



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

October 1, 2009

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 a waiver approved by the Superintendent since August 11, 2009, reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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#0956-09 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 it with a caseload cap of 23 students.

Eliminate the limit of the number of students at one time of 10 and replace with a limit of 12 students at one time.

District Rationale:

- The Mecosta-Osceola Intermediate School District (ISD) and its constituent districts will continue to provide resource program programming as stated in student individualized education programs (IEPs); however, will do so in a more efficient, economical manner.
- All Mecosta-Osceola ISD districts have been operating under a waiver to the caseload limit addressed in this rule for the past three years; however, the limit of students served at one time was not addressed in that waiver.
- Approval of the waiver will provide additional flexibility for districts to meet student scheduling needs.
- The Mecosta-Osceola ISD Parent Advisory Committee (PAC) was notified of this application at the time it was submitted to the Michigan Department of Education. The PAC chairperson was mailed the entire application packet, and other members were notified via email.
- The Elementary Resource Program teachers were notified via email at the time of submission.
- All districts will continue to monitor student performance in classroom programs operating under the waiver. This will be accomplished through data collection available via the electronic IEP and data base used throughout the Mecosta-Osceola ISD.
- A list of specific teachers operating under the waiver will be developed at the time of each statewide pupil count. The lists will be shared with the PAC.

Action:

Approve for the 2009-2010 school year, noting that any programs using this waiver shall require data collection on student outcomes for the time that this waiver request was implemented. A survey will be provided to the parents/guardians of the students, as well as the teachers of the affected programs, to determine their satisfaction. The results of the survey and data collection report will be forwarded to the Department of Education to be used in assessing any future waiver requests for this rule.

Recommended waiver period:

Department approval through June 30, 2010

#0957-09 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. Eliminate the limit of the number of students at 1 time of 10 and replace with a limit of 12 students at one time.

District Rationale:

- The Mecosta-Osceola Intermediate School District (ISD) and its constituent districts will continue to provide resource program programming as stated in student individualized education programs (IEPs); however, will do so in a more efficient, economical manner.
- All Mecosta-Osceola ISD districts have been operating under a waiver to the caseload limit addressed in this rule for the past three years; however, the limit of students served at one time was not addressed in that waiver.
- Approval of the waiver will provide additional flexibility for districts to meet student scheduling needs.
- The Mecosta-Osceola ISD Parent Advisory Committee (PAC) was notified of this application at the time it was submitted to the Michigan Department of Education. The PAC chairperson was mailed the entire application packet and other members were notified via email.
- The Secondary Resource Program teachers were notified via email at the time of submission.
- All districts will continue to monitor student performance in classroom programs operating under the waiver. This will be accomplished through data collection available via the electronic IEP and data base used throughout the Mecosta-Osceola ISD.
- A list of specific teachers operating under the waiver will be developed at the time of each statewide pupil count. The lists will be shared with the PAC.

Action:

Approve for the 2009-2010 school year, noting that any programs using this waiver shall require data collection on student outcomes for the time that this waiver request was implemented. A survey will be provided to the parents/guardians of the students, as well as the teachers of the affected programs, to determine their satisfaction. The results of the survey and data collection report will be forwarded to the Department of Education to be used in assessing any future waiver requests for this rule.

Recommended waiver period:

Department approval through June 30, 2010

#0958-09 OSE/EIS Mecosta-Osceola Intermediate School District

Exemptions: None

Administrative Rule: 340.1749c(4) – Departmentalization of Special Education Programs

Waiver Synopsis:

Eliminate the limit of an average of 10 students per class period per instructional day and replace it with an average of 12 students per class period per instructional day.

District Rationale:

- The Mecosta-Osceola Intermediate School District (ISD) and its constituent districts will continue to provide resource program programming as stated in student individualized education programs (IEPs); however, will do so in a more efficient, economical manner.
- All Mecosta-Osceola ISD districts have been operating under a waiver to the caseload limit addressed in the Resource Program Rules (R 340.1749a(2) and R 340.1749b(2)) for the past three years; however, the limit of students served at one time was not addressed in those waivers.
- Approval of the waiver, along with waivers to R 340.1749a(2) and R 340.1749b(2), will provide additional flexibility for districts to meet student scheduling needs.
- The Mecosta-Osceola ISD Parent Advisory Committee (PAC) was notified of this application at the time it was submitted to the Michigan Department of Education. The PAC chairperson was mailed the entire application packet and other members were notified via email.
- All Resource Program teachers were notified via email at the time of submission.
- All districts will continue to monitor student performance in classroom programs operating under the waiver. This will be accomplished through data collection available via the electronic IEP and data base used throughout the Mecosta-Osceola ISD.
- A list of specific teachers operating under the waiver will be developed at the time of each statewide pupil count. The lists will be shared with the PAC.

Action:

Approve for the 2009-2010 school year, noting that any programs using this waiver shall require data collection on student outcomes for the time that this waiver request was implemented. A survey will be provided to the parents/guardians of the students, as well as the teachers of the affected programs, to determine their satisfaction. The results of the survey and data collection report will be forwarded to the Department of Education to be used in assessing any future waiver requests for this rule.

Recommended waiver period:

Department approval through June 30, 2010