



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  
**DATE:** December 29, 2003  
**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 December 18, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# 0918-03 - OSE/EIS Livingston Educational Service Agency**

Exemptions: Livingston Technical Academy, Livingston Developmental Academy

Administrative Rule: 340.1749c(4) - Departmentalization of special education programs

Waiver Synopsis:

Request for each teacher to serve no more than an average of 13 students per class period per instructional day.

District Rationale:

- Ensure there is an appropriate staff-to-student ratio at all times in the classroom.
- Allowing an average of 13 students per class period would minimize having to change a student's entire schedule to place him/her in an appropriate special education class.
- Increased emphasis on least restrictive environment means students with disabilities are in general education classrooms for longer periods of time which allows special education teachers to support a larger number of students.
- All Livingston ESA districts have implemented the co-teaching model in the general education classrooms.
- Approval will enable staff to provide better service to children with disabilities at a time that is more conducive to the students' school day; special education teacher has only one subject to teach per period.
- Model allows special education teachers to serve additional special education students.

Action:

Approve with modification: Allow an average of 13 students per class period per instructional day with no more than 15 students in the classroom at any one time.

Recommended waiver period:

Department approval through June 30, 2006

**# 0919-03- OSE/EIS Livingston Educational Service Agency**

Exemptions: Livingston Technical Academy, Livingston Developmental Academy

Administrative Rule: 340.1749 (2) - Secondary level resource program

Waiver Synopsis:

Request for each secondary resource teacher to serve no more than 15 students at any one time and have a caseload of not more than 20 different students.

District Rationale:

- Ensure that there is an appropriate staff-to-student ratio at all times in the classroom.
- Increased emphasis on least restrictive environment means students with disabilities are in general education classrooms for longer periods of time which allows special education teachers to support a larger number of students.
- All Livingston ESA districts have implemented the co-teaching model in the general education secondary classrooms.
- In the secondary level pull-out models, the special education teacher is still providing students with access to the general education curriculum. Therefore, the special education teacher only has to teach one subject per period.
- Model allows special education teachers to serve additional special education students.
- Enables staff to provide better service to children with disabilities at a time that is more conducive to the students' schedules and learning styles.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

**# R/0880 -03- OSE/EIS Mecosta-Osceola Intermediate School District**

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow 208 total days with 5:50 hours of instruction, three days per week, during the summer.

District Rationale:

- Approval will help with staff attendance due to "burnout."
- Previously, hiring substitute teachers and teachers-aides was difficult because fewer and fewer individuals wanted to come to work for three hours worth of pay.
- Students with severe cognitive impairment will be receiving more hours of instruction during a typical week during the summer than when they were receiving instruction for three hours, five days per week.
- With this waiver, students would be scheduled for 208 days of instruction and over 1,190 hours of instruction.
- Parent surveys show overwhelmingly positive results with the revised schedule.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

**# R/0881 -03 -OSE/EIS Mecosta-Osceola Intermediate School District**

Exemptions: None

**Administrative Rule: 340.1748 (2) - Programs for students with severe multiple impairments**

**Waiver Synopsis:**

Allow 208 total days with 5:50 hours of instruction, three days per week, during the summer.

**District Rationale:**

- Approval will help with staff attendance due to “burnout.”
- Previously, hiring substitute teachers and teachers-aides was difficult because fewer and fewer individuals wanted to come to work for three hours worth of pay.
- Students with severe multiple impairment would be receiving more hours of instruction during a typical week during the summer than when they were receiving instruction for three hours, five days per week.
- With this waiver, students would be scheduled for 208 days of instruction and over 1,190 hours of instruction.
- Parent surveys show overwhelmingly positive results with the revised schedule.

**Action:**

Approve.

**Recommended waiver period:**

Department approval through June 30, 2006