



Michigan Department of Education Office of Special Education

April 21, 2021

Waiver Application for Teacher Endorsement Flexibility Under Rule 390.1105(3)

To address the ongoing shortage of special education teachers, the Michigan Department of Education (MDE) is accepting waiver requests which will allow a district to fill an open and eligible special education program position with a special education teacher endorsed in any area of special education.

Under section 380.1281(3) of the Revised School Code, the MDE may grant to a school district a waiver of an administrative rule if the district demonstrates that it can meet the intent of the rule in a more effective, efficient, or economical manner or that the waiver is necessary to stimulate improved pupil performance.

Process

Upon demonstrating the waiver conditions are met (outlined on the next page), the MDE may grant a one-year renewable waiver to allow a special education teacher endorsed in any area to fill an open teaching position for an eligible special education program. Each annual renewal application will need to ensure the waiver conditions continue to be met.

Applicant Information

Contact Information

Applicant District

District Code

Address

City

State

Zip Code

Contact Person

Title

Telephone

Email



Waiver Request

Rationale

Explain how the district will address the intent of the rule in a more effective, efficient, or economical manner or why the waiver is necessary to stimulate improved pupil performance.



Conditions and Documentation

1. To ensure the district has attempted to fill the position with a properly endorsed teacher for a reasonable time without success, the district must provide the evidence below:
 - a. A dated copy of the original job posting, as well as any subsequent postings, for candidates with an endorsement that matches the special education program.
 - b. Documentation indicating the number of candidates with an endorsement that matches the special education program who applied for the position and reasons they were not selected.
 - c. Documentation indicating whether a substitute teacher has previously been assigned to fill the position, including dates of coverage. *Note: When the district is posting the position over the summer, the district is not required to assign a substitute teacher for the beginning of the school year before being granted approval to assign a teacher through the waiver application process.*
2. To ensure the district has exhausted all possibilities to fill the open position(s), the district must provide the evidence below:
 - a. A dated communication to all district staff detailing the critical shortage in the program area and the option for temporary approval for any certified teacher willing to enroll in a program at an institute of higher education to obtain an endorsement that matches the program.
 - b. Documentation, through a written assurance statement, that no current staff were willing to seek temporary approval.



Assurance Statement

The information in this application has been reviewed and is true to the best of our knowledge. We assure the purpose of the waiver as described in this application will be fulfilled, that it meets the criteria of the act, that it does not compromise equal opportunities for learning, and that this plan is not detrimental to the educational interests of pupils.

Superintendent/Designee Signature

Date

Submit Form

Mail, email, or fax this form to:

Michigan Department of Education

Office of Special Education

P.O. Box 30008

Lansing, MI 48909

Email: mde-ose@michigan.gov

Fax: 517-241-7141

Contact phone: 888-320-8384