



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

September 24, 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 May 8, 2007, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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#R/0939-07 OSE/EIS Mecosta-Osceola Intermediate School District

Exemptions: N/A

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

Waiver Synopsis:

Eliminate the caseload limit of 18 and replace with a caseload cap of 23 students. The maximum number of students in the classroom at one time would remain at ten, with the exception of those programs that are departmentalized, which may have an average of ten per period.

District Rationale:

- Application will be shared with the Parent Advisory Committee upon submission to the Michigan Department of Education. The topic will also be discussed at each participating agency's board meeting following submission of the application. All resource program teachers will be informed by email that the agencies have submitted the application.
- On four occasions during the course of the 2006-2007 school year, the Mecosta-Osceola Intermediate School District (ISD) monitored which resource programs were operating under the waiver. Of the 61 resource programs operated through the Mecosta-Osceola ISD, a total of 18 elementary and secondary programs used the waiver at various times; six were elementary programs averaging 21 students per caseload, an increase of 3 students over the caseload limit in rule.
- During the 2006-2007 school year, the Mecosta-Osceola ISD contracted Public Sector Consultants to administer surveys of teachers and students affected by the waiver. The Mecosta-Osceola ISD will continue to monitor teacher and parent opinion, if required, for continued approval of the waiver.
- The Mecosta-Osceola ISD has the capability to review progress reports submitted by special education providers to parents. If necessary, this review will be used to further gauge the impact of increased caseloads upon student performance.

Action:

Approve for the 2007-2008 school year. The Michigan Department of Education will require data on student outcomes as a follow-up to this waiver request.

Recommended waiver period:

Department approval through June 30, 2008

#R/0940-07 OSE/EIS Mecosta-Osceola Intermediate School District

Exemptions: N/A

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. The maximum number of students in the classroom at one time would remain at ten, with the exception of those programs that are departmentalized, which may have an average of ten per period.

District Rationale:

- Application will be shared with the Parent Advisory Committee upon submission to the Michigan Department of Education. The topic will also be discussed at each participating agency's board meeting following submission of the application. All resource program teachers will be informed by email that the agencies have submitted the application.
- On four occasions during the course of the 2006-2007 school year, the Mecosta-Osceola Intermediate School District (ISD) monitored which resource programs were operating under the waiver. Of the 61 resource programs operated through the Mecosta-Osceola ISD, a total of 18 elementary and secondary programs used the waiver at various times; six were elementary programs averaging 21 students per caseload, an increase of 3 students over the caseload limit in rule.
- During the 2006-2007 school year, the Mecosta-Osceola ISD contracted Public Sector Consultants to administer surveys of teachers and students affected by the waiver. The Mecosta-Osceola ISD will continue to monitor teacher and parent opinion, if required, for continued approval of the waiver.
- The Mecosta-Osceola ISD has the capability to review progress reports submitted by special education providers to parents. If necessary, this review will be used to further gauge the impact of increased caseloads upon student performance.

Action:

Approve for the 2007-2008 school year. The Michigan Department of Education will require data on student outcomes as a follow-up to this waiver request.

Recommended waiver period:

Department approval through June 30, 2008