. 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:

July 1, 2006 through June 30, 2009

**# R/0887 - 06 -OSE/EIS Lenawee Intermediate School District**

Exemptions: None

Administrative Rule: 340.1738(b) - Severe cognitive impairment

Waiver Synopsis:

Reduce number of days from 230 to 220; minimum clock hours of 1,150 instruction will continue to be met if not exceeded. The summer program will operate 37 days, 4 hours each day. There will be no breaks longer than two weeks.

District Rationale:

- ♦Provide more efficient means for operating special education programs.
- ♦Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

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

Recommended waiver period:

July 1, 2006 through June 30, 2009

**# R/0888 - 06 -OSE/EIS Lenawee Intermediate School District**

Exemptions: None

Administrative Rule: 340.1742(a) - Programs for students with hearing  
Waiver Synopsis: impairments

Change caseload maximum from seven individual students to seven FTE. A classroom aide will be assigned when the overall FTE on the teacher's caseload is five or greater. A maximum total number of individual students is capped at ten.

District Rationale:

- ♦Provide more efficient means for operating special education programs.
- ♦Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

Action:

Approve, noting that a classroom aide will be assigned when the overall FTE on the teacher's caseload is five or greater. A maximum total number of individual students is capped at ten.

Recommended waiver period:

July 1, 2006 through June 30, 2009

**# R/0889 - 06 -OSE/EIS Lenawee Intermediate School District**

Exemptions: None

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

Reduce number of days from 230 to 220; minimum clock hours of 1,150 instruction will continue to be met, if not exceeded. The summer program will operate 37 days, 4 hours each day. There will be no breaks longer than two weeks.

**District Rationale:**

- ♦Provide more efficient means for operating special education programs.
- ♦Public comments were solicited at public forum meetings and comments were reviewed. Results were generally positive, although two elementary special education resource room teachers were not happy with the proposed waiver caseloads, and one secondary level special education resource room teacher was fine with the caseload numbers but wanted the instructional assistance to be required at the addition of the 15th student on the caseload. Everyone acknowledged the continued significant savings in costs for the school districts in Lenawee Intermediate School District as the overriding factor in support of the renewal.
- ♦Accountability continues and is relied upon by parent surveys, provider surveys, and special on-site monitoring activities (this year to include the Continuous Improvement Monitoring System). The techniques are used to measure the whole implementation effort of past waivers and will be used for the current renewals. Four of the 12 local districts are participating in CIMS this school year.
- ♦No previous monitoring violations have been attributed to rule violations in caseload numbers or days of services.

**Action:**

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

**Recommended waiver period:**

July 1, 2006 through June 30, 2009

**# 0939 - 06 - OSE/EIS Mecosta-Osceola Intermediate School District**

Exemptions: None

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

Waiver Synopsis:

Eliminate the caseload limit of 18 and replace with a caseload cap of 23 students. The maximum number of students in the classroom at one time would remain at ten, with the exception of those programs that are departmentalized, which may have an average of ten per period.

District Rationale:

- Students currently being served in elementary resource programs will continue to be served appropriately under the proposed limits of the request. Currently, there is a significant number of students assigned to these programs for a limited amount of time per day. By increasing the head count, each district believes it will continue to provide a free appropriate public education in a more efficient manner.
- The possibility of a waiver application was discussed in March 2005 with the Parent Advisory Committee; however, no action was taken at that time. The application will be shared with the Parent Advisory Committee upon submission to the Michigan Department of Education. The topic will also be discussed at each district's board meeting following submission of the application.
- Issues of deviations, waivers, complaints, and hearings are regular agenda items for the Mecosta-Osceola Intermediate School District Board of Education and the Parent Advisory Committee meetings. The Continuous Improvement Monitoring System/Service Provider Self-Review includes significant parent surveying to provide opportunities for input as to the impact of the terms of this waiver.

Action:

Approve for one year noting that any programs using this waiver shall survey the parents/guardians of the students, as well as the teachers of the affected programs, to determine their satisfaction. The results of the survey will be forwarded to the Department of Education to be used in assessing any waiver renewal requests.

Recommended waiver period:

Department approval through June 30, 2007

**#0940 - 06 -OSE/EIS Mecosta-Osceola Intermediate School District**

Exemptions: None

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

Waiver Synopsis:

Eliminate the caseload limit of 20 and replace with a caseload cap of 25 students. The maximum number of students in the classroom at one time would remain at ten, with the exception of those programs that are departmentalized, which may have an average of ten per period.

District Rationale:

- Students currently being served in secondary resource programs will continue to be served appropriately under the proposed limits of this request. Currently, there is a significant number of students assigned to these programs for a limited amount of time per day. By increasing the allowable head count, each district believes it will continue to provide a free appropriate public education in a more efficient manner.
- The possibility of a waiver application was discussed in March 2005 with the Parent Advisory Committee; however, no action was taken at that time. The application will be shared with the Parent Advisory Committee upon submission to the Michigan Department of Education. The topic will also be discussed at each district's board meeting following submission of the application.
- Issues of deviations, waivers, complaints, and hearings are regular agenda items for the Mecosta-Osceola Intermediate School District Board of Education and the Parent Advisory Committee meetings. The Continuous Improvement Monitoring System/Service Provider Self-Review includes significant parent surveying to provide opportunities for input as to the impact of the terms of this waiver.

Action:

Approve for one year noting that any programs using this waiver shall survey the parents/guardians of the students, as well as the teachers of the affected programs, to determine their satisfaction. The results of the survey will be forwarded to the Department of Education to be used in assessing any waiver renewal requests.

Recommended waiver period:

Department approval through June 30, 2007