



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING


GRETCHEN WHITMER  
GOVERNOR

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

**MEMORANDUM**

**DATE:** January 28, 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:** Michigan Administrative Rules for Special Education Waivers Due to  
COVID-19 Pandemic - MEMO #COVID-19-157

Michigan Public Acts 147, 148, and 149, signed into law by Governor Gretchen Whitmer on August 20, 2020, waived strict compliance with the 180-day and 1,098-hour requirements for the 2020-2021 school year. Under these Return to Learn laws, districts can educate students within a variety of learning modes and have options for demonstrating how they are providing 180 days and 1,098 hours of instruction.

Section 380.1281(3) of the Revised School Code allows districts and intermediate school districts (ISD) to apply for a limited time waiver from a State Board of Education or Michigan Department of Education administrative rule. The state superintendent may grant a limited time waiver to a district or ISD if the district can address the intent of the rule in a more effective, efficient, or economical manner, or if the waiver is necessary to stimulate improved pupil performance.

In an effort to support school districts in meeting the new requirements set forth by the [Return to Learn laws](#), as they pertain to special education, the Michigan Department of Education will process waivers when districts, in collaboration with their ISDs, submit application requests for any or all of the four rules (listed below) under the [Michigan Administrative Rules for Special Education \(MARSE\)](#). The waivers are available for all districts and ISDs for the remainder of the 2020-2021 school year. Districts must work in collaboration with their ISDs to complete and submit (a) waiver request(s) that must include a plan for how each district will ensure students in each program will continue to receive free appropriate public education (FAPE), as required by the federal Individuals with Disabilities Education Act (IDEA).

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Districts may apply to waive day and/or hour requirements for the following:

- R 340.1738(b)(i): Programs for students with severe cognitive impairments
- R 340.1748(2)(a): Programs for students with severe multiple impairments
- R 340.1754(2)(e): Early childhood special education programs

Districts may apply to provide 72 clock hours over a calendar year for the following:

- R 340.1755(2)(c): Early childhood special education services

Waiver applications can be found on the MDE-OSE [program planning webpage](#).

Questions pertaining to these waivers may be directed to the Michigan Department of Education's Office of Special Education at 1-888-320-8384 or [mde-ose@michigan.gov](mailto:mde-ose@michigan.gov).

cc: Michigan Education Alliance  
Confederation of Michigan Tribal Education Directors