



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

February 25, 2008

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 waivers approved by the Superintendent since November 13, 2007, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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 • CASANDRA E. ULBRICH

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

#0947-07 OSE/EIS Manton Consolidated Schools

Exemptions: N/A

Administrative Rule: 340.1740 – Mild cognitive impairment

Waiver Synopsis:

Waive the limit of 15 students to 3 over the limit which would create a limit of 18 students.

District Rationale:

- Currently there are 13 students in the mild cognitive impaired classroom with the anticipation of 3 current referrals.
- Because of the extreme financial hardship in the district, the possibility of hiring another teacher was rejected. The district has been in deficit reduction spending for two years. The district also experienced a substantial decrease in enrollment in the regular education population and, in order to balance the budget, the district had to reduce teaching staff. It is difficult to project future spending.
- The district has had discussions with the ISD director of special education to explore all known options.
- The special education teacher was consulted. An information letter was mailed to all parents with an opportunity for their input. The waiver was discussed at the local school board meeting on November 5, 2007, and an opportunity for community input was made available.
- The district feels it can provide a positive educational experience for the special education population with the number of special education teachers currently on staff. The FTE is low at 6.35.
- The director of special education for Manton Consolidated Schools and the local principals will oversee the caseload numbers of the special education population. They will also oversee the implementation of the individualized education programs to ensure that a productive learning environment for all special education students is being provided.
- The district assures that the purpose of the waiver will be fulfilled, that it meets the criteria of the act, that it does not compromise equal opportunities for learning, and that this plan is not detrimental to the educational interests of the students.

Action:

Approve the maximum caseload of 18 students noting the remainder of the rule remains for both the elementary and secondary programs. At the end of the waiver period, the district must submit information about how the waiver was implemented and an update on the financial crisis that generated the waiver request.

Recommended waiver period:

Department approval through June 30, 2009

#0948-07 OSE/EIS Manton Consolidated Schools

Exemptions: N/A

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

Waiver Synopsis:

Waive the limit of 18 students to 3 over the limit which would create a limit of 21 students.

District Rationale:

- Currently there are 18 students in the elementary resource room with the anticipation of 3 current referrals.
- Because of the extreme financial hardship in the district, the possibility of hiring another teacher was rejected. The district has been in deficit reduction spending for two years. The district also experienced a substantial decrease in enrollment in the regular education population and, in order to balance the budget, the district had to reduce teaching staff. It is difficult to project future spending.
- The district has had discussions with the ISD director of special education to explore all known options. The special education teacher was consulted. An information letter was mailed to all parents with an opportunity for their input. The waiver was discussed at the local school board meeting on November 5, 2007, and an opportunity for community input was made available.
- The district feels it can provide a positive educational experience for the special education population with the number of special education teachers currently on staff. One student is seen on a consultation basis only, and the FTE is low at 6.47.
- The director of special education for Manton Consolidated Schools and the local principals will oversee the caseload numbers of the special education population. They will also oversee the implementation of the individualized education programs to ensure that a productive learning environment for all special education students is being provided.
- The district assures that the purpose of the waiver will be fulfilled, that it meets the criteria of the act, that it does not compromise equal opportunities for learning, and that this plan is not detrimental to the educational interests of the students.

Action:

Approve an increase in the caseload to 18 students noting the remainder of the rule remains. Please note that the waiver request contained incorrect rule caseload numbers. At the end of the waiver period, the district must submit information about how the waiver was implemented and an update on the financial crisis that generated the waiver request.

Recommended waiver period:

Department approval through June 30, 2009

#0949-07 OSE/EIS Manton Consolidated Schools

Exemptions: N/A

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

Waiver Synopsis:

Waive the limit of 18 students to 3 over the limit which would create a limit of 23 students.

District Rationale:

- Currently there are 20 students in one elementary resource room and 23 in another.
- Because of the extreme financial hardship in the district, the possibility of hiring another teacher was rejected. The district has been in deficit reduction spending for two years. The district also experienced a substantial decrease in enrollment in the regular education population and, in order to balance the budget, the district had to reduce teaching staff. It is difficult to project future spending.
- The district has had discussions with the ISD director of special education to explore all known options. The special education teacher was consulted. An information letter was mailed to all parents with an opportunity for their input. The waiver was discussed at the local school board meeting on November 5, 2007, and an opportunity for community input was made available.
- The district feels it can provide a positive educational experience for the special education population with the number of special education teachers currently on staff. There are seven students seen on a consultant basis only, and the FTE in each of the high school classrooms is low at an average of 6.46.
- The director of special education for Manton Consolidated Schools and the local principals will oversee the caseload numbers of the special education population. They will also oversee the implementation of the individualized education programs to ensure that a productive learning environment for all special education students is being provided.
- The district assures that the purpose of the waiver will be fulfilled, that it meets the criteria of the act, that it does not compromise equal opportunities for learning, and that this plan is not detrimental to the educational interests of the students.

Action:

Approve an increase in the caseload to 23 students noting the remainder of the rule remains. At the end of the waiver period, the district must submit information about how the waiver was implemented and an update on the financial crisis that generated the waiver request.

Recommended waiver period:

Department approval through June 30, 2009

#0946-07 OSE/EIS Montcalm Area Intermediate School District

Exemptions: N/A

Administrative Rule: 340.1858 – Programs for students with autism spectrum disorder

Waiver Synopsis:

Increase the number of five students per classroom to seven students per classroom.

District Rationale:

- District would provide an extra para educator for any classroom that is over the mandated five student maximum. In addition, the district typically provides one-to-one assistance for students requiring additional support over and above mandated para educators.
- The goal of the ISD classrooms in local districts is to increase general education time by providing supports to the student within the autism spectrum disorder (ASD) classroom, and provide training to the general education staff through ASD teacher consultant services. Many students with ASD are participating in the general education setting more than the special education setting at this time.
- The number of students for caseloads does not reflect the actual special education class time. The intent is to eventually move the students to their local districts as each student becomes successful.
- The organization will consider opening additional classrooms if the numbers support it. The programs more than meet the needs of the students providing opportunities for growth in sensory, academic, language, and behavior while providing the opportunities to practice the skills in the least restrictive environment.
- The Montcalm Area Intermediate School District Parent Advisory Committee has had input in the waiver request and supports it; the Board, Superintendent, and Monitor are aware of the request.

Action:

Approve with modification. May increase the number of students per classroom to seven; however, an additional paraprofessional will be assigned when the sixth student is added.

Recommended waiver period:

Department approval through June 30, 2009