



# Administrative Rule Waiver Application for Teacher Requirement Under Rule 340.1758

To address the teacher shortage in programs for students with autism spectrum disorder (ASD), this waiver application is specific to seeking Michigan Department of Education (MDE) approval to fill the position with a teacher certified in another 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.

**Author:** Michigan Department of Education Office of Special Education

**Last updated:** 10/7/19

---

## Process

Upon demonstrating the waiver conditions are met (outlined on the next page), the MDE may grant a one-year renewable waiver to allow certified special education teachers with an endorsement in cognitive impairment, emotional impairment, or learning disabilities to fill the special education teaching position for a program for students with autism spectrum disorder.

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 why the waiver is necessary to stimulate improved pupil performance.



## Conditions and Documentation

1. To ensure the district has attempted to fill the position of teacher of students with ASD for a reasonable time without success, the district must provide the evidence below:
  - a. A dated copy of the original posting, as well as any subsequent postings, for candidates with an ASD endorsement.
  - b. Documentation indicating the number of candidates with an ASD endorsement 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, it is not required that the district assign a substitute teacher for the beginning of the school year before being granted approval to assign a teacher through the waiver.*
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 district's autism program and the option for temporary approval as a teacher of students with ASD for any certified teacher willing to enroll in an autism program at an institute of higher education.
  - 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](mailto:mde-ose@michigan.gov)

Fax: 517-241-7141

**Contact phone:** 888-320-8384