



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

March 26, 2007

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 December 12, 2006, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

STATE BOARD OF EDUCATION

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#R/0466.1-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1740(a) – Mild cognitive impairment

Waiver Synopsis:

Increase elementary mild cognitive impairment total caseload to 18; 12 or more students require an aide. Approve with the understanding that the maximum number of students in the classroom at one time remains 15.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0466.2-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1740(b) – Mild cognitive impairment

Waiver Synopsis:

Increase secondary mild cognitive impairment total caseload to 18; no more than 15 at one time.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0467.1-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1741 – Programs for students with emotional impairment

Waiver Synopsis:

Elementary programs for the emotionally impaired shall serve no more than 18 different students; however, no more than 12 students can be in the room at any one time. When the class size reaches 11 students at any one time, an aide must be provided. Programs designed to serve severely emotionally impaired would not be considered for this waiver.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0467.2 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1741 – Programs for students with emotional impairment

Waiver Synopsis:

Secondary programs for the emotionally impaired shall serve no more than 18 different students; however, no more than 12 students can be in the room at any one time. When the class size reaches 11 students at any one time, an aide must be provided. Programs designed to serve severely emotionally impaired would not be considered for this waiver.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0468-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1745(c) – Services for students with speech and language impairment

Waiver Synopsis:

Maintain caseload of 60 students; however, students under evaluation will not be counted on the caseload. The caseload shall be adjusted based on factors identified in subdivision (b) of this rule. Further, the waiver does not supplant subdivision (b) of the rule which continues to influence the caseload based upon "the severity and multiplicity of the handicaps and the extent of the service."

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0469-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase total caseload to 18; no more than 15 students at one time. An aide must be assigned when 12 or more students are in the classroom at one time.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0470.2-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1749(2) – Teacher consultant; caseload; responsibilities

Waiver Synopsis:

Maintain caseload of 25 students; however, students under evaluation will not be counted on the caseload.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0472.1-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1749a(2)(4) – Elementary level resource program

Waiver Synopsis:

Increase total caseload to 23. Maximum allowed in classroom at one time is 15 students and no more than an average of 12 per class period per instructional day.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0476-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Increase total caseload from 20 to 23. 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:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0481-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1790(a)(c) – Teacher consultants for students with disabilities

Waiver Synopsis:

All teacher consultants must possess a master's degree pursuant to federal requirements. A minimum of 3 years of satisfactory teaching experience is required; however, this teaching experience can be in general education, special education, or a combination of the two.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009

#R/0904-06 OSE/EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Each teacher shall serve not more than an average of 13 students per class period per instructional day and will serve no more than 15 at one time.

District Rationale:

- Districts that choose to implement the waivers will keep records of concerns identified by the director of special education. This information will be reviewed by each district and Genesee Intermediate School District. The evaluations will be shared through the Genesee County Association of Special Education Administrators and Parent Advisory Committee.
- Waivers were used on an as needed and individual basis.
- During the course of the waivers, school districts did not always maximize caseloads; however, aides were provided as specified by the Department when certain class sizes were impacted.
- Waivers allowed flexibility in providing effective scheduling of students through the day.
- No formal or informal complaints were filed pertaining to utilization of approved waiver.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2009