



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

August 29, 2005

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 June 14, 2005, 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 • (517) 373-3324

0932 -05 -OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: South Redford School District; All PSAs **EXCEPT**: Plymouth Educational Center, Thomas-Gist, Summit, Commonwealth Community Development, Chandler Park, King, Summit Academy North, Star International, David Ellis, Universal, Life Skills Center of Metropolitan Detroit, Universal Learning

Administrative Rule: 340.1740(b) - Mild Cognitive Impairment

Waiver Synopsis:

Increase caseload to 18, with a maximum of 15 students at one time with aide added when 12 or more students are in the classroom at any given time except when the teacher is involved in a departmentalized program.

District Rationale:

- The waiver will allow greater flexibility in meeting the instructional needs of special education students.
- The waiver will permit the district to run programs and services in a more cost-effective manner without sacrificing the quality of programs or services.
- The waiver will be more effective, efficient, and economical, in addition to stimulating pupil performance.
- The waiver will allow more students to receive classes and programs they require and will allow staff to provide special education services in an effective, cost-efficient manner.
- The waiver will be used for departmentalization purposes so students can receive their IEP special education class hours in subject areas needed for graduation.
- The waiver will assist the district during times of fluctuating enrollment and help maintain program and course consistency.
- The waiver will help the district to more efficiently and adequately program for students with disabilities in the local school districts and will allow students to be placed with more appropriate age and grade level peers and enable teaching students based on their strengths and interests.
- The waiver will not compromise the quality of instructional lessons and individual student needs and will add cost-savings and flexibility for staff and students.
- Regarding departmentalization, the waiver will be helpful in creating cooperative learning groups for students, peer tutoring opportunities, and the ability to address common IEP goals.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2008

R/0088 -05 -OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: South Redford School District; All PSAs **EXCEPT**: Plymouth Educational Center, Thomas-Gist, Summit, Commonwealth Community Development, Chandler Park, King, Summit Academy North, Star International, David Ellis, Universal, Life Skills Center of Metropolitan Detroit, Universal Learning

Administrative Rule: 340.1740(a) - Mild cognitive impairment

Waiver Synopsis:

Raise the caseload maximum from 15 to 18 students and maintain the present limit of 15 students allowed in a classroom at a time with aide added when 12 or more students are in the classroom at any given time.

District Rationale:

- The waiver allows for greater flexibility in meeting the instructional needs of special education students.
- The waiver has permitted the district to run programs and services in a more cost-effective manner without sacrificing the quality of programs or services.
- The waiver continues to be more effective, efficient, and economical, in addition to stimulating pupil performance.
- The waiver allows more students to receive the classes and programs they require, and allows staff to provide services in an effective and cost-efficient manner.
- The waiver assists the district during times of fluctuating enrollment and helps maintain program and course consistency.
- The waiver has not compromised the quality of instructional lessons and individual student needs and has added cost-savings and flexibility for staff and students.
- Frequently the waiver was used for brief periods of time during temporary placements so teachers can get to know students and then adjust their schedules. Additionally, the waiver was used to assign complicated student cases to veteran staff.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2008

R/0711 -05 -OSE/EIS Wayne County Regional Educational Service Agency

Exemptions: South Redford School District; All PSAs **EXCEPT**: Plymouth Educational Center, Thomas-Gist, Summit, Commonwealth Community Development, Chandler Park, King, Summit Academy North, Star International, David Ellis, Universal, Life Skills Center of Metropolitan Detroit, Universal Learning

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

Waiver Synopsis:

Allow an average of 13 students per class period per instructional day with no more than 15 students being served at one time at the secondary level.

District Rationale:

- The waiver allows for greater flexibility in meeting the instructional needs of special education students.
- The waiver has permitted the district to run programs and services in a more cost-effective manner without sacrificing the quality of programs or services.
- The waiver continues to be more effective, efficient, and economical, in addition to stimulating pupil performance.
- The waiver allows more students to receive the classes and programs they require and allows staff to provide services in an effective and cost-efficient manner.
- The waiver assists the district during times of fluctuating enrollment and helps maintain program and course consistency.
- The waiver helps the district to more efficiently and adequately program for students with disabilities in the local school districts; allows students to be placed with more appropriate age and grade level peers and enables teaching students based on strengths and interests.
- The waiver has not compromised the quality of instructional lessons and individual student needs and has added cost-savings and flexibility for staff and students.
- The waiver is particularly critical at the middle and high school levels while the district develops a plan to redistrict school attendance areas to even out attendance and develop an alternative and general education vocational program to provide special education students with options; it will frequently be used for brief periods of time during temporary placements so teachers can get to know students and then adjust their schedules. Additionally, it will be used to assign complicated student cases to veteran staff.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2008