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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

Memorandum

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., Chairman

DATE: October 2, 2002

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 the waivers approved by the Superintendent since September 12, 2002, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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R/0661 -02 - OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (a) - Severe cognitive impairment

Waiver Synopsis:

Increase the maximum allowable number of students from 15 to 16 with one teacher and three aides.

District Rationale:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approve, noting that the third aide is assigned with the 13th student.

Recommended waiver period:

Department approval to the end of 2005 summer education program

R/0662 -02 - OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1748 (1) - Programs for students with severe multiple impairments

Waiver Synopsis:

Raise the maximum number of students from 1 teacher and 2 instructional aides with 9 students to 1 teacher, 2 instructional aides, and 10 students.

District Rationale:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approve, noting that the second aide must be assigned with the 9th student.

Recommended waiver period:

Department approval to the end of 2005 summer education program

R/0663 -02 - OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1740 (a) - Mild cognitive impairment

Waiver Synopsis:

Allow caseload of 18 students, maintaining the requirements of (1) a paraprofessional being added when 12 or more students are in the classroom at any one time and (2) no more than 15 students in the classroom at any one time.

District Rationale:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approved

Recommended waiver period:

Department approval through June 30, 2005

R/0664 -02 - OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1740 (b) - Mild cognitive impairment

Waiver Synopsis:

Allow caseload of 18 students, maintaining the requirement of no more than 15 students in the classroom at any one time.

District Rationale:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005

R/0667 -02 - OSE/EIS St. Clair Intermediate School District

Exemptions: None

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

Waiver Synopsis:

Allow caseloads in the elementary resource room programs a maximum of 10 FTEs or 25 headcount, with no more than 10 students at a time.

District Rationale:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approve with modification. The elementary resource teacher shall serve not more than 10 students at any one time and not more than a caseload of 10 FTEs. The caseload cap shall not exceed 23 different students.

Recommended waiver period:

Department approval through June 30, 2005

R/0669 -02 - OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1790 (c) - Teacher consultants for handicapped persons;
approval

Waiver Synopsis:

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:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005