



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

March 24, 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 a waiver denied by the Superintendent on February 27, 2008, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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

**#0951-07 OSE/EIS Lansing School District**

Exemptions: N/A

Administrative Rule: 340.1799e – Psychologist defined.

Waiver Synopsis:

Request that the regulations governing the Michigan Department of Education licensure of school psychologists be waived to allow hiring a specific applicant.

District Rationale:

- One applicant has applied for a position at the Lansing School District after posting, advertising, and soliciting through “word of mouth” for a school psychologist position.
- Applicant had been an employee of the Lansing School District and had performed well for three years while pursuing a career in special education law. The applicant’s school psychologist license lapsed during his law practice. The applicant has a graduate degree in law and a number of special education courses. The applicant’s license is current in the state of Wisconsin.
- The president of the Lansing School District Parent Advisory Committee, the superintendent, and special education director of the Ingham Intermediate School District were notified.
- The Lansing School District is anticipating the retirement of two additional psychologists by 2009 and believes compliance with good faith effort required by CFR 300.136(g) has been met.
- The applicant will complete six credit hours in a planned program of graduate study for school psychologists by the end of the three-year period; he will be supervised by a licensed school psychologist on the Lansing School District staff.
- Granting the waiver request will provide expanded opportunities to special and general education students beyond the current status of sporadic school psychologist services.

Action:

Denied as the waiver request violates the Revised School Code and the Public Health Code.