



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: March 29, 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 January 13, 2004, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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0922-03- OSE/EIS Holly Area Schools

Exemptions: N/A

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Requesting the severe cognitive impairment classroom be allowed to decrease the number of days from 230 to 227 for the 2003-2004 program year.

District Rationale:

- June 28-29 are currently scheduled as half-day programs.
- Believe that eliminating the 3 half-days will not cause increased loss of skills for 18 students.
- Will still exceed 1,150 clock hours of instruction.
- Request is required for completion of construction work in the classrooms. The entire building is closed for renovations during this time period.
- Students' progress toward their goals and objectives will not be sacrificed, and the status indicated at regular intervals on their individualized education program goals and objectives will demonstrate expected progress.

Action:

Approve.

Recommended waiver period:

Department approval to the end of 2004 summer education program

0923-03- OSE/EIS Holly Area Schools

Exemptions: N/A

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

Waiver Synopsis:

Requesting the severe multiple impairment classroom be allowed to decrease the number of days from 230 to 227 for the 2003-2004 program year.

District Rationale:

- June 28-29 are currently scheduled as half-day programs.
- Believe that eliminating the 3 half-days will not cause increased loss of skills for 18 students.
- Will still exceed 1,150 clock hours of instruction.
- Request is required for completion of construction work in the classrooms. The entire building is closed for renovations during this time period.
- Students' progress toward their goals and objectives will not be sacrificed, and the status indicated at regular intervals on their individualized education program goals and objectives will demonstrate expected progress.

Action:

Approve.

Recommended waiver period:

Department approval to the end of 2004 summer education program

0924-03 - OSE/EIS Holly Area Schools

Exemptions: N/A

Administrative Rule: 340.1749b(2)(3) - Secondary level resource program

Waiver Synopsis:

Requesting that secondary resource room teachers be allowed to have 23 different students on their caseload with not more than 13 in the classroom at any one time and with no more than 10 FTEs.

District Rationale:

- FTEs range from 2.01 to 5.76 for secondary resource room teachers who are currently at their caseload limit.
- District strongly believes in and practices the approach that most children benefit most from some individualized support with the majority of their time spent in their general education classroom.
- District employs 20 para educators to support special education students in middle and high schools.
- Secondary resource room teachers provide consultation and support to general education teachers and special education students in general education classrooms; middle school resource room teachers co-teach with general education teachers 12 hours per week, high school resource room teachers co-teach 14 hours per week.
- General education teachers are supportive of special education students in their classrooms and routinely differentiate instruction.
- Teachers and administrators are participating in Understanding by Design (training) which focuses on differentiating instruction for all students.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

0925-04 - OSE/EIS Lake Orion Community Schools

Exemptions: None

Administrative Rule: 340.1758 (1)(a) - Programs for students with autism

Waiver Synopsis:

Increase the size of the autistic programs from five to six students with one teacher and 2 para educators which would provide a ratio of one adult to two students with autism.

District Rationale:

- Population of students with autism has more than doubled. Currently have two autistic programs in the district.
- Feel they can continue to provide successful programming for students with autism even with the increase in numbers.
- Will provide teacher with two para educators, as well as give consultation support with an autistic consultant.
- Will allow expansion of spaces available to the students in the district and allow them to provide additional support to students within the buildings.
- Teachers of autism are very supportive of the students in the autistic programs and in the general education setting.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

0920-03- OSE/EIS West Bloomfield School District

Exemptions: None

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

Waiver Synopsis:

Request for an increase in the number of students who can be assigned to an elementary resource room from 18 to 23 students with a maximum of 12 students in the classroom at one time.

District Rationale:

- The number of students assigned to elementary resource room programs has expanded; however, the amount of time students spend in these settings has decreased significantly.
- Increased expertise in differentiating instruction.
- Greater inclusion of all students in general education.
- Increased population of teachers with a desire and sufficient training to include students in general education classes and curriculum.
- Increased use of paraprofessionals within general education classrooms who are supervised by special education teachers and trained to provide academic support within the general education classrooms.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006

0921-03- OSE/EIS West Bloomfield School District

Exemptions: None

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

Waiver Synopsis:

Request for an increase in the number of students who can be assigned to a secondary resource room from 20 to 23 students with a maximum of 15 students in the classroom at one time.

District Rationale:

- The number of students assigned to elementary resource room programs has expanded; however, the amount of time students spend in these settings has decreased significantly.
- Increased expertise in differentiating instruction.
- Greater inclusion of all students in general education.
- Increased population of teachers with a desire and sufficient training to include students in general education classes and curriculum.
- Increased use of paraprofessionals within general education classrooms who are supervised by special education teachers and trained to provide academic support within the general education classrooms.

Action:

Approve.

Recommended waiver period:

Department approval through June 30, 2006