



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

Memorandum

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., Chairman
Tom Watkins

DATE: August 30, 2004

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 July 7, 2004, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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R/0849 -04 - OSE/EIS Calhoun Intermediate School District

Exemptions: None

Administrative Rule: 340.1758(a) - Programs for students with autism

Waiver Synopsis:

Increase caseload from five to eight students in elementary and secondary level autism programs with an addition of a second aide when the sixth student is added to the program.

District Rationale:

- Waiver will ensure adequate staff to provide instruction and a safe environment for students with autism who may exhibit a variety of behavioral, cognitive, and social difficulties.
- The addition of an instructional aide will maintain a staff/student ratio of between 2.0:6 to 2.6:8 depending upon the size of the group (with an addition of a second aide when the sixth student is added to the program).
- Greater numbers of students increases the flexibility of appropriate student grouping.
- Teachers and staff at similar sites can coordinate support based on need and student schedules.
- Waiver developed with input from staff; the Parent Advisory Committee was informed of waiver and was reviewed with the Parent Advisory Committee; waiver was discussed with special education supervisors and they were in support of continuing the waiver; waiver was discussed with superintendents and no concerns were expressed.
- Very few parent concerns have been expressed re: classroom numbers or staffing levels. Greater concern surfaces when trying to identify qualified autistic impaired endorsed candidates as teachers.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

R/0891 -04 - OSE/EIS Calhoun Intermediate School District

Exemptions: N/A

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Waiver request is for an increase from 10 to 14 students in an emotionally impaired classroom at one time at Starr Commonwealth.*

District Rationale:

- While providing students with adequate educational support, caseloads have increased due to the State's need to move children out of detention and into residential placements immediately.
- Courts are requesting immediate placement of youth at Starr Commonwealth.
- Increase will not adversely affect student instruction.
- There is support from the majority of staff for the increase in caseload numbers.
- Weekly staff meetings afford teachers an opportunity to provide continuing feedback on the effects of the waiver.
- Careful review of each student's unique needs and corresponding educational program will be made at annually scheduled individualized education program meetings.

Action:

Approve with 10 to 14 students at Starr Commonwealth

Recommended waiver period:

Departmental approval through June 30, 2005

*Starr Commonwealth is a residential home and they contract with Calhoun Intermediate School District (ISD) to provide educational services. Calhoun ISD employs the teachers who provide educational services at Starr Commonwealth.