



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: April 27, 2021

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Dr. Scott M. Koenigsknecht, Deputy Superintendent
P-20 System and Student Transitions 

SUBJECT: Opportunity to Address Special Education Critical Teacher Shortages –
MEMO #COVID-19-184

In response to the state's ongoing critical shortage of special education teachers, the Michigan Department of Education (MDE) is providing intermediate school districts (ISDs) and local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), flexibility regarding appropriately certified and endorsed special education teachers in specific special education programs. The flexibility is available through a waiver application.

These waivers are designed to minimize special education program vacancies and help address the current critical teacher shortage, to provide flexibility with current and newly hired special education teachers, and to reduce the use of substitute teachers in special education programs.

With the authority vested in him by [MCL 380.1281](#) and [Executive Order 1996-12](#), the Superintendent of Public Instruction is making available for local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), this waiver process. To access this waiver process, a school superintendent or PSA director must request a waiver for each program that he/she is interested in providing this flexibility.

Waiver to R 390.1105(3) of the Teacher Certification Code:

MCL 380.1281 allows for a limited time waiver of state administrative rules governing teacher certification. MDE is creating a limited time waiver opportunity for ISDs and districts to allow a teacher with a special education endorsement in any area to be assigned to a special education program that differs from his/her endorsement area.

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The eligible special education programs under this waiver include programs for students with cognitive impairments, emotional impairments, learning disabilities, speech and language impairment, physical and other health impairment, and severe multiple impairments.

Waivers to administrative rule 1105(3) of the Teacher Certification Code ([R 390.1105\(3\)](#)) may be approved for one year with the option to renew for any ISD or LEA that is able to demonstrate the intent of the rule can be addressed in a more effective, efficient, or economical manner, or that the waiver is necessary to stimulate improved pupil performance. The ISD or LEA must also be able to demonstrate unsuccessful attempts to fill an open special education position with a properly endorsed special education teacher.

Waiver [applications](#) are available on the MDE Office of Special Education [Program Planning](#) webpage.

Questions pertaining to this waiver opportunity may be directed to the MDE Office of Special Education Information Desk at 1-888-320-8384 or mde-ose@michigan.gov.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors