



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 26, 2010

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 October 13, 2009, 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 • (517) 373-3324

#0961-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1749(c)(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 students at one time.

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0962-09 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 requires an aide. Approve with the understanding that the maximum number of students in the classroom at one time remains 15.

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0963-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

Administrative Rule: 340.1749(b) – Mild cognitive impairment

Waiver Synopsis:

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

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0964-09 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 1 time, an aide must be provided. Programs designed to serve severely emotionally impaired would not be considered for this waiver.

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0965-09 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 1 time. When the class size reaches 11 students at any 1 time, an aide must be provided. Programs designed to serve severely emotionally impaired would not be considered for this waiver.

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations

will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).

- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0966-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Maintain a caseload of 60 students; however, students under evaluation will not be counted on the caseload. The caseload shall be adjusted based on factors in subdivision (b) of this rule. Further, the waiver does not supplant Part 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:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver,

school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.

- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0967-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

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

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.

- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0968-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

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

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the

GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0969-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

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

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:
Department approval through June 30, 2013

#0970-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

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

District Rationale:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:
Department approval through June 30, 2013

#0971-09 OSE-EIS Genesee Intermediate School District

Exemptions: None

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

Waiver Synopsis:

All teacher consultants must possess a master's degree pursuant to federal requirements. A minimum of three 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:

- All districts choosing to implement the waiver will keep records of concerns identified by the director of special education. The information will be reviewed by each district and the Genesee Intermediate School District (ISD). Evaluations will be shared through the Genesee County Association of Special Education Administrators (GCASEA) and the Parent Advisory Committee (PAC).
- A review of the preceding waiver form indicated that the waiver was used on an as needed basis. The information indicated that during the course of the waiver, school districts did not always maximize caseloads; however, aides were provided as specified by the Michigan Department of Education when certain class sizes were impacted.
- Several districts indicated the waiver allowed flexibility in providing effective scheduling of students throughout the day.
- No formal or informal complaints were filed with the Genesee ISD pertaining to the utilization of a previously filed waiver.
- Districts choosing to implement the waiver will keep records of concerns identified by individualized education program team meetings or specific cases of individual students adversely affected by the rule being waived.
- Local districts and the Genesee ISD will also analyze any informal or formal complaint which may be attributed to the utilization of a waiver that adversely affects meeting the needs of students with disabilities. Districts, through the GCASEA and the PAC, will review the affects of the waiver at the conclusion of each semester. If problems are identified, the waiver will be addressed.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0972-10 OSE-EIS Manton Consolidated Schools

Exemptions: Not applicable.

Administrative Rule: 340.1740(a) – Mild cognitive impairment

Waiver Synopsis:

Allow the elementary cognitively impaired classroom to have a caseload of three over the limit and to have three over ten in any class at one time as long as a teacher aide is scheduled in any class with ten or more.

District Rationale:

- Ten new elementary and middle school special education students have moved into the district since the beginning of the school year. In order to make an even balance, students were transferred into the middle school special education program.
- The district is involved in Deficit Reduction Spending. This is the second year the district has been able to work toward establishing a Fund Balance. The district is currently revising the school budget.
- The special education teacher agrees that increasing the class limit by three will not be detrimental to the education that goes on in the classroom. The district does not go over the limit of ten per period in any classroom except one, and there is a special education aide in the classroom for four hours per day during that time. Most class periods average between five to seven students.
- A letter was sent to all parents of special education students informing them of this waiver request. The waiver was discussed at the local school board meeting on November 9, 2009, and an opportunity for community input was made available.
- The district feels a positive educational experience can be provided with the number of special education teachers currently on staff. The full time equivalency for the classroom is 5.63.
- The Manton Consolidated Schools' special education coordinator and the elementary school principal will oversee the caseload numbers. They will also oversee the implementation of the individualized education programs (IEPs) to ensure provision of a productive learning environment. If changes are needed that require changes to the waiver, a new waiver request will be made.
- At the end of each semester, the teachers will be surveyed to determine if caseloads are manageable and to determine if students are making progress according to their IEP goals. Parents will be surveyed mid-year. Progress reports are sent home each marking period to show growth on IEP objectives. MEAP Access, Mi-Access, and MEAP scores will be evaluated yearly to determine if growth is being made.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0973-10 OSE-EIS Manton Consolidated Schools

Exemptions: Not applicable.

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

Waiver Synopsis:

Allow the middle school to have a caseload of three over the limit in the secondary resource room, and to have three over the class limit of ten at any one time with the understanding that a classroom aide will be provided any time an individual class size is over ten.

District Rationale:

- Ten new elementary and middle school special education students have moved into the district since the beginning of the school year. In order to make an even balance, students were transferred into the middle school special education program.
- The district is involved in Deficit Reduction Spending. This is the second year the district has been able to work toward establishing a Fund Balance. The district is currently revising the school budget.
- The special education teachers agree that increasing the class limit by three will not be detrimental to the education that goes on in the classroom. The district does not go over the limit of ten per period in any classroom except one, and there is a special education aide in the classroom for three and a half hours per day, and there is another aide in the classroom for an additional hour a day. Most class periods average between seven to nine students.
- A letter was sent to all parents of special education students informing them of this waiver request. The waiver was discussed at the local school board meeting on November 9, 2009, and an opportunity for community input was made available.
- The district feels a positive educational experience can be provided with the number of special education teachers currently on staff. The full time equivalency for the classroom is 5.49.
- The Manton Consolidated Schools' special education coordinator and the elementary school principal will oversee the caseload numbers. They will also oversee the implementation of the individualized education programs (IEPs) to ensure provision of a productive learning environment. If changes are needed that require changes to the waiver, a new waiver request will be made.
- At the end of each semester, the teachers will be surveyed to determine if caseloads are manageable and to determine if students are making progress according to their IEP goals. Parents will be surveyed mid-year. Progress reports are sent home each marking period to show growth on IEP objectives. MEAP Access, Mi-Access, and MEAP scores will be evaluated yearly to determine if growth is being made.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0974-10 OSE-EIS Jackson Public Schools

Exemptions: Not applicable

Administrative Rule: 340.1740(a) – Programs for students with mild cognitive impairment

Waiver Synopsis:

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

District Rationale:

- The Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for the JPS for 2008/2009 was 9.91 FTE for all classroom programs. The FTE was 8.29 at the elementary level for classrooms for the mild cognitive impairment program. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- The JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.
- The current renewal proposal was discussed with teacher consultants and a question/answer format was utilized to ensure understanding. The teacher consultants were requested to return to their buildings and share the information with program and service teachers. An informational meeting for staff to attend was held. Parents were also invited to an informational and question/answer session. Letters were sent by each teacher of record to parents of students on their caseloads that a meeting would be held. An opportunity during the JPS' Board of Education meeting for an open discussion was held.
- Approval of the waiver will give the JPS flexibility in program determination. The JPS will decide, at least temporarily, not to implement conditions of the waiver under certain circumstances (inexperienced teacher or student group dynamics). The waiver will be implemented based on student needs in the classroom.
- The JPS will monitor the process on a monthly basis; the process will be subject to the annual Jackson County Intermediate School District special education

monitoring for which standards will be developed specifically for this waiver. At the end of the school year, the JPS will engage in an oversight review process to refine future waiver implementations.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0975-10 OSE-EIS Jackson Public Schools

Exemptions: Not applicable.

Administrative Rule: 340.1740(b) – Programs for students with mild cognitive impairment

Waiver Synopsis:

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

District Rationale:

- The Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for the JPS for 2008/2009 was 9.91 FTE for all classroom programs. The FTE was 8.0 at the secondary level for classrooms for the mild cognitive impairment program. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- The JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

- The current renewal proposal was discussed with teacher consultants and a question/answer format was utilized to ensure understanding. The teacher consultants were requested to return to their buildings and share the information with program and service teachers. An informational meeting for staff to attend was held. Parents were also invited to an informational and question/answer session. Letters were sent by each teacher of record to parents of students on their caseloads that a meeting would be held. An opportunity during the JPS' Board of Education meeting for an open discussion was held.
- Approval of the waiver will give the JPS flexibility in program determination. The JPS will decide, at least temporarily, not to implement conditions of the waiver under certain circumstances (inexperienced teacher or student group dynamics). The waiver will be implemented based on student needs in the classroom.
- The JPS will monitor the process on a monthly basis; the process will be subject to the annual Jackson County Intermediate School District special education monitoring for which standards will be developed specifically for this waiver. At the end of the school year, the JPS will engage in an oversight review process to refine future waiver implementations.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0976-10 OSE-EIS Jackson Public Schools

Exemptions: Not applicable.

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

Waiver Synopsis:

Increase to no more than 23 different students; no more than 12 students at any one time. The remainder of the rule is maintained.

District Rationale:

- The Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special

education FTE for JPS for 2008/2009 was 9.91 FTE for all classroom programs. The FTE was 11.0 at the elementary level resource room programs for the current school year. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.

- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- The JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.
- The current renewal proposal was discussed with teacher consultants and a question/answer format was utilized to ensure understanding. The teacher consultants were requested to return to their buildings and share the information with program and service teachers. An informational meeting for staff to attend was held. Parents were also invited to an informational and question/answer session. Letters were sent by each teacher of record to parents of students on their caseloads that a meeting would be held. An opportunity during the JPS' Board of Education meeting for an open discussion was held.
- Approval of the waiver will give the JPS flexibility in program determination. The JPS will decide, at least temporarily, not to implement conditions of the waiver under certain circumstances (inexperienced teacher or student group dynamics). The waiver will be implemented based on student needs in the classroom.
- The JPS will monitor the process on a monthly basis; the process will be subject to the annual Jackson County Intermediate School District special education monitoring for which standards will be developed specifically for this waiver. At the end of the school year, the JPS will engage in an oversight review process to refine future waiver implementations.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0977-10 OSE-EIS Jackson Public Schools

Exemptions: Not applicable.

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

Waiver Synopsis:

Increase to no more than 23 different students; no more than 12 students in the classroom at any one time.

District Rationale:

- The Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2008/2009 was 9.91 FTE for all classroom programs. The FTE was 11.0 for the secondary level resource room programs for the current school year. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- The JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.
- The current renewal proposal was discussed with teacher consultants and a question/answer format was utilized to ensure understanding. The teacher consultants were requested to return to their buildings and share the information with program and service teachers. An informational meeting for staff to attend was held. Parents were also invited to an informational and question/answer session. Letters were sent by each teacher of record to parents of students on their caseloads that a meeting would be held. An opportunity during the JPS' Board of Education meeting for an open discussion was held.
- Approval of the waiver will give the JPS flexibility in program determination. The JPS will decide, at least temporarily, not to implement conditions of the waiver under certain circumstances (inexperienced teacher or student group dynamics). The waiver will be implemented based on student needs in the classroom.
- The JPS will monitor the process on a monthly basis; the process will be subject to the annual Jackson County Intermediate School District special education monitoring for which standards will be developed specifically for this waiver. At the end of the school year, the JPS will engage in an oversight review process to refine future waiver implementations.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0978-10 OSE-EIS Jackson Public Schools

Exemptions: Not applicable.

Administrative Rule: 340.1741 – Programs for students with emotional impairment

Waiver Synopsis:

Programs for the emotional impaired shall serve no more than 18 different students, of which 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 will be provided.

District Rationale:

- The Jackson Public Schools (JPS) believes the intent of the rule is to give parameters to classroom caseloads which will ensure that teachers have small enough caseloads to be effective in the classroom while, at the same time, allowing enough students in a program so that districts can be fiscally responsible to the taxpayers; i.e., cost of programs.
- When current special education rules were written there was much less mainstreaming. Headcount and full time equivalent (FTE) indicators were nearly the same. Special education headcounts continue to increase, but the model for providing service has changed to more of a resource program concept where headcount is a less reliable figure. Continued reliance on the headcount figure is forcing districts to hire additional special education staff while, at the same time, they are teaching fewer full-time equivalent students. The average special education FTE for JPS for 2008/2009 was 9.91 FTE for all classroom programs. The FTE was 11.0 for the secondary level resource room programs for the current school year. It is anticipated that the FTE count will increase proportionately, but that the classroom student numbers will continue to allow for effective and appropriate instruction for each student. It is believed that quality programming can be maintained.
- Students have the safeguard of a free appropriate public education as it relates to their individual programs.
- The JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.
- The current renewal proposal was discussed with teacher consultants and a question/answer format was utilized to ensure understanding. The teacher consultants were requested to return to their buildings and share the information with program and service teachers. An informational meeting for staff to attend was held. Parents were also invited to an informational and question/answer session. Letters were sent by each teacher of record to parents of students on

their caseloads that a meeting would be held. An opportunity during the JPS' Board of Education meeting for an open discussion was held.

- Approval of the waiver will give the JPS flexibility in program determination. The JPS will decide, at least temporarily, not to implement conditions of the waiver under certain circumstances (inexperienced teacher or student group dynamics). The waiver will be implemented based on student needs in the classroom.

- The JPS will monitor the process on a monthly basis; the process will be subject to the annual Jackson County Intermediate School District special education monitoring for which standards will be developed specifically for this waiver. At the end of the school year, the JPS will engage in an oversight review process to refine future waiver implementations.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013

#0979-10 OSE-EIS Jackson Public Schools

Exemptions: Not applicable.

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

Waiver Synopsis:

Teacher consultants assigned to no more than two different buildings may serve up to 30 students on their caseload.

District Rationale:

- The Jackson Public Schools (JPS) now employs teacher consultants to provide service to one or two buildings. This model eliminates the need for teacher consultants to expend time in travel. The proposed waiver increases the total caseload to 30 students for teacher consultants assigned to no more than two different buildings.

- The JPS operates on a building-based teacher consultant model where a specific teacher consultant is responsible for coordinating all the activities and programs for special education students within that building; includes communicating with all staff members regarding administrative proposals and changes.

- The current renewal proposal was discussed with teacher consultants and a question/answer format was utilized to ensure understanding. The teacher consultants were requested to return to their buildings and share the information with program and services teachers. An informational meeting for staff to attend was held. Parents were also invited to an informational and question/answer session. Letters were sent by each teacher of record to parents of students on their caseloads that a meeting would be held. An opportunity during the JPS' Board of Education meeting for an open discussion was held.

- Approval of the waiver will give the JPS flexibility in program determination. The JPS will decide, at least temporarily, not to implement conditions of the waiver under certain circumstances (inexperienced teacher or student group dynamics). The waiver will be implemented based on student needs in the classroom.
- The JPS will monitor the process on a monthly basis; the process will be subject to the annual Jackson County Intermediate School District special education monitoring for which standards will be developed specifically for this waiver. At the end of the school year, the JPS will engage in an oversight review process to refine future waiver implementations.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2013