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**PART 4. STANDARDS OF CONDUCT**

**R 339.23401**  
Source: 2006 AACS.

**R 339.23403**  
Source: 2007 AACS.

**R 339.23405**  
Source: 2006 AACS.

**DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION**

**SCHOOL DISTRICT PUPIL ACCOUNTING FOR DISTRIBUTION OF STATE AID**

**R 340.1**  
Source: 2008 AACS.

**R 340.2**  
Source: 2008 AACS.

**R 340.3**  
Source: 2008 AACS.

**R 340.4**  
Source: 2008 AACS.

**R 340.5**  
Source: 2008 AACS.

**R 340.6**  
Source: 2008 AACS.

**R 340.7**  
Source: 2008 AACS.

**R 340.8**  
Source: 1997 AACS.

**R 340.10**  
Source: 2008 AACS.

**R 340.10a**  
Source: 2008 AACS.

**R 340.11**  
Source: 2008 AACS.

**R 340.12**  
Source: 2008 AACS.

**R 340.13**  
Source: 2008 AACS.

**R 340.14**  
Source: 2008 AACS.

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**R 340.15**  
Source: 2008 AACCS.

**R 340.16**  
Source: 2008 AACCS.

**R 340.17**  
Source: 2008 AACCS.

**R 340.18**  
Source: 2008 AACCS.

**RELEASE OF CHILDREN FOR ATTENDING RELIGIOUS INSTRUCTION CLASSES**

**R 340.71**  
Source: 1979 AC.

**R 340.72**  
Source: 1979 AC.

**R 340.73**  
Source: 1979 AC.

**R 340.74**  
Source: 1979 AC.

**R 340.75**  
Source: 1979 AC.

**INTERSCHOLASTIC ATHLETICS**

**R 340.81**  
Source: 1997 AACCS.

**R 340.82**  
Source: 1997 AACCS.

**R 340.83**  
Source: 1997 AACCS.

**R 340.84**  
Source: 1997 AACCS.

**R 340.85**  
Source: 1997 AACCS.

**R 340.86**  
Source: 1997 AACCS.

**R 340.87**  
Source: 1997 AACCS.

**R 340.88**  
Source: 1997 AACCS.

**R 340.89**  
Source: 1997 AACCS.

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**R 340.90**  
Source: 1997 AACS.

**R 340.91**  
Source: 1997 AACS.

**R 340.92**  
Source: 1997 AACS.

**R 340.101**  
Source: 1997 AACS.

**R 340.102**  
Source: 1997 AACS.

**R 340.103**  
Source: 1997 AACS.

**R 340.104**  
Source: 1997 AACS.

**R 340.105**  
Source: 1997 AACS.

**R 340.106**  
Source: 1997 AACS.

**R 340.107**  
Source: 1997 AACS.

**R 340.108**  
Source: 1997 AACS.

**R 340.109**  
Source: 1997 AACS.

**R 340.110**  
Source: 1997 AACS.

**R 340.111**  
Source: 1997 AACS.

**R 340.112**  
Source: 1997 AACS.

**R 340.121**  
Source: 1997 AACS.

**R 340.122**  
Source: 1997 AACS.

**R 340.123**  
Source: 1997 AACS.

**R 340.124**  
Source: 1997 AACS.

**R 340.125**  
Source: 1997 AACS.

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- R 340.126**  
Source: 1997 AACS.
- R 340.127**  
Source: 1997 AACS.
- R 340.128**  
Source: 1997 AACS.
- R 340.129**  
Source: 1997 AACS.
- R 340.130**  
Source: 1997 AACS.
- R 340.131**  
Source: 1997 AACS.
- R 340.132**  
Source: 1997 AACS.
- R 340.141**  
Source: 1997 AACS.
- R 340.142**  
Source: 1997 AACS.
- R 340.143**  
Source: 1997 AACS.
- R 340.144**  
Source: 1997 AACS.
- R 340.145**  
Source: 1997 AACS.
- R 340.151**  
Source: 1997 AACS.
- R 340.152**  
Source: 1997 AACS.
- R 340.153**  
Source: 1997 AACS.
- R 340.154**  
Source: 1997 AACS.
- R 340.155**  
Source: 1997 AACS.
- R 340.161**  
Source: 1997 AACS.
- R 340.162**  
Source: 1997 AACS.
- R 340.163**  
Source: 1997 AACS.

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**R 340.164**  
Source: 1997 AACS.

**WORK-CAMP PERMITS**

**R 340.181**  
Source: 1997 AACS.

**R 340.182**  
Source: 1997 AACS.

**R 340.183**  
Source: 1997 AACS.

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**WORK PERMITS**

**R 340.186**  
Source: 1997 AACS.

**R 340.187**  
Source: 1997 AACS.

**STATE BOARD OF EDUCATION**

**DEMONSTRATION PROGRAM FOR OUT-OF-WORK SCHOOL DROPOUTS**

**R 340.201**  
Source: 1997 AACS.

**R 340.202**  
Source: 1997 AACS.

**R 340.203**  
Source: 1997 AACS.

**R 340.204**  
Source: 1997 AACS.

**R 340.205**  
Source: 1997 AACS.

**R 340.206**  
Source: 1997 AACS.

**R 340.207**  
Source: 1997 AACS.

**R 340.208**  
Source: 1997 AACS.

**R 340.209**  
Source: 1997 AACS.

**R 340.210**  
Source: 1997 AACS.

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**R 340.211**  
Source: 1997 AACS.

**R 340.212**  
Source: 1997 AACS.

**R 340.213**  
Source: 1997 AACS.

**R 340.214**  
Source: 1997 AACS.

**USE OF SCHOOL BUS FOR TRANSPORTATION OF SENIOR CITIZENS**

**R 340.231**  
Source: 1979 AC.

**R 340.232**  
Source: 1979 AC.

**R 340.233**  
Source: 1979 AC.

**R 340.234**  
Source: 1979 AC.

**R 340.235**  
Source: 1979 AC.

**R 340.236**  
Source: 1979 AC.

**R 340.237**  
Source: 1979 AC.

**R 340.238**  
Source: 1979 AC.

**FEEES FOR TRANSPORTING PUPILS TO OR FROM NONMANDATORY AND NONCREDIT EVENTS**

**R 340.241**  
Source: 1979 AC.

**R 340.242**  
Source: 1979 AC.

**R 340.243**  
Source: 1979 AC.

**STATE AID FOR TRANSPORTATION OF SCHOOLCHILDREN**

**R 340.271**  
Source: 1997 AACS.

**R 340.272**  
Source: 1997 AACS.

**R 340.273**

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Source: 1997 AACS.

**R 340.274**

Source: 1997 AACS.

**R 340.275**

Source: 1997 AACS.

**R 340.276**

Source: 1997 AACS.

**R 340.277**

Source: 1997 AACS.

**R 340.278**

Source: 1997 AACS.

**R 340.279**

Source: 1997 AACS.

**TRANSPORTATION OF NONPUBLIC SCHOOLCHILDREN**

**R 340.281**

Source: 2012 AACS.

**R 340.282**

Source: 2012 AACS.

**AUXILIARY SERVICES FOR NONPUBLIC SCHOOLCHILDREN**

**R 340.291**

Source: 1979 AC.

**R 340.292**

Source: 1979 AC.

**R 340.293**

Source: 1979 AC.

**R 340.294**

Source: 1979 AC.

**R 340.295**

Source: 1979 AC.

**DEPARTMENT OF TREASURY**  
**QUALIFICATION OF SCHOOL DISTRICT BONDS**

**R 340.301**

Source: 1997 AACS.

**R 340.311**

Source: 2008 AACS.

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**R 340.351**  
Source: 1998-2000 AACS.

**R 340.352**  
Source: 1998-2000 AACS.

**R 340.353**  
Source: 1998-2000 AACS.

**R 340.354**  
Source: 1998-2000 AACS.

**R 340.355**  
Source: 1998-2000 AACS.

**DRIVER SAFETY SCHOOLS**

**R 340.431**  
Source: 1979 AC.

**R 340.432**  
Source: 1979 AC.

**R 340.433**  
Source: 1979 AC.

**R 340.434**  
Source: 1979 AC.

**R 340.435**  
Source: 1979 AC.

**R 340.436**  
Source: 1979 AC.

**SOLICITORS FOR PRIVATE SCHOOLS**

**R 340.471 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.472 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.473 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.474 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.475 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.476 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.477 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**R 340.478 Rescinded.**  
History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

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**R 340.479 Rescinded.**

History: 1954 ACS 51, Eff. Aug. 15, 1967; 1979 AC; 2014 MR 12, Eff. June 11, 2014.

**MICHIGAN DEPARTMENT OF EDUCATION**

**OFFICE OF SCHOOL IMPROVEMENT**

**BOARDING SCHOOL LICENSES**

**R 340.481**

Source: 2005 AACCS.

**R 340.482**

Source: 2005 AACCS.

**R 340.483**

Source: 2005 AACCS.

**R 340.484**

Source: 2005 AACCS.

**R 340.485**

Source: 2005 AACCS.

**R 340.486**

Source: 2005 AACCS.

**R 340.487**

Source: 2005 AACCS.

**R 340.488**

Source: 2005 AACCS.

**R 340.489**

Source: 1979 AC.

**DEPARTMENT OF EDUCATION**

**STATE BOARD OF EDUCATION**

**PUBLIC SCHOOL DAY CARE PROGRAMS**

**R 340.491**

Source: 1997 AACCS.

**R 340.492**

Source: 1997 AACCS.

**R 340.493**

Source: 1997 AACCS.

**R 340.494**

Source: 1997 AACCS.

**TEACHERS OF EMOTIONALLY DISTURBED CHILDREN**

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**R 340.541**  
Source: 1997 AACS.

**R 340.542**  
Source: 1997 AACS.

**REIMBURSEMENT UNDER NATIONAL SCHOOL LUNCH PROGRAM**

**R 340.601**  
Source: 2011 AACS.

**R 340.602**  
Source: 2011 AACS.

**R 340.603**  
Source: 2011 AACS.

**R 340.604**  
Source: 2011 AACS.

**R 340.605**  
Source: 2011 AACS.

**PSYCHOLOGIST REGISTRATION**

**R 340.801**  
Source: 1997 AACS.

**R 340.802**  
Source: 1997 AACS.

**R 340.803**  
Source: 1997 AACS.

**R 340.804**  
Source: 1997 AACS.

**R 340.805**  
Source: 1997 AACS.

**R 340.806**  
Source: 1997 AACS.

**R 340.807**  
Source: 1997 AACS.

**R 340.808**  
Source: 1997 AACS.

**FINANCIAL ACCOUNTING SYSTEMS FOR PUBLIC SCHOOLS**

**R 340.851**  
Source: 1979 AC.

**R 340.852**  
Source: 1979 AC.

**R 340.853**

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Source: 1979 AC.

**R 340.854**

Source: 1979 AC.

**R 340.855**

Source: 1979 AC.

**R 340.856**

Source: 1979 AC.

**R 340.857**

Source: 1979 AC.

**JUNIOR AND COMMUNITY COLLEGE CAPITAL OUTLAY MATCHING FUND**

**R 340.881**

Source: 1997 AACS.

**R 340.882**

Source: 1997 AACS.

**R 340.883**

Source: 1997 AACS.

**R 340.884**

Source: 1997 AACS.

**R 340.885**

Source: 1997 AACS.

**R 340.886**

Source: 1997 AACS.

**R 340.887**

Source: 1997 AACS.

**R 340.888**

Source: 1997 AACS.

**R 340.889**

Source: 1997 AACS.

**SCHOOL SOCIAL WORKER**

**R 340.1001**

Source: 1979 AC.

**R 340.1002**

Source: 1979 AC.

**R 340.1003**

Source: 1979 AC.

**R 340.1004**

Source: 1979 AC.

**R 340.1005**

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Source: 1979 AC.

**R 340.1006**

Source: 1979 AC.

**R 340.1007**

Source: 1979 AC.

**R 340.1008**

Source: 1979 AC.

**R 340.1009**

Source: 1979 AC.

**R 340.1010**

Source: 1979 AC.

**R 340.1011**

Source: 2011 AACCS.

**R 340.1012**

Source: 2011 AACCS.

**R 340.1013**

Source: 2011 AACCS.

**R 340.1014**

Source: 2011 AACCS.

**R 340.1015**

Source: 2011 AACCS.

**R 340.1016**

Source: 2011 AACCS.

**R 340.1017**

Source: 2011 AACCS.

**R 340.1018**

Source: 1979 AC.

**PERSONALITY TESTS**

**R 340.1101**

Source: 1979 AC.

**R 340.1102**

Source: 1979 AC.

**R 340.1103**

Source: 1979 AC.

**R 340.1104**

Source: 1979 AC.

**R 340.1105**

Source: 1979 AC.

**R 340.1106**

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Source: 1979 AC.

**R 340.1107**

Source: 1979 AC.

**EDUCATION OF PREGNANT STUDENTS**

**R 340.1121**

Source: 2013 AACCS.

**R 340.1122**

Source: 2013 AACCS.

**R 340.1123**

Source: 2013 AACCS.

**R 340.1124**

Source: 2013 AACCS.

**SCHOOL PSYCHOLOGICAL SERVICES**

**R 340.1151**

Source: 1997 AACCS.

**R 340.1152**

Source: 1997 AACCS.

**R 340.1153**

Source: 1997 AACCS.

**R 340.1154**

Source: 1997 AACCS.

**R 340.1155**

Source: 1997 AACCS.

**R 340.1156**

Source: 1997 AACCS.

**R 340.1157**

Source: 1997 AACCS.

**R 340.1158**

Source: 1997 AACCS.

**CERTIFICATION OF SCHOOL NURSES**

**R 340.1161**

Source: 1979 AC.

**R 340.1162**

Source: 1979 AC.

**R 340.1163**

Source: 1979 AC.

**R 340.1164**

Source: 1979 AC.

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**R 340.1165**  
Source: 1979 AC.

**R 340.1166**  
Source: 1979 AC.

**R 340.1167**  
Source: 1979 AC.

**R 340.1168**  
Source: 1979 AC.

**R 340.1169**  
Source: 1979 AC.

**R 340.1170**  
Source: 1979 AC.

**SAFETY SPECIFICATIONS FOR SCHOOL BUSES**

**R 340.1201**  
Source: 1997 AACS.

**R 340.1202**  
Source: 1997 AACS.

**R 340.1203**  
Source: 1997 AACS.

**R 340.1204**  
Source: 1997 AACS.

**R 340.1211**  
Source: 1997 AACS.

**R 340.1212**  
Source: 1997 AACS.

**R 340.1213**  
Source: 1997 AACS.

**R 340.1214**  
Source: 1997 AACS.

**R 340.1215**  
Source: 1997 AACS.

**R 340.1216**  
Source: 1997 AACS.

**R 340.1231**  
Source: 1997 AACS.

**R 340.1232**  
Source: 1997 AACS.

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**USE OF SCHOOL BUSES BY UNITS OF GOVERNMENT**

**R 340.1251**  
Source: 2011 AACS.

**R 340.1252**  
Source: 2011 AACS.

**R 340.1253**  
Source: 2011 AACS.

**R 340.1254**  
Source: 2011 AACS.

**R 340.1255**  
Source: 2011 AACS.

**R 340.1256**  
Source: 2011 AACS.

**EYE PROTECTION DEVICES**

**R 340.1301**  
Source: 1979 AC.

**R 340.1302**  
Source: 1979 AC.

**R 340.1303**  
Source: 1979 AC.

**R 340.1304**  
Source: 1979 AC.

**R 340.1305**  
Source: 1979 AC.

**DECLARATORY RULING, PROMULGATION OF RULES,  
AND INFORMATION REQUESTS**

**R 340.1351**  
Source: 1981 AACS.

**R 340.1352**  
Source: 1981 AACS.

**R 340.1353**  
Source: 1981 AACS.

**R 340.1354**  
Source: 1981 AACS.

**R 340.1355**  
Source: 1995 AACS.

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**SPECIAL EDUCATION PROGRAMS AND SERVICES**

**PART 1. GENERAL PROVISIONS**

- R 340.1701**  
Source: 2013 AACS
  
- R 340.1701a**  
Source: 2013 AACS.
  
- R 340.1701b**  
Source: 2010 AACS.
  
- R 340.1701c**  
Source: 2008 AACS.
  
- R 340.1702**  
Source: 2013 AACS.
  
- R 340.1703**  
Source: 2002 AACS.
  
- R 340.1704**  
Source: 2002 AACS.
  
- R 340.1705**  
Source: 2010 AACS.
  
- R 340.1706**  
Source: 2010 AACS.
  
- R 340.1707**  
Source: 2010 AACS.
  
- R 340.1708**  
Source: 2010 AACS.
  
- R 340.1709**  
Source: 2010 AACS.
  
- R 340.1709a**  
Source: 2010 AACS.
  
- R 340.1710**  
Source: 2010 AACS.
  
- R 340.1711**  
Source: 2010 AACS.
  
- R 340.1712**  
Source: 1997 AACS.
  
- R 340.1713**  
Source: 2010 AACS.
  
- R 340.1714**  
Source: 2010 AACS.

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**R 340.1715**  
Source: 2010 AACS.

**R 340.1716**  
Source: 2010 AACS.

**R 340.1717**  
Source: 2004 AACS.

PART 2  
INITIAL EVALUATION, TIME LINES, INDIVIDUALIZED EDUCATION PROGRAM, DISTRICT  
RESPONSIBILITIES, AND DUE PROCESS PROCEDURES

**R 340.1721**  
Source: 2013 AACS.

**R 340.1721a**  
Source: 2011 AACS.

**R 340.1721b**  
Source: 2013 AACS.

**R 340.1721c**  
Source: 2011 AACS.

**R 340.1721d**  
Source: 2011 AACS.

**R 340.1721e**  
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**R 340.1722**  
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**R 340.1722a**  
Source: 2011 AACS.

**R 340.1722c**  
Source: 2002 AACS.

**R 340.1722d**  
Source: 2002 AACS.

**R 340.1722e**  
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**R 340.1722f**  
Source: 2002 AACS.

**R 340.1723**  
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**R 340.1723a**  
Source: 2002 AACS.

**R 340.1723b**  
Source: 2002 AACS.

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**R 340.1723c**  
Source: 2008 AACS.

**R 340.1724**  
Source: 2010 AACS.

**R 340.1724a**  
Source: 2008 AACS.

**R 340.1724b**  
Source: 2002 AACS.

**R 340.1724c**  
Source: 2008 AACS.

**R 340.1724d**  
Source: 2008 AACS.

**R 340.1724e**  
Source: 2008 AACS.

**R 340.1724f**  
Source: 2013 AACS.

**R 340.1724g**  
Source: 2008 AACS.

**R 340.1724h**  
Source: 2008 AACS.

**R 340.1724i**  
Source: 2008 AACS.

**R 340.1725**  
Source: 2002 AACS.

**R 340.1725a**  
Source: 2002 AACS.

**R 340.1725b**  
Source: 2002 AACS.

**R 340.1725c**  
Source: 2002 AACS.

**R 340.1725d**  
Source: 2002 AACS.

**R 340.1725e**  
Source: 2002 AACS.

**R 340.1725f**  
Source: 2013 AACS.

**PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES**

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- R 340.1731**  
Source: 1997 AACS.
- R 340.1732**  
Source: 2013 AACS.
- R 340.1733**  
Source: 2010 AACS.
- R 340.1734**  
Source: 2013 AACS.
- R 340.1735**  
Source: 1997 AACS.
- R 340.1736**  
Source: 2002 AACS.
- R 340.1737**  
Source: 2002 AACS.
- R 340.1738**  
Source: 2013 AACS.
- R 340.1739**  
Source: 2002 AACS.
- R 340.1740**  
Source: 2002 AACS.
- R 340.1741**  
Source: 2002 AACS.
- R 340.1742**  
Source: 2002 AACS.
- R 340.1743**  
Source: 2002 AACS.
- R 340.1744**  
Source: 2002 AACS.
- R 340.1745**  
Source: 2002 AACS.
- R 340.1746**  
Source: 2005 AACS.
- R 340.1747**  
Source: 2002 AACS.
- R 340.1748**  
Source: 2013 AACS.
- R 340.1748a**  
Source: 2011 AACS.

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**R 340.1749**  
Source: 2011 AACS.

**R 340.1749a**  
Source: 2013 AACS.

**R 340.1749b**  
Source: 2013 AACS.

**R 340.1749c**  
Source: 2002 AACS.

**R 340.1750**  
Source: 2002 AACS.

**R 340.1751**  
Source: 2002 AACS.

**R 340.1752**  
Source: 1997 AACS.

**R 340.1753**  
Source: 2002 AACS.

**R 340.1754**  
Source: 2013 AACS.

**R 340.1755**  
Source: 2013 AACS.

**R 340.1756**  
Source: 2005 AACS.

**R 340.1757**  
Source: 2005 AACS.

**R 340.1758**  
Source: 2013 AACS.

**PART 4. QUALIFICATIONS OF DIRECTORS AND SUPERVISORS**

**R 340.1771**  
Source: 2008 AACS.

**R 340.1772**  
Source: 2010 AACS.

**R 340.1773**  
Source: 2002 AACS.

**R 340.1774**  
Source: 2002 AACS.

**PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL**

**R 340.1781**  
Source: 2013 AACS.

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**R 340.1782**  
Source: 2005 AACS.

**R 340.1883**  
Source: 2010 AACS.

**R 340.1783a**  
Source: 2005 AACS.

**R 340.1784**  
Source: 2002 AACS.

**R 340.1785**  
Source: 2002 AACS.

**R 340.1786**  
Source: 2005 AACS.

**R 340.1787**  
Source: 2005 AACS.

**R 340.1788**  
Source: 2005 AACS.

**R 340.1790**  
Source: 2013 AACS.

**R 340.1791**  
Source: 2002 AACS.

**R 340.1792**  
Source: 2002 AACS.

**R 340.1793**  
Source: 2002 AACS.

**R 340.1793a**  
Source: 2002 AACS.

**R 340.1794**  
Source: 2002 AACS.

**R 340.1795**  
Source: 2011 AACS.

**R 340.1796**  
Source: 2013 AACS.

**R 340.1797**  
Source: 2011 AACS.

**R 340.1798**  
Source: 2013 AACS.

**R 340.1799**  
Source: 2005 AACS.

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**R 340.1799a**  
Source: 2005 AACCS.

**R 340.1799b**  
Source: 2011 AACCS.

**R 340.1799c**  
Source: 2013 AACCS.

**R 340.1799d**  
Source: 2002 AACCS.

**R 340.1799e**  
Source: 2002 AACCS.

**R 340.1799f**  
Source: 2002 AACCS.

**R 340.1799g**  
Source: 2013 AACCS.

**PART 6. FINANCING**

**R 340.1801**  
Source: 2002 AACCS.

**R 340.1802**  
Source: 2013 AACCS.

**R 340.1803**  
Source: 2002 AACCS.

**R 340.1805**  
Source: 2002 AACCS.

**R 340.1806**  
Source: 2002 AACCS.

**R 340.1808**  
Source: 2002 AACCS.

**R 340.1809**  
Source: 2013 AACCS.

**R 340.1810**  
Source: 2008 AACCS.

**R 340.1811**  
Source: 2013 AACCS.

**R 340.1812**  
Source: 2002 AACCS.

**PART 7. DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS' PLAN**

**R 340.1831**

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Source: 2013 AACS.

**R 340.1832**

Source: 2008 AACS.

**R 340.1833**

Source: 2002 AACS.

**R 340.1834**

Source: 2002 AACS.

**R 340.1835**

Source: 2002 AACS.

**R 340.1836**

Source: 2002 AACS.

**R 340.1837**

Source: 2008 AACS.

**R 340.1838**

Source: 2002 AACS.

**R 340.1839**

Source: 2013 AACS.

**PART 8. COMPLAINTS**

**R 340.1851**

Source: 2013 AACS.

**R 340.1852**

Source: 2009 AACS.

**R 340.1853**

Source: 2009 AACS.

**R 340.1854**

Source: 2009 AACS.

**R 340.1855**

Source: 2009 AACS.

**PART 9. RECORDS AND CONFIDENTIALITY**

**R 340.1861**

Source: 2008 AACS.

**PART 10.  
BIRTH TO THREE**

**R 340.1862**

Source: 2013 AACS.

**R 340.1863**

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Source: 2002 AACS.

**R 340.1864**

Source: 2002 AACS.

**R 340.1865**

Source: 2002 AACS.

**R 340.1866**

Source: 2002 AACS.

**R 340.1867**

Source: 2002 AACS.

**R 340.1868**

Source: 2002 AACS.

**R 340.1869**

Source: 2002 AACS.

**R 340.1870**

Source: 2002 AACS.

**R 340.1871**

Source: 2002 AACS.

**R 340.1872**

Source: 2002 AACS.

**R 340.1873**

Source: 2002 AACS.

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

**DUE PROCESS PROCEDURES FOR SPECIAL EDUCATION HEARINGS**

**R 340.1881**

Source: 2006 AACS.

**R 340.1882**

Source: 2006 AACS.

**R 340.1883**

Source: 2005 AACS.

**R 340.1884**

Source: 2005 AACS.

**R 340.1885**

Source: 2005 AACS.

**HEARINGS**

**R 349.291**

Source: 1979 AC.

**DEPARTMENT OF MANAGEMENT AND BUDGET**

**REGIONAL EDUCATIONAL MEDIA CENTERS**

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- R 380.1**  
Source: 1981 AACS.
- R 380.2**  
Source: 1981 AACS.
- R 380.3**  
Source: 1981 AACS.
- R 380.4**  
Source: 1981 AACS.
- R 380.5**  
Source: 1981 AACS.
- R 380.6**  
Source: 1981 AACS.
- R 380.7**  
Source: 1981 AACS.
- R 380.8**  
Source: 1981 AACS.
- R 380.9**  
Source: 1981 AACS.
- R 380.10**  
Source: 1981 AACS.

**DEPARTMENT OF EDUCATION**  
**STATE BOARD OF EDUCATION**  
**TRANSPORTATION OF HANDICAPPED PERSONS**

- R 380.51**  
Source: 1997 AACS.
- R 380.52**  
Source: 1997 AACS.
- R 380.53**  
Source: 1997 AACS.
- R 380.54**  
Source: 1997 AACS.
- R 380.55**  
Source: 1997 AACS.
- R 380.56**  
Source: 1997 AACS.
- R 380.57**  
Source: 1997 AACS.
- R 380.58**  
Source: 1997 AACS.

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**R 380.59**  
Source: 1997 AACS.

**R 380.60**  
Source: 1997 AACS.

**R 380.61**  
Source: 1997 AACS.

**ADMINISTRATOR CERTIFICATION CODE**

**PART 1. GENERAL PROVISIONS**

**R 380.101**  
Source: 2012 AACS.

**R 380.102**  
Source: 2012 AACS.

**R 380.102a**  
Source: 2012 AACS.

**R 380.103**  
Source: 2012 AACS.

**R 380.104**  
Source: 2012 AACS.

**R 380.105**  
Source: 2012 AACS.

**R 380.106**  
Source: 2012 AACS.

**R 380.107**  
Source: 2012 AACS.

**R 380.107a**  
Source: 2012 AACS.

**R 380.108**  
Source: 2008 AACS.

**R 380.109**  
Source: 2012 AACS.

**R 380.110**  
Source: 2008 AACS.

**R 380.111**  
Source: 2012 AACS.

**R 380.111a**  
Source: 2012 AACS.

**R 380.111b**  
Source: 2012 AACS.

**R 380.112**

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Source: 2008 AACS.

**R 380.113**

Source: 2008 AACS.

**PART 2. ADMINISTRATIVE HEARINGS**

**R 380.114**

Source: 2008 AACS.

**R 380.115**

Source: 2012 AACS.

**R 380.116**

Source: 2008 AACS.

**R 380.121**

Source: 2008 AACS.

**R 380.122**

Source: 2008 AACS.

**R 380.123**

Source: 2008 AACS.

**R 380.124**

Source: 2008 AACS.

**R 380.125**

Source: 2008 AACS.

**R 380.126**

Source: 2008 AACS.

**R 380.127**

Source: 2008 AACS.

**R 380.128**

Source: 2008 AACS.

**R 380.129**

Source: 2008 AACS.

**R 380.130**

Source: 2008 AACS.

**R 380.131**

Source: 2008 AACS.

**R 380.132**

Source: 2008 AACS.

**R 380.133**

Source: 2008 AACS.

**R 380.134**

Source: 2008 AACS.

**R 380.135**

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**Source:** 2008 AACS.

**R 380.136**

**Source:** 2008 AACS.

**SCHOOL PSYCHOLOGIST CERTIFICATE**

**R 380.201**

**Source:** 1992 AACS.

**R 380.202**

**Source:** 1992 AACS.

**R 380.203**

**Source:** 2006 AACS.

**R 380.204**

**Source:** 2006 AACS.

**R 380.205**

**Source:** 2006 AACS.

**R 380.206**

**Source:** 2006 AACS.

**R 380.206a**

**Source:** 2006 AACS.

**R 380.207**

**Source:** 1992 AACS.

**R 380.208**

**Source:** 2006 AACS.

**R 380.209**

**Source:** 1992 AACS.

**R 380.210**

**Source:** 1992 AACS.

**DEPARTMENT OF EDUCATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**SCHOOL ADMINISTRATOR CONTINUING EDUCATION**

**R 380.1201**

**Source:** 2008 AACS.

**DEPARTMENT OF TREASURY**

**STATE TREASURER**

**SCHOOL BOND QUALIFICATION, APPROVAL, AND LOAN RULES**

**PART 1.GENERAL DEFINITIONS**

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**R 388.1 Definitions**

Rule 1. (1) As used in these rules:

- (a) "Act" means the school bond qualification, approval, and loan act, 2005 PA 92, MCL 388.1921 to 388.1939.
- (b) "Business day" means any day that does not fall on a Saturday, Sunday, or state legal holiday.
- (c) "Calendar day" means any day represented on the yearly calendar including Saturday, Sunday, and state legal holidays.
- (d) "Debt service" means principal and interest payments on qualified bond issues and associated fees related to those bonds.
- (e) "Department" means the Michigan department of treasury.
- (f) "Pro forma debt service projection" has the meaning associated with it in section 5 of the act.
- (g) "Qualification" means the process of qualifying bonds or loans in accordance with the act.
- (h) "Refunding bond" means a bond issued to refund or refinance an existing qualified bond or outstanding qualified loan owed to the state under this act.
- (i) "Repayment mode" is the loan status given to a school district whose annual tax collections exceed, or are projected in the next succeeding year to exceed, its annual debt service on qualified bonds, at which point the school district must begin repaying to the state its outstanding qualified loan balances.
- (j) "State legal holiday" means those days designated in section 1 of 1865 PA 124, MCL 435.101.
- (k) "Treasurer" means the Michigan state treasurer as defined by the act.
- (l) All terms not defined in these rules have the same meaning as when used in the act.  
History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 2.SCHOOL BOND QUALIFICATION**

**R 388.2 Preliminary qualification; application.**

Rule 2. (1) A completed preliminary qualification application shall include a submission to the department that complies with section 5 of the act, any other applicable law, and any other guidance published by the department including, but not limited to, global instructions, policies, procedures, guidelines or rules. The application shall include the following:

- (a) The proposed ballot language to be submitted to the electors shall include all language required by the following statutes:
  - (i) MCL 380.1361, the revised school code.
  - (ii) MCL 211.24f, general property tax act.
  - (iii) Section 8 of the act.
  - (iv) Any other applicable law.
- (b) A description of the project or projects to be financed including all of the following:
  - (i) A cost analysis providing summary totals that can be matched to budget estimates as reported by the school district.
  - (ii) For new construction, all of the following shall be included:
    - (A) The estimated number of rooms.
    - (B) The types of rooms expected to be constructed.
    - (C) The estimated square footage of the project or projects.
    - (D) The estimated cost per square foot.
  - (iii) For remodeling and site work, all of the following shall be included:
    - (A) The planned use of the space.
    - (B) The type of work expected to be performed.
    - (C) The estimated total cost of the work to be performed.
  - (iv) For site acquisitions, the total cost of acquisition shall be included, or if such information is not available, the estimated total cost of acquisition.
  - (v) For technology, furnishings, and equipment, school districts shall provide detail regarding the types of technology, furnishings, and equipment to be purchased.
- (c) A pro forma debt service projection, which shall demonstrate both of the following:
  - (i) That the projected computed millage will be sufficient to repay principal and interest on all of the school district's existing and proposed new qualified bonds plus principal and interest on all existing and anticipated qualified loans related to those bonds not later than the final mandatory repayment date.
  - (ii) That the school district's projected average growth in taxable value is based on the assumptions required by the act.
- (d) The utilization rate for each project included in the preliminary qualification application, which meets the following specifications:
  - (i) The utilization rate shall be calculated by dividing the projected 5-year enrollment by the standard pupil capacity factor provided by the department.

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- (ii) The 5-year enrollment projection used in this calculation shall be obtained from an enrollment projection service provider approved by the department.
  - (iii) When the utilization rate for any building is below 60% for remodeling projects and 85% for new construction projects, the school district shall submit a written explanation of such variance discussing the actions the school district intends to take to address the underutilization.
  - (e) Evidence that the cost per square foot of the project or projects will be reasonable in light of economic conditions applicable to the geographic area in which the school district is located.
  - (f) An amortization schedule in accordance with MCL 388.1925(2)(k) and MCL 388.1927(1)(d).
  - (g) A completed prequalification application includes the following data, which the department shall use for informational purposes only:
    - (i) The total bonded debt outstanding of the school district for the school district fiscal year in which the application is filed.
    - (ii) The total taxable value of property in the school district for the school district fiscal year in which the application is filed.
    - (iii) A statement describing any environmental or usability problems to be addressed by the project or projects.
    - (iv) An architect's analysis of the overall condition of the facilities to be renovated or replaced as a part of the project or projects.
    - (v) Acknowledgement that the district will keep books and records of expenditure of bond proceeds and make this information available to the department upon request within 5 business days.
  - (2) The department shall determine the reasonableness of cost per square foot by comparing the cost included in the preliminary qualification application to the cost per square foot parameter announced annually by the department. The cost per square foot parameter announced annually by the department shall be calculated from data derived from reputable independent sources, including but not limited to, R.S. Means or such similar entity that provides reliable objective information.
  - (3) If it has been more than 12 months since the preliminary qualification was approved, then a school district shall submit the following information to update the application prior to submitting an application for final qualification:
    - (a) A status report of any previous series of bonds included in the authorization.
    - (b) Updated project sheets for each project included in the proposed series and supporting cost detail, as described in R 388.2(1)(b).
    - (c) A cost summary sheet for proposed bond series.
    - (d) An updated pro forma debt service projection showing bond structure for proposed series.
- History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.3 Qualification of bonds.**

- Rule 3. (1) To obtain final qualification of bonds, a school district shall, along with meeting any other requirements of section 7 of the act, submit a final qualification application and supporting documentation in the form prescribed by the department.
- (2) Supporting documentation shall include all of the following:
- (a) A cover letter from legal counsel indicating the requested approval date and delivery date if known at the time of submission.
  - (b) The certificate of determination of election results and vote count approving the bonds.
  - (c) An updated pro forma debt service projection.
  - (d) A copy of any adopted resolution authorizing the issuance of bonds.
  - (e) A copy of any resolution authorizing the sale of bonds if such a resolution is applicable.
  - (f) The preliminary or final official statement, whichever is available at the time of submission.
  - (g) Acknowledgement that the district will keep books and records of expenditure of bond proceeds and make this information available to the department upon request within 5 business days.
- (3) Supporting documentation for refunding bond issues shall include both of the following:
- (a) Additional financial schedules that document net present value savings of the refunding bond issue.
  - (b) A draft verification report of mathematical accuracy of the refunding tables, prepared by a reliable independent source.
- (4) If a school district does not issue its qualified bonds within 180 days after the date of the order qualifying bonds, then the school district shall submit a revised application and updated pro forma debt service projection to the department.
- (5) Notwithstanding the repayment requirements of these rules, all bonds qualified under the act and Article IX of the state constitution of 1963 shall be considered qualified upon issuance of the order qualifying bonds by the state treasurer until final maturity.

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.4 Debt service payment dates.**

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Rule 4. Principal on qualified bonds shall be payable on May 1 and/or November 1, as approved by the department, and interest on qualified bonds shall be payable on May 1 and/or November 1, as approved by the department.

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.5 Department guidance.**

Rule 5. The department may issue any other guidance including, but not limited to, global instructions, policies, procedures, or guidelines, in accordance with the act, these rules and, state law, as needed, to assist school districts with completing prequalification and qualification applications, and otherwise with complying with the act.

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 3.SCHOOL LOAN REVOLVING FUND LOANS**

**R 388.6 Certification of computed millage.**

Rule 6. Subject to the act and other provisions of these rules, a school district shall authorize, agree to, and certify the levy of its full computed millage before borrowing from the school loan revolving fund.

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.7 Rescinded.**

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.8 Annual loan activity application.**

Rule 8. A completed annual loan activity application shall include submission to the department of all of the following:

- (a) A cover transmittal letter.
- (b) An annual loan activity application consisting of a certified resolution in the form prescribed by the department providing for all of the following:
  - (i) Designation and authorization of a school district official to complete all required and necessary documents related to the school loan revolving fund.
  - (ii) Approval of the estimated amount to be disbursed from or repaid to the school loan revolving fund.
  - (iii) Certification of the amount of qualified debt millage to be levied.
  - (iv) Agreement to take actions or refrain from taking actions, as necessary, to maintain the tax-exempt status of any bonds or notes issued by the state in accordance with the state constitution of 1963 or by the Michigan finance authority, or its successor, in accordance with the act.
- (c) An annual loan activity worksheet in a form prescribed by the department.
- (d) Copies of reconciled bank statements to support the debt fund balance reported on the annual loan activity worksheet.
- (e) Financial analysis confirming that the current computed millage or recalculated computed millage is sufficient to repay principal and interest on all qualified bonds and loans not later than the final mandatory repayment date, unless otherwise provided for in the act.
- (f) Any other documentation and information necessary to determine the amount of the disbursement or repayment.

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.9 Worksheet/draw request; compliance with paying agent guidelines.**

Rule 9. (1) A completed draw request shall include submission to the department of all of the following:

- (a) A cover transmittal letter.
  - (b) A worksheet/draw request.
  - (c) Copies of reconciled bank statements to support the debt fund balance reported on worksheet/draw request.
  - (d) Any other documentation and information necessary to determine the amount of the disbursement.
- (2) If the state or the Michigan finance authority, or its successor, issues tax exempt bonds for purposes of funding qualified loans related to qualified bonds, as defined in the act, then school districts that receive proceeds of those tax exempt bonds shall use such proceeds towards the district's qualified debt service within 5 business days of receipt.
- (3) School districts participating in the school bond qualification and loan program must assist the department in complying with third party paying agent guidance as they may be called or amended. Those guidelines include, but are not limited to, the following:
- (a) Transferring funds to the paying agent not later than 5 business days prior to any payment due date.
  - (b) Working with paying agents when a school district is notified by a paying agent that it has failed to transfer sufficient funds, which paying agents must do 4 business days prior to the debt service due date.

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(c) Agreeing that, 3 business days prior to the debt service due date, paying agents will notify the department that a school district has failed to transfer sufficient funds to it.

(d) Allowing paying agents to work with delinquent school districts to ensure debt service payments are made by the due date, and to keep the department informed of the status of the payments.

(e) Allowing paying agents to coordinate a loan from the state through the school loan revolving fund to ensure timely payment of debt service, if that school district does not timely transfer sufficient funds.

History: 2007 AACS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.10 Final mandatory repayment dates for borrowing related to new bond issues.**

Rule 10. The final mandatory repayment dates for borrowing related to qualified bond issues shall be determined in accordance with the act.

History: 2007 AACS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.11 Interest rates on qualified loans.**

Rule 11. (1) All qualified loans shall bear interest as defined in section 9(8) of the act.

(2) The department shall recalculate the interest rate on all qualified loans if any of the following occur:

(a) Additional school loan bonds or school loan revolving fund bonds are issued.

(b) Existing school loan bonds or school loan revolving fund bonds are refunded.

(c) Principal payments are made on existing school loan bonds or school loan revolving fund bonds.

(d) Each time variable interest rates are adjusted on school loan bonds, or quarterly for school loan revolving fund bonds.

(3) Interest on all qualified loans shall be compounded annually on September 30.

History: 2007 AACS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.12 Repayment; invoices.**

Rule 12. (1) If the revenue generated by a school district's computed millage levied in a 12-month period exceeds the debt service due on qualified bonds during that 12-month period, then the school district shall pay the difference, less a reasonable amount of funds on hand, as determined by the state treasurer, to cover minimum balance requirements or potential tax disputes, to the department as payment of the outstanding loan.

(2) The department shall issue an invoice to the school district at least once a year when the information contained in a loan activity statement demonstrates that the revenue generated by a school district's levy of the computed millage will exceed the annual debt service on the bonds.

(3) The school district shall remit the amount specified in the invoice to the department not later than the next succeeding May 15 after the dated date of the invoice.

(4) The school district shall promptly submit to the department an explanation of any difference between the invoiced payment due and the payment remitted.

History: 2007 AACS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 4. NONCOMPLIANCE**

**R 388.13 Noncompliance; remedies.**

Rule 13. (1) The following situations constitute noncompliance:

(a) A school district that owes the state loan repayments relating to qualified bonds fails to levy at least the computed millage upon its taxable value for debt retirement purposes for qualified bonds or qualified loans under the act.

(b) A school district fails to honor its agreement to repay a qualified loan or any installment of a qualified loan.

(c) A school district fails to file or correctly file required documentation as defined in the act or these rules.

(2) In addition to any other remedies provided by the act or other state law, in the event of noncompliance, the school district shall do all of the following as required by the department:

(a) File or correct the required documentation.

(b) Increase its debt levy in the next succeeding year to obtain the funds necessary to repay the amount of the default plus a late charge that shall be 3% of the amount due. If a school district fails to levy at least the computed millage upon its taxable value, then the school district shall increase its debt levy in the next succeeding year to obtain the amount necessary to repay the amount of the default plus a late charge that shall be 3% of the amount due even when such an increase will be higher than the computed millage.

(c) Shall pay to the state the amount of the default plus the 3% late charge together with any other amounts owed during the next tax year following the year in which the default occurred.

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- (3) The department shall cause state school aid not to be disbursed to the non-complying school district until arrangements for the payment of the amount in arrears are made with the department's approval.
- (4) Failure of a school district to comply with application due dates or failure of a school district to process any report, application, confirmation, or repayment as required under the act or in these rules may result in 1 or both of the following:
- (a) The department may issue a notification to the school board requiring a written response of remedy.
- (b) The department may withhold a school district's state aid funds until the school district complies with all requirements.
- (5) None of the following situations constitutes noncompliance:
- (a) Taxpayer delinquencies.
- (b) Failure of projected pupil or tax base growth rates to meet initial projections.
- (c) Decline in the school district tax base.
- History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 5. REFUNDING**

**R 388.14 Rescinded.**

History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**R 388.15 Refunding bonds.**

- Rule 15. (1) Bonds issued to refund qualified bonds or outstanding qualified loans shall comply with the provisions of the act and the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.
- (2) The term of the refunding bond shall be no longer than the term of the original bond issue being refunded.
- (3) Qualified bonds issued to refund outstanding qualified loans shall not be issued for a term longer than the projected repayment term of the qualified loans as of the date of the refunding.
- (4) The department shall consider requests to issue qualified refunding bonds to refund outstanding qualified loans, despite the school district's current or prospective computed millage equaling a level greater than the maximum levy permitted by law, and despite the school district's current inability to comply with its final mandatory repayment date, so long as the issuance of the qualified refunding bonds will not further extend the school district's anticipated repayment date of its outstanding qualified loan balance, will result in a savings, will improve the district's projected qualified loan repayment date, and otherwise complies with the act and these rules.
- History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 6. VARIABLE INTEREST RATE DEBT**

**R 388.16**

**Source:** 2007 AACCS.

**PART 7. TIME COMPUTATION**

**R 388.17 Business and calendar days.**

- Rule 17. (1) Unless otherwise required by these rules, when the act, these rules, or any other guidance published by the department including, but not limited to, global instructions, policies, procedures, or guidelines refer to time periods of 7 days or less, it shall mean business days. Time periods greater than 7 days, shall mean calendar days.
- (2) Pursuant to MCL 211.24f(2)(b), "year" means the 12 succeeding months starting upon and including the first anticipated levy.
- History: 2007 AACCS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 8. APPEALS**

**R 388.18 Appeals.**

- Rule 18. (1) A school district may appeal a decision of a designated representative of the department to the state treasurer or his or her program designee directly by submitting a written request for reconsideration by the state treasurer detailing the grounds, legal or otherwise, for the request within 30 calendar days of the decision.
- (2) The appeal must clearly state its nature as an appeal pursuant to this rule and must clearly identify which decision is being appealed and the rationale for reconsideration.

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(3) A school district may request an appeal conference with the department as part of its request for reconsideration, where it can present and discuss materials supporting its request. Such a conference shall be scheduled within 15 days of receipt of the request.

(4) The state treasurer or his or her program designee shall issue a final determination in writing within 30 calendar days of receipt of the appeal request, or after an appeal conference is held, whichever is later.

(5) Decisions of the state treasurer or his or her program designee are final.

History: 2007 AACS; 2014 MR 19, Eff. Oct. 6, 2014.

**PART 9. ANNUAL COMPUTED MILLAGE WAIVER**

**R 388.19 Annual computed millage waiver requests.**

Rule 19. (1) The department shall consider waiver requests to levy a recalculated computed millage that is less than the computed millage stated on the applicant's most recent order qualifying bonds, but that is not lower than the computed millage rate noted on the applicant's current loan agreement in effect at the time of the request. For school districts that have issued refunding bonds subsequent to entering into a loan agreement, there may be a higher computed millage rate reflected on the most recent order qualifying bonds than on the loan agreement.

(2) Subject to subrule (3) of this rule, such waivers must be requested annually prior to June 1 each year and may be granted if all of the following statutory conditions are met:

(a) The school board of the school district has applied to the state treasurer for permission to levy a recalculated computed millage as described in subrule (1) of this rule.

(b) The application specifies the number of mills the school district requests permission to levy which shall be equal to the recalculated computed millage.

(c) The waiver will be financially beneficial to this state, the school district, or both. It is presumed that the recalculated computed millage, despite being lower than the computed millage reflected on the applicant's most recent order qualifying bonds, but not lower than the computed millage rate reflected on the applicant's current loan agreement in effect at the time of the request, meets this condition.

(d) The waiver will not reduce the millage levied by the school district to pay principal and interest on qualified bonds and/or qualified loans under the act to less than 7 mills.

(e) The board of the school district, by resolution, will agree to comply with all conditions that the state treasurer has specified in the waiver. Any conditions are anticipated to be only those needed to address any unforeseeable circumstances unique to and presented by individual school districts. The department's approach to those circumstances will be uniform to the extent possible.

(3) Once a waiver has been approved, for each subsequent consecutive year where the recalculated computed millage is lower than the computed millage stated on the most recent order qualifying bonds for the district, the district may continue to levy the lesser recalculated computed millage as long as it is sufficient to repay all outstanding loans by the final mandatory repayment date. Board acknowledgement of the waiver continuance will be obtained during the annual loan application process required by the act and will satisfy the annual waiver request requirement.

(4) If confirmed taxable value amounts are not available prior to board certification, estimated taxable values may be used in the application. Revised financial schedules with confirmed taxable values must be submitted prior to final department approval. Complete and timely applications shall be processed not later than June 10.

(5) Waiver request forms are available on the department's website and must be submitted along with current pro forma debt service projections not later than June 1 to the appropriate contact on the department's website.

History: 2014 MR 19, Eff. Oct. 6, 2014.

**PART 10. USE OF REMAINING PROCEEDS**

**R 388.20 Use of remaining proceeds.**

Rule 20. (1) School districts may only use bond proceeds remaining after the approved projects are completed to do the following:

(a) Pay debt service on qualified bonds.

(b) Pay qualified loans.

(2) Only under limited circumstances, and if in the opinion of the district's bond counsel, the use of remaining proceeds to pay down debt would adversely affect the tax treatment of interest on the qualified bonds, the district may use remaining bond proceeds to pay for enhancements to the projects approved by the school electors as described in the ballot language.

History: 2014 MR 19, Eff. Oct. 6, 2014.

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**PART 11. FINAL YEAR OF REPAYMENT**

**R 388.21 Computed millage exception for qualified bonds and qualified loans in final year of repayment.**

Rule 21. If a school district with an outstanding qualified loan balance can demonstrate to the satisfaction of the department that repayment in full of the outstanding qualified loan balance will be achieved in the school district's next fiscal year by levying a millage that is less than 7 mills, or less than the computed millage stated on the school district's most recent order qualifying bonds or loan agreement, then the department shall not object to the school district certifying a levy for that supported lesser millage amount.

History: 2014 MR 19, Eff. Oct. 6, 2014.

**PART 12. EXTENSION OF FINAL MANDATORY REPAYMENT DATE**

**R 388.22 Permissive mandatory repayment date extensions.**

Rule 22. (1) As permitted by the act, these rules, or any other guidance published by the department including, but not limited to, global instructions, policies, procedures, or guidelines, a school district may request approval from the treasurer for a later final mandatory repayment date.

(2) Requests may be granted only if the following conditions are met:

- (a) The school district agrees to levy a higher millage, at a minimum of 2 mills, and as approved by the treasurer, subject to any maximum millage provided by law.
- (b) The school district agrees to levy the higher millage described in subdivision (a) of this subrule for so long as the extended final mandatory repayment remains applicable.
- (c) The school district agrees to revert back to the original mandatory repayment date if and when projections support that action.
- (d) At the time of the request, the school district is at or within 15 years of its mandatory repayment date.
- (e) At the time of the request, the school district has not previously requested such an extension for the final mandatory repayment date stated in its current loan agreement.
- (f) The extension is necessary for the school district to receive preliminary or final qualification of a new money bond issue.
- (g) The school district will enter repayment mode upon completion of the bond issuance described in subdivision (f) of this subrule.
- (h) The final mandatory repayment date is not extended by more than 3 years.

(3) Approvals shall be documented in writing either as part of the qualification order for the bonds, or in another written communication with the school district.

History: 2014 MR 19, Eff. Oct. 6, 2014.

**DEPARTMENT OF EDUCATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**POSTSECONDRARY DUAL ENROLLMENT CRITERIA FOR FIFTH-YEAR HIGH SCHOOL PUPILS**

**R 388.151**

Source: 2007 AACCS.

**R 388.152**

Source: 2007 AACCS.

**R 388.153**

Source: 2007 AACCS.

**R 388.154**

Source: 2007 AACCS.

**R 388.155**

Source: 2007 AACCS.

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**STATE AID PROGRAMS FOR UNDERPRIVILEGED CHILDREN**

- R 388.201**  
Source: 1997 AACS.
- R 388.202**  
Source: 1997 AACS.
- R 388.203**  
Source: 1997 AACS.
- R 388.204**  
Source: 1997 AACS.
- R 388.205**  
Source: 1997 AACS.

**STATE AID TO IMPROVE ACHIEVEMENT IN BASIC COGNITIVE SKILLS**

- R 388.221**  
Source: 2008 AACS.
- R 388.222**  
Source: 2008 AACS.
- R 388.223**  
Source: 2008 AACS.
- R 388.224**  
Source: 2008 AACS.
- R 388.225**  
Source: 2008 AACS.
- R 388.226**  
Source: 2008 AACS.
- R 388.227**  
Source: 1997 AACS.
- R 388.228**  
Source: 2008 AACS.
- R 388.229**  
Source: 2008 AACS.
- R 388.230**  
Source: 2008 AACS.
- R 388.231**  
Source: 2008 AACS.
- R 388.234**  
Source: 1997 AACS.

**TRANSCRIPTION OF EDUCATIONAL MATERIALS INTO BRAILLE**

- R 388.261**

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Source: 2008 AACCS.

**R 388.262**

Source: 2008 AACCS.

**R 388.263**

Source: 2008 AACCS.

**R 388.264**

Source: 2008 AACCS.

**R 388.265**

Source: 2008 AACCS.

**CRITICAL HEALTH PROBLEMS EDUCATION PROGRAM**

**R 388.271**

Source: 2012 AACCS.

**R 388.272**

Source: 2012 AACCS.

**R 388.273**

Source: 2012 AACCS.

**R 388.274**

Source: 2012 AACCS.

**R 388.275**

Source: 2012 AACCS.

**GRANTS FOR COMMUNITY SCHOOL PROGRAM**

**R 388.281**

Source: 1997 AACCS.

**R 388.282**

Source: 1997 AACCS.

**R 388.283**

Source: 1997 AACCS.

**DRIVER EDUCATION**

**PART 1. GENERAL PROVISIONS**

**R 388.301**

Source: 1979 AC.

**R 388.302**

Source: 2011 AACCS.

**R 388.303**

Source: 2011 AACCS.

**R 388.304**

Source: 2011 AACCS.

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**R 388.304a**  
Source: 2011 AACS.

**R 388.305**  
Source: 2011 AACS.

**R 388.306**  
Source: 2011 AACS.

**R 388.306a**  
Source: 2011 AACS.

**R 388.306b**  
Source: 2011 AACS.

**R 388.307**  
Source: 2011 AACS.

**R 388.308**  
Source: 2011 AACS.

**R 388.309**  
Source: 2011 AACS.

**R 388.310**  
Source: 2011 AACS.

**R 388.311**  
Source: 2011 AACS.

**R 388.312**  
Source: 2011 AACS.

**R 388.313**  
Source: 2011 AACS.

**R 388.313a**  
Source: 2011 AACS.

**R 388.313b**  
Source: 2011 AACS.

**R 388.313c**  
Source: 2011 AACS.

**R 388.314**  
Source: 2011 AACS.

**R 388.314a**  
Source: 2011 AACS.

**R 388.314b**  
Source: 2011 AACS.

**R 388.314c**  
Source: 2011 AACS.

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**R 388.314d**  
Source: 2011 AACS.

**R 388.314e**  
Source: 2011 AACS.

**R 388.315**  
Source: 2011 AACS.

**R 388.316**  
Source: 2011 AACS.

**R 388.317**  
Source: 2011 AACS.

**R 388.318**  
Source: 2011 AACS.

**R 388.319**  
Source: 2011 AACS.

**R 388.320**  
Source: 2011 AACS.

**PART 2. SCHOOL DISTRICT DRIVER EDUCATION**

**R 388.321**  
Source: 2011 AACS.

**R 388.322**  
Source: 2011 AACS.

**R 388.323**  
Source: 2011 AACS.

**R 388.324**  
Source: 2011 AACS.

**PART 3. DRIVER EDUCATION PROVIDED BY ORGANIZATIONS**

**R 388.331**  
Source: 2011 AACS.

**R 388.332**  
Source: 2011 AACS.

**R 388.333**  
Source: 2011 AACS.

**R 388.334**  
Source: 2011 AACS.

**R 388.335**  
Source: 2011 AACS.

**R 388.338**  
Source: 2011 AACS.

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**R 388.339**  
Source: 1979 AC.

**DEPARTMENT OF STATE  
BUREAU OF DRIVER IMPROVEMENT  
DRIVER TRAINING SCHOOLS**

**R 388.351**  
Source: 2011 AACS.

**R 388.352**  
Source: 2011 AACS.

**R 388.353**  
Source: 2011 AACS.

**R 388.354**  
Source: 2011 AACS.

**R 388.355**  
Source: 2011 AACS.

**R 388.356**  
Source: 2011 AACS.

**R 388.357**  
Source: 2011 AACS.

**R 388.358**  
Source: 2011 AACS.

**R 388.359**  
Source: 2011 AACS.

**R 388.360**  
Source: 2011 AACS.

**R 388.361**  
Source: 2011 AACS.

**R 388.362**  
Source: 2011 AACS.

**DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION  
STATE AID FOR TRANSPORTATION OF SCHOOLCHILDREN**

**R 388.371**  
Source: 2012 AACS.

**R 388.372**  
Source: 2012 AACS.

**R 388.373**  
Source: 1997 AACS.

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**R 388.374**  
Source: 2012 AACS.

**R 388.375**  
Source: 1997 AACS.

**R 388.376**  
Source: 1997 AACS.

**R 388.377**  
Source: 2012 AACS.

**R 388.378**  
Source: 1987 AACS.

**R 388.379**  
Source: 1987 AACS.

**R 388.380**  
Source: 1987 AACS.

**R 388.381**  
Source: 2012 AACS.

**R 388.382**  
Source: 2012 AACS.

**R 388.383**  
Source: 2012 AACS.

**R 388.384**  
Source: 1987 AACS.

**R 388.385**  
Source: 1997 AACS.

**R 388.386**  
Source: 2012 AACS.

**R 388.387**  
Source: 2012 AACS.

**R 388.388**  
Source: 2012 AACS.

**R 388.389**  
Source: 1997 AACS.

**STATE AID FOR MATHEMATICS PROGRAM FOR  
EDUCATIONALLY NEEDY CHILDREN**

**R 388.401**  
Source: 1997 AACS.

**R 388.402**  
Source: 1997 AACS.

**R 388.403**

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**Source:** 1997 AACS.

**R 388.404**

**Source:** 1997 AACS.

**STATE AID FOR LEARNING DISABILITIES PROGRAMS**

**R 388.411**

**Source:** 1997 AACS.

**R 388.412**

**Source:** 1997 AACS.

**R 388.413**

**Source:** 1997 AACS.

**R 388.414**

**Source:** 1997 AACS.

**R 388.415**

**Source:** 1997 AACS.

**R 388.416**

**Source:** 1997 AACS.

**STATE AID FOR READING SUPPORT SERVICES**

**R 388.421**

**Source:** 1997 AACS.

**R 388.422**

**Source:** 1997 AACS.

**R 388.423**

**Source:** 1997 AACS.

**R 388.424**

**Source:** 1997 AACS.

**R 388.425**

**Source:** 1997 AACS.

**OFF-ROAD RECREATIONAL VEHICLE SAFETY EDUCATION**

**R 388.451**

**Source:** 2005 AACS.

**R 388.452**

**Source:** 2005 AACS.

**R 388.453**

**Source:** 2005 AACS.

**R 388.454**

**Source:** 2005 AACS.

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**R 388.456**  
Source: 2005 AACS.

**R 388.457**  
Source: 2005 AACS.

**R 388.459**  
Source: 2005 AACS.

**R 388.460**  
Source: 2005 AACS.

**R 388.462**  
Source: 2005 AACS.

**R 388.463**  
Source: 2005 AACS.

**R 388.464**  
Source: 2005 AACS.

**R 388.465**  
Source: 2005 AACS.

**R 388.466**  
Source: 2005 AACS.

**R 388.467**  
Source: 2005 AACS.

**R 388.468**  
Source: 2005 AACS.

**R 388.469**  
Source: 2005 AACS.

**R 388.475**  
Source: 2005 AACS.

**R 388.476**  
Source: 2005 AACS.

**R 388.477**  
Source: 2005 AACS.

**R 388.478**  
Source: 2005 AACS.

**STATE AID FOR PERFORMANCE CONTRACTS**

**R 388.551**  
Source: 1997 AACS.

**R 388.552**  
Source: 1997 AACS.

**R 388.553**  
Source: 1997 AACS.

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**R 388.554**  
Source: 1997 AACS.

**R 388.555**  
Source: 1997 AACS.

**R 388.556**  
Source: 1997 AACS.

**R 388.557**  
Source: 1997 AACS.

**NEIGHBORHOOD EDUCATION CENTERS**

**R 388.601**  
Source: 1997 AACS.

**R 388.602**  
Source: 1997 AACS.

**R 388.603**  
Source: 1997 AACS.

**R 388.604**  
Source: 1997 AACS.

**IDENTIFICATION OF STUDENTS ELIGIBLE FOR BILINGUAL EDUCATION FUNDING**

**R 388.701**  
Source: 2011 AACS.

**R 388.702**  
Source: 2011 AACS.

**R 388.703**  
Source: 2011 AACS.

**R 388.704**  
Source: 2011 AACS.

**R 388.705**  
Source: 2011 AACS.

**R 388.706**  
Source: 2011 AACS.

**R 388.707**  
Source: 2011 AACS.

**R 388.708**  
Source: 2011 AACS.

**R 388.709**  
Source: 2011 AACS.

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**R 388.710**  
Source: 2011 AACS.

**R 388.711**  
Source: 2011 AACS.

**COMMUNITY AND JUNIOR COLLEGES FULL-TIME  
EQUATED ENROLLMENT FOR STATE AID**

**R 389.1**  
Source: 1997 AACS.

**R 389.2**  
Source: 1997 AACS.

**R 389.3**  
Source: 1997 AACS.

**R 389.4**  
Source: 1997 AACS.

**PROPRIETARY SCHOOL UNIT**  
**PROPRIETARY SCHOOLS**

**R 390.561 Definitions.**

Rule 1. As used in these rules:

- (a) "Board" means the state board of education.
- (b) "Full-time equated students" means a student or combination of students enrolled in regular attendance and receiving a full course of instruction with the total clock hours as prescribed by the school.
- (c) "Public assembly site" means a site located in a public educational institution or located in a public meeting area suitable for instruction.
- (d) "School" means a proprietary school as defined in section 1a of the act. "School" does not include an educational institution or educational training program that is maintained or provided by an employer, without charge, to its employees or anticipated employees.

History: 1979 AC; 1987 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.562 Licensing procedure.**

- (1) Housing and facilities shall conform to standards specified by the appropriate local and state authorities.
- (2) The department shall issue an applicant school a permit for a 12-month period before issuing a license. A permit authorizes the applicant to offer specific programs at a definite location under the management as stated on an application. A separate permit is required for each location at which instruction is offered, except a school may offer instruction at an auxiliary classroom or a public assembly site without obtaining a separate permit for that location.

History: 1979 AC; 1987 AACS; 1998-2000 AACS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.562a Surety.**

Rule 2a. (1) If surety is terminated, the school's license or permit shall expire if a surety is not secured to replace the expired surety. Notification, in writing, shall be given by the school to the department if surety is to expire or be terminated and not replaced.

(2) A school shall not enroll students following notice of cancellation of surety unless another form of surety has been provided.

(3) A surety shall be provided by a school in an amount determined according to the following:

- (a) An accredited school shall provide evidence of surety of not less than \$5,000.00 for 1 to 100 full-time equated students, not less than \$7,500.00 for 101 to 500 full-time equated students, and not less than \$10,000.00 for 501 to 1,000 or more full-time equated students.

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(b) A nonaccredited school shall provide evidence of surety in an amount equal to \$200.00 per student, but not less than \$5,000.00.

History: 1987 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.563 Rescinded.**

History: 1979 AC; 1987 AACCS; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.564 Standards for operation.**

Rule 4. (1) Data relative to the education, training, and experience of the administrative, supervisory, and instructional staff shall be submitted, on forms provided by the department, for evaluation as to the competency to instruct or supervise instruction in the subjects assigned. Instructional personnel shall have backgrounds of appropriate education or appropriate experience in the substantive field which they are assigned to teach. Instructional personnel who teach in a field requiring a certificate or license shall possess such a certificate or license.

(2) The student's application form and contract shall correspond with the catalog furnished to the student. Any modification of the student's application and contract, as contained in the catalog, shall be agreed to, in writing, by all parties. The refund policy shall be stated in the contract.

(3) Student records, except records of grades, including enrollment data, payment of fees, attendance, progress, awards, interviews, and placement, shall be maintained for not less than 3 years following graduation. A student's grade records and transcripts shall be retained in perpetuity by the school and shall be available upon his or her request. A school that is no longer operating shall turn over its student records to the board.

(4) The class load for instruction shall be consistent with approved educational practices. A program shall not be offered unless approved by the department.

(5) Courses of instruction shall extend over a sufficient period to meet standards of trade and business practices. Outlines of lessons, units, or projects shall be available to the department.

(6) Equipment and materials shall meet local and state fire, health, safety, and sanitation requirements.

(7) A school shall notify the department before a change in location.

History: 1979 AC; 1987 AACCS; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.564a Rescinded.**

History: 1987 AACCS; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.565 Rescinded.**

History: 1979 AC; 1987 AACCS; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.566**

**Source:** 1987 AACCS.

**R 390.567 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**R 390.568**

**Source:** 1998-2000 AACCS.

**R 390.569 Rescinded.**

History: 1987 AACCS; 1998-2000 AACCS; 2014 MR 19, Eff. Oct. 16, 2014.

**DEPARTMENT OF EDUCATION**

**HEARINGS**

**R 390.621**

**DEPARTMENT OF TREASURY**

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**PROJECT COSTS**

**R 390.631**  
Source: 1997 AACS.

**PROJECT COSTS**

**R 390.641**  
Source: 1997 AACS.

**DEPARTMENT OF EDUCATION**  
**STATE BOARD OF EDUCATION**  
**TEACHERS' TENURE**

**R 390.661**  
Source: 2007 AACS.

**SOLICITORS OF PRIVATE TRADE SCHOOLS AND INSTITUTES**

**R 390.671**  
Source: 2013 AACS.

**SPECIAL EDUCATION SCHOLARSHIPS**

**R 390.801**  
Source: 1997 AACS.

**R 390.802**  
Source: 1997 AACS.

**R 390.803**  
Source: 1997 AACS.

**R 390.804**  
Source: 1997 AACS.

**R 390.805**  
Source: 1997 AACS.

**R 390.806**  
Source: 1997 AACS.

**R 390.807**  
Source: 1997 AACS.

**R 390.808**  
Source: 1997 AACS.

**R 390.809**  
Source: 1997 AACS.

**R 390.810**  
Source: 1997 AACS.

**R 390.811**

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Source: 1997 AACCS.

**R 390.812**

Source: 1997 AACCS.

**R 390.813**

Source: 1997 AACCS.

**R 390.814**

Source: 1997 AACCS.

**GRANTS FOR SPECIAL EDUCATION TEACHERS**

**R 390.821**

Source: 1997 AACCS.

**R 390.822**

Source: 1997 AACCS.

**R 390.823**

Source: 1997 AACCS.

**R 390.824**

Source: 1997 AACCS.

**R 390.825**

Source: 1997 AACCS.

**DEPARTMENT OF TREASURY**  
**MICHIGAN HIGHER EDUCATION ASSISTANCE AUTHORITY**  
**TUITION GRANTS**

**R 390.831**

Source: 1985 AACCS.

**R 390.832**

Source: 1979 AC.

**R 390.833**

Source: 1985 AACCS.

**R 390.834**

Source: 1985 AACCS.

**R 390.835**

Source: 1985 AACCS.

**R 390.836**

Source: 1997 AACCS.

**R 390.837**

Source: 1997 AACCS.

**R 390.838**

Source: 1985 AACCS.

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**R 390.839**  
Source: 1985 AACCS.

**R 390.840**  
Source: 1985 AACCS.

**R 390.841**  
Source: 1985 AACCS.

**R 390.842**  
Source: 1997 AACCS.

**R 390.843**  
Source: 1979 AC.

**R 390.844**  
Source: 1979 AC.

**R 390.845**  
Source: 1991 AACCS.

**R 390.846**  
Source: 1985 AACCS.

**R 390.847**  
Source: 1979 AC.

**R 390.848**  
Source: 1991 AACCS.

**R 390.849**  
Source: 1979 AC.

**UNDERGRADUATE SCHOLARS AWARD PROGRAM**

**R 390.871**  
Source: 1997 AACCS.

**R 390.872**  
Source: 1997 AACCS.

**R 390.873**  
Source: 1997 AACCS.

**R 390.874**  
Source: 1997 AACCS.

**R 390.875**  
Source: 1997 AACCS.

**R 390.876**  
Source: 1997 AACCS.

**R 390.877**  
Source: 1997 AACCS.

**R 390.878**  
Source: 1997 AACCS.

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**R 390.879**  
Source: 1997 AACCS.

**R 390.880**  
Source: 1997 AACCS.

**DEPARTMENT OF TREASURY**  
**MICHIGAN HIGHER EDUCATION ASSISTANCE AUTHORITY**  
**BUREAU OF STUDENT FINANCIAL ASSISTANCE**  
**NURSING SCHOLARSHIP RULES**

**R 390.901**  
Source: 2004 AACCS.

**R 390.903**  
Source: 2004 AACCS.

**R 390.905**  
Source: 2004 AACCS.

**R 390.907**  
Source: 2004 AACCS.

**R 390.909**  
Source: 2004 AACCS.

**R 390.913**  
Source: 2004 AACCS.

**R 390.915**  
Source: 2004 AACCS.

**STATE COMPETITIVE SCHOLARSHIPS**

**R 390.921**  
Source: 1997 AACCS.

**R 390.922**  
Source: 1997 AACCS.

**R 390.923**  
Source: 1997 AACCS.

**R 390.924**  
Source: 1997 AACCS.

**R 390.925**  
Source: 1997 AACCS.

**R 390.926**  
Source: 1997 AACCS.

**R 390.927**  
Source: 1997 AACCS.

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**R 390.928**  
Source: 1997 AACS.

**R 390.929**  
Source: 1997 AACS.

**R 390.930**  
Source: 1997 AACS.

**R 390.931**  
Source: 1997 AACS.

**R 390.932**  
Source: 1997 AACS.

**R 390.933**  
Source: 1997 AACS.

**R 390.934**  
Source: 1997 AACS.

**R 390.935**  
Source: 1997 AACS.

**R 390.936**  
Source: 1997 AACS.

**R 390.937**  
Source: 1997 AACS.

**R 390.938**  
Source: 1997 AACS.

**R 390.939**  
Source: 1997 AACS.

**R 390.940**  
Source: 1997 AACS.

**R 390.941**  
Source: 1997 AACS.

**R 390.942**  
Source: 1997 AACS.

**R 390.943**  
Source: 1997 AACS.

**DEPARTMENT OF EDUCATION**  
**HIGHER EDUCATION FACILITIES COMMISSION**  
**GRANTS FOR CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES**

**R 390.961**  
Source: 1997 AACS.

**R 390.962**  
Source: 1997 AACS.

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- R 390.963**  
Source: 1997 AACS.
- R 390.964**  
Source: 1997 AACS.
- R 390.965**  
Source: 1997 AACS.
- R 390.966**  
Source: 1997 AACS.
- R 390.967**  
Source: 1997 AACS.
- R 390.968**  
Source: 1997 AACS.
- R 390.969**  
Source: 1997 AACS.
- R 390.970**  
Source: 1997 AACS.
- R 390.970**  
Source: 1997 AACS.
- R 390.972**  
Source: 1997 AACS.
- R 390.973**  
Source: 1997 AACS.

**DEPARTMENT OF TREASURY**  
**HIGHER EDUCATION FACILITIES AUTHORITY**  
**EDUCATIONAL LOANS**

- R 390.981**  
Source: 2002 AACS.
- R 390.982**  
Source: 2002 AACS.
- R 390.983**  
Source: 2002 AACS.
- R 390.984**  
Source: 2002 AACS.
- R 390.985**  
Source: 2002 AACS.
- R 390.986**  
Source: 2002 AACS.
- R 390.987**  
Source: 1997 AACS.

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**R 390.988**  
Source: 1997 AACS.

**DEPARTMENT OF EDUCATION**  
**STATE BOARD OF EDUCATION**  
**GRANTS FOR THE IMPROVEMENT OF UNDERGRADUATE**  
**INSTRUCTION EQUIPMENT**

**R 390.1001**  
Source: 1997 AACS.

**R 390.1002**  
Source: 1997 AACS.

**R 390.1003**  
Source: 1997 AACS.

**R 390.1004**  
Source: 1997 AACS.

**R 390.1005**  
Source: 1997 AACS.

**R 390.1006**  
Source: 1997 AACS.

**R 390.1007**  
Source: 1997 AACS.

**R 390.1008**  
Source: 1997 AACS.

**R 390.1009**  
Source: 1997 AACS.

**R 390.1010**  
Source: 1997 AACS.

**R 390.1011**  
Source: 1997 AACS.

**R 390.1012**  
Source: 1997 AACS.

**R 390.1013**  
Source: 1997 AACS.

**GRANTS FOR STUDIES FOR EXTENDED SCHOOL YEAR**

**R 390.1051**  
Source: 1997 AACS.

**R 390.1052**  
Source: 1997 AACS.

**R 390.1053**

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Source: 1997 AACS.

**R 390.1054**

Source: 1997 AACS.

**R 390.1055**

Source: 1997 AACS.

**R 390.1056**

Source: 1997 AACS.

**TEACHER CERTIFICATION CODE**

**PART 1. GENERAL PROVISIONS**

**R 390.1101**

Source: 2012 AACS.

**R 390.1105**

Source: 2012 AACS.

**R 390.1111**

Source: 2012 AACS.

**R 390.1115**

Source: 2012 AACS.

**R 390.1117**

Source: 2012 AACS.

**R 390.1118**

Source: 2012 AACS.

**PART 2. STATE PROVISIONAL AND INTERIM CERTIFICATES**

**R 390.1121**

Source: 2012 AACS.

**R 390.1122**

Source: 2012 AACS.

**R 390.1122a**

Source: 2012 AACS.

**R 390.1123**

Source: 2012 AACS.

**R 390.1124**

Source: 2012 AACS.

**R 390.1125**

Source: 2012 AACS.

**R 390.1126**

Source: 2012 AACS.

**R 390.1127**

Source: 2012 AACS.

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**R 390.1128**  
Source: 2012 AACS.

**R 390.1129**  
Source: 2012 AACS.

**R 390.1129a**  
Source: 2012 AACS.

**R 390.1129b**  
Source: 2012 AACS.

**R 390.1130**  
Source: 2012 AACS.

**PART 3. STATE PROFESSIONAL EDUCATION CERTIFICATES**

**R 390.1131**  
Source: 2012 AACS.

**R 390.1132**  
Source: 2012 AACS.

**R 390.1133**  
Source: 2006 AACS.

**R 390.1134**  
Source: 2012 AACS.

**R 390.1135**  
Source: 2012 AACS.

**R 390.1136**  
Source: 2006 AACS.

**R 390.1137**  
Source: 2012 AACS.

**R 390.1138**  
Source: 2012 AACS.

**PART 4. STATE SPECIAL PERMITS**

**R 390.1141**  
Source: 2012 AACS.

**R 390.1142**  
Source: 2012 AACS.

**R 390.1143**  
Source: 2012 AACS.

**R 390.1144**  
Source: 1989 AACS.

**R 390.1145**  
Source: 2012 AACS.

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**R 390.1146**  
Source: 2012 AACS.

**R 390.1147**  
Source: 2012 AACS.

**PART 5. TEACHER PREPARATION INSTITUTIONS**

**R 390.1151**  
Source: 2012 AACS.

**R 390.1152**  
Source: 2012 AACS.

**R 390.1153**  
Source: 2006 AACS.

**R 390.1154**  
Source: 2012 AACS.

**R 390.1155**  
Source: 2012 AACS.

**R 390.1156**  
Source: 2012 AACS.

**R 390.1157**  
Source: 2006 AACS.

**PART 6. OCCUPATIONAL ENDORSEMENT AND AUTHORIZATION**

**R 390.1161**  
Source: 2012 AACS.

**R 390.1162**  
Source: 2012 AACS.

**R 390.1163**  
Source: 2012 AACS.

**R 390.1164**  
Source: 2006 AACS.

**R 390.1164a**  
Source: 2012 AACS.

**R 390.1165**  
Source: 2012 AACS.

**R 390.1166**  
Source: 2012 AACS.

**R 390.1167**  
Source: 2012 AACS.

**PART 9. EFFECTIVE DATE AND RESCISSION**

**R 390.1198**  
Source: 1979 AC.

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**R 390.1199**  
Source: 1979 AC.

**PART 10. ADMINISTRATIVE HEARINGS**

**R 390.1201**  
Source: 2006 AACS.

**R 390.1202**  
Source: 2006 AACS.

**R 390.1203**  
Source: 2006 AACS.

**R 390.1204**  
Source: 2006 AACS.

**R 390.1205**  
Source: 2006 AACS.

**R 390.1206**  
Source: 2006 AACS.

**R 390.1207**  
Source: 2006 AACS.

**R 390.1208**  
Source: 2006 AACS.

**R 390.1209**  
Source: 2006 AACS.

**R 390.1210**  
Source: 2006 AACS.

**R 390.1211**  
Source: 2006 AACS.

**R 390.1212**  
Source: 2006 AACS.

**R 390.1213**  
Source: 2006 AACS.

**R 390.1214**  
Source: 2006 AACS.

**R 390.1215**  
Source: 2006 AACS.

**R 390.1216**  
Source: 2006 AACS.

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

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**ADMINISTRATIVE HEARINGS FOR THE SUSPENSION AND REVOCATION OF MICHIGAN TEACHING  
CERTIFICATES**

**R 390.1251**  
Source: 2008 AACCS.

**DEPARTMENT OF EDUCATION**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**CERTIFICATION AND LICENSURE OF SCHOOL COUNSELORS**

**R 390.1301**  
Source: 2006 AACCS.

**R 390.1302**  
Source: 2006 AACCS.

**R 390.1303**  
Source: 2006 AACCS.

**R 390.1303a**  
Source: 2006 AACCS.

**R 390.1304**  
Source: 2006 AACCS.

**R 390.1305**  
Source: 2006 AACCS.

**R 390.1306**  
Source: 2006 AACCS.

**R 390.1307**  
Source: 2006 AACCS.

**R 390.1308**  
Source: 2006 AACCS.

**DEPARTMENT OF TREASURY**

**MICHIGAN HIGHER EDUCATION ASSISTANCE AUTHORITY**

**GUARANTEED LOAN PROGRAM**

**PART 1. GENERAL PROVISIONS**

**R 390.1401**  
Source: 1990 AACCS.

**R 390.1402**  
Source: 1990 AACCS.

**R 390.1403**  
Source: 1990 AACCS.

**R 390.1404**  
Source: 1990 AACCS.

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**R 390.1405**  
Source: 1990 AACS.

**R 390.1406**  
Source: 1997 AACS.

**R 390.1407**  
Source: 1990 AACS.

**R 390.1409**  
Source: 1990 AACS.

**R 390.1411**  
Source: 1990 AACS.

**R 390.1412**  
Source: 1990 AACS.

**R 390.1413**  
Source: 1990 AACS.

**R 390.1415**  
Source: 1990 AACS.

**R 390.1417**  
Source: 1990 AACS.

**R 390.1419**  
Source: 1997 AACS.

**R 390.1421**  
Source: 1990 AACS.

**R 390.1422**  
Source: 1990 AACS.

**R 390.1423**  
Source: 1997 AACS.

**R 390.1424**  
Source: 1997 AACS.

**R 390.1425**  
Source: 1997 AACS.

**R 390.1426**  
Source: 1997 AACS.

**R 390.1427**  
Source: 1997 AACS.

**R 390.1429**  
Source: 1990 AACS.

**PART 2. LOAN PROVISIONS AND PROCEEDS**

**R 390.1431**  
Source: 1990 AACS.

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**R 390.1432**  
Source: 1990 AACS.

**R 390.1433**  
Source: 1990 AACS.

**R 390.1434**  
Source: 1997 AACS.

**R 390.1435**  
Source: 1997 AACS.

**R 390.1436**  
Source: 1990 AACS.

**R 390.1437**  
Source: 1990 AACS.

**R 390.1438**  
Source: 1990 AACS.

**PART 3. INTEREST ON LOANS**

**R 390.1441**  
Source: 1990 AACS.

**R 390.1442**  
Source: 1990 AACS.

**R 390.1443**  
Source: 1997 AACS.

**R 390.1445**  
Source: 1997 AACS.

**PART 4. PAYMENTS, EXTENSIONS, AND DEFERMENTS**

**R 390.1451**  
Source: 1990 AACS.

**R 390.1452**  
Source: 1997 AACS.

**R 390.1453**  
Source: 1997 AACS.

**R 390.1455**  
Source: 1990 AACS.

**R 390.1456**  
Source: 1990 AACS.

**R 390.1457**  
Source: 1990 AACS.

**PART 5. DEFAULTED LOANS**

**R 390.1461**

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Source: 1990 AACS.

**R 390.1462**

Source: 1997 AACS.

**R 390.1463**

Source: 1997 AACS.

**R 390.1464**

Source: 1997 AACS.

**R 390.1465**

Source: 1997 AACS.

**R 390.1466**

Source: 1990 AACS.

**R 390.1467**

Source: 1990 AACS.

**R 390.1468**

Source: 1997 AACS.

**PART 6. FORBEARANCE**

**R 390.1471**

Source: 1990 AACS.

**PART 7. LIMITATION, SUSPENSION, OR TERMINATION OF SCHOOL OR LENDER PARTICIPATION**

**R 390.1481**

Source: 1990 AACS.

**R 390.1482**

Source: 1990 AACS.

**R 390.1483**

Source: 1990 AACS.

**R 390.1484**

Source: 1990 AACS.

**R 390.1485**

Source: 1990 AACS.

**R 390.1486**

Source: 1990 AACS.

**R 390.1487**

Source: 1990 AACS.

**R 390.1488**

Source: 1990 AACS.

**R 390.1489**

Source: 1990 AACS.

**R 390.1490**

Source: 1990 AACS.

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**R 390.1491**  
Source: 1990 AACS.

**LEGISLATIVE MERIT AWARD PROGRAM**

**R 390.1501**  
Source: 1979 AC.

**R 390.1502**  
Source: 1985 AACS.

**R 390.1503**  
Source: 1979 AC.

**R 390.1504**  
Source: 1979 AC.

**R 390.1505**  
Source: 1979 AC.

**R 390.1506**  
Source: 1985 AACS.

**R 390.1507**  
Source: 1979 AC.

**R 390.1508**  
Source: 1979 AC.

**R 390.1509**  
Source: 1979 AC.

**R 390.1510**  
Source: 1979 AC.

**R 390.1511**  
Source: 1985 AACS.

**R 390.1512**  
Source: 1979 AC.

**COMPETITIVE SCHOLARSHIP PROGRAM**

**R 390.1551**  
Source: 1991 AACS.

**R 390.1552**  
Source: 1991 AACS.

**R 390.1553**  
Source: 1991 AACS.

**R 390.1554**  
Source: 1991 AACS.

**R 390.1555**  
Source: 1991 AACS.

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**R 390.1556**  
Source: 1985 AACCS.

**R 390.1557**  
Source: 1991 AACCS.

**R 390.1558**  
Source: 1991 AACCS.

**R 390.1559**  
Source: 1985 AACCS.

**R 390.1560**  
Source: 1991 AACCS.

**R 390.1561**  
Source: 1980 AACCS.

**R 390.1562**  
Source: 1991 AACCS.

**R 390.1563**  
Source: 1997 AACCS.

**R 390.1563a**  
Source: 1985 AACCS.

**R 390.1564**  
Source: 1980 AACCS.

**R 390.1565**  
Source: 1991 AACCS.

**R 390.1566**  
Source: 1991 AACCS.

**R 390.1567**  
Source: 1991 AACCS.

**R 390.1568**  
Source: 1991 AACCS.

**R 390.1569**  
Source: 1991 AACCS.

**R 390.1570**  
Source: 1991 AACCS.

**R 390.1571**  
Source: 1991 AACCS.

**MICHIGAN HIGHER EDUCATION STUDENT LOAN AUTHORITY**  
**STATE DIRECT LOAN PROGRAM**

**R 390.1601**  
Source: 2007 AACCS.

**R 390.1602**

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Source: 2007 AACCS.

**R 390.1603**

Source: 2007 AACCS.

**R 390.1604**

Source: 2007 AACCS.

**R 390.1605**

Source: 2007 AACCS.

**R 390.1606**

Source: 2007 AACCS.

**R 390.1607**

Source: 2007 AACCS.

**R 390.1608**

Source: 2007 AACCS.

**R 390.1609**

Source: 2007 AACCS.

**R 390.1610**

Source: 2007 AACCS.

**R 390.1611**

Source: 2007 AACCS.

**MICHIGAN ALTERNATIVE STUDENT LOAN PROGRAM**

**R 390.1621**

Source: 1998-2000 AACCS.

**R 390.1622**

Source: 1998-2000 AACCS.

**R 390.1623**

Source: 1998-2000 AACCS.

**R 390.1624**

Source: 1990 AACCS.

**R 390.1625**

Source: 1995 AACCS.

**R 390.1626**

Source: 1998-2000 AACCS.

**R 390.1627**

Source: 1997 AACCS.

**R 390.1628**

Source: 1995 AACCS.

**R 390.1629**

Source: 1998-2000 AACCS.

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**R 390.1630**  
Source: 1998-2000 AACCS.

**R 390.1631**  
Source: 1998-2000 AACCS.

**R 390.1632**  
Source: 1998-2000 AACCS.

**R 390.1633**  
Source: 1998-2000 AACCS.

**R 390.1634**  
Source: 1998-2000 AACCS.

**R 390.1635**  
Source: 1998-2000 AACCS.

**R 390.1636**  
Source: 1998-2000 AACCS.

**HIGHER EDUCATION ASSISTANCE AUTHORITY**  
**DIFFERENTIAL GRANT PROGRAM**

**R 390.1651**  
Source: 1985 AACCS.

**R 390.1652**  
Source: 1985 AACCS.

**R 390.1653**  
Source: 1985 AACCS.

**R 390.1654**  
Source: 1985 AACCS.

**R 390.1655**  
Source: 1985 AACCS.

**R 390.1656**  
Source: 1985 AACCS.

**R 390.1657**  
Source: 1985 AACCS.

**R 390.1658**  
Source: 1985 AACCS.

**R 390.1659**  
Source: 1985 AACCS.

**R 390.1660**  
Source: 1985 AACCS.

**R 390.1661**  
Source: 1985 AACCS.

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**R 390.1662**  
Source: 1985 AACCS.

**R 390.1663**  
Source: 1985 AACCS.

**MICHIGAN WORK-STUDY UNDERGRADUATE PROGRAM**

**R 390.1701**  
Source: 1988 AACCS.

**R 390.1702**  
Source: 1988 AACCS.

**R 390.1703**  
Source: 1988 AACCS.

**R 390.1704**  
Source: 1988 AACCS.

**R 390.1705**  
Source: 1988 AACCS.

**R 390.1706**  
Source: 1988 AACCS.

**R 390.1707**  
Source: 1988 AACCS.

**R 390.1708**  
Source: 1988 AACCS.

**R 390.1709**  
Source: 1988 AACCS.

**MICHIGAN EDUCATIONAL OPPORTUNITY GRANT PROGRAM**

**R 390.1721**  
Source: 1988 AACCS.

**R 390.1722**  
Source: 1988 AACCS.

**R 390.1723**  
Source: 1988 AACCS.

**R 390.1724**  
Source: 1988 AACCS.

**R 390.1725**  
Source: 1988 AACCS.

**R 390.1726**  
Source: 1988 AACCS.

**R 390.1727**  
Source: 1988 AACCS.

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**R 390.1728**  
Source: 1988 AACCS.

**ADULT PART-TIME GRANT PROGRAM**

**R 390.1751**  
Source: 1988 AACCS.

**R 390.1752**  
Source: 1988 AACCS.

**R 390.1753**  
Source: 1988 AACCS.

**R 390.1754**  
Source: 1988 AACCS.

**R 390.1755**  
Source: 1988 AACCS.

**R 390.1756**  
Source: 1988 AACCS.

**R 390.1757**  
Source: 1988 AACCS.

**R 390.1758**  
Source: 1988 AACCS.

**R 390.1759**  
Source: 1988 AACCS.

**MICHIGAN WORK-STUDY GRADUATE PROGRAM**

**R 390.1771**  
Source: 1988 AACCS.

**R 390.1772**  
Source: 1988 AACCS.

**R 390.1773**  
Source: 1988 AACCS.

**R 390.1774**  
Source: 1988 AACCS.

**R 390.1775**  
Source: 1988 AACCS.

**R 390.1776**  
Source: 1988 AACCS.

**R 390.1777**  
Source: 1988 AACCS.

**R 390.1778**  
Source: 1988 AACCS.

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**R 390.1779**  
Source: 1988 AACCS.

**MICHIGAN EDUCATION TRUST**

**R 390.1801**  
Source: 2002 AACCS.

**R 390.1802**  
Source: 2008 AACCS.

**R 390.1803**  
Source: 1992 AACCS.

**R 390.1804**  
Source: 1992 AACCS.

**R 390.1805**  
Source: 1997 AACCS.

**R 390.1806**  
Source: 1992 AACCS.

**R 390.1807**  
Source: 1992 AACCS.

**R 390.1808**  
Source: 1992 AACCS.

**R 390.1809**  
Source: 1992 AACCS.

**R 390.1810**  
Source: 1992 AACCS.

**R 390.1811**  
Source: 1992 AACCS.

**R 390.1812**  
Source: 1992 AACCS.

**R 390.1813**  
Source: 1992 AACCS.

**R 390.1814**  
Source: 1993 AACCS.

**R 390.1815**  
Source: 1993 AACCS.

**R 390.1816**  
Source: 1992 AACCS.

**R 390.1817**  
Source: 1992 AACCS.

**R 390.1818**  
Source: 1992 AACCS.

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**R 390.1819**  
Source: 1992 AACS.

**R 390.1820**  
Source: 1992 AACS.

**R 390.1821**  
Source: 1998-2000 AACS.

**DEPARTMENT OF TREASURY**

**MICHIGAN HIGHER EDUCATION ASSISTANCE AUTHORITY**

**CHILDREN OF VETERANS TUITION GRANT PROGRAM**

**R 390.1901**  
Source: 2009 AACS.

**R 390.1902**  
Source: 2009 AACS.

**R 390.1903**  
Source: 2009 AACS.

**R 390.1904**  
Source: 2009 AACS.

**R 390.1905**  
Source: 2009 AACS.

**R 390.1906**  
Source: 2009 AACS.

**R 390.1907**  
Source: 2009 AACS.

**R 390.1908**  
Source: 2009 AACS.

**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**

**COMMISSION FOR THE BLIND**

**VENDING FACILITY PROGRAM**

**R 393.1**  
Source: 2004 AACS.

**R 393.2**  
Source: 2004 AACS.

**R 393.3**  
Source: 2004 AACS.

**R 393.4**  
Source: 2004 AACS.

**R 393.5**  
Source: 2004 AACS.

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**R 393.6**  
Source: 2004 AACS.

**R 393.7**  
Source: 2004 AACS.

**R 393.8**  
Source: 2004 AACS.

**R 393.9**  
Source: 2004 AACS.

**R 393.10**  
Source: 2004 AACS.

**R 393.11**  
Source: 2004 AACS.

**R 393.12**  
Source: 2004 AACS.

**Rule 393.13**  
Source: 2004 AACS.

**R 393.14**  
Source: 2004 AACS.

**R 393.15**  
Source: 2004 AACS.

**R 393.16**  
Source: 2004 AACS.

**R 393.17**  
Source: 2004 AACS.

**R 393.18**  
Source: 2004 AACS.

**R 393.19**  
Source: 2004 AACS.

**R 393.20**  
Source: 2004 AACS.

**R 393.21**  
Source: 2004 AACS.

**R 393.22**  
Source: 2004 AACS.

**R 393.23**  
Source: 2004 AACS.

**R 393.24**

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**Source:** 2004 AACS.

**R 393.25**

**Source:** 2004 AACS.

**R 393.26**

**Source:** 2004 AACS.

**R 393.27**

**Source:** 2004 AACS.

**R 393.28**

**Source:** 2004 AACS.

**R 393.29**

**Source:** 2004 AACS.

**R 393.30**

**Source:** 2004 AACS.

**R 393.31**

**Source:** 2004 AACS.

**R 393.32**

**Source:** 2004 AACS.

**R 393.33**

**Source:** 2004 AACS.

**R 393.34**

**Source:** 2004 AACS.

**R 393.35**

**Source:** 2004 AACS.

**R 393.36**

**Source:** 2004 AACS.

**R 393.37**

**Source:** 2004 AACS.

**R 393.38**

**Source:** 2004 AACS.

**R 393.39**

**Source:** 2004 AACS.

**R 393.40**

**Source:** 2004 AACS.

**R 393.41**

**Source:** 2004 AACS.

**R 393.42**

**Source:** 2004 AACS.

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**R 393.43**  
Source: 2004 AACS.

**R 394.44**  
Source: 2004 AACS.

**R 393.45**  
Source: 2004 AACS.

**R 393.46**  
Source: 2004 AACS.

**R 393.47**  
Source: 2004 AACS.

**R 393.48**  
Source: 2004 AACS.

**R 393.49**  
Source: 2004 AACS.

**R 393.50**  
Source: 2004 AACS.

**R 393.51**  
Source: 2004 AACS.

**R 393.52**  
Source: 2004 AACS.

**R 393.53**  
Source: 2004 AACS.

**R 393.54**  
Source: 2004 AACS.

**R 393.55**  
Source: 2004 AACS.

**R 393.56**  
Source: 2004 AACS.

**R 393.101**  
Source: 2004 AACS.

**R 393.102**  
Source: 2004 AACS.

**R 393.103**  
Source: 2004 AACS.

**R 393.104**  
Source: 2004 AACS.

**R 393.105**  
Source: 2004 AACS.

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**R 393.106**  
Source: 2004 AACS.

**R 393.107**  
Source: 2004 AACS.

**R 393.108**  
Source: 2004 AACS.

**R 393.109**  
Source: 2004 AACS.

**R 393.110**  
Source: 2004 AACS.

**R 393.111**  
Source: 2004 AACS.

**R 393.112**  
Source: 2004 AACS.

**R 393.113**  
Source: 2004 AACS.

**R 393.199**  
Source: 1983 AACS.

**CLIENT APPEAL PROCEDURES**

**R 393.201**  
Source: 1990 AACS.

**R 393.202**  
Source: 1997 AACS.

**R 393.203**  
Source: 1997 AACS.

**R 393.204**  
Source: 1997 AACS.

**MICHIGAN DEPARTMENT OF CIVIL RIGHTS**  
**DIVISION ON DEAF AND HARD OF HEARING**  
**QUALIFIED INTERPRETER – GENERAL RULES**

**PART 1. GENERAL PROVISIONS**

**R 393.5001 Scope.**

Rule 1. These rules apply to a person who is hired to interpret for a proceeding for a deaf, deafblind, or hard of hearing person within this state.

History: 2014 MR 11, Eff. July 7, 2014.

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**R 393.5003 Definitions.**

Rule 2. Terms used in these rules are defined as follows:

- (a) “Act” means the deaf persons’ interpreters’ act, 1982 PA 204, MCL 393.501 to 393.509.
- (b) “CEU cycle” means a 4-year period of time in which continuing education units are earned.
- (c) “CEU” means a continuing education unit.
- (d) “Complainant” means a person or entity who has filed a grievance with the division alleging that a person has violated the act or a rule promulgated under the act.
- (e) “Council” means the advisory council on deaf and hard of hearing established under MCL 408.205.
- (f) “Credential card” means an interpreter card, carrying the great seal of Michigan, issued by the division that verifies that an interpreter is a qualified interpreter within this state for a specific time period. The division may issue a credential card that incorporates a photograph.
- (g) “D/DB/HH” means a deaf, deafblind and/or hard of hearing person and includes any person for whom an interpreter is required as an accommodation under state or federal law.
- (h) “Deaf Interpreter” or “DI” means a deaf or hard of hearing person who holds a division recognized certification and interpreter training and/or experience in the use of gestures, mime, props, drawings, and other tools to enhance communication, as well as knowledge and understanding of deafness, the deaf community, and the deaf culture. The DI possesses native or near-native fluency in American Sign Language. The DI facilitates communication between a person using sign language and a deafblind person or between a qualified interpreter and D/DB/HH person when the communication between the qualified interpreter and the D/DB/HH person is not effective.
- (i) “Director” means the director of the division on deaf and hard of hearing or his or her designee.
- (j) “Division” means the division on deaf and hard of hearing in the Michigan department of civil rights.
- (k) “Division recognized certification” means a certificate that the division will accept that indicates the person has passed an evaluation of his or her interpreting skills.
- (l) “Effective communication” means that all involved parties understand each other for the exchange of visual and audio information about ideas, attitudes, emotions, or behavior that occurs between 2 or more persons, through a common system of language that is equally and fully understood by a deaf, deafblind, or hard of hearing person (D/DB/HH) and hearing persons. The interpreter must possess sign language to English – English to sign language skills and necessary vocabulary for the situation so that all parties have access to the same information.
- (m) “Exception” means a written agreement between the division and an appointing authority, including, but not necessarily limited to, an educational program as described in R 393.5027(3), in which the appointing authority describes and attests to its efforts to provide a qualified interpreter, and in which the appointing authority asserts and the division agrees that the unfeasibility of doing so necessitates a variance from these rules.
- (n) “EIPA” or “educational interpreter performance assessment” means a credential granted under the EIPA interpreter testing system that assesses the proficiency of interpreters in elementary and secondary educational environments.
- (o) “Formal complaint” means a document that states the charges of each alleged violation and is prepared by the division after a complaint has been received.
- (p) “Interpreter” means a person who engages in the practice of interpreting and meets the definition of MCL 393.502(h).
- (q) “Interpreting” means the process of listening, watching, understanding, and analyzing signed, spoken, written word, facial expressions, and lip movements from a source language and re-expressing that message faithfully, accurately, and objectively in a target language, taking the social and cultural context into account. In the context of these rules “interpreting” generally involves signing to a D/DB/HH person what is being voiced by a hearing person, and voicing to a hearing person what is being signed by a D/DB/HH person.
- (r) “Listed” or “listing” means full name, address, type of certification, expiration, and disciplinary actions appearing in the division interpreter database.
- (s) “MI-BEI certification” means an interpreter certificate granted under the MI-BEI interpreter testing system.
- (t) “Michigan BEI” or “MI-BEI” means the Michigan board for evaluation of interpreters test, which this state leases from the state of Texas to evaluate interpreters in this state.
- (u) “NAD” means national association of the deaf.

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- (v) “National certification” means 1 of the following certificates recognized by the registry of interpreters for the deaf (RID) that assesses interpreter skills:
- (i) RID CDI means certified deaf interpreter.
  - (ii) RID CI means certificate of interpretation.
  - (iii) RID CLIP-R means conditional legal interpreting permit-relay.
  - (iv) RID CSC means comprehensive skills certificate.
  - (v) RID CT means certificate of transliteration.
  - (vi) RID Ed: K-12 means educational certificate: k-12.
  - (vii) RID IC means interpretation certificate.
  - (viii) RID MCSC means master comprehensive skills certificate.
  - (ix) NAD III or IV or V means national association of the deaf certificate under RID.
  - (x) RID NIC means national interpreter certification (e.g., NIC, NIC Advanced, and NIC Master).
  - (xi) RID OTC means oral transliteration certificate.
  - (xii) RID RSC means reverse skills certificate.
  - (xiii) RID SC:L means specialist certificate: legal.
  - (xiv) RID TC means transliteration certificate.
- (w) “Proceeding” means any meeting in which a D/DB/HH person participates that requires a qualified interpreter.
- (x) “Proceedings interpreter” means a person who interprets in a court room all of the proceedings of the court, including all witness testimony.
- (y) “Quality assurance certification” or “QA” means an interpreter certificate granted under the division’s quality assurance certification interpreter testing system.
- (z) “Qualified interpreter” means a person who is certified through the national registry of interpreters for the deaf or certified through the state by the division and listed on the Michigan online interpreter system, available on the division website, and who holds all standard level, educational certification, and endorsement(s) required for the interpreting assignment in which he or she is engaging.
- (aa) “Readily communicate” means that effective communication is achieved.
- (bb) “Reasonable notice” means the minimum advanced notice required under the circumstances for the appointing authority to secure an interpreter.
- (cc) “Respondent” means a person against whom a grievance has been filed alleging that the person has violated the act or a rule promulgated under the act.
- (dd) “RID” means the national registry of interpreters for the deaf.
- (ee) “SCAO” means state court administrative office.
- (ff) “Secure call center” means a location with the physical and technological attributes to enable qualified interpreters to provide video remote interpreting in compliance with the act and any other applicable law.
- (gg) “Sign language” means a visual language in which with signing, the brain processes linguistic information through the eyes. The shape, placement, and movement of the hands, as well as facial expressions and body movements, all play important parts in conveying information. American Sign Language (ASL) is a language with its own unique rules of grammar and syntax.
- (hh) “Student intern” means a person who is formally enrolled in a course of study at a college, university, or trade school leading to a degree or certificate from an accredited institution in the field of interpreting.
- (ii) “Superuser” means a system administrator, technician, or other authorized person who possesses the knowledge to connect, fix, or correct technical issues that arise during the use of VRI.
- (jj) “Table interpreter” means an interpreter who sits at counsel’s table as a member of the litigation team, interprets privileged communications between counsel and client, and monitors the proceeding’s interpreters for accuracy.
- (kk) “Team interpreting” means the utilization of 2 or more interpreters or deaf interpreter who rotate to provide simultaneous or consecutive interpretation. Team interpreters alternate interpreting duties to reduce mental and physical fatigue, reduce the potential for errors in the interpretation by monitoring and making adjustments as necessary to ensure accuracy, and assist with note-taking and monitoring the environmental logistics of the interpreted setting.
- (ll) “Testing cycle” means the period of time between the time a certification is earned and retesting is required.

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(mm) "Under-qualified interpreter" means a "qualified interpreter" who is certified through the national registry of interpreters for the deaf or certified through this state by the division and listed on the Michigan online interpreter system, but who does not hold 1 or more standard level, educational certification, or endorsement(s) required to interpret for a proceeding in which he or she is engaging.

(nn) "Variance" means any failure by an appointing authority to provide a qualified interpreter and establish effective communication that does not take place pursuant to a "waiver" or "exception" and which is not otherwise prohibited by law or these rules. A variance may, for example, be necessitated because compliance would cause an appointing authority undue hardship or fundamental alteration as those terms are used in the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008. An agreement to accept interpreting provided in variance shall not include, or be deemed to include, any express or implied agreement to lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to provide the variance.

(oo) "Video relay service" or "VRS" means a form of telecommunications relay service (TRS) that enables persons with hearing or speech disabilities who use American sign language (ASL) to communicate with voice telephone users through video equipment. The video equipment links the VRS user with an interpreter so that the VRS user and interpreter can see and communicate with each other in sign language while the interpreter relays the conversation back and forth with a voice caller.

(pp) "Video remote interpreting" or "VRI" means the use of video conference technology to deliver the services of a qualified interpreter between 2 or more people at the same location. VRI generally consists of video cameras and monitors, microphones and speakers, and a high speed internet or other connection.

(qq) "Waiver" means to give up the right to have a qualified interpreter. A "Limited Waiver" means to agree to accept an under-qualified interpreter for a particular proceeding.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5004 Reasonable notice.**

Rule 4. An appointing authority may require that a person requesting an accommodation provide reasonable advance notice. A lack of reasonable advance notice of the need for an interpreter may relieve the legal obligation to make timely and appropriate attempts to provide one; but an appointing authority's refusal to provide a legally required accommodation based only upon a notice requirement greater than what is reasonable under the circumstances is a refusal to provide the accommodation. A determination of reasonableness may, among other factors, include the local availability of interpreters, the frequency with which the appointing authority receives such requests, whether the appointing authority regularly utilizes VRI or an interpreter agency, the nature of the proceedings for which the interpreter is requested, any specific types endorsement or other interpreter expertise needed, the potential for harm if there is delay in the proceeding, and the ability of the D/DB/HH person to have foreseen the need. Notice is always reasonable when provided by a D/DB/HH as soon as a medical, legal, or emergency need is identified.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5005 Verification of interpreter qualifications.**

Rule 5. The division shall assist an appointing authority or a member of the public to ensure that an interpreter is properly qualified by 1 or more of the following methods:

- (a) Verifying through oral or written request that a credential provided by the division is current and valid.
- (b) Accepting and referring requests for qualified interpreters channeled through the division under MCL 393.508 (1).
- (c) Verifying the credential of qualified interpreters through an online listing provided by the division under MCL 393.508 (2).
- (d) Providing consultation on required certification and standard levels.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 2. MINIMUM CREDENTIAL REQUIREMENTS AND LEVELS**

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**R 393.5021 Acceptable certifications.**

Rule 21. (1) All of the following certifications are recognized in this state:

(a) The following certification evaluated by this state:

(i) Michigan Quality Assurance (QA) I, II, III, until phase-out date being 90 days after the effective date of these rules.

(ii) Michigan BEI I.

(iii) Michigan BEI II.

(iv) Michigan BEI III.

(v) Deaf Interpreter (DI).

(b) EIPA as provided in R 393.5026.

(c) A certification from another state having a reciprocal agreement with this state.

(d) National certifications recognized by the RID.

(e) Equivalent certification recognized by the RID or the division.

(2) An EIPA shall only be accepted for use in elementary and secondary educational settings and shall not be recognized as acceptable certification outside of the stated school settings.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5022 Minimum standard levels.**

Rule 22. (1) Standard levels shall include level 1, level 2, level 3, and an educational level. Standard levels are based upon the sign language interpreter's credentials, and are intended to illustrate a given level of expected proficiency. Each level is the minimum level established to protect the health, welfare, and safety of the D/DB/HH person and interpreters engaged in the specific environments identified under each standard level. Interpreters shall accept, refuse, or withdraw from proceedings, based upon their standard level, RID professional code of conduct tenets, experience, ability to readily communicate, mandated standards, and credentials.

(2) A person with a designated oral transliteration certificate may provide oral transliterating only. Sign language interpreter certification is required for a person to perform sign language interpreting. If oral transliterating is done under standard levels 2 and 3, then the interpreter shall also obtain medical and legal endorsements.

(3) The following certifications are not recognized by the division for the circumstances described:

(a) Beginning 90 days from the effective date of these rules, holders of certificates listed under standard level 1 and standard level 2 shall not provide legal interpreting.

(b) An interpreter holding a QA I certification shall not work in an educational environment beyond 90 days after the effective date of these rules.

(c) Endorsements are required to interpret in medical situations in legal situations, and for a proceeding involving a deafblind person. Endorsement requirements shall be required 2 years from the effective date of these rules.

(d) Adherence to standard levels will begin 90 days after the effective date of these rules

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5023 Standard Level 1; non-complex, low-risk environments.**

Rule 23. (1) Interpreters at standard level 1 shall hold 1 of the following credentials:

(a) MI-BEI I.

(b) Michigan QA 1, until phased out as provided in R 393.5021 (1)(a)(i).

(c) DI.

(d) NAD 3.

(e) RID IC (interpretation certificate).

(f) RID TC (transliteration certificate).

(2) Interpreters assigned to standard level 1 may work in the following environments; effective communication is required to be achieved:

(a) Workshops, meetings, and training or general presentations, except for topics related to health, mental health, law, employment, finance, and government.

(b) VRS.

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- (c) Post-secondary education or GED training.
- (d) Vocational training - post-high school and assessments.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5024 Standard level 2; moderately complex environments; medium to high-risk environments; health care; government; employment; finance.**

Rule 24. (1) Interpreters at standard level 2 may work in moderately complex environments and hold 1 of the following credentials:

- (a) Michigan QA II, until phased out as provided in R 393.5021 (I)(a)(i).
- (b) Michigan QA III, until phased out as provided in R 393.5021 (I)(a)(i).
- (c) BEI II.
- (d) RID CI (certificate of interpretation).
- (e) RID CT (certificate of transliteration).
- (f) NAD 4.
- (g) RID NIC.
- (h) RID NIC advanced.
- (i) RID NIC master.
- (j) RID OTC.

(2) Interpreters assigned to standard level 2 may interpret for a proceeding. Effective communication is required to be achieved in health care, government, employment, finance, and including but not limited to, any of the following situations:

- (a) IEP (individualized education program) meeting involving D/DB/HH parent, staff member, or D/DB/HH professional.
- (b) Meetings with speakers, training, or workshops for post-secondary education topics, employment, finance, or government.
- (c) Interviews for jobs or job readiness and on-the-job training.
- (d) Employment grievances or disciplinary actions.
- (e) Employment related meetings, staff meetings, and sheltered employment.
- (f) Political events.
- (g) Financial, banking, and personal transactions.
- (h) Government meetings.
- (i) Presentations by dignitaries and public personalities.
- (j) Plays, concerts, and television news.
- (k) Tax assessment meetings and appeals.
- (l) Applications for state or federal services.
- (m) VRI services for all situations at this level.

(3) An interpreter shall hold a medical endorsement to interpret in a medical setting as prescribed in R 393.5028. Interpreters assigned to standard level 2 with a medical endorsement may interpret for a proceeding in the following environments and effective communication is required to be achieved:

- (a) All health care situations beyond basic first aid involving a health care practitioner, doctor, rehabilitation specialist, therapist, psychologist, or psychiatrist.
- (b) All health care administered in an emergency room, trauma center, urgent care facility, hospital, nursing home, triage, hospice, rehabilitation center, dialysis center, inpatient facility, outpatient facility, or mental health facility.
- (c) Health-related and mental health-related presentations by speakers, training, and workshops.
- (d) Addiction treatment, counseling, and psychiatric evaluations.

(4) Standard level 2 interpreters may interpret for a proceeding for standard level 1 environments. Effective communication is required to be achieved.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5025 Standard level 3; high risk, legal environments.**

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Rule 25. (1) Interpreters assigned to standard level 3 may work in high-risk environments and shall hold 1 of the following credentials and legal endorsement as prescribed in R 393.5028:

- (a) Michigan BEI III, plus 4 years of experience post initial certification.
- (b) DI, plus 4 years of experience post initial certification.
- (c) RID CSC.
- (d) RID MCSC.
- (e) RID Reverse Skills Certificate.
- (f) RID SC: L.
- (g) RID CDI, plus 4 years of experience post initial certification.
- (h) NAD 5.
- (i) RID CI and CT.
- (j) RID OTC.
- (k) RID NIC, plus 4 years of experience post initial certification.
- (l) RID NIC advanced, plus 4 years of experience post initial certification.
- (m) RID NIC master, plus 4 years of experience post initial certification.
- (n) RID CLIP-R.

(2) Interpreters assigned to standard level 3 with endorsements may interpret for a proceeding in the following environments; effective communication is required to be achieved:

- (a) Forensic psychiatric evaluations or evaluations of a legal nature.
- (b) Emergency broadcasts.
- (c) Legal workshops or legal training.
- (d) VRI legal subject matters.
- (e) An activity involving the police, prison, or prisoners.
- (f) An activity involving an attorney or the courts.
- (g) An activity involving children's protective services.
- (h) An activity involving probation or parole.

(3) An interpreter assigned to standard level 3 may interpret for a proceeding in standard level 1 and 2 environments. The interpreter shall achieve and obtain appropriate endorsements, and effective communication must be established and maintained.

(4) Criminal trials and police interrogations require the highest standard of interpreting and SC:L and/or CLIP-R certified interpreters shall be utilized when available. However, when a provider can document that no SC:L and/or CLIP-R is available and that all reasonable efforts to obtain one have been exhausted, an interpreter meeting the requirement for general legal endorsement as described in Rule 393.5028(5) may be used.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5026 Educational interpreter qualifications.**

Rule 26. (1) An educational interpreter working in an elementary school environment (pre-kindergarten through 6th grade) shall, except as provided in subrule (8) of this rule, possess any of the following:

- (a) An EIPA performance score of 4.0, EIPA elementary endorsement. If the EIPA 4.0 is first obtained after August 31, 2016, a passing score on the EIPA written test or a similar written test adopted by the division in cooperation with MDE.
- (b) A division recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education.
- (c) A deaf interpreter credential and certification by the division.

(2) An educational interpreter working in secondary school environment (grade 7 to age 26) shall possess at least 1 of the following:

- (a) An EIPA performance score of 4.0, EIPA elementary or secondary endorsement and, if the EIPA 4.0 is first obtained after August 31, 2018, a passing score on the EIPA written test or a similar written test adopted by the division in cooperation with MDE.
- (b) A Michigan BEI 2.

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- (c) A minimum standard level 2 or 3.
- (d) A division recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education.
- (e) A deaf interpreter credential and certification by the division.
- (3) An interpreter meeting the certification requirements of subrule (1) or (2) of this rule may interpret for a proceeding for D/DB/HH children and youth only in the following situations, effective communication is required to be achieved:
  - (a) Elementary or secondary classroom or secondary vocational training.
  - (b) A 504 plan meeting or school based or transition setting in which the student is placed as determined appropriate by the IEP or 504 team.
  - (c) School-related disciplinary situations including manifestation determinations that do not involve police.
  - (d) Before- and after-school activities.
  - (e) Class trips.
  - (f) During an IEP (individualized education program meeting) for the student.
  - (g) High school vocational training.
  - (h) Another school-related activity.
  - (i) Any auxiliary services located within the school or related services listed on the IEP.
  - (j) As described in R 393.5051, an educational interpreter shall team with a standard level 2 or standard level 3 interpreter for medical, mental health, or legal situations including situations involving child protective services unless the educational interpreter also is qualified to interpret in the relevant situation.
- (4) Upon absence of a regularly assigned educational interpreter, a long-term substitute interpreter shall be used in an elementary environment when an absence is expected to last more than 20 school days. A long term-substitute shall be qualified to be an educational interpreter as described in subrule (3) of these rules except:
  - (a) In an elementary environment a long term substitute interpreter may possess a Michigan BEI 2, or minimum standard level 2 or 3.
  - (b) In a secondary environment a long-term substitute interpreter may possess an EIPA 3.5.
- (5) Upon absence of a regularly assigned educational interpreter, a short-term substitute interpreter shall be used if the absence is expected to last 20 school days or less. A short-term substitute shall be qualified to be a long-term substitute interpreter as described in subrule (4) of this rule except that in an elementary environment a short term interpreter may possess an EIPA 3.5.
- (6) An educational interpreter with 1 of the following credentials who is employed by a school district on the effective date of these rules, may continue to perform work duties assigned on or before the effective date, but only until the conclusion of that school year, after which time he or she shall be qualified as described in subrule (3) of this rule to continue employment:
  - (a) QA II or III.
  - (b) NAD 3.
  - (c) IC (Interpretation certificate).
  - (d) TC (transliteration certificate).
- (7) Compliance with subrules (1) to (5) of this rule shall be accomplished by September 1, 2016.
- (8) Following the effective date of these rules and until August 31, 2016, in both elementary and secondary settings, interpreters must possess an EIPA certification indicating a performance score of not less than 3.5 or standard level 2, standard level 3, or a Michigan BEI I.
- (9) An EIPA certified interpreter holding an EIPA certificate of 4.0 or above shall not be required to retest, unless the certification is expired or lapsed 90 days or more beyond the expiration date of the credential card, as required under R 393.5092.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5027 Exceptions; standard level designations.**

Rule 27. (1) A troupe member of a theater company, performing artist, dignitary, or speaker that utilizes sign language as part of his or her repertoire is not required to be a qualified interpreter, as the person signing is there for artistic purposes and is not upon the request of a D/DB/HH person for reasonable accommodation.

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- (2) During a state or national emergency, a person facilitating communication between a D/DB/HH person and first responders is exempt from these rules until a qualified interpreter may be found.
- (3) Following the implementation of 4.0 as the educational standard, the director shall grant an exception to the standard at the request of the school district when all the following factors exist:
- (a) An educational program has exhausted all reasonable efforts to locate an interpreter possessing the required standard.
  - (b) The educational program has informed the division in writing describing its attempts and inability to locate a properly qualified interpreter and the division has failed for a period of 14 days to provide the program with an appropriate and employable candidate.
  - (c) The rule from which the exception is granted would otherwise result in a D/DB/HH child being without communication access for his or her education.
  - (d) Other educational options such as enrollment in a Michigan School for the Deaf, participation in a regional deaf education program, or enrollment in a remote educational program have been discussed, evaluated, and considered with the parent or parents of the D/DB/HH child by the IEP team.
  - (e) The requirements of subdivisions (a) to (d) of this subrule shall be reviewed annually by the division and if granted, an exception is only effective through the end of the applicable school year.
- (4) An interpreter granted an exception under subrule (3) of this rule shall provide both of the following:
- (a) Proof of having received an EIPA score of 3.5 or higher within the past 24 months.
  - (b) Documentation establishing acquisition of 12 additional hours of educational interpreting training within the last 12 months, and annual maintenance of CEUs for educational interpreting.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5028 Special endorsements; deafblind; medical and mental health; legal.**

Rule 28. (1) Beginning 2 years following the effective date of these rules, an endorsement shall be required to interpret for a proceeding in any of the following environments:

- (a) Deafblind.
  - (b) Medical or mental health.
  - (c) Legal.
- (2) A qualified interpreter seeking deafblind endorsement at any level shall complete not less than .8 CEUs per 4-year cycle in the subject area of deafblindness, deaf persons with low vision, and interpreting as it relates to the needs of this population for endorsement involving a deafblind or deaf low-vision persons.
- (3) A qualified interpreter shall meet all of the following requirements for endorsement to interpret for a proceeding in medical or mental health settings:
- (a) Pass an English competency test or possess a minimum of bachelor's degree in any field from an accredited institution.
  - (b) Qualify to interpret for a proceeding at standard level 2 or 3.
  - (c) Complete not less than 2.0 medical or mental health CEUs per 4-year cycle.
  - (d) Successfully complete a skills development course that focuses on sign language concepts and interpretation of medical vocabulary
- (4) For an endorsement to interpret a proceeding in a legal setting, a qualified interpreter shall possess an SC:L or CLIP-R and complete not less than 2.0 legal CEUs per 4-year cycle.
- (5) An interpreter who does not possess either a SC:L or CLIP-R certificate shall complete all of the following requirements to obtain an endorsement for interpreting in a legal proceeding:
- (a) Pass an English competency test administered by the division, SCAO, or another approved agency or possess a minimum of a bachelor's degree in any field from an accredited institution.
  - (b) Obtain certification for 1 of the certificates listed under level 3 standards.
  - (c) Successfully complete court orientation training offered by the division.
  - (d) Complete not less than 2.0 legal interpreting CEUs per 4-year cycle.
  - (e) Successfully complete a skills development course that focuses on sign language concepts and interpretation of legal vocabulary.
  - (f) Meet 1 of the following educational and mentoring selections:

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(i) A bachelor's degree from an accredited institution in any field, or an associate's degree in interpreting from an accredited institution, and all the following additional education and experience:

- (a) Documentation of not less than 50 hours of legal interpreting or mentoring experience.
- (b) Documentation of not less than 30 hours of formal legal interpreter training.
- (c) Documentation of not less than 4 years of post-certification interpreting experience.

(ii) An associate's degree in any field from an accredited institution and all the following additional education and experience:

- (a) Documentation of not less than 75 hours of legal interpreting or mentoring experience.
- (b) Documentation of not less than 50 hours of formal legal interpreter training.
- (c) Documentation of not less than 4 years of post-certification interpreting experience.

(iii) High school diploma and all of the following additional education and experience:

- (a) Documentation of not less than 100 hours of legal interpreting or mentoring experience.
- (b) Documentation of not less than 70 hours of formal legal interpreter training.
- (c) Documentation of not less than 4 years of post-certification interpreting experience.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5029 Establishing temporary use of other means of communication in medical emergencies.**

Rule 29. (1) In emergency situations, when the health and/or safety of a D/DB/HH person or person represented by a D/DB/HH person is in immediate danger and 1 or more of the provisions of these rules cannot be immediately complied with, an appointing authority may temporarily establish other means of communication, provided all of the following conditions are satisfied:

- (a) Attempts to locate a qualified interpreter comply with the rules and effective communication has begun, continues unabated, and all provisions are complied with as soon as possible.
- (b) An alternative and more effective means of communication is not available, and any such means that becomes available is immediately utilized.
- (c) The D/DB/HH person is informed of the temporary inability to provide compliant interpreting services, the status of efforts to obtain compliant interpreting services, and when compliant interpreting services are anticipated to become available.
- (d) The D/DB/HH person is made aware of all communication options presently available and is provided the opportunity to determine how to proceed. Such means of communication may include, but are not limited to, a person who signs, written notes, sign language pictographs, or other means. VRI that does not comply with R 393.5055 may also be temporarily used pursuant to this rule, but only to include a properly qualified interpreter.
- (e) All efforts to obtain compliant interpreting services and all temporary options discussed with the D/DB/HH person are documented and available for review.
- (f) A D/DB/HH person's determination of which available option comes closest to providing effective communication is determinative, and it shall be the means of communication temporarily utilized until effective communication can be properly established.
- (g) After a qualified interpreter arrives and effective communication is established, the appointing authority ensures that the D/DB/HH person has an understanding of the current situation before proceeding.

(2) Communication provided in subrule (1) of this rule may include, but is not limited to, a person who signs, VRI, written notes, sign language pictographs, or other means. The ability permitted by this rule for an appointing authority to temporarily establish other means of communication does not relieve it of any obligation to provide qualified interpreters in a timely manner as required by these rules. Nor does it lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to rely on this rule.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 3. PROCEDURES FOR APPLICATION, CERTIFICATION, AND LISTING**

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**R 393.5031 Application for certification by division.**

Rule 31. (1) The division shall certify and list an in-state or out-of-state applicant who submits 1 of the following to the division, as applicable:

- (a) An application for recognition as a state-certified interpreter and all of the following:
    - (i) Acceptable passing scores on the state administered interpreter test or any other test accepted by this state or any other state that has a reciprocal agreement with the division for an appropriate level test.
    - (ii) Payment of the fee prescribed in MCL 393.508e.
    - (iii) Four years after the effective date of these rules, possession of an associate's or higher degree from an accredited institution.
  - (b) An application for recognition as a nationally certified interpreter and both of the following:
    - (i) A copy of the interpreter's RID membership card which shows the type of certification and a current expiration date.
    - (ii) Payment of the fee prescribed in MCL 393.508e.
  - (c) A holder of a current QA I, QA II, and QA III, an application, a copy of the interpreter's currently held professional credential, and payment of the fee prescribed in MCL 393.508e may be submitted for renewal until the QA I, QA II, and QA III are phased out.
  - (d) An application for state recognized EIPA certification and all of the following:
    - (i) Acceptable passing scores on the EIPA examination.
    - (ii) Modality utilized while taking the test.
    - (iii) Verification that the interpreter is certified at the elementary or secondary level.
    - (iv) Payment of the fee prescribed in MCL 393.508e.
- (2) An interpreter possessing state or national certification before the effective date of these rules is exempt from degree requirements of subrule (1)(a)(iii) of this rule unless the certification has lapsed for more than 30 calendar days.
- (3) Applications shall be submitted on original forms provided by the division, completed and signed by the applicant, and shall include all of the following:
- (a) A copy of a valid state photo-identification.
  - (b) Evidence of attainment of 18 years of age at time of application.
  - (c) A statement signed by the applicant agreeing to comply with rules and regulations for state certification as an interpreter.
  - (d) A statement signed by the applicant verifying the truthfulness of information provided, and affirming that the applicant will comply with the NAD-RID code of professional conduct as provided in R 393.5052, will comply with the EIPA Guidelines of Professional Conduct for Educational Interpreters, Version August 1, 2007, and will conduct him or herself as required under these rules
  - (e) The application fee required under MCL 393.508e.
  - (f) Contact information for the applicant.
- (4) The division may require additional documentation from the applicant if the division questions the accuracy or authenticity of submitted documentation, because of discrepancies or incomplete information, or because there is a need for clarification.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5032 Reciprocity.**

Rule 32. An applicant for certification by reciprocity shall do all of the following:

- (a) Supply all documentation as applicable and required under R 393.5031.
- (b) Pay all associated fees.
- (c) Hold a current, valid license or certificate in good standing to practice interpreting in a state with which this state has a reciprocal agreement.
- (d) Not have a report of disciplinary action pending in another state, nor a certificate, registration, or license currently under disciplinary action.
- (e) Agree to comply with all rules under the act.

History: 2014 MR 11, Eff. July 7, 2014.

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**R 393.5033 Good moral character.**

Rule 33. (1) The division shall not issue certification, renew certification, nor test for certification, if the applicant lacks good moral character.

(2) The conviction for any of the following felonies by an applicant in a court of competent jurisdiction in any state, shall be evidence of a lack of good moral character:

- (a) Homicide.
- (b) Murder.
- (c) Manslaughter.
- (d) Criminal sexual conduct in any degree.
- (e) Felonious assault or battery.
- (f) Armed robbery.
- (g) Extortion.
- (h) Larceny.
- (i) Embezzlement.
- (j) Elder exploitation.

(3) This rule does not apply to an applicant with an expunged record or pardon.

(4) The division shall provide the applicant with written notice regarding the findings in subrule (1) of this rule as evidencing a lack of good moral character.

(5) An appeal may be granted only in either or both of the following circumstances:

- (a) Inaccurate information was used in determining denial.
- (b) A felony was considered that was committed as a minor.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 4. PROCEDURES FOR TESTING**

**R 393.5041 Testing; division issued certificate.**

Rule 41. (1) The division shall schedule an applicant for testing who submits all the following:

- (a) A fully completed application on forms provided by the division to take an appropriate level test.
- (b) Evidence of graduation from high school or a GED.
- (c) Four years after the effective date of these rules, a copy of an associate's or higher degree from an accredited institution, or proof of having maintained current state or national certification before the effective date of these rules.
- (d) Valid state photo identification.
- (e) Verification of attainment of 18 years of age at the time of the application for testing.
- (f) Fees required for examination as required under MCL 393.508e.

(2) Upon achievement of acceptable passing scores on an interpreter test administered by this state or another state with which the division has a reciprocal agreement, the applicant may submit an application to the division for credentialing and listing as a qualified interpreter with an application as required in R 393.5031.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5042 Retesting; recertification; other tests required.**

Rule 42. (1) A person tested under the state testing system for certification shall participate in a 4-year testing cycle and retest at the next higher level of certification until passing the MI BEI II or its equivalent. After passing the MI BEI II or its equivalent, the person is not required to retest every 4 years as long as the certification does not lapse.

(2) A person who is required to retest will retain his or her current level of certification.

(3) A person holding current national certification or the state-recognized EIPA certification of 4.0 shall not be required to retest to renew his or her certification.

History: 2014 MR 11, Eff. July 7, 2014.

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**R 393.5045 Accommodation; alternative pathway deaf interpreter certification.**

Rule 45. The division shall create as a reasonable accommodation in the absence of a standardized testing tool an alternative pathway toward state certification for deaf and hard of hearing persons to become qualified. The alternative pathway shall be structured to give weight to a person's experience, training, non-institutional training, and innate skills, and shall be flexible so as to enable the deaf or hard of hearing person to demonstrate requisite knowledge and skills.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 5. MINIMUM STANDARDS OF PRACTICE**

**R 393.5051 Practice within standard level.**

Rule 51. (1) A qualified interpreter shall interpret for a proceeding within his or her standard level, unless otherwise provided in these rules and the act.

(2) Before starting a proceeding, an interpreter shall show his or her current Michigan qualified interpreter credential card to the appointing authority and D/DB/HH person(s). If the credential card does not include a photograph, the interpreter must present it along with valid government issued photo identification.

(3) An interpreter working within a school shall provide the school with a copy of his or her current credential card at least annually and shall ensure a copy of the credential card is maintained on file at the school and available for public review upon request.

(4) If there is a conflict between these rules and a local, state, or federal law, the interpreter shall comply with the law. All interpreters in this state must comply with all federal regulations established by the United States Department of Justice under title II and III of the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008.

These rules are intended to supplement state and federal laws and shall be read to be consistent with state and federal law if more than 1 interpretation is possible.

(5) A qualified interpreter may interpret for a proceeding for a co-worker or peer during organizational meetings, workshops, seminars, union discussions, or when not a participant in the meeting, but shall not interpret for a co-worker or peer during a disciplinary meeting, conflict resolution, personal meeting, or employment dispute. A neutral qualified interpreter shall be used, upon request of the D/DB/HH person.

(6) A qualified interpreter shall not interpret for opposing parties and/or counsel in a legal proceeding.

(7) When the defendant in a criminal trial is a D/DB/HH person, separate proceedings interpreter(s) and table interpreter(s) shall be required. A table interpreter facilitating communication between a D/DB/HH person and his or her counsel shall not interpret for the court. Similarly a proceedings interpreter shall not work without a table interpreter being present in a criminal case. The roles of the interpreter at the table and the proceedings interpreter are neither adversarial nor compatible. The interpreter at the table is a member of the council team and an agent of the attorney. The proceedings interpreter is an officer of the court. In such instances, both of the following apply:

(a) The proceedings interpreter shall interpret the courtroom proceedings.

(b) The table interpreter shall interpret privileged and other communications between a D/DB/HH person and his or her attorney while monitoring the accuracy and effectiveness of the proceedings interpreter's interpretations on behalf of the defense.

(8) A qualified interpreter shall not accept assignments requiring him or her to be the sole interpreter in situations that require a team. A team shall be required if any of the following factors exist:

(a) A criminal case where the defendant is a D/DB/HH person as described in subrule (7) of this rule.

(b) D/DB/HH participants who are represented by opposing counsels or otherwise have incompatible interests or privacy concerns.

(c) A D/DB/HH youth of 18 years or younger is a witness, victim, or defendant.

(d) Police interrogations.

(e) The D/DB/HH participant has requested a deaf interpreter.

(9) The decision to utilize team interpreting involves ethical decision making and consideration of a variety of variables. These variables can impact effective communication as well as result in repetitive strain injury to the interpreter. An

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interpreter shall not be compelled to interpret alone if the request for a team is denied. The appointing authority is encouraged to consult with the division if doubt exists regarding the need for a team. An interpreter may request of the appointing authority a team if 1 or more of the following variables exist:

- (a) Multiple D/DB/HH participants and/or multiple hearing participants are present.
- (b) The subject matter requires a high degree of specialized vocabulary.
- (c) There is a high degree of interactivity among the participants requiring the interpreter to utilize both expressive and receptive skills.
- (d) A rapid pace of communication that cannot be easily modified is present.
- (e) Participants exhibit limited language proficiency.
- (f) The D/DB/HH participants use different modes of communication.
- (g) There are logistical considerations.
- (h) A proceeding exceeds 2 hours of continuous interpreting with no or only limited breaks.
- (10) Medical, mental health, police, or legal situations, including situations involving child protective services that occur in school, shall include an educational interpreter holding a current EIPA credential who will team with an interpreter holding the appropriate medical or legal endorsement and is credentialed at a standard level 2 or 3.
- (11) An interpreter at a lower standard level may interpret in a higher standard level setting if he or she is in a supervised, division-approved mentoring experience with a higher standard level interpreter.
- (12) A contract or regular employee, regardless of job title, whose essential job function is to interpret or to facilitate communication between a D/DB/HH person and a non-signing person through sign language or oral transliteration, must hold appropriate credentials and endorsements making him or her a qualified interpreter, as prescribed in the act.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5052 Adoption by reference; code of professional conduct; VRI auxiliary aids and services; privacy rules.**

Rule 52. (1) NAD-RID “Code of Professional Conduct,” effective July 1, 2005, is adopted by reference. Copies may be obtained at no charge from National RID, 333 Commerce Street, Alexandria, VA 22314, 703/838-0030 (V), 703/838-0459 (TTY), or 703/838-0454 (Fax), [www.rid.org](http://www.rid.org). Copies are also available for review and distribution from the Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or [dodhh@michigan.gov](mailto:dodhh@michigan.gov).

(2) Regulations promulgated under United States Department of Health & Human Services “The Health Insurance Portability and Accountability Act” (Public Law 104-191, including as applicable 45 CFR Parts 160, 162, and 164 (HIPAA) as amended through March 26, 2013, are adopted by reference and all privacy provisions apply to an interpreter working in a medical environment. Copies of the simplification version are also available for review and distribution from the Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or [dodhh@michigan.gov](mailto:dodhh@michigan.gov).

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5053 Educational standards.**

Rule 53. An interpreter possessing an EIPA certification shall not interpret for a proceeding for an adult D/DB/HH person in any setting. An EIPA certified interpreter working within an educational setting shall not interpret for a D/DB/HH colleague in any type of activity that occurs inside or outside of an educational situation described in R 393.5026.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5054 Supervision of student interpreter practicum experience.**

Rule 54. (1) A qualified interpreter may supervise student interns in an interpreter education curriculum that is under the jurisdiction of a college or training program recognized by the United States Secretary of Education as being regionally or nationally accredited.

(2) A qualified interpreter shall at all times accompany and supervise student interns who are interpreting in a practical setting to gain experience and skills related to interpreting.

(3) A qualified interpreter shall obtain the consent of the D/DB/HH person and appointing authority before allowing the student to participate and before introducing the student to the D/DB/HH person. In the case of a minor, permission must be obtained from the minor’s parents or legal guardian.

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- (4) A qualified interpreter supervising a student intern shall clearly identify the student as being an intern.
  - (5) A supervising qualified interpreter shall not at any time allow a student intern to be used as a substitute for a required qualified team interpreter or to work alone.
  - (6) Only qualified interpreters, as provided in the act, with a division recognized EIPA certification, national certification, or standards level 2 or above, may supervise student interns, and only for the proceedings for which the supervising interpreter is qualified.
  - (7) A qualified interpreter under disciplinary review or action shall not supervise student interpreters.
  - (8) A qualified interpreter shall not supervise a student accepting compensation for interpreting; however, a student stipend or formalized student apprenticeship is acceptable.
- History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5055 VRI standards; usage, limitations, educational, legal, medical, mental health standards.**

- Rule 55. (1) A D/DB/HH person who in good faith asserts that VRI does not provide him or her with effective communication shall not be compelled or coerced to utilize VRI in place of an on-site interpreter. Good faith includes, but is not limited to, the assertion by a D/DB/HH person that similar equipment was ineffective in a previous experience, or that VRI technology does not result in effective communication because of his or her individual needs or abilities.
- (2) A person using video remote interpreting to provide sign language interpreting services or translation services to D/HH person(s) for a proceeding in this state must be a qualified interpreter.
  - (3) A qualified interpreter may use VRI to interpret for a proceeding involving a D/HH person if effective communication is established and maintained at all times. VRI shall not be used to interpret for a minor without the express agreement of a parent or legal guardian indicating that doing so establishes effective communication, except that no parental consent or agreement to VRI is required in those medical situations where federal and/or state law or regulation provides that parental consent is not required for care.
  - (4) A person providing sign language interpreting services or translation services through video remote interpreting for a proceeding in this state shall not knowingly provide or attempt to provide VRI services to a person who is or is identified as being legally blind.
  - (5) An interpreter who believes that VRI is not providing effective communication shall immediately inform the D/HH person, the appointing authority, and parties involved in the conversation. The interpreter shall interpret on a temporary basis in a medical emergency pursuant to R 393.5029
  - (6) Notification by a D/HH person indicating that effective communication is not being achieved through the use of VRI shall cause an immediate halt of the proceedings. Proceedings shall not be resumed using VRI unless effective communication is achieved. VRI may be used on a temporary basis in a medical emergency pursuant to R 393.5029.
  - (7) A person providing sign language interpreting services or translation services to D/HH person(s) through video remote interpreting for a proceeding in this state shall provide evidence of training in videoconferencing protocols, training in the proper use of equipment, technical set-up, lighting, connectivity, and camera adjustments on a supplemental form provided by the division.
  - (8) To constitute effective communication and therefore permit the participation of qualified interpreters, VRI shall at a minimum include all of the following:
    - (a) Real-time, full-motion video and audio over a dedicated high-speed, T-1 or wider bandwidth video connection.
    - (b) High-quality video images without lags, choppy, blurry, or grainy images, or irregular pauses in communication.
    - (c) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating person's face, arms, hands, and fingers, regardless of his or her body position.
    - (d) A clear, audible transmission of voices.
    - (e) Adequate training to users of the technology and other involved persons so that they may quickly and efficiently set up and operate the VRI.
  - (9) To ensure privacy, a video remote interpreter shall only participate in VRI conducted from a dedicated and secure call center. A secure call center must be all of the following:
    - (a) Situated in a private location where a person may reasonably expect to be free from casual or hostile intrusion, surveillance, and eavesdropping.

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- (b) Include 1 or more dedicated and separate rooms where video remote interpreters, supervisors, and others necessary to conduct the interpreting process and/or maintain the necessary video connection are permitted to be present while any interpreting is being provided. The suite or room shall have a solid core exterior door or doors that are locked during interpreting. Only persons performing or supporting the task of interpreting or supervising interpreters shall have keys or access to the room or suite.
- (c) Video remote interpreting shall only be done from dedicated computers and equipment used only for the purpose of video remote interpreting.
- (d) A video remote interpreter or call center providing medical interpreting must enter into HIPAA compliant business associate agreements with appointing authorities as required by omnibus regulations. Copies of the agreements shall be submitted to DODHH with an application to provide video remote interpreting and/or provided upon request of the DODHH.
- (10) To ensure the quality and continuity of interpreting services required to constitute effective communications when VRI is used, an appointing authority shall ensure, and a video remote interpreter shall not participate unless all of the following are satisfied:
- (a) All VRI is conducted from a dedicated and secure call center.
  - (b) A qualified interpreter shall not transfer a medical call to a different call center when interpreting for a single proceeding with a D/HH patient.
  - (c) To the greatest extent possible, qualified interpreters and appointing authorities shall provide continuity of interpreters by minimizing the number of call centers and/or interpreters who work with a single D/HH patient during multiple proceedings related to the course of an inpatient stay or the treatment of a single ailment.
  - (d) A qualified interpreter and appointing authority shall require a superuser to be on each site at all times before proceeding with VRI .
- (11) An interpreter in an educational setting using VRI shall comply with all educational interpreter standards and with both of the following:
- (a) A qualified interpreter shall not interpret for a proceeding using VRI for any D/HH child from birth through grade 5. VRI may be used for children 6th grade or above.
  - (b) The parents or legal guardians, IEP, or 504 team and the D/HH student shall all participate in the final determination of whether effective communication is achieved for a student using VRI services during parent meetings and for any child in a secondary educational setting.
- (12) An interpreter in a medical or legal setting using VRI shall comply with all medical and legal interpreter standards as required under R 393.5028.
- (13) Where an interpreter is requested as an accommodation more than 24 hours in advance of a medical appointment, an appointing authority must advise a D/DB/HH person of a desire to utilize VRI prior to the time of the appointment and must provide the D/DB/HH person with an opportunity to offer any good faith basis for believing VRI does not provide him or her with effective communication
- (a) An existing patient who is seen on a regular basis should be informed of the intent to begin utilizing VRI for future appointments during an appointment where an interpreter is present.
  - (b) A patient, existing or referred, known to be a D/HH person who has previously been provided an interpreter, should be informed of the desire to begin utilizing VRI at the time a new appointment is made.
  - (c) When VRI is the most frequent method of interpretation provided employed by a doctor, medical office, or hospital, a person requesting an interpreter shall be informed that VRI is likely to be utilized at the time the accommodation request is received.
  - (d) When VRI is utilized by a doctor, medical office, or hospital on a regular though less frequent basis, a person requesting an interpreter shall be informed that VRI may potentially be utilized at the time the accommodation request is received.
  - (e) In all other instances a person requesting an interpreter as an accommodation shall be informed of the intent to utilize VRI as soon as the desire not to provide an interpreter on site becomes known.
- (14) Unless there is informed consent of the D/HH person, VRI shall not be used in any of the following medical situations:
- (a) Initial meetings with a medical specialist.
  - (b) Highly sensitive communications, for example, diagnosis of a serious illness.
  - (c) Eye exams.

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- (d) Patient transport.
- (e) With a D/HH person with a cognitive limitation.
- (f) With a D/HH person with a secondary disability or condition that makes it difficult to use VRI or to view the VRI screen, for example, low vision.
- (g) With a D/HH person with an injury or illness that impedes his or her ability to view the screen.
- (h) With a D/HH person who indicates by sign or facial expression that communication is not being achieved.
- (i) When consistent and continuous communication cannot be achieved due to equipment failure or poor connectivity.
- (j) During surgery, under the influence of consciousness altering drugs or medication, childbirth, or end-of-life event.
- (15) Unless the D/HH person states in writing or on record at a court or administrative tribunal that effective communication is being achieved, it will be assumed that effective communication cannot be achieved through the use of VRI services in any of the following legal and mental health circumstances and it shall not be used:
  - (a) Trials.
  - (b) Contested hearings.
  - (c) Guilty pleas.
  - (d) Mental health treatment in group settings, commitment evaluations and, hearing proceedings. A D/HH person who is unable to differentiate reality from delusions, whose competency is under question, and/or who is under the age of legal consent is not considered competent to consent to the use of VRI
  - (e) Polygraph examinations.
  - (f) Witness testimony.
  - (g) Depositions.
  - (h) Preliminary hearings.
  - (i) Evidentiary hearings.
  - (j) Ex parte domestic proceedings.
  - (k) Cases with multiple deaf participants.
  - (l) Cases with pro se deaf participants.
- (16) When utilizing VRI services, the D/HH person shall have access to the equipment at all times when communication is taking place and its usage shall not be restricted. The D/HH person shall retain the ability to be reconnected to VRI whenever the need for communication arises.
- (17) When utilizing VRI, if there are 3 failed connectivity attempts, shutdowns, and/or unexpected equipment disconnects in a proceeding, a video remote interpreter in a medical setting shall report to the appointing authority that he or she cannot provide effective communication due to equipment failure. The video remote interpreter shall withdraw from the assignment, and an onsite interpreter shall be requested for the remainder of the proceeding and until the equipment failure is resolved.
- (18) A D/HH person may file a complaint for failure to provide reasonable and effective communication against an appointing authority that does not comply with United States Department of Justice VRI standards and continues to have connectivity issues. The D/HH person may also file a complaint against the video remote interpreter who does not comply with subrule (15) of this rule by withdrawing from the assignment.
- (19) Qualified interpreters meeting all level 3 interpreter standards may interpret for a proceeding using VRI, except for situations under subrule (14) of this rule. Effective communication is required to be achieved.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5056 Notification; prohibited conduct.**

Rule 56. (1) A qualified interpreter shall do all of the following:

- (a) Notify the division of a felony conviction within 30 days of the conviction, regardless of the jurisdiction where it occurred.
  - (b) Notify the division within 30 days after occurrence of any judgment or settlement of malpractice claim or action.
  - (c) Comply with an appearance request by the division and cooperate with an investigation.
  - (d) Comply with the terms of a division order or the terms of a settlement agreement or consent order issued or executed as resolution of a contested case proceeding.
- (2) A qualified interpreter shall not engage in any conduct that subverts or attempts to subvert a division investigation.

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History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5058 Waivers.**

Rule 58. (1) As provided in MCL 393.503(3), the right of a deaf, deafblind, or hard of hearing person to a qualified interpreter shall not be waived except by a request for waiver in writing by the deaf, deafblind, or hard of hearing person.

(2) A D/DB/HH person shall not be coerced, threatened, or intimidated into signing a waiver or partial waiver to utilize a nonqualified or underqualified person who signs and any such agreement is void. A waiver, limited waiver, or other decision to proceed with an under-qualified interpreter does not obviate or mitigate any responsibility for a failure to provide a qualified interpreter when required to do so.

(3) As provided in MCL 393.507(1), court appointed interpreter, qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid a fee by the court that the court determines to be reasonable. A qualified interpreter, intermediary interpreter, or deaf interpreter appointed by an appointing authority other than a court shall be paid a fee by the appointing authority. An appointing authority is not required to compensate an unqualified or underqualified interpreter.

(4) The division shall create recommended waiver and limited waiver forms and make them available on its website. It shall also post explanatory information both in writing and in sign language format.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 6. GRIEVANCE AND COMPLAINT PROCEDURES**

**R 393.5061 Filing grievances and complaints.**

Rule 61. (1) A person may file a grievance with the division for any of the following types of complaints:

(a) Complaints against an appointing authority for using an unqualified or underqualified interpreter in violation of the act.

(b) Complaints against a person providing interpreting services without being qualified as required by the act.

(c) Grievance against a qualified interpreter for violation of the act or these rules.

(2) A person with first-hand knowledge may file a grievance with the division within 90 calendar days of an alleged violation of 1 or more of the following:

(a) The act.

(b) A rule promulgated under the act.

(c) An order issued under the act.

(3) All complaints shall be filed in writing. As an accommodation, a D/DB/HH person may file a video request so that it may be translated by the division into writing.

(4) A D/DB/HH person, appointing authority, or other person involved in an interpreting situation that includes a team interpreter may file a grievance with the division against an interpreter who violates these rules.

(5) A team interpreter who files a grievance is not in breach of confidentiality.

(6) Complaints related to denial of reasonable accommodations may be filed with the Michigan department of civil rights under the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607, or with the United States Department of Justice for violations under the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5062 Investigation; correspondence file; acknowledgment of grievance.**

Rule 62. The division, upon receipt of a grievance, shall immediately begin its investigation of the allegations and shall open a correspondence file. The division shall make a written acknowledgment within 21 business days after receipt of the grievance to the parties involved in the grievance.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5063 Reply by respondent; investigation.**

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Rule 63. (1) The respondent shall reply to the grievance within 35 calendar days after the respondent's receipt of the grievance. The reply shall be verified by date stamped on United States mail or other means indicated as acceptable by the division.

(2) The division shall conduct the investigation by reviewing the grievance and the respondent's reply to determine whether a violation of the act or these rules occurred. The division may request additional information from either party.

(3) The division may consult with experts in the field.

(4) At any time after respondent's receipt of the grievance, if all parties and the division agree, the matter may be submitted to mediation or other alternative dispute resolution process which shall toll all time periods provided by these rules for not more than 60 days.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5064 Investigation; closing grievance; formal complaint.**

Rule 64. (1) If the division's investigation does not disclose a violation of the act or a rule promulgated under the act, the division shall close the grievance. The reasons for closing the grievance shall be forwarded to the respondent and complainant.

(2) If the division investigation discloses evidence of a violation of the act or a rule promulgated under the act, the division shall prepare a formal complaint against the respondent.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 7. PROCEDURES FOR REVOCATION, SUSPENSION, LIMITATION OF CERTIFICATION,  
REINSTATEMENT**

**R 393.5070 Violations; grounds for disciplinary action.**

Rule 70. (1) The division may deny, revoke, suspend, or place a limitation on a qualified interpreter certification for 1 or more of the following reasons:

(a) Discrimination, harassment, or retaliation toward an person for filing a complaint about dissatisfactory interpreting services.

(b) Fraud, deceit, cheating, or misrepresentation in applying for or renewing a certificate under the act.

(c) Violation of any provision of the act or rules promulgated under the act.

(d) Failure of a certified interpreter to submit his or her application or renewal and who continues to work without listing.

(e) Incompetent practice under the act or negligence in the practice of interpreting.

(f) Knowingly aiding or assisting another person to violate any provision of the act or rule promulgated under the act.

(g) Fraud, deceit, cheating, or misrepresentation in the practice of interpreting.

(h) Failure to report to the division any adverse final action taken against him or her by another licensing jurisdiction, peer review body, professional deaf or hard of hearing interpreting association, governmental commission, law enforcement commission, or any court for a deaf or hard of hearing interpreting liability claim reasonably related to acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this rule.

(i) Failure to report to the division the surrender of certificate, license, registration, or authorization to practice interpreting in another state or jurisdiction or surrender of the certificate, license, registration, or authorization to practice interpreting while under disciplinary investigation by any of those authorities or bodies for acts or conduct reasonably similar to acts or conduct that would constitute grounds for action.

(j) Failure to decline or offer to withdraw from an interpreting or transliterating proceeding when effective communication is not substantially achieved or when notified by D/DB/HH or hearing person of inability to consistently understand.

(k) Failure to decline subsequent proceedings with a D/DB/HH person after being informed by the D/DB/HH person, appointing authority and/or an agency acting on behalf of an appointing authority of an inability to achieve effective communication during a previous encounter with that D/DB/HH person.

(l) Offenses evidencing lack of good moral character as provided in R 393.5033.

(2) Notwithstanding subdivisions (j) and (k) of subrule (1) of this rule, an interpreter shall not be disciplined for violation of these rules when all the following conditions have been met:

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- (a) The interpreter has been first informed by a medical professional or sworn law enforcement officer that the medical professional/officer has determined that an emergency exists.
  - (b) The medical professional/officer reasonably believes that the health of 1 or more persons is at immediate and time-sensitive risk.
  - (c) The medical professional/officer is actively seeking a qualified interpreter.
  - (d) The medical professional/officer indicates the interpreter being utilized is the closest to effective method of communication available.
  - (e) In addition to documenting subdivisions (a) to (d) of this subrule, in order to claim this protection the interpreter shall personally verify that the D/DB/HH person has been informed of any other reasonably available alternative option and that no such available alternative option is being requested by the D/DB/HH person.
- (3) Nothing in this rule shall mitigate a medical professional, law enforcement officer, or appointing authority's responsibility for failure to meet a legal duty which contributed to the necessity to proceed with other than a qualified interpreter and/or less than effective communication.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5072 Formal complaint and notice; service; informal conference; methods of settlement; representation; summary suspension.**

- Rule 72. (1) After an investigation has been conducted and a formal complaint prepared, the division shall serve the formal complaint upon the respondent through certified mail with a return receipt requested and provide a copy to the complainant.
- (2) A respondent upon whom service of a formal complaint has been made has 28 calendar days to reply.
  - (3) After the issuance of a formal complaint, the division may assemble together the complainant and the respondent for an informal conference or mediation. At the informal conference or mediation, the division shall attempt to resolve issues stated on the complaint and may assist the parties in reaching a formal settlement or stipulation.
  - (4) If a respondent fails to file an answer to the complaint with the division within 28 days after receipt of the formal complaint, a default shall be entered by the division. A default may result in a reprimand, suspension, revocation, or limitation of a certificate as provided for in the act.
  - (5) An informal conference may result in a settlement, consent order, waiver, default, or other method of settlement agreed upon by the parties and the division.
  - (6) If the informal conference does not result in a resolution of the formal complaint, the matter shall be referred to the Michigan administrative hearing system or its successor for an administrative hearing.
  - (7) An authorized employee or agent of the division may represent the department in a contested case.
  - (8) A respondent may be represented at a hearing by an authorized representative or legal counsel at the respondent's own expense.
  - (9) At any time after a formal complaint is filed involving public health, safety, or welfare requiring emergency action, the department may file a petition in circuit court for the county in which the subject of the formal complaint occurs, or the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings, including an order or decree restraining the respondent. The court may grant temporary relief or a restraining order as it deems just and proper.
  - (10) The division shall issue an order summarily suspending a certification based upon the holder of the certificate having been convicted of a felony.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5073 Certification; limitations; duration of suspension; standards and procedures for reinstatement after revocation or suspension.**

- Rule 73. (1) The division may impose sanctions, including limitations, suspension, or revocation of a certification. These sanctions on the certification shall continue until the expiration of the period in the order or until the certification is reinstated pursuant to this rule, whichever is later.
- (2) A petition for reinstatement of a certification that has been suspended or revoked shall be made in accordance with this rule.

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- (3) A certification may be suspended for a period of 10 calendar days, 30 calendar days, 60 calendar days, 90 calendar days, 6 months, 1 year, 2 years, or completely revoked, depending on severity of the violation or the frequency of violations.
- (4) If a certification has been suspended, it is presumed that the respondent meets the requirements of reinstatement unless any of the following occurs:
- (a) Another complaint has been filed and is pending at the end of the minimum suspension period.
  - (b) A subsequent disciplinary order has been entered.
  - (c) A petition with supporting affidavit has been filed by a complainant alleging that the respondent has failed to fulfill a term of the suspension order.
- (5) The certification shall not be reinstated until the division finds that the respondent meets the following requirements of reinstatement:
- (a) The respondent files a petition for reinstatement not sooner than 60 calendar days before the end of the minimum suspension period. The petition shall be accompanied by supporting affidavits that the terms of the sanction have been met.
  - (b) Within 30 calendar days after the petition has been filed, a complainant may file a response to the petition. If the complainant opposes the reinstatement, an informal conference shall be scheduled. If the complainant fails to appear at the scheduled conference, the complainant shall be deemed in default. If a response is not filed, or if the complainant does not oppose reinstatement, the division shall review the petition with supporting affidavits and shall determine whether the requirements of the reinstatement have been met. The division shall notify the respondent if it finds that the requirements have not been met.
  - (c) A petition for reinstatement of a revoked certification shall be considered in accordance with subrule (4) of this rule. The division shall not accept the petition sooner than 2 years after the effective date of the revocation, except where the certification was revoked for a felony conviction.
- (7) Before reinstating a certification, the division shall consider all of the following in assessing a respondent's ability to practice and the public interest:
- (a) Whether the respondent has complied with the terms of the revocation.
  - (b) If the division's final order included corrective measures, remedial education, or training as a condition of reinstatement, the extent of the respondent's compliance with the conditions in the final order. In addition, the division may impose other requirements for reinstatement as deemed appropriate, including additional training, education, or supervision.
  - (c) If the final order of the division does not address corrective measures, remedial education, or training as a condition of reinstatement, the division, in determining a respondent's ability to practice safely and competently, may consider the need for additional training and education in determining if the petitioner has met the criteria established for reinstatement.
- (8) After a conference has been completed, the division shall determine whether the respondent has satisfied conditions for reinstatement. The division may deny the petition or grant the petition subject to terms and conditions that it deems appropriate.
- (9) A subsequent petition for reinstatement may not be filed with the division for at least 1 year after the effective date of the order denying reinstatement.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5074 Compliance with act, rule, or order.**

Rule 74. This rule does not prevent a person against whom a grievance has been filed from showing compliance with the act, or a rule or an order promulgated or issued under the act.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5075 Hearings.**

Rule 75. (1) Hearings shall be held pursuant to administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) Appeal decisions provided in R 393.5033(5) shall be made by the director of the division on deaf and hard of hearing and include a review of the documents submitted.

(3) The director shall within 10 business days of receiving a request for an appeal, review any additional documentation provided by the appellant and render a decision.

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(4) Judicial review of a final decision or order shall be available as provided by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5076 Appointing authorities; allegations of violations.**

Rule 76. (1) If the division believes that an appointing authority has used an unqualified person for purposes requiring a qualified interpreter under the act, the division shall notify the appointing authority, in writing, of the allegation.

(2) The division may refer the information described in subrule (1) of this rule to the Michigan department of civil rights or a federal agency for civil enforcement of relevant disability law or laws.

(3) The division may refer subsequent substantiated instances of the same allegations to a local prosecutor for action pursuant to MCL 393.508b.

(4) The division shall educate appointing authorities about the provisions of the act and these rules.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5077 Public inquiries.**

Rule 77. (1) Details regarding unsubstantiated grievances shall be immediately purged from the interpreter's file.

(2) Formal complaints, disciplinary actions, and the number of substantiated violations shall be available to the public. Information regarding violations shall be placed in the person's records with the division, indicating the nature of the violation and the conditions imposed. Substantiated violations will be listed as part of public record on the interpreter database.

(3) Complaints that result in an administrative hearing or disciplinary action, or both, are public information, and the files maintained according to retention and disposal schedules of the department.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 8. CONTINUING EDUCATION**

**R 393.5081 Professional development; continuing education.**

Rule 81. (1) All state-certified qualified interpreters shall complete 8.0 CEUs during each 4-year cycle established at the time the first state credential is issued to the qualified interpreter. The CEUs shall consist of all the following:

(a) A minimum of 5.0 CEUs in professional studies.

(b) A minimum of 2.0 CEUs in ethics.

(c) A minimum of 1.0 CEU in general studies or electives.

(2) One CEU equals 10 clock hours of professional development activity. After completion of the initial CEU hour, credit may be given in ¼-hour increments. Lunch hours, social programs or events, and breaks do not count toward CEUs.

(3) A RID sponsored CEU activity shall automatically be eligible for professional development credit in this state, provided the applicant provides proof that an event has been approved for CEUs by RID.

(4) CEUs used to satisfy the CEU requirements of another jurisdiction shall be applied to fulfill the state CEU requirements at the applicant's request if the CEUs meet additional requirements outlined in this rule, and if appropriate documentation is provided.

(5) CEUs offered for other professions may be accepted as general studies or electives.

(6) Proof of successful completion of coursework from an accredited university, college, or other education institution shall be granted CEUs as follows:

(a) Semester system: 1 credit hour = 15 clock hours.

(b) Quarter system: 1 credit hour = 10 clock hours.

(7) CEUs in excess of 8.0 shall not carry over from a 4-year cycle to the next.

(8) Qualified interpreters may earn either of 2 types of CEUs as follows:

(a) Professional studies consisting of units that deal specifically with topics of interpreting or skill development, deafness, deaf culture, or active involvement (presenting, teaching, and planning). At least 2.0 professional CEUs shall include topics related to ethics.

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(b) General studies or electives units that deal with general topics of interest and passive involvement related to deafness or interpreting, or a deafness-related activity that is primarily listening.

(9) If there is a question regarding the CEU described in subrule (8) of this rule, the division director or assigned designee shall make a final determination.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5082 Division records; professional development; continuing education.**

Rule 82. (1) The division shall maintain a database that includes a record of each state-certified interpreter's attained CEUs and each nationally certified interpreter with endorsements. The applicant shall ensure that his or her hours are properly documented.

(2) Qualified interpreters shall submit a division CEU reporting form with documents attached to verify his or her participation in activities earning CEUs at renewal time.

(3) Supporting documents will not be returned. Documentation shall include all of the following on a certificate of attendance or letter of participation, or on a professional development transcript:

(a) Name of sponsoring organization.

(b) Program date.

(c) Title of program.

(d) Start and stop time.

(e) Signature of sponsor verifying that the participant was present and stayed for the length of the training.

(f) Number of CEUs issued.

(4) A qualified interpreter who fails to maintain appropriate CEUs is not eligible for renewal or reapplication until he or she has satisfied all continuing education requirements.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5083 CEU requirements; medical; legal; deafblind; educational.**

Rule 83. (1) An interpreter qualified to interpret for a proceeding in standards level 2 and 3 shall meet the following requirements when fulfilling continuing education requirements for each cycle, as applicable:

(a) Acquire a minimum of 2.0 CEUs on health care and mental health interpreting related subjects for every 4-year cycle in medical and mental health environments and maintain medical endorsement.

(b) Acquire a minimum of 2.0 CEUs related to legal interpreting and related subjects for every 4-year cycle in legal environments and maintain legal endorsement.

(2) Acquire a minimum of .8 CEUs in educational interpreting related subjects for every 4-year cycle in educational settings.

(3) In deafblind environments and to maintain deafblind endorsement, a qualified interpreter shall complete not less than .8 deafblind CEUs per 4 year cycle.

(4) Interpreters certified by RID shall submit to the division only the CEUs needed for endorsement purposes.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5084 CEU activities; automatic approval.**

Rule 84. College credit or successfully audited college courses documented by a transcript that shows the name of the institution, number of hours, name of participant, date completed, and evidence of successful completion, shall receive automatic approval.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5085 Sponsored activities.**

Rule 85. (1) At least 4 weeks in advance of the activity, a person, firm, association, corporation, or group, other than those addressed in R 393.5084, seeking pre-approval as a CEU sponsor shall submit a sponsorship application to the division for approval along with all of the following:

(a) Completion of DODHH CEU event sponsorship request form available on the division website or through the division office.

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- (b) A detailed and timed training outline, a description of course materials, and the presenter's name and short biography including credentials.
- (c) Copies of advertisements, flyers, or registration forms.
- (d) Measurable objectives for the program.
- (e) Agreement to display the division approval language and logo.
- (f) Assurance that the sponsor has verification of the expertise of the trainer or workshop presenter in the topics presented.
- (g) The number of contact hours for each program, the date, and the place of the workshop/event.
- (2) The sponsor shall verify attendance at each program and provide a signed certificate of attendance only to interpreters who successfully complete the activity or course.
- (3) Upon request, the sponsor shall allow division staff or a designee access to observe a sponsored event for compliance review without cost.
- (4) A sponsor shall provide a mechanism for evaluation of the program by the participants.
- (5) If a sponsor fails to comply with any of the requirements of this rule, then the division shall notify the sponsor that it will not accept attendance at, or participation in, any of that sponsor's CEU programs until the division receives assurance of compliance with this rule.
- (6) The division may decline to sponsor an activity that does not enhance professional development or that may present a conflict of interest for the division.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5086 Independent study.**

Rule 86. All workshops, study groups, professional conferences, or other mentoring activities that are self-directed shall be submitted for preapproval by the interpreter to the division at least 4 weeks before the activity. An interpreter shall submit all of the following documentation, as appropriate:

- (a) An independent study form provided by the division with an application fee, as required in R 393.5094.
- (b) A timed, detailed agenda or advertisement.
- (c) A certificate of attendance received after participation, or a letter of verification on official letterhead of the sponsor, stating the name of the participant, time attended or spent in participation, and the topic.

History: 2014 MR 11, Eff. July 7, 2014.

**PART 9. PROCEDURES FOR RENEWAL**

**R 393.5091 Renewal; expiration; renewal of credentials.**

Rule 91. (1) An interpreter desiring to interpret for a proceeding for D/DB/HH persons residing in this state shall maintain current certification and listing as a qualified interpreter in this state.

- (2) The state-issued credential issued to RID certificate holders and EIPA certificate holders expires on June 30 of the year following the initial certification.
- (3) An interpreter holding an EIPA or RID credential shall annually submit a renewal application on forms provided by the division, along with professional development documentation and appropriate fee, so that it is postmarked on or before June 30. Each nationally certified interpreter shall also submit a valid copy of his or her interpreter card issued by RID or receipt showing certification maintenance payment and certification level(s).
- (4) An application submitted by the postmark date of June 30 is exempt from late fees; however, the postmark does not guarantee processing of the applications mailed less than 10 business days before June 30.
- (5) An EIPA or RID certified interpreter who fails to renew his or her qualified interpreter certificate in this state by June 30 of the year in which his or her credential expires shall pay a late fee equal to ½ the renewal fee as provided under R 393.5094, in addition to the regular renewal fee.
- (6) An EIPA or RID certified interpreter who fails to submit his or her renewal within 45 calendar days following the date that the credential expired shall pay a reinstatement fee in addition to late fees.

History: 2014 MR 11, Eff. July 7, 2014.

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**R 393.5092 Renewal for state-certified qualified interpreters; retesting.**

Rule 92. (1) The state-issued credential of every qualified interpreter holding state issued certification by examination shall meet the renewal requirements of R 393.5091 (1).

(2) The state-issued credential to BEI certificate holders shall expire annually on the date of the initial certification.

(3) The state issued credential to DI certificate holders shall expire annually on the date of the initial certification.

(4) An interpreter holding a state issued certification shall annually submit a renewal application on forms provided by the division, along with professional development documentation and appropriate fee, so that it is postmarked on or before its individualized date.

(5) A qualified interpreter who fails to renew his or her qualified interpreter certificate in this state by the due date in which his or her credential expires shall pay a late fee equal to ½ the renewal fee as provided under R 393.5094, in addition to the regular renewal fee.

(6) A state-certified qualified interpreter who allows his or her credential to lapse shall be required to retest, unless the fully completed renewal is submitted within 90 calendar days following the date that the credential expired.

(7) An interpreter's 4-year testing cycle begins upon achieving a MI BEI. At the end of each 4-year testing cycle, a qualified interpreter with a MI BEI I certificate on the state-administered examination MI BEI shall continue to retest for a higher certification in addition to meeting all other renewal requirements. An extension will not be granted for failure to successfully complete testing before the end of the testing cycle. A reinstatement fee plus testing will be required.

(8) The holder of a MI BEI I shall submit his or her CEU requirements annually.

(9) Upon passage of the MI BEI II test or higher level, an interpreter qualified through the state-certification process shall not be required to test every 4 years. The interpreter may submit 2.0 CEUs requirements annually or 4.0 CEUs every other year. Renewal fees are due annually.

(10) The division may prorate the number of CEUs due from a person that is transitioning from a lower standard level certification to a higher level standard level certification. Prorated CEUs shall be rounded to the nearest whole number.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5093 Notification; change of address; renewal.**

Rule 93. (1) A qualified interpreter shall notify the division of any change of address or contact information within 30 days of the occurrence of the change.

(2) Failure to receive a renewal notification from the division does not constitute an excuse for failure to submit a renewal application to the division with the appropriate documentation and fees by the due date.

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5094 Fees.**

Rule 94. The following fees shall be paid to the division, as appropriate:

(a) Renewal or application fees provided under MCL 393.508c.

(b) Testing fees provided under MCL 393.508e

(c) Fees for other services provided by the division to carry out the provisions of MCL 408.204 as follows:

(i) A \$45 renewal fee that includes the late fee prescribed in R 393.5091, if a person fails to renew on or before the expiration date prescribed by the division.

(ii) A \$10 duplicate credential fee, if the person applying for a duplicate credential signs a statement verifying that the original document has been lost, stolen, or destroyed.

(iii) A \$10 fee for providing written verification that a person is or is not certified with the division at the time of the request for verification.

(iv) A \$35 fee to provide specific detailed information in addition to and including the information described in paragraph (iii) of this subdivision.

(v) A \$10 fee for correcting division records and issuing a new credential when a person notifies the division of a change of name, address, or employer. If the change does not require the issuance of a new credential, no charge shall be made for correcting the division's records.

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(vi) A \$20 fee for an assessment of English skills for interpreters who have not already passed an equivalent assessment, when required for medical and legal designations, or as an English proficiency proctoring fee.

(vii) A \$25 fee for organizational sponsorship of professional development units (CEUs).

(viii) A \$125 reinstatement fee as described in R 393.5091(6) and R 393.5092(7).

History: 2014 MR 11, Eff. July 7, 2014.

**R 393.5095 Refunds; conditions; rescheduling examinations.**

Rule 95. (1) The division shall issue refunds if it cancels an examination or service that was paid for and not received due to cancellation or error by the division, except for events that will be rescheduled.

(2) If approved by the division, a refund shall be issued if the testing candidate or his or her immediate family experiences death, serious illness, a call to active duty, or another situation beyond his or her control. The person shall notify the division of the circumstance as soon as possible before the event for which the fee was paid. Proof shall be provided not later than 30 days after the occurrence.

(3) Failure to appear for a performance examination on a scheduled date, or arriving more than 15 minutes late for a confirmed performance examination, shall result in forfeiture of the examination fee, unless waived by the division.

(4) The fee is subject to forfeiture if the candidate for Test of English Proficiency fails to arrive or arrives after the testing door has closed.

(5) Consideration shall be given for severe weather conditions if the conditions cause an applicant to fail to appear or to be late in arriving to the examination.

(6) The division shall follow school closure notification in determining severe weather to cancel events or testing. If the school district is closed, testing shall be cancelled and rescheduled. No refunds shall be given if an event is rescheduled.

(7) The division shall offer an opportunity to the applicant to reschedule an examination as soon as possible after the cancellation of the examination. If the person does not complete the examination within 1 calendar year of the cancellation, then the fee shall be forfeited.

History: 2014 MR 11, Eff. July 7, 2014.

**MICHIGAN JOBS COMMISSION**

**VOCATIONAL EDUCATION**

**VOCATIONAL REHABILITATION**

**PART 1. ELIGIBILITY FOR REHABILITATION SERVICE**

**R 395.1**

Source: 1998-2000 AACCS.

**R 395.3**

Source: 2005 AACCS.

**R 395.4**

Source: 2005 AACCS.

**PART 2. PROVISION OF REHABILITATION SERVICES**

**R 395.21**

Source: 1998-2000 AACCS.

**R 395.24**

Source: 1979 AC.

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**PART 3. PAYMENT OF SERVICE COSTS**

**R 395.31**  
Source: 2005 AACS.

**R 395.32**  
Source: 2005 AACS.

**R 395.33**  
Source: 2005 AACS.

**PART 4. DISABILITY DETERMINATION SERVICE**

**R 395.41**  
Source: 1979 AC.

**R 395.42**  
Source: 1979 AC.

**DEPARTMENT OF EDUCATION**  
**STATE BOARD OF EDUCATION**

**REIMBURSED PROGRAMS OF VOCATIONAL-TECHNICAL EDUCATION**

**R 395.231**  
Source: 2010 AACS.

**R 395.232**  
Source: 2010 AACS.

**R 395.236**  
Source: 2010 AACS.

**PART 2. STATE-APPROVED CAREER AND TECHNICAL**  
**EDUCATION PROGRAMS**

**R 395.241**  
Source: 2010 AACS.

**R 395.242**  
Source: 2010 AACS.

**R 395.243**  
Source: 2010 AACS.

**R 395.244**  
Source: 2010 AACS.

**R 395.251**  
Source: 2010 AACS.

**R 395.252**  
Source: 2010 AACS.

**R 395.253**  
Source: 2010 AACS.

**R 395.254**

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Source: 2010 AACS.

**R 395.261**

Source: 2010 AACS.

**R 395.262**

Source: 2010 AACS.

**R 395.271**

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**R 395.272**

Source: 2010 AACS.

**PART 3. FINANCIAL COMPLIANCE**

**R 395.281**

Source: 2010 AACS.

**R 395.282**

Source: 2010 AACS.

**R 395.283**

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**R 395.284**

Source: 2010 AACS.

**R 395.285**

Source: 2010 AACS.

**R 395.286**

Source: 2010 AACS.

**R 395.291**

Source: 1979 AC.

**R 395.296**

Source: 2010 AACS.

**R 395.301**

Source: 2010 AACS.

**R 395.311**

Source: 2010 AACS.

**R 395.312**

Source: 2010 AACS.

**R 395.321**

Source: 2010 AACS.

**R 395.322**

Source: 2010 AACS.

**R 395.323**

Source: 2010 AACS.

**R 395.331**

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Source: 2010 AACCS.

**R 395.332**

Source: 2010 AACCS.

**R 395.333**

Source: 1979 AC.

**R 395.334**

Source: 2010 AACCS.

**R 395.335**

Source: 2010 AACCS.

**R 395.341**

Source: 2010 AACCS.

**R 395.351**

Source: 2010 AACCS.

**R 395.352**

Source: 2010 AACCS.

**R 395.355**

Source: 2010 AACCS.

**R 395.361**

Source: 2010 AACCS.

**R 395.362**

Source: 2010 AACCS.

**PART 4. REIMBURSEMENT FOR CAREER AND TECHNICAL EDUCATION  
ON AN ADDED COST BASIS**

**R 395.371**

Source: 2010 AACCS.

**R 395.372**

Source: 2010 AACCS.

**R 395.373**

Source: 2010 AACCS.

**R 395.374**

Source: 2010 AACCS.

**R 395.375**

Source: 2010 AACCS.

**R 395.376**

Source: 2010 AACCS.

**DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES**

**LIBRARY OF MICHIGAN**

**STATE AID RULES**

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**PART 1. GENERAL PROVISIONS**

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Source: 2009 AACCS.

**R 397.02**  
Source: 2009 AACCS.

**R 397.03**  
Source: 2009 AACCS.

**R 397.04**  
Source: 2009 AACCS.

**R 397.05**  
Source: 2009 AACCS.

**PART 2. APPLICATION FOR STATE AID**

**R 397.21**  
Source: 2009 AACCS.

**R 397.22**  
Source: 2009 AACCS.

**PART 3. GENERAL REQUIREMENTS FOR PUBLIC LIBRARIES**

**R 397.31**  
Source: 2009 AACCS.

**PART 4. PUBLIC LIBRARY REQUIREMENTS BASED ON CLASS SIZE**

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Source: 2009 AACCS.

**R 397.42**  
Source: 2009 AACCS.

**R 397.43**  
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Source: 2009 AACCS.

**R 397.45**  
Source: 2009 AACCS.

**R 397.46**  
Source: 2009 AACCS.

**PART 5. SCHOOL PUBLIC LIBRARY REQUIREMENTS**

**R 397.51**  
Source: 2009 AACCS.

**PART 6. COOPERATIVE LIBRARY REQUIREMENTS**

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**R 397.61**  
Source: 2009 AACS.

**R 397.62**  
Source: 2009 AACS.

**PART 7. APPLICATION FOR PROFESSIONAL CERTIFICATION**

**R 397.71**  
Source: 2009 AACS.

**R 397.72**  
Source: 2009 AACS.

**PART 8. PROFESSIONAL CERTIFICATION**

**R 397.81**  
Source: 2009 AACS.

**R 397.82**  
Source: 2009 AACS.

**R 397.83**  
Source: 2009 AACS.

**R 397.84**  
Source: 2009 AACS.

**R 397.85**  
Source: 2009 AACS.

**PART 9. WAIVER AND APPEAL**

**R 397.91**  
Source: 2009 AACS.

**R 397.92**  
Source: 2009 AACS.

**DEPARTMENT OF STATE**  
**MICHIGAN HISTORY DIVISION**  
**SITE PROTECTION**

**R 399.101**  
Source: 1983 AACS.

**R 399.102**  
Source: 1983 AACS.

**DEPARTMENT OF COMMUNITY HEALTH**  
**MEDICAL SERVICES ADMINISTRATION**  
**STATE VENDOR PARTICIPATION IN MEDICAL COSTS**

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**R 400.24**  
Source: 1979 AC.

**R 400.25**  
Source: 1979 AC.

**R 400.26**  
Source: 1979 AC.

**PART 2. INTERCOUNTY DISPUTES**

**R 400.31**  
Source: 1997 AACS.

**R 400.32**  
Source: 1997 AACS.

**R 400.33**  
Source: 1997 AACS.

**R 400.34**  
Source: 1997 AACS.

**R 400.35**  
Source: 1997 AACS.

**R 400.36**  
Source: 1997 AACS.

**R 400.37**  
Source: 1997 AACS.

**R 400.38**  
Source: 1997 AACS.

**CONSUMER AND INDUSTRY SERVICES**

**BUREAU OF REGULATORY SERVICE**

**DIVISION OF CHILD WELFARE LICENSING**

**R 400.51**  
Source: 1979 AC.

**R 400.52**  
Source: 1979 AC.

**R 400.53**  
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**R 400.57**  
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**R 400.58**  
Source: 1979 AC.

**DAY CARE CENTERS AND NURSERY SCHOOLS**

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**R 400.121**  
Source: 1997 AACS.

**R 400.122**  
Source: 1997 AACS.

**R 400.123**  
Source: 1997 AACS.

**R 400.124**  
Source: 1997 AACS.

**R 400.125**  
Source: 1997 AACS.

**R 400.126**  
Source: 1997 AACS.

**R 400.127**  
Source: 1998-2000 AACS.

**R 400.128**  
Source: 1998-2000 AACS.

**FOSTER HOMES FOR CHILDREN**

**R 400.191**  
Source: 1998-2000 AACS.

**R 400.192**  
Source: 1998-2000 AACS.

**R 400.193**  
Source: 1998-2000 AACS.

**R 400.194**  
Source: 1998-2000 AACS.

**R 499.195**  
Source: 1998-2000 AACS.

**DEPARTMENT OF ATTORNEY GENERAL**

**CONSUMER PROTECTION AND CHARITABLE TRUSTS DIVISION**

**SOLICITING AGENCIES**

**R 400.241**

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**Source:** 1979 AC.

**R 400.242**  
**Source:** 1979 AC.

**R 400.243**  
**Source:** 1979 AC.

**R 400.244**  
**Source:** 1979 AC.

**R 400.245**  
**Source:** 1979 AC.

**R 400.245a**  
**Source:** 1979 AC.

**DEPARTMENT OF SOCIAL SERVICES**

**GENERAL RULES**

**PART 4. DIVISION OF SERVICES FOR THE BLIND**

**VOCATIONAL REHABILITATION**

**R 400.251**  
**Source:** 1979 AC.

**R 400.252**  
**Source:** 1979 AC.

**R 400.253**  
**Source:** 1979 AC.

**R 400.254**  
**Source:** 1979 AC.

**DEPARTMENT OF SOCIAL SERVICES**

**GENERAL RULES**

**PART 5. STATE JUVENILE WARDS**

**BOYS' TRAINING SCHOOL**

**R 400.321**  
**Source:** 2012 AACS.

**R 400.331**  
**Source:** 2012 AACS.

**R 400.332**  
**Source:** 2012 AACS.

**R 400.341**  
**Source:** 2012 AACS.

**R 400.343**  
**Source:** 2012 AACS.

**R 400.344**

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Source: 2012 AACS.

**R 400.345**

Source: 2012 AACS.

**R 400.346**

Source: 2012 AACS.

**R 400.347**

Source: 2012 AACS.

**R 400.348**

Source: 2012 AACS.

**R 400.349**

Source: 2012 AACS.

**R 400.361**

Source: 2012 AACS.

**R 400.362**

Source: 2012 AACS.

**R 400.371**

Source: 2012 AACS.

**DEPARTMENT OF HUMAN SERVICES**

**GENERAL RULES**

**PART 7. PROTECTION OF CHILDREN**

**INTERSTATE PLACEMENTS**

**R 400.400**

Source: 2013 AACS.

**INTERCOUNTRY PLACEMENTS**

**R 400.410**

Source: 2013 AACS.

**R 400.411**

Source: 2013 AACS.

**DEPARTMENT OF COMMUNITY HEALTH**

**MEDICAL SERVICES ADMINISTRATION**

**MEDICAL ASSISTANCE FOR THE AGED**

**R 400.501**

Source: 1979 AC.

**R 400.502**

Source: 1979 AC.

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**R 400.503**  
Source: 1979 AC.

**R 400.504**  
Source: 1979 AC.

**R 400.505**  
Source: 1979 AC.

**R 400.506**  
Source: 1979 AC.

**R 400.507**  
Source: 1979 AC.

**R 400.508**  
Source: 1979 AC.

**R 400.509**  
Source: 1979 AC.

**R 400.510**  
Source: 1979 AC.

**R 400.511**  
Source: 1979 AC.

**R 400.512**  
Source: 1979 AC.

**R 400.513**  
Source: 1979 AC.

**R 400.514**  
Source: 1979 AC.

**R 400.515**  
Source: 1979 AC.

**PART 9. HEARINGS, APPEALS, AND DECLARATORY RULINGS**

**R 400.901**  
Source: 1979 AC.

**R 400.902**  
Source: 1979 AC.

**R 400.903**  
Source: 1979 AC.

**R 400.904**  
Source: 1998-2000 AACS.

**R 400.905**  
Source: 1979 AC.

**R 400.906**  
Source: 1998-2000 AACS.

**R 400.907 Location of hearing; hearing conducted with communication equipment.**

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Rule 907. (1) A hearing shall be conducted at a reasonable time, date, and location. Unless prohibited by federal regulation, a hearing shall be conducted with communication equipment. For the purposes of this rule, a hearing conducted with communication equipment shall mean a hearing held by telephone, video conferencing, or by other electronic media.

(2) For a hearing conducted with communication equipment, both the claimant and the department of human services shall submit all documentary evidence to be considered by an administrative law judge to the Lansing office of the Michigan administrative hearing system no later than 10 days before the scheduled hearing date. For good cause shown, an administrative law judge may permit additional evidence to be submitted, but may decline to accept additional evidence at or following the hearing.

(3) A party may request an in-person hearing in writing at least 14 days before the scheduled hearing. If approved by a managerial-level administrative law judge, the hearing shall be converted into an in-person hearing and scheduled for a reasonable time, date, and place.

History: 1979 AC; 1993 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.908 Notice of hearing.**

Rule 908. (1) Notice of the time, date, and place of hearing shall be mailed to the claimant and his representative of record, and shall be sent electronically to the county department or state bureau involved at least 10 days before the date of hearing, except when otherwise required by law. At the election of the claimant or his or her representative of record, service may be made electronically.

(2) A notice shall contain the section of the law and rule involved.

History: 1979 AC; 2014 MR 11, Eff. June 5, 2014.

**R 400.909**

Source: 1979 AC.

**R 400.910**

Source: 1979 AC.

**R 400.911**

Source: 1979 AC.

**R 400.912**

Source: 1979 AC.

**R 400.913**

Source: 1979 AC.

**R 400.914**

Source: 1979 AC.

**R 400.915**

Source: 1979 AC.

**R 400.916**

Source: 1993 AACS.

**R 400.917**

Source: 1998-2000 AACS.

**R 400.918**

Source: 1979 AC.

**R 400.919**

Source: 1993 AACS.

**R 400.920**

Source: 1979 AC.

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**R 400.921**  
Source: 1979 AC.

**R 400.922**  
Source: 1979 AC.

**R 400.941**  
Source: 1997 AACS.

**R 400.951**  
Source: 1985 AACS.

**OFFICE OF ADULT AND FAMILY COMMUNITY SERVICES**  
**ADULT HOME HELP SERVICES PAYMENTS**

**R 400.1101**  
Source: 1980 AACS.

**R 400.1102**  
Source: 1980 AACS.

**R 400.1103**  
Source: 1980 AACS.

**R 400.1104**  
Source: 1980 AACS.

**R 400.1105**  
Source: 1980 AACS.

**R 400.1106**  
Source: 1980 AACS.

**R 400.1107**  
Source: 1980 AACS.

**FAMILY SERVICES ADMINISTRATION**  
**INTENTIONAL PROGRAM VIOLATIONS**

**R 400.1121**  
Source: 1998-2000 AACS.

**BUREAU OF REGULATORY SERVICES**  
**GOOD MORAL CHARACTER**

**R 400.1151**  
Source: 1988 AACS.

**R 400.1152**  
Source: 1988 AACS.

**R 400.1153**  
Source: 1988 AACS.

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**ADULT FOSTER CARE LICENSING DIVISION**

**ADULT FOSTER CARE FAMILY HOMES**

**R 400.1401**  
Source: 1984 AACS.

**R 400.1402**  
Source: 1984 AACS.

**R 400.1403**  
Source: 1984 AACS.

**R 400.1404**  
Source: 1984 AACS.

**R 400.1405**  
Source: 1984 AACS.

**R 400.1406**  
Source: 1984 AACS.

**R 400.1407**  
Source: 1984 AACS.

**R 400.1408**  
Source: 1984 AACS.

**R 400.1409**  
Source: 1984 AACS.

**R 400.1410**  
Source: 1984 AACS.

**R 400.1411**  
Source: 1984 AACS.

**R 400.1412**  
Source: 1984 AACS.

**R 400.1413**  
Source: 1984 AACS.

**R 400.1414**  
Source: 1984 AACS.

**R 400.1415**  
Source: 1984 AACS.

**R 400.1416**  
Source: 1984 AACS.

**R 400.1417**  
Source: 1984 AACS.

**R 400.1418**  
Source: 1984 AACS.

**R 400.1419**

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Source: 1984 AACS.

**R 400.1420**

Source: 1984 AACS.

**R 400.1421**

Source: 1984 AACS.

**R 400.1422**

Source: 1984 AACS.

**R 400.1423**

Source: 1984 AACS.

**R 400.1424**

Source: 1984 AACS.

**R 400.1425**

Source: 1984 AACS.

**R 400.1426**

Source: 1984 AACS.

**R 400.1427**

Source: 1984 AACS.

**R 400.1428**

Source: 1984 AACS.

**R 400.1429**

Source: 1984 AACS.

**R 400.1430**

Source: 1984 AACS.

**R 400.1431**

Source: 1984 AACS.

**R 400.1432**

Source: 1984 AACS.

**R 400.1433**

Source: 1984 AACS.

**R 400.1434**

Source: 1984 AACS.

**R 400.1435**

Source: 1984 AACS.

**R 400.1436**

Source: 1984 AACS.

**R 400.1437**

Source: 1984 AACS.

**R 400.1438**

Source: 1984 AACS.

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**R 400.1439**  
Source: 1984 AACS.

**R 400.1440**  
Source: 1984 AACS.

**R 400.1441**  
Source: 1984 AACS.

**R 400.1442**  
Source: 1984 AACS.

**FAMILY AND GROUP DAY CARE HOMES**

**PART 1. GENERAL PROVISIONS**

**R 400.1801**  
Source: 2005 AACS.

**R 400.1802**  
Source: 2005 AACS.

**R 400.1803**  
Source: 2005 AACS.

**R 400.1804**  
Source: 2005 AACS.

**R 400.1805**  
Source: 2005 AACS.

**R 400.1806**  
Source: 2005 AACS.

**R 400.1807**  
Source: 2005 AACS.

**R 400.1808**  
Source: 2005 AACS.

**R 400.1809**  
Source: 2005 AACS.

**R 400.1810**  
Source: 2005 AACS.

**R 400.1811**  
Source: 2005 AACS.

**R 400.1812**  
Source: 2005 AACS.

**R 400.1813**  
Source: 2005 AACS.

**R 400.1814**  
Source: 2005 AACS.

**R 400.1815**

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Source: 2005 AACS.

**R 400.1816**

Source: 2005 AACS.

**R 400.1817**

Source: 2005 AACS.

**R 400.1818**

Source: 2005 AACS.

**R 400.1821**

Source: 2005 AACS.

**R 400.1822**

Source: 2005 AACS.

**R 400.1831**

Source: 2005 AACS.

**R 400.1832**

Source: 2005 AACS.

**R 400.1833**

Source: 2005 AACS.

**R 400.1834**

Source: 2005 AACS.

**R 400.1835**

Source: 2005 AACS.

**R 400.1841**

Source: 2005 AACS.

**R 400.1842**

Source: 2005 AACS.

**R 400.1851**

Source: 2005 AACS.

**R 400.1901**

Source: 2009 AACS.

**R 400.1902**

Source: 2009 AACS.

**R 400.1903**

Source: 2009 AACS.

**R 400.1904**

Source: 2009 AACS.

**R 400.1905**

Source: 2009 AACS.

**R 400.1906**

Source: 2005 AACS.

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**R 400.1907**  
Source: 2009 AACS.

**R 400.1908**  
Source: 2005 AACS.

**R 400.1909**  
Source: 2005 AACS.

**R 400.1910**  
Source: 2005 AACS.

**R 400.1911**  
Source: 2005 AACS.

**R 400.1912**  
Source: 2005 AACS.

**R 400.1913**  
Source: 2005 AACS.

**R 400.1914**  
Source: 2009 AACS.

**R 400.1915**  
Source: 2009 AACS.

**R 400.1916**  
Source: 2009 AACS.

**R 400.1917**  
Source: 2009 AACS.

**R 400.1918**  
Source: 2005 AACS.

**R 400.1919**  
Source: 2005 AACS.

**R 400.1920**  
Source: 2005 AACS.

**R 400.1921**  
Source: 2009 AACS.

**R 400.1922**  
Source: 2005 AACS.

**R 400.1923**  
Source: 2005 AACS.

**R 400.1924**  
Source: 2005 AACS.

**R 400.1931**  
Source: 2009 AACS.

**R 400.1932**

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Source: 2009 AACS.

**R 400.1933**

Source: 2005 AACS.

**R 400.1934**

Source: 2009 AACS.

**R 400.1935**

Source: 2005 AACS.

**R 400.1936**

Source: 2005 AACS.

**R 400.1941**

Source: 2009 AACS.

**R 400.1942**

Source: 2009 AACS.

**R 400.1943**

Source: 2009 AACS.

**R 400.1944**

Source: 2009 AACS.

**R 400.1945**

Source: 2005 AACS.

**R 400.1951**

Source: 2009 AACS.

**R 400.1952**

Source: 2009 AACS.

**R 400.1961**

Source: 2005 AACS.

**R 400.1962**

Source: 2005 AACS.

**R 400.1963**

Source: 2005 AACS.

**OFFICE OF CHILDREN AND YOUTH SERVICES**

**CHILD CARE FUND**

**PART 1. GENERAL PROVISIONS**

**R 400.2001**

Source: 1987 AACS.

**R 400.2002**

Source: 1987 AACS.

**R 400.2003**

Source: 1987 AACS.

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**R 400.2004**  
Source: 1987 AACS.

**R 400.2005**  
Source: 1987 AACS.

**R 400.2006**  
Source: 1987 AACS.

**R 400.2007**  
Source: 1987 AACS.

**R 400.2008**  
Source: 1987 AACS.

**R 400.2009**  
Source: 1987 AACS.

**R 400.2010**  
Source: 1987 AACS.

**R 400.2011**  
Source: 1987 AACS.

**PART 2. ELIGIBLE EXPENDITURE CLASSIFICATIONS**

**R 400.2021**  
Source: 1987 AACS.

**R 400.2022**  
Source: 1987 AACS.

**R 400.2023**  
Source: 1987 AACS.

**R 400.2024**  
Source: 1987 AACS.

**R 400.2025**  
Source: 1987 AACS.

**R 400.2026**  
Source: 1987 AACS.

**R 400.2027**  
Source: 1987 AACS.

**R 400.2028**  
Source: 1987 AACS.

**PART 3. ACCOUNTING**

**R 400.2031**  
Source: 1987 AACS.

**PART 4. REPORTING**

**R 400.2041**

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Source: 1987 AACS.

**R 400.2042**

Source: 1987 AACS.

**R 400.2043**

Source: 1987 AACS.

**R 400.2044**

Source: 1987 AACS.

**R 400.2045**

Source: 1987 AACS.

**R 400.2046**

Source: 1987 AACS.

**R 400.2047**

Source: 1987 AACS.

**R 400.2048**

Source: 1987 AACS.

**R 400.2049**

Source: 1987 AACS.

**ADULT FOSTER CARE LICENSING DIVISION**

**ADULT FOSTER CARE FACILITIES**

**PART 1. GENERAL PROVISIONS**

**R 400.2101**

Source: 1997 AACS.

**R 400.2102**

Source: 1997 AACS.

**R 400.2103**

Source: 1997 AACS.

**R 400.2104**

Source: 1997 AACS.

**R 400.2105**

Source: 1997 AACS.

**R 400.2106**

Source: 1997 AACS.

**R 400.2111**

Source: 1997 AACS.

**R 400.2112**

Source: 1997 AACS.

**R 400.2113**

Source: 1997 AACS.

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**R 400.2114**  
Source: 1997 AACS.

**R 400.2115**  
Source: 1997 AACS.

**R 400.2116**  
Source: 1997 AACS.

**R 400.2117**  
Source: 1997 AACS.

**R 400.2118**  
Source: 1997 AACS.

**R 400.2119**  
Source: 1997 AACS.

**R 400.2120**  
Source: 1997 AACS.

**R 400.2121**  
Source: 1997 AACS.

**R 400.2122**  
Source: 1997 AACS.

**PART 2. FAMILY HOMES, FIRE SAFETY**

**R 400.2201**  
Source: 1984 AACS.

**R 400.2202**  
Source: 1997 AACS.

**R 400.2203**  
Source: 1997 AACS.

**R 400.2204**  
Source: 1997 AACS.

**R 400.2205**  
Source: 1997 AACS.

**R 400.2206**  
Source: 1997 AACS.

**R 400.2207**  
Source: 1997 AACS.

**R 400.2208**  
Source: 1997 AACS.

**R 400.2209**  
Source: 1997 AACS.

**R 400.2210**  
Source: 1997 AACS.

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- R 400.2211**  
Source: 1997 AACS.
- R 400.2212**  
Source: 1997 AACS.
- R 400.2213**  
Source: 1997 AACS.
- R 400.2214**  
Source: 1997 AACS.
- R 400.2215**  
Source: 1997 AACS.
- R 400.2216**  
Source: 1997 AACS.
- R 400.2217**  
Source: 1997 AACS.
- R 400.2218**  
Source: 1997 AACS.
- R 400.2219**  
Source: 1997 AACS.
- R 400.2220**  
Source: 1997 AACS.
- R 400.2221**  
Source: 1997 AACS.
- R 400.2222**  
Source: 1997 AACS.
- R 400.2223**  
Source: 1997 AACS.
- R 400.2224**  
Source: 1997 AACS.
- R 400.2231**  
Source: 1984 AACS.
- R 400.2232**  
Source: 1997 AACS.
- R 400.2233**  
Source: 1984 AACS.
- R 400.2234**  
Source: 1997 AACS.
- R 400.2241**  
Source: 1997 AACS.
- R 400.2242**  
Source: 1984 AACS.

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- R 400.2243**  
Source: 1984 AACS.
- R 400.2244**  
Source: 1979 AC.
- R 400.2245**  
Source: 1979 AC.
- R 400.2246**  
Source: 1979 AC.
- R 400.2247**  
Source: 1979 AC.
- R 400.2248**  
Source: 1997 AACS.
- R 400.2249**  
Source: 1997 AACS.
- R 400.2250**  
Source: 1997 AACS.
- R 400.2251**  
Source: 1997 AACS.
- R 400.2252**  
Source: 1997 AACS.
- R 400.2253**  
Source: 1997 AACS.
- R 400.2254**  
Source: 1997 AACS.
- R 400.2255**  
Source: 1997 AACS.
- R 400.2256**  
Source: 1997 AACS.
- R 400.2257**  
Source: 1997 AACS.
- R 400.2261**  
Source: 1979 AC.
- R 400.2271**  
Source: 1997 AACS.
- R 400.2272**  
Source: 1997 AACS.
- R 400.2273**  
Source: 1997 AACS.
- R 400.2274**  
Source: 1997 AACS.

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**R 400.2275**  
Source: 1997 AACS.

**PART 3. GROUP HOMES**

**R 400.2301**  
Source: 1997 AACS.

**R 400.2302**  
Source: 1997 AACS.

**R 400.2303**  
Source: 1997 AACS.

**R 400.2304**  
Source: 1997 AACS.

**R 400.2305**  
Source: 1997 AACS.

**R 400.2306**  
Source: 1997 AACS.

**R 400.2307**  
Source: 1997 AACS.

**R 400.2302**  
Source: 1997 AACS.

**R 400.2303**  
Source: 1997 AACS.

**R 400.2304**  
Source: 1997 AACS.

**R 400.2305**  
Source: 1997 AACS.

**R 400.2306**  
Source: 1997 AACS.

**R 400.2307**  
Source: 1997 AACS.

**R 400.2308**  
Source: 1997 AACS.

**R 400.2309**  
Source: 1997 AACS.

**R 400.2310**  
Source: 1997 AACS.

**R 400.2311**  
Source: 1997 AACS.

**R 400.2312**  
Source: 1997 AACS.

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- R 400.2313**  
Source: 1997 AACS.
- R 400.2314**  
Source: 1997 AACS.
- R 400.2315**  
Source: 1997 AACS.
- R 400.2316**  
Source: 1997 AACS.
- R 400.2317**  
Source: 1997 AACS.
- R 400.2318**  
Source: 1997 AACS.
- R 400.2319**  
Source: 1997 AACS.
- R 400.2320**  
Source: 1997 AACS.
- R 400.2321**  
Source: 1997 AACS.
- R 400.2322**  
Source: 1997 AACS.
- R 400.2323**  
Source: 1997 AACS.
- R 400.2324**  
Source: 1997 AACS.
- R 400.2331**  
Source: 1997 AACS.
- R 400.2332**  
Source: 1997 AACS.
- R 400.2333**  
Source: 1997 AACS.
- R 400.2334**  
Source: 1997 AACS.
- R 400.2341**  
Source: 1997 AACS.
- R 400.2342**  
Source: 1997 AACS.
- R 400.2343**  
Source: 1997 AACS.
- R 400.2344**  
Source: 1997 AACS.

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- R 400.2345**  
Source: 1997 AACS.
- R 400.2346**  
Source: 1997 AACS.
- R 400.2347**  
Source: 1997 AACS.
- R 400.2348**  
Source: 1997 AACS.
- R 400.2349**  
Source: 1997 AACS.
- R 400.2350**  
Source: 1997 AACS.
- R 400.2351**  
Source: 1997 AACS.
- R 400.2352**  
Source: 1997 AACS.
- R 400.2353**  
Source: 1997 AACS.
- R 400.2354**  
Source: 1997 AACS.
- R 400.2355**  
Source: 1997 AACS.
- R 400.2356**  
Source: 1997 AACS.
- R 400.2357**  
Source: 1997 AACS.
- R 400.2361**  
Source: 1997 AACS.
- R 400.2371**  
Source: 1997 AACS.
- R 400.2372**  
Source: 1997 AACS.
- R 400.2373**  
Source: 1997 AACS.
- R 400.2374**  
Source: 1997 AACS.
- R 400.2375**  
Source: 1997 AACS.
- R 400.2376**  
Source: 1982 AACS.

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**DEPARTMENT OF SOCIAL SERVICES**

**ADULT FOSTER CARE LICENSING DIVISION**

**ADULT FOSTER CARE FACILITIES**

**PART 4. CONGREGATE FACILITIES**

**R 400.2401**  
Source: 1979 AC.

**R 400.2402**  
Source: 1979 AC.

**R 400.2403**  
Source: 1979 AC.

**R 400.2404**  
Source: 1979 AC.

**R 400.2405**  
Source: 1979 AC.

**R 400.2406**  
Source: 1979 AC.

**R 400.2407**  
Source: 1979 AC.

**R 400.2411**  
Source: 1979 AC.

**R 400.2412**  
Source: 1979 AC.

**R 400.2413**  
Source: 1979 AC.

**R 400.2414**  
Source: 1979 AC.

**R 400.2415**  
Source: 1979 AC.

**R 400.2416**  
Source: 1979 AC.

**R 400.2417**  
Source: 1979 AC.

**R 400.2418**  
Source: 1979 AC.

**R 400.2421**  
Source: 1979 AC.

**R 400.2422**

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Source: 1979 AC.

**R 400.2423**

Source: 1979 AC.

**R 400.2424**

Source: 1979 AC.

**R 400.2431**

Source: 1979 AC.

**R 400.2432**

Source: 1979 AC.

**R 400.2433**

Source: 1979 AC.

**R 400.2434**

Source: 1979 AC.

**R 400.2447**

Source: 1979 AC.

**R 400.2448**

Source: 1979 AC.

**R 400.2451**

Source: 1979 AC.

**R 400.2452**

Source: 1979 AC.

**R 400.2453**

Source: 1979 AC.

**R 400.2454**

Source: 1979 AC.

**R 400.2455**

Source: 1979 AC.

**R 400.2456**

Source: 1979 AC.

**R 400.2457**

Source: 1979 AC.

**R 400.2461**

Source: 1979 AC.

**R 400.2471**

Source: 1979 AC.

**R 400.2472**

Source: 1979 AC.

**R 400.2473**

Source: 1979 AC.

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**R 400.2474**  
Source: 1979 AC.

**R 400.2475**  
Source: 1979 AC.

**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**

**BUREAU OF REGULATORY SERVICES**

**ADULT FOSTER CARE FACILITIES**

**PART 5. FIRE SAFETY; CONGREGATE FACILITIES**

**R 400.2501**  
Source: 1998-2000 AACS.

**R 400.2502**  
Source: 1998-2000 AACS.

**R 400.2503**  
Source: 1998-2000 AACS.

**R 400.2504**  
Source: 1998-2000 AACS.

**R 400.2505**  
Source: 1998-2000 AACS.

**R 400.2506**  
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**R 400.2507**  
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**R 400.2508**  
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**R 400.2509**  
Source: 1998-2000 AACS.

**R 400.2510**  
Source: 1998-2000 AACS.

**R 400.2511**  
Source: 1998-2000 AACS.

**R 400.2512**  
Source: 1998-2000 AACS.

**R 400.2513**  
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**R 400.2514**  
Source: 1998-2000 AACS.

**R 400.2515**  
Source: 1998-2000 AACS.

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**R 400.2516**  
Source: 1998-2000 AACS.

**R 400.2517**  
Source: 1998-2000 AACS.

**R 400.2518**  
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**R 400.2519**  
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**R 400.2520**  
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**R 400.2521**  
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**R 400.2531**  
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- R 400.2564**  
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- R 400.2565**  
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- R 400.2566**  
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- R 400.2567**  
Source: 1998-2000 AACS.

**FAMILY SERVICES ADMINISTRATION**

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**FOOD STAMP PROGRAM**

**R 400.3001 Definitions.**

Rule 1. As used in these rules:

- (a) "Administrative recoupment" means a process by which a group's benefits are reduced to make payments on an overissuance.
- (b) "Application filing date" means the date that the department receives a signed application document that includes the minimum required information.
- (c) "Collection actions" means the department processes initiated to maximize recovery of overissued benefits.
- (d) "Department" mean the Michigan department of human services.
- (e) "Nonprofit" means tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. §501(c)(3).
- (f) "Group living arrangement" has the meaning specified in the food stamp act and nutrition act of 2008, 7 U.S.C. §2012(i)(7).
- (g) "Overissuance" means an issuance of more benefits than the group is eligible to receive.
- (h) "Per diem" means a daily rate.
- (i) "Recoupment" means a department action to identify and recover a benefit overissuance.
- (j) "Repayment" means an action by a group to pay back benefits received.
- (k) "Substance abuse treatment center (SATC)" means a facility that provides special living arrangements and a complete program for the treatment of addiction to drugs or alcohol, or both.
- (l) "Supplemental nutrition assistance program student status" has the meaning specified in the food and nutrition act of 2008, 7 U.S.C. §2015(e)(1) and (2) and 7 C.F.R. 273.5.
- (m) "Treasury" means the Michigan department of treasury.
- (n) "Verification" means documentation or other evidence to establish the accuracy of a client's verbal or written statements.

History: 1997 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.3002**

**Source:** 2012 AACCS.

**R 400.3003**

**Source:** 2012 AACCS.

**R 400.3004**

**R 400.3005 Applications.**

Rule 5. The application process shall be completed as specified in the food and nutrition act of 2008, 7 U.S.C. §2020 and 7 C.F.R. §273.2, except as follows:

- (a) An application may be submitted by fax, mail, hand delivered or applied for online on a form prescribed by the department.
- (b) An application may be denied within 30 calendar days from the application filing date if the applicant was interviewed and allowed not less than 10 calendar days to provide requested verifications.
- (c) If an application is denied within 30 calendar days from the application filing date, and the applicant subsequently completes the application requirements within the original 30 calendar days, then benefits shall be provided back to the original date of application if the group is eligible.
- (d) An applicant who fails to contact the department after missing the application interview shall not have a second interview automatically scheduled.

History: 1997 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.3006**

**Source:** 1997 AACCS.

**R 400.3007**

**Source:** 2012 AACCS.

**R 400.3008**

**Source:** 2012 AACCS.

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**R 400.3009 Child support; good cause claim and determination; exceptions to cooperation requirement.**

Rule 9. (1) A client shall take all action required by 1939 PA 280, MCL §400.1 to 400.122 to establish paternity and obtain support.

(2) A client may claim good cause for not taking the action specified in subrule (1) of this rule. Good cause includes any of the following reasons:

(a) The child entitled to support was conceived due to incest or forcible rape.

(b) Legal proceedings for the adoption of the child entitled to support are pending before a court.

(c) A client is currently receiving counseling from a public or licensed private social agency to decide if the child entitled to support should be released for adoption and the counseling has not continued for more than 3 months.

(d) Physical or emotional harm may result if the client or child has been subject to or is in danger of any of the following:

(i) Serious physical harm to the child entitled to support.

(ii) Serious physical harm to the client.

(iii) Serious emotional harm to the child entitled to support that actually harms the child's ability to function in everyday life.

(iv) Serious emotional harm to the client that actually harms the client's capacity to adequately care for the child entitled to support.

(e) Sexual abuse

(f) Sexual activity involving a dependent child.

(g) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.

(h) Threats of, or attempts at, physical or sexual abuse.

(i) Mental abuse.

(j) Neglect or deprivation of medical care.

(3) A client's cooperation in establishing paternity and obtaining support is not required if good cause exists for not cooperating, but a support action may proceed if the FIA department determines that the action would not endanger the child entitled to support or the client.

(4) If a client is informed of the right to claim good cause and decides to make the claim, -then he or she shall do all of the following:

(a) Specify the type of good cause.

(b) Specify the persons covered by the good cause reason.

(c) Provide written evidence to support the claim within 20 calendar days of filing the claim. The time period shall be extended up to 25 calendar days if the client has difficulty obtaining the evidence.

(5) The department shall make a good cause determination within 45 calendar days of the client's written claim, unless the client was granted an additional 25-calendar-day extension to the original 20-calendar-day limit and more information is needed that cannot be obtained within the 45-calendar-day limit.

(6) The department shall make a good cause determination based on 1 of the following findings:

(a) Good cause does not exist and the client must cooperate.

(b) Good cause does exist and the client's cooperation in obtaining support is not required.

(c) Good cause does exist, but a support action can proceed without the client and without endangering the client or the child entitled to support.

History: 1997 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.3010 Imposition of support disqualification; removal of support disqualification.**

Rule 10. (1) Failure to cooperate in obtaining support without good cause shall result in disqualification and a minimum of a 1-month period of ineligibility for the person who failed to cooperate.

(2) The remaining group members may receive full program benefits, if eligible.

(3) If the family independence program (FIP) closes due to child support non-cooperation, the last FIP grant is budgeted in the FAP budget for 1 month.

(4) The noncooperative person shall remain disqualified until he or she cooperates and takes action to establish paternity or obtain support.

History: 1997 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.3011 Benefit overissuance collection and repayment actions.**

Rule 11. (1) The department shall seek recoupment of food assistance program (FAP) benefit overissuances from active or inactive FAP groups by cash repayment or benefit reduction through administrative recoupment processes.

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- (2) The department shall seek recoupment of benefit overissuances from any adult who was a group member when the overissuance occurred.
- (3) If the overpaid FAP group did not include a qualified or disqualified adult at the time of the overissuance, then a collection action will not be initiated unless the overissuance was established through court action or by obtaining a signed repayment agreement.
- (4) The department shall recoup overissuances to active FAP cases through benefit reduction, unless cash payments are ordered by a court.
- (5) If an overissuance is not paid in full, then FAP benefits will be reduced by the percentage specified in the food and nutrition act of 2008, 7 U.S.C. §2022(b).
- (6) If a court orders cash repayment and the active FAP client does not make regular cash payments, then the department shall change the collection method to benefit reduction.
- (7) Local department offices may pursue collection from estates through probate court claim action for a person who dies and has an overissuance balance.
- (8) A payment received as restitution under the terms of probation will reduce the balance owed, but the completion of the probation period or the performance of a requirement of probation does not reduce the amount owed in excess of the actual dollar amount paid toward the overissuance.

History: 1997 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.3012**

Source: 2012 AACS.

**R 400.3013**

Source: 2012 AACS.

**R 400.3014**

Source: 1997 AACS.

**R 400.3015 Rescinded.**

History: 1997 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**FAMILY INDEPENDENCE PROGRAM**

**R 400.3101 Definitions.**

Rule 1. (1) As used in these rules:

- (a) "Administrative recoupment" means a process by which a group's benefits are reduced to make payments on an overissuance.
- (b) "Agency errors" means over issuances caused from incorrect actions by the department.
- (c) "Application" means an application for the family independence program.
- (d) "Application filing date" means the date the department receives a signed application document that contains the minimum required information.
- (e) "Authorized representative" means a person who is not less than 18 years of age and who applies for assistance on behalf of a client or who otherwise acts on a client's behalf, or both. The person may be, but is not limited to being, a guardian, spouse, or relative outside the group.
- (f) "Available/warrant date" means the date that a regular assistance benefit or warrant was issued.
- (g) "Client error" means over issuances that are caused due to the action or inaction of a client or authorized representative. An overissuance resulting from a department action being deleted due to a client's hearing request is client error if the client withdraws his or her request, fails to appear for the hearing, or the department is upheld in the hearing decision.
- (h) "Collection actions" means the department processes initiated to maximize the recovery of over issued benefits.
- (i) "Crediting" means returning the benefit issuance amount to the state treasury.
- (j) "Department" means the Michigan department of human services.
- (k) "Disqualification" means a department penalty action which is assessed for noncompliance with a family independence program requirement and which results in the ineligibility of the noncompliant person.
- (l) "Eligible child" means a child who is part of a group that receives assistance under the family independence program.
- (m) "Immunizations" means all immunizations recommended by the department of community health.
- (n) "Institution" means an establishment that furnishes food, shelter, and some medical treatment or services to more than 3 people who are unrelated to the proprietor of the establishment.

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- (o) "Intentional program violation" means the intentional withholding or misrepresenting of information by a client or authorized representative for the purpose of obtaining benefits that he or she would not otherwise be eligible for. Over issuances become intentional program violations if the client or client's authorized representative is found responsible for an intentional program violation by a court, as a result of an administrative hearing, or due to signing an agreement form.
- (p) "Mandatory vrending" means department payment of assistance amounts, without client request, directly to the client's landlord, mortgage holder, land contract holder, and the providers of the client's home heating and electricity services.
- (q) "Minimum wage" means the lesser of the federal or state minimum wage.
- (r) "Monthly payment amount" means the amount of assistance paid to the group after deductions for vrending and any department recoupment.
- (s) "Nonstriker" means a person to whom all of the following conditions apply:
- (i) Is locked out of the workplace by the employer.
  - (ii) Is not part of the bargaining unit on a strike.
  - (iii) Is in fear of reprisal if he or she crosses a picket line.
- (t) "Over issuance" means an issuance of more benefits than a client is eligible to receive.
- (u) "Over issuance period" means the time period during which an over issuance occurs.
- (v) "Over issuance type" means the reason an over issuance occurred. Department error, client error, and client intentional program violation are the types of over issuance.
- (w) "Pay period" means the half of the month from the first of the month through the fifteenth of the month or from the sixteenth of the month through the end of the month.
- (x) "Potential benefits" means any of the following benefits:
- (i) Retirement, survivors, and disability insurance.
  - (ii) Worker's compensation benefits.
  - (iii) Veterans administration benefits.
  - (iv) Railroad retirement benefits.
  - (v) Unemployment compensation benefits.
  - (vi) Child support payments.
  - (vii) Pension payments.
  - (viii) Disability or retirement benefits.
  - (ix) Earned but unpaid wages.
  - (x) Strike pay.
  - (xi) Vacation pay.
  - (xii) Supplemental unemployment benefits.
  - (xiii) Supplemental security income.
  - (xiv) Any other financial benefits for which potential eligibility exists and which may reduce the family independence program benefit, other than state-funded, needs-based programs.
- (y) "Reapplication" means an application for family independence program benefits after a previous case has been closed.
- (z) "Recoupment" means a department action to identify and recover a benefit over issuance.
- (aa) "Redetermination" means a review of continuing eligibility for the family independence program.
- (bb) "Redirecting" means routing a warrant to a different address.
- (cc) "Reinstatement" means restoring a closed assistance case to active status without a new application/redetermination form.
- (dd) "Repayment" means an action by the client to pay back benefits received.
- (ee) "Restricted payments" means the meeting of client shelter, heat, and utilities obligations through mandatory vrending or third-party payments.
- (ff) "Returned warrants" means uncashed warrants received by the local department office or treasury.
- (gg) "Stop payment" means a department directive to treasury to not honor a warrant.
- (hh) "Striker" means a person who is involved in any of the following situations:
- (i) An employee strike.
  - (ii) A concerted work stoppage, including a stoppage when a collective bargaining agreement expires.
  - (iii) A work slowdown.
  - (iv) Interruption of work activities or employment operations.
- (ii) "Third-party payments" means department payment of the client's entire assistance benefit, without client request, to an agency or person outside the eligible group for management of the assistance on behalf of the group.
- (jj) "Third party resource" means a person, entity, or program that is, or might be, liable to pay all or part of a group member's medical expenses.

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(kk) "Treasury" means the Michigan department of treasury.

(ll) "Under issuance" means that a group has received less cash assistance than it is eligible to receive.

(mm) "Verification" means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

(nn) "Voluntary vendoring" means a payment system whereby, at the group's request, the department sends part of the group's cash assistance directly to the provider of shelter, heat, or electricity.

(oo) "Warrant date" means the date shown on the warrant. For regular client and vendor warrants, the warrant date is the expected date of delivery. For replacement warrants, the warrant date is the date that the warrant was mailed by the department.

(2) Terms defined in 1939 PA 280, MCL400.1 has the same meaning when used in these rules.

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3102 Rescinded.**

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3103 Returned warrants.**

Rule 3. (1) The department may rewrite returned warrants if a group was eligible for cash assistance during the period covered by the original warrant.

(2) A group is presumed ineligible under any of the following circumstances:

(a) The post office returned a client warrant to the treasury as undeliverable and the group has not contacted the department regarding the warrant.

(b) A warrant remains uncashed for more than 30 calendar days from the warrant date and the group has not contacted the department regarding the warrant.

(c) A group fails to contact the department by the disposition deadline for a warrant returned or delivered to the local department office.

(3) A representative of a group who picks up a group warrant shall present the group's signed statement of permission.

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3104 Replacement policies for warrants reported lost, stolen, not received, or destroyed.**

Rule 4. (1) A group is eligible for replacement of unendorsed warrants reported lost, stolen, not received, or destroyed if 1 or more of the following conditions are complied with:

(a) The group completes a stop payment/replacement request affidavit. For a stolen warrant, a group shall file a police report, unless replacement of the warrant is made after recovery of the warrant amount.

(b) A group or provider contacts the post office to verify delivery of a warrant that was issued but not received. If delivery is verified, then the warrant is considered lost. If delivery cannot be verified, then the warrant is considered to be a warrant that is not received.

(c) For a warrant that is not received, a group or provider completes a stop payment/replacement request affidavit not earlier than the day after the fourth mail delivery day after the warrant date.

(d) Under any of the following circumstances, a warrant shall be replaced only after recovery of the original warrant amount:

(i) Replacement is requested more than 30 calendar days after the warrant date.

(ii) The group has previously requested a replacement after cashing the original warrant.

(iii) The group did not file a police report on a stolen warrant.

(iv) The case is closed or closure is pending.

(v) The warrant to be replaced is a replacement warrant or a vendor warrant.

(e) If a warrant is cashed by a recipient of the cash assistance case, then a request for stop payment will not be taken and a replacement warrant will not be issued.

(2) A warrant that is lost or stolen after endorsement shall be replaced only if the warrant is later returned or voided, or both.

(3) The following provisions apply to a replacement warrant that is issued for a warrant which was cashed:

(a) If a client claims that the warrant copy signature is not his or her signature, then the client shall sign an affidavit to that effect.

(b) If a client fails to keep an appointment to view the warrant, refuses to sign the affidavit, or admits endorsing both the original and replacement warrants, then the department shall recover the over issuance from the group.

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3105 Supplemental benefits policy for cash assistance.**

Rule 5. (1) The department shall issue supplemental benefits (a supplement) to correct an under issuance.

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- (2) A supplement is offset by over issuances for which collection actions have not yet begun. The amount of the over issuance is subtracted from the amount of the supplement, up to the amount of the supplement.
  - (3) A supplement shall be issued promptly upon receipt by the department of verification of a change in circumstances resulting in increased need or when the department becomes aware of an agency error that resulted in an under issuance.
  - (4) The department shall issue a supplement back to the month following the month verification shows the need began, but no earlier than the month that the group reported the change in circumstances.
  - (5) The department shall not issue a supplement for a period before the eligibility effective date for the program.
  - (6) The department shall give a group adequate notice that a supplement has been authorized or denied.
- History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3106 Restricted payments to groups.**

- Rule 6. (1) A group shall have mandatory vendoring or third-party payments initiated when the department determines that the grantee's negligence resulted in mismanaged funds and has endangered the health or safety of a child.
- (2) The department shall to initiate third-party payments or mandatory vendor payments based on the seriousness of the group's circumstances, the availability of a competent third-party payee, and the qualification of shelter providers.
  - (3) Mandatory vendoring shall be limited to the monthly combined shelter, heat, and utility expenses. The group shall receive a minimum of a \$2.00 monthly payment after vendoring and other required deductions from the payment standard.
  - (4) A group that is in restricted payment status has the right to a department review of the need to continue mandatory vendoring or third-party payments at least once every 6 months.
- History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3107 Applications.**

- Rule 7. (1) Any person may apply for assistance for himself or herself. With the group's permission, a person who is age 18 or older may be authorized to represent, and apply on behalf of, the group.
- (2) A person may submit an application by fax on a form prescribed by the department. The original, signed application must be received by the department before benefits are approved.
  - (3) A person shall complete a department application form when first applying for assistance benefits and when eligibility is redetermined.
  - (4) The department shall accept an application and register it as soon as it is filed if it contains the minimum information established by the department and is signed by the client or the client's authorized representative.
  - (5) Upon receipt of an incomplete application, the department staff shall provide the client with an appropriate form identifying the information needed to render the application complete and shall specify a due date by which the information must be provided.
- The department shall deny eligibility, or terminate an ongoing assistance case terminated, if the application remains incomplete. An incomplete application is valid through the last day of the month after the month of denial or termination and may be updated during that period.
- (6) As part of the application and redetermination process, the department may conduct an official, confidential interview with the client, another responsible applicant group member, or the authorized representative. An interview shall be conducted in a department local office during normal weekday office hours or by telephone if client hardship prevents a physical appearance. An interview may be conducted in the group's home if the client is physically unable to come to the office and the group has no one else who can bring the client to the local office or who can come to the local office on the group's behalf.
- History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3108 Verification of eligibility factors.**

- Rule 8. (1) A group shall verify the factors that affect the initial and continued eligibility of the family independence assistance group, a program group, or individual group members, including information obtained by data exchanges.
- (2) The department shall provide a group with written notice of the required verification items and the due date for their submittal to the department local office.
  - (3) Department staff may make home calls to verify information or conduct other department business. A group shall cooperate with department staff making home calls.
- History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3109 Determination of eligibility and assistance amount.**

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Rule 9. The department shall determine the eligibility of each person in the program group and the amount of assistance for which the group qualifies.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3110 Assistance benefits; beginning dates.**

Rule 10. The department shall begin assistance benefits not earlier than the half-month pay period after the pay period that includes the application filing date, and not later than the pay period in which the application becomes 30 calendar days old, if the group is eligible for that pay period. If the application becomes 30 calendar days old and the group has not met the eligibility requirements, then the department shall begin assistance for the pay period in which all eligibility requirements are met.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3111 Client responsibility to cooperate with department; effect of failure to cooperate.**

Rule 11. (1) A client shall cooperate with department staff in determining initial and ongoing eligibility and benefit levels. Cooperation includes all of the following:

- (a) Answering completely and truthfully all questions on department forms and during interviews.
  - (b) Taking all actions within the group's ability to verify factors concerning the group's eligibility.
  - (c) Cooperating with department staff during quality control reviews.
  - (d) Accurately reporting, within 10 calendar days after the information is known to the client, information that might affect eligibility or benefit amounts.
- (2) A client's failure to cooperate with the department in any matter of eligibility shall result in the denial of the assistance application, case closure, member disqualification, or benefit level reduction.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3112**

**Source:** 1997 AACS.

**R 400.3113 Voluntary vendoring.**

Rule 13. (1) A group may request voluntary vendoring at any time by completing a department vendor payment form.

(2) As part of the voluntary vendoring request, a group that has obligations for heat and electricity shall request vendor payments for both services, unless vendoring both would leave a monthly benefit amount of less than \$2.00. Amounts vendored for heat and electricity shall be established by the department or utility company based on the assistance payment standard. A group may specify any monthly shelter amount that is not less than \$2.00 to be vendored if vendoring would leave a monthly payment amount of not less than \$2.00.

(3) The department shall cease voluntary vendor payments as soon as administratively feasible when requested in writing by the client.

(4) The department shall not authorize voluntary vendor payments for rent under any of the following circumstances:

- (a) The local housing authority notifies the department that the dwelling fails to meet the housing code or the landlord has failed to comply with housing code policies and procedures. Ongoing vendoring shall be stopped within 5 workdays if administratively feasible.
- (b) The landlord has not cooperated with the agency or a utility company in the installation of energy conservation measures that were determined necessary to reduce consumption. Ongoing vendoring shall be stopped within 5 workdays if administratively feasible.
- (c) Title to the rental property reverts to the state or local municipality for nonpayment of property taxes.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3114**

**Source:** 1997 AACS.

**R 400.3115 Immunizations; exemptions; informing client of immunization requirement; department assistance; compliance; penalty.**

Rule 15. (1) An eligible child who is under age 6 shall receive all immunizations.

(2) A child is exempt from the immunization requirement if any of the following conditions apply:

- (a) The child is under 2 months of age.
- (b) Immunizations are medically inappropriate for the child.
- (c) Immunizations are contrary to the family's religious beliefs.

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(3) At application, the department shall inform each group that has a nonexempt eligible child who is under age 6 of the immunization requirement and the penalty for failure to immunize.

(4) The department shall offer the group assistance to resolve problems that hinder compliance with the immunization requirement.

(5) A group is in compliance with the immunization requirement when immunizations have begun for all nonexempt children.

(6) If a nonexempt child has not been immunized and the group does not have an unresolved problem that hinders compliance with the immunization requirement, then an immunization penalty shall be imposed at redetermination.

(7) The department shall impose an immunization penalty by reducing the group's payment standard by \$25.00. The \$25.00 penalty shall continue for each month in which 1 or more nonexempt eligible children under age 6 are not immunized and in which the group does not have unresolved problems that hinder compliance with the immunization requirement.

(8) If a group complies with the immunization requirement, then the group is considered to be in compliance for the whole month in which immunizations began.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3116 Identity verification requirement; acceptable verification sources.**

Rule 16. A grantee shall verify his or her identity in order to receive benefits.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3117**

Source: 1997 AACS.

**R 400.3118**

Source: 1997 AACS.

**R 400.3119**

Source: 1997 AACS.

**R 400.3120**

Source: 1997 AACS.

**R 400.3121**

Source: 1997 AACS.

**R 400.3122**

Source: 1997 AACS.

**R 400.3123 Refusing offer of suitable employment; penalties; good cause explained.**

Rule 23. (1) An applicant or recipient shall not refuse employment without good cause. Any of the following actions constitute refusing employment:

(a) Refusing a bona fide offer of employment of at least minimum wage.

(b) Voluntary leaving a job.

(c) Limiting hours of employment.

(d) Otherwise reducing earnings.

(e) Being terminated from employment for misconduct or absenteeism.

(2) The department shall impose a penalty if an applicant or recipient refuses employment without good cause.

(3) If an applicant refuses employment within 30 calendar days before the date of application, then the penalty is applied as follows:

(a) The group is ineligible for family independence assistance for 30 calendar days from the date of refusal.

(b) Benefits shall not begin any earlier than the first pay period after the 30 calendar days have passed.

(4) A person refusing employment or quitting a job for any of the following reasons is determined to have good cause:

(a) The person suffers from a temporary debilitating illness or injury, or an immediate family member has a debilitating illness or injury and the person is needed in the home to care for the family member.

(b) Lack of child care as defined in Section 407(e)(2) of Public Law 104-193, 42 U.S.C. §607(e)(2).

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- (c) Commuting time is more than 2 hours per day or more than 3 hours per day when there are unique and compelling circumstances such as a salary at least twice the applicable minimum wage or it is the only available job placement within a 3-hour commute per day, not including the time necessary to transport a child to child care facilities.
  - (d) Transportation is not available to the participant at reasonable cost.
  - (e) Employment or participation involves illegal activities.
  - (f) The person is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.
  - (g) The person is illegally discriminated against on the basis of age, race, disability, gender, color, national origin, or religious beliefs.
  - (h) Credible information or evidence establishes 1 or more unplanned or unexpected events or factors that reasonably could be expected to prevent or significantly interfere with the individual's compliance with employment and training requirements.
  - (i) The person voluntarily left employment to obtain comparable employment.
- History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3124 Child support; good cause claim and determination; exceptions to cooperation requirement.**

- Rule 24. (1) A client shall take all action required by 1939 PA 280, MCL 400.1 to establish paternity and obtain support.
- (2) A client may claim good cause for not taking the action specified in sub rule (1) of this rule. Good cause includes any of the following reasons:
- (a) The child entitled to support was conceived due to incest or forcible rape.
  - (b) Legal proceedings for the adoption of the child entitled to support are pending before a court.
  - (c) A client is currently receiving counseling from a public or licensed private social agency to decide if the child should be released for adoption and the counseling has not continued for more than 3 months.
  - (d) Physical or emotional harm may result if the client or child has been subject to or is in danger of any of the following:
    - (i) Serious physical harm to the child entitled to support.
    - (ii) Serious physical harm to the client.
    - (iii) Serious emotional harm to the child entitled to support that actually harms the child's ability to function in everyday life.
    - (iv) Serious emotional harm to the client that actually harms the client's capacity to adequately care for the child entitled to support.
  - (e) Sexual abuse of client or child.
  - (f) Sexual activity involving a dependent child.
  - (g) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
  - (h) Threats of, or attempts at, physical or sexual abuse of client or child.
  - (i) Mental abuse of client or child.
  - (j) Neglect or deprivation of medical care for child.
- (2) A client's cooperation in establishing paternity and obtaining support is not required if good cause exists, but a support action may proceed if the department determines that the action would not endanger the child or client.
- (3) Once a client is informed of the right to claim good cause and decides to make the claim, the client shall do all of the following:
- (a) Specify the type of good cause.
  - (b) Specify the persons covered by the claim of good cause.
  - (c) Provide written evidence to support the claim within 20 calendar days of filing the claim.
- (4) The department shall make a good cause determination shall be made within 45 calendar days of the client's written claim, unless the client was granted an additional 25-calendar-day extension to the original 20-calendar-day limit and more information is needed that cannot be obtained within the 45-calendar-day limit.
- (5) A good cause determination shall make 1 of the following findings:
- (a) Good cause does not exist and the client must cooperate.
  - (b) Good cause does exist and the client's cooperation in obtaining support is not required.
  - (c) Good cause does exist, but a support action can proceed without the client and without endangering the client or child.
- History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3125 Imposition of support disqualification; removal of support disqualification.**

- Rule 25. (1) Failure to cooperate in obtaining support without good cause shall result in a disqualification, causing minimum 1 month ineligibility for the person who failed to cooperate.
- (2) If the non-cooperative person is determined by the department to be disqualified for failure to cooperate in obtaining support, the entire case is closed. The case must remain closed for a minimum of 1 month and cannot be reopened until the

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non-cooperative person cooperates with the action(s) to establish paternity, obtain support or until the paternity/support action is no longer needed.

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3126**

**Source:** 1997 AACCS.

**R 400.3127 Failing to identify third-party resources; good cause reasons; determination.**

Rule 27. (1) The department shall advise a client of the right to claim good cause for failing to identify third-party resources and that the client has 20 calendar days after filing the claim to provide written evidence to support the claim. If a client has difficulty obtaining the evidence, then the initial 20-calendar-day period may be extended to 45 calendar days.

(2) The following reasons constitute good cause for failing to identify third-party resources:

- (a) Establishing paternity might harm the child.
- (b) Conception was due to incest or forcible rape.
- (c) Adoption proceedings are pending.
- (d) A regulated public or private agency is counseling the mother on whether to release the child for adoption. This reason is valid for 3 months of counseling.
- (e) Serious physical or emotional harm to a group member might result.

(3) The department shall determine if good cause exists within 45 calendar days of a client's claim, unless an extension is granted to the client or is otherwise necessary to obtain evidence. The department shall not deny an application or delay benefits while a good cause claim is pending.

(4) The department shall make 1 of the following findings:

- (a) Good cause does not exist and the client must cooperate to be eligible. The client may withdraw the application, request closure, or be disqualified.
- (b) Good cause does exist and the third-party resource is not pursued.
- (c) Good cause does exist, but the third-party resource can be pursued without endangering the client or dependent child.

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3128**

**Source:** 1997 AACCS.

**R 400.3129 Benefit over issuance determination and recoupment.**

Rule 29. (1) An over issuance period starts with the first pay period that the benefit issuance exceeds the amount allowed. The over issuance period ends with the pay period immediately before the pay period when the benefit amount is corrected.

(2) The amount received by the group includes regular, supplemental, and duplicate warrants; vendor payments; and the amount of any benefit reduction used to repay previous over issuances.

(3) The department shall adjust family independence program over issuance amounts by subtracting all or part of any assigned current child support payments retained by the state during the over issuance period. If the group was ineligible for the family independence program during the over issuance period, then the full amount of support retained by the state is subtracted. If the group was eligible for part of the family independence program issued, then the portion of child support retained by the state in excess of the amount the group was eligible for will be subtracted.

(4) The budgeting method used to determine the original issuance amount shall be used to determine the over issuance amount if the correct budgeting method was used.

History: 1997 AACCS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3130 Intentional program violation; disqualification and recoupment.**

Rule 30. (1) If an over issuance investigation finds that an intentional program violation occurred, then the accused individual shall be notified of the allegation, the potential penalty, and the right to meet with department representatives to discuss the allegation.

(2) The department shall conduct an administrative hearing to determine if an over issuance occurred due to an intentional program violation, unless either of the following provisions applies:

- (a) The person waives his or her right to the hearing by signing a recoupment and disqualification agreement.
  - (b) The person was convicted of fraudulent receipt of benefits under section 60 of 1939 PA 280, MCL 400.60, or any other criminal fraud statute.
- (3) If an person has agreed to and signed the recoupment and disqualification agreement, then no further administrative appeal is available.

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(4) An individual may request a hearing to contest the computation of the benefit reduction amount, but not the over issuance amount.

(5) The department shall conduct an intentional program violation hearing with or without the person or authorized representative present if the hearing notice is not returned by the post office as undeliverable.

(6) Overpayments for which an intentional program violation is not established shall be recouped as department or client error.

(7) In an administrative disqualification hearing, an individual who is determined to have committed an intentional program violation, who pleads guilty to an intentional program violation, who waives his or her legal right to an administrative disqualification hearing regarding an allegation of intentional program violation, or who is convicted of criminal fraud based on the fraudulent receipt of benefits shall be disqualified by reducing the monthly benefit level by the amount deemed to meet the individual's monthly needs for the following periods:

(a) One year for a first offense.

(b) Two years for a second offense.

(c) Permanently for a third or subsequent offense.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**R 400.3131 Benefit over issuance collection and repayment actions.**

Rule 31. (1) The department shall seek recoupment of benefit over issuances from active or inactive family independence program groups through administrative recoupment processes. Repayment shall be in cash or through benefit reduction.

(2) The department shall seek recoupment of benefit over issuances from any adult who was a group member when the over issuance occurred.

(3) If the overpaid family independence program group did not include an eligible or disqualified adult at the time of the over issuance, then a collection action will not be initiated unless the debt was established through court action or by obtaining a signed repayment agreement.

(4) The department shall recoup over issuances to active family independence program groups through benefit reduction, unless cash payments are ordered by a court.

(5) If an over issuance is not paid in full during the notice period, then the family independence program warrants will be reduced by a percentage of the payment standard as follows:

(a) Agency and client error over issuances are recouped at a 5% reduction of the payment standard.

(b) Intentional program violation over issuances are recouped at a 10% reduction of the payment standard.

(6) A repayment amount is adjusted to maintain a minimum \$2.00 cash benefit to the client.

(7) If a court orders cash repayment and the active family independence program client does not make regular cash payments, then the department shall change the collection method to benefit reduction.

(8) A local department office may pursue collection from an estate of a deceased who had an over issuance balance through probate court claim action.

(9) Any payments received as restitution under the terms of probation will reduce the balance owed, but the completion of the probation period or the performance of a requirement of

probation does not reduce the amount owed in excess of the actual dollar amount paid toward the balance owed.

History: 1997 AACS; 2014 MR 11, Eff. June 5, 2014.

**FAMILY INDEPENDENCE AGENCY**

**FAMILY SERVICES ADMINISTRATION**

**STATE DISABILITY ASSISTANCE PROGRAM**

**R 400.3151**

Source: 1998-2000 AACS.

**R 400.3152**

Source: 1998-2000 AACS.

**R 400.3153**

Source: 1998-2000 AACS.

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**R 400.3154**  
Source: 1998-2000 AACS.

**R 400.3155**  
Source: 1998-2000 AACS.

**R 400.3156**  
Source: 1998-2000 AACS.

**R 400.3157**  
Source: 1998-2000 AACS.

**R 400.3158**  
Source: 1998-2000 AACS.

**R 400.3159**  
Source: 1998-2000 AACS.

**R 400.3160**  
Source: 1998-2000 AACS.

**R 400.3161**  
Source: 1998-2000 AACS.

**R 400.3162**  
Source: 1998-2000 AACS.

**R 400.3163**  
Source: 1998-2000 AACS.

**R 400.3164**  
Source: 1998-2000 AACS.

**R 400.3165**  
Source: 1998-2000 AACS.

**R 400.3166**  
Source: 1998-2000 AACS.

**R 400.3167**  
Source: 1998-2000 AACS.

**R 400.3168**  
Source: 1998-2000 AACS.

**R 400.3169**  
Source: 1998-2000 AACS.

**R 400.3170**  
Source: 1998-2000 AACS.

**R 400.3171**  
Source: 1998-2000 AACS.

**400.3172**  
Source: 1998-2000 AACS.

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**R 400.3173**  
Source: 1998-2000 AACS.

**R 400.3174**  
Source: 1998-2000 AACS.

**R 400.3175**  
Source: 1998-2000 AACS.

**R 400.3176**  
Source: 1998-2000 AACS.

**R 400.3177**  
Source: 1998-2000 AACS.

**R 400.3178**  
Source: 1998-2000 AACS.

**R 400.3179**  
Source: 1998-2000 AACS.

**R 400.3180**  
Source: 1998-2000 AACS.

**DEPARTMENT OF COMMUNITY HEALTH**

**MEDICAL SERVICES ADMINISTRATION**

**MEDICAL ASSISTANCE PROGRAM**

**R 400.3351**  
Source: 1979 AC.

**MSA PROVIDER HEARINGS**

**R 400.3401**  
Source: 1979 AC.

**R 400.3402**  
Source: 1979 AC.

**R 400.3403**  
Source: 1979 AC.

**R 400.3404**  
Source: 1979 AC.

**R 400.3405**  
Source: 1979 AC.

**R 400.3406**  
Source: 1979 AC.

**R 400.3407**  
Source: 1979 AC.

**R 400.3408**  
Source: 1979 AC.

**R 400.3409**  
Source: 1979 AC.

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**R 400.3410**  
Source: 1979 AC.

**R 400.3411**  
Source: 1979 AC.

**R 400.3412**  
Source: 1979 AC.

**R 400.3413**  
Source: 1979 AC.

**R 400.3414**  
Source: 1979 AC.

**R 400.3415**  
Source: 1979 AC.

**R 400.3416**  
Source: 1979 AC.

**R 400.3417**  
Source: 1979 AC.

**R 400.3418**  
Source: 1979 AC.

**R 400.3419**  
Source: 1979 AC.

**R 400.3420**  
Source: 1979 AC.

**R 400.3421**  
Source: 1979 AC.

**R 400.3422**  
Source: 1979 AC.

**R 400.3423**  
Source: 1979 AC.

**R 400.3424**  
Source: 1979 AC.

**R 400.3425**  
Source: 1979 AC.

**OFFICE OF INCOME ASSISTANCE**  
**EMERGENCY NEEDS PROGRAM**

**R 400.3501**  
Source: 1997 AACS.

**R 400.3502**  
Source: 1997 AACS.

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**R 400.3503**  
Source: 1997 AACS.

**R 400.3504**  
Source: 1997 AACS.

**R 400.3505**  
Source: 1997 AACS.

**R 400.3506**  
Source: 1997 AACS.

**R 400.3507**  
Source: 1997 AACS.

**R 400.3508**  
Source: 1997 AACS.

**R 400.3509**  
Source: 1997 AACS.

**R 400.3510**  
Source: 1997 AACS.

**R 400.3511**  
Source: 1997 AACS.

**R 400.3512**  
Source: 1997 AACS.

**R 400.3513**  
Source: 1997 AACS.

**R 400.3514**  
Source: 1997 AACS.

**R 400.3515**  
Source: 1997 AACS.

**R 400.3516**  
Source: 1997 AACS.

**R 400.3517**  
Source: 1997 AACS.

**R 400.3518**  
Source: 1997 AACS.

**R 400.3519**  
Source: 1997 AACS.

**R 400.3520**  
Source: 1997 AACS.

**R 400.3521**  
Source: 1997 AACS.

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**R 400.3522**  
Source: 1997 AACS.

**R 400.3523**  
Source: 1997 AACS.

**R 400.3524**  
Source: 1997 AACS.

**R 400.3525**  
Source: 1997 AACS.

**R 400.3526**  
Source: 1997 AACS.

**R 400.3527**  
Source: 1997 AACS.

**R 400.3528**  
Source: 1997 AACS.

**R 400.3529**  
Source: 1997 AACS.

**R 400.3530**  
Source: 1997 AACS.

**R 400.3531**  
Source: 1997 AACS.

**R 400.3532**  
Source: 1997 AACS.

**R 400.3533**  
Source: 1997 AACS.

**R 400.3534**  
Source: 1997 AACS.

**R 400.3535**  
Source: 1997 AACS.

**R 400.3536**  
Source: 1997 AACS.

**R 400.3537**  
Source: 1997 AACS.

**R 400.3538**  
Source: 1997 AACS.

**R 400.3539**  
Source: 1997 AACS.

**R 400.3540**

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**Source:** 1997 AACCS.

**OFFICE OF EMPLOYMENT DEVELOPMENT SERVICES**  
**MICHIGAN OPPORTUNITY AND SKILLS TRAINING PROGRAM**

**R 400.3591**

**Source:** 1997 AACCS.

**R 400.3592**

**Source:** 1997 AACCS.

**R 400.3593**

**Source:** 1997 AACCS.

**R 400.3594**

**Source:** 1997 AACCS.

**R 400.3595**

**Source:** 1997 AACCS.

**R 400.3596**

**Source:** 1997 AACCS.

**FAMILY SERVICES ADMINISTRATION**  
**EMPLOYMENT AND TRAINING PROGRAM**

**R 400.3601 Definitions.**

Rule 1. As used in these rules:

- (a) "Begin date" means the first day for which the family independence group is eligible for benefits.
- (b) "Employment and training components" includes both of the following:
  - (i) Work activities defined in section 407(d) of Public Law 104-193, 42 U.S.C. §607(d).
  - (ii) Job club, internship, and postsecondary education.
- (c) "Department" means the Michigan department of human services.
- (d) "Employment-related activities" means those activities which are operated or contracted by the department, are employment and training programs, and serve applicants and recipients of financial and food assistance.
- (e) "Minimum wage" means the lesser of the legal applicable state or federal minimum wage.
- (f) "Noncompliance" means action or inaction of a client in failing to meet assigned employment related activity requirements.
- (g) "Nonprofit" means tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. §501(c)(3).
- (h) "Reasonable cost" means the rate of payment or reimbursement by the department for supportive services costs.
- (i) "Suitable employment" means employment that meets minimum employment standards. Employment is not suitable employment if any of the following provisions apply:
  - (i) With the exception of sheltered workshops, the wage offered is less than minimum wage, including tips, as applicable.
  - (ii) The client is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.
  - (iii) The working hours or nature of the employment interferes with the client's religious observances, convictions, or beliefs.
  - (iv) The degree of risk to health and safety is unreasonable.
  - (v) The employment results in the family experiencing a net loss of cash income.
- (j) "Support services" means services provided, as needed and to specified limits, to support employment and training program participation requirements. Support services may include any of the following if the services are determined by the department to enhance a client's ability to obtain and retain employment:
  - (i) Counseling.
  - (ii) Child day care.
  - (iii) Information and referral services.
  - (iv) Medical services.

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- (v) Moving services.
- (vi) Special clothing purchases.
- (vii) Transportation allowance.
- (viii) Automotive repair.
- (ix) Special purchases.
- (k) "Willingness to comply test" means participation in an activity or component for 5 working days for a total of 20 hours and/or attendance at an orientation conducted by the Department.  
History: 1997 AACCS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3602 Employment expectations.**

- Rule 2. (1) A non-deferred client shall accept suitable employment up to 40 hours per week.  
(2) A client who is deferred on the basis of working the minimum number of hours required to meet the federal work requirement shall accept suitable employment up to 40 hours per week, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved.  
History: 1997 AACCS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3603**

**Source:** 1997 AACCS.

**R 400.3604 Special program groups.**

- Rule 4. Selected family independence program groups may be served by programs other than the employment and training program. R 400.3602, R 400.3603, and R 400.3606 to R 400.3612 apply to the following selected program groups:
- (a) Refugees served by the Michigan works association (MWA) with the assistance of refugee contractors.
  - (b) Persons in transitional housing programs designated by the Michigan state housing development authority and funded by the United States department of housing and urban development, Michigan state housing development authority, or entitlement community block grants.
  - (c) Active Michigan rehabilitation services participants.
  - (d) Active job corps, volunteers in service to America, and AmeriCorps participants.
- History: 1997 AACCS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3605**

**Source:** 1997 AACCS.

**R 400.3606 Noncompliance with employment and training requirements.**

- Rule 6. The following conduct constitutes noncompliance with employment and training requirements for applicants and recipients of the family independence program:
- (a) Failing or refusing to appear for a scheduled appointment or meeting.
  - (b) Failing or refusing to participate in an assigned activity or component.
  - (c) Stating orally or in writing a definite intent not to comply with program requirements.
  - (d) Refusing supportive services if the refusal prevents participation in employment and training requirements.
  - (e) Exhibiting disruptive behavior that prevents others from pursuing their employment and training requirements.
  - (f) Threatening or physically abusing department or program staff or other program participants.
  - (g) Failing or refusing to accept a job referral.
  - (h) Failing or refusing to complete a job application.
  - (i) Failing or refusing to appear for a job interview.
  - (j) Refusing an offer of suitable employment.
  - (k) Voluntarily leaving a job.
  - (l) Being terminated from employment for misconduct or absenteeism.
  - (m) Voluntarily reducing hours of employment or otherwise reducing earnings.
  - (n) Refusing to accept suitable employment up to 40 hours per week, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved and the client is meeting the federal work requirement.  
History: 1997 AACCS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3607 Good cause reasons for noncompliance with employment and training requirements.**

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Rule 7. The following are good cause reasons for noncompliance with employment and training requirements that apply to applicants and recipients of the family independence program:

- (a) The applicant or recipient suffers from a temporary debilitating illness or injury or an immediate family member has a debilitating illness or injury and the applicant or recipient is needed in the home to care for the family member.
- (b) The applicant or employee lacks child care as defined in section 407(e)(2) of Public Law 104-193, 42 U.S.C. §607(e)(2).
- (c) Either employment or training commuting time is more than 2 hours per day or is more than 3 hours per day when there are unique and compelling circumstances, such as a salary at least twice the applicable minimum wage or the job is the only available job placement within a 3 hour commute per day, not including the time necessary to transport a child to child care facilities.
- (d) Transportation is not available to the participant at a reasonable cost.
- (e) The employment or participation involves illegal activities.
- (f) The applicant or recipient is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.
- (g) The applicant or recipient is illegally discriminated against on the basis of age, race, disability, gender, color, national origin, or religious beliefs.
- (h) Credible information or evidence establishes 1 or more unplanned or unexpected events or factors that reasonably could be expected to prevent, or significantly interfere with, the individual's compliance with employment and training requirements.
- (i) The applicant or recipient quit employment to obtain comparable employment.

History: 1997 AACS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3608 Financial assistance penalties.**

Rule 8. (1) A noncompliance penalty is imposed in the following situations:

- (a) A non-deferred group member fails, without good cause, to participate in employment related activities as required.
- (b) A group member who is meeting the federal work requirements by working the minimum number of hours and any of the following provisions apply:
  - (i) The group member fails to accept suitable employment up to 40 hours per week without good cause, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved and the client is meeting the federal work requirement.
  - (ii) The group member voluntarily leaves a job without good cause.
  - (iii) The group member voluntarily reduces hours of employment without good cause.
  - (iv) The group member is terminated from employment for misconduct or absenteeism without good cause.
- (2) If the noncompliance is based on 1 or more of the following instances, then the group is ineligible for the family independence program and related food assistance for 30 days:
  - (a) Voluntarily leaving a job.
  - (b) Being terminated from employment for misconduct or absenteeism without good cause.
  - (c) Voluntarily reducing hours of employment or otherwise reduce earnings.
  - (d) Refusing to accept suitable employment up to 40 hours per week, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved and the client is meeting the federal work requirement.
- (3) The department shall impose a penalty described in sub rule (1) of this rule for at least 1 month or 2 pay periods.

History: 1997 AACS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3609 Member removal and case closure; effect on employment related activities penalty.**

Rule 9. (1) If a noncomplying person leaves the home while a penalty is imposed, then the remaining group members are not subject to the penalty.

(2) If the group becomes ineligible for family independence assistance while a penalty is imposed, then the penalty is reinstated if the group reapplies and the noncomplying person still refuses to participate. A penalty will not be reinstated if the family can demonstrate that the noncomplying individual was employed and meeting the federal participation standard while the case was closed. The penalty is reinstated as follows:

- (a) If the first 2 months of eligibility or 4 consecutive months, whichever is applicable, have not expired since the initial implementation of the penalty, then the penalty is reinstated using the original begin date.
- (b) If the first 2 months of eligibility or 4 consecutive months, whichever is applicable, have expired since the initial implementation of the penalty, then the group is ineligible for family independence assistance. A penalty will not be

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reinstated if the family can demonstrate that the noncomplying individual was employed and meeting the federal participation standard while the case was closed.

History: 1997 AACS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3610 Noncompliance with employment related activities requirements; food assistance disqualification.**

Rule 10. (1) The department shall impose a noncompliance disqualification for food assistance if a food assistance group member, who is not also an applicant for or recipient of cash assistance, fails, without good cause, to comply with the employment and training program. Noncompliance with family independence program requirements shall be counted when determining the disqualification period.

(2) The department shall apply a disqualification for food assistance as follows:

- (a) The noncomplying group member is removed from the eligible group for 1 month for a first instance of noncompliance.
- (b) The noncomplying group member is removed from the eligible group for 6 months for each instance of noncompliance after the first instance.
- (c) Once imposed, a disqualification continues in consecutive months even if the case is closed or the disqualified person is subject to another ineligibility disqualification.
- (d) A disqualification ends if the disqualified person becomes deferred under food assistance deferral rules for any reason other than application for, or receipt of, unemployment compensation.
- (3) To reestablish eligibility at the end of the disqualification period, a group member shall complete the willingness to comply test unless the member is working 20 hours or more per week.
- (4) An applicant for or a recipient of family independence program benefits will have the same disqualification or penalty that is applicable to the family independence program applied to his or her food assistance case for noncompliance with employment-related activities requirements in the case of the family independence program and for noncompliance with the requirements of 45 C.F.R.§400.82.

History: 1997 AACS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3611 Subsequent applications for food assistance benefits after application denial or case closure due to comparable penalty.**

Rule 11. If a group whose food assistance benefits were denied or whose case was closed due to the imposition of a comparable family independence program penalty or disqualification applies for food assistance benefits, but not cash assistance, then the following provisions apply:

- (a) If the denial or closure was due to the failure to meet a family independence employment-related activities requirement, then the mandatory food assistance participant who caused the penalty for disqualification shall complete a willingness to comply test. If the mandatory food assistance participant does not complete the willingness to comply test, then he or she is disqualified as specified in R 400.3610.
- (b) If the group is eligible, then the begin date for benefits shall be set to assure 1 month's loss of benefits.

History: 1997 AACS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3612 Willingness to comply test.**

Rule 12. (1) If noncompliance without good cause results in a reduction or termination of department financial assistance or food assistance benefits, then, at the client's request, the department shall offer a willingness to comply test.

(2) If a person completes the willingness to comply test, then the group's benefits are restored as follows:

- (a) If the penalty is a 25% reduction in the payment standard, then benefits are restored effective with the pay period in which the person agreed to comply, but not before the minimum penalty period of 1 month or 2 pay periods has expired.
- (b) If the penalty is group ineligibility, then benefits are restored as set forth in R 400.3611, but not before the minimum penalty period of 1 month or 2 pay periods has expired.

History: 1997 AACS; 2014 MR 11, Eff. July 7, 2014.

**R 400.3613**

Source: 1997 AACS.

**DIVISION OF CHILD WELFARE LICENSING**  
**CHILD CARING INSTITUTIONS**  
**PART 1. GENERAL PROVISIONS**

**Annual Administrative Code Supplement**  
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- R 400.4101**  
Source: 1983 AACS.
- R 400.4104**  
Source: 1983 AACS.
- R 400.4105**  
Source: 1983 AACS.
- R 400.4106**  
Source: 1983 AACS.
- R 400.4108**  
Source: 1983 AACS.
- R 400.4109**  
Source: 1983 AACS.
- R 400.4111**  
Source: 1983 AACS.
- R 400.4112**  
Source: 1983 AACS.
- R 400.4113**  
Source: 1983 AACS.
- R 400.4114**  
Source: 1983 AACS.
- R 400.4116**  
Source: 1983 AACS.
- R 400.4117**  
Source: 1983 AACS.
- R 400.4118**  
Source: 1983 AACS.
- R 400.4119**  
Source: 1983 AACS.
- R 400.4120**  
Source: 1983 AACS.
- R 400.4121**  
Source: 1983 AACS.
- R 400.4126**  
Source: 1983 AACS.
- R 400.4127**  
Source: 1983 AACS.
- R 400.4128**  
Source: 1983 AACS.
- R 400.4130**  
Source: 1983 AACS.

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**R 400.4131**  
Source: 1983 AACS.

**R 400.4132**  
Source: 1983 AACS.

**R 400.4133**  
Source: 1983 AACS.

**R 400.4134**  
Source: 1983 AACS.

**R 400.4137**  
Source: 1983 AACS.

**R 400.4138**  
Source: 1983 AACS.

**R 400.4141**  
Source: 1983 AACS.

**R 400.4142**  
Source: 1983 AACS.

**R 400.4143**  
Source: 1983 AACS.

**R 400.4144**  
Source: 1983 AACS.

**R 400.4145**  
Source: 1983 AACS.

**R 400.4146**  
Source: 1983 AACS.

**R 400.4147**  
Source: 1983 AACS.

**R 400.4148**  
Source: 1983 AACS.

**R 400.4150**  
Source: 1983 AACS.

**R 400.4152**  
Source: 1983 AACS.

**R 400.4160**  
Source: 1983 AACS.

**R 400.4161**  
Source: 1983 AACS.

**R 400.4163**  
Source: 1983 AACS.

**R 400.4167**  
Source: 1983 AACS.

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**R 400.4168**  
Source: 1983 AACS.

**R 400.4169**  
Source: 1983 AACS.

**R 400.4170**  
Source: 1983 AACS.

**R 400.4172**  
Source: 1983 AACS.

**R 400.4173**  
Source: 1983 AACS.

**R 400.4175**  
Source: 1983 AACS.

**R 400.4176**  
Source: 1983 AACS.

**R 400.4177**  
Source: 1983 AACS.

**R 400.4178**  
Source: 1983 AACS.

**R 400.4181**  
Source: 1983 AACS.

**R 400.4182**  
Source: 1983 AACS.

**R 400.4183**  
Source: 1983 AACS.

**R 400.4199**  
Source: 1983 AACS.

**PART 2. SHORT-TERM INSTITUTIONS**

**R 400.4201**  
Source: 1983 AACS.

**R 400.4231**  
Source: 1983 AACS.

**R 400.4232**  
Source: 1983 AACS.

**R 400.4234**  
Source: 1983 AACS.

**R 400.4237**  
Source: 1983 AACS.

**R 400.4238**  
Source: 1983 AACS.

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**PART 3. RESIDENTIAL TREATMENT INSTITUTIONS**

- R 400.4302**  
Source: 1983 AACS.
- R 400.4331**  
Source: 1983 AACS.
- R 400.4332**  
Source: 1983 AACS.
- R 400.4334**  
Source: 1983 AACS.
- R 400.4335**  
Source: 1983 AACS.
- R 400.4336**  
Source: 1983 AACS.
- R 400.4337**  
Source: 1983 AACS.
- R 400.4338**  
Source: 1983 AACS.

**PART 4. ENVIRONMENTAL HEALTH AND SAFETY**

- R 400.4401**  
Source: 1983 AACS.
- R 400.4407**  
Source: 1983 AACS.
- R 400.4409**  
Source: 1983 AACS.
- R 400.4411**  
Source: 1983 AACS.
- R 400.4414**  
Source: 1983 AACS.
- R 400.4417**  
Source: 1983 AACS.
- R 400.4420**  
Source: 1983 AACS.
- R 400.4426**  
Source: 1983 AACS.
- R 400.4428**  
Source: 1983 AACS.
- R 400.4431**  
Source: 1983 AACS.
- R 400.4435**

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Source: 1983 AACS.

**PART 5. FIRE SAFETY FOR SMALL, LARGE, AND SECURE INSTITUTION FACILITIES**

**R 400.4501**

Source: 1983 AACS.

**R 400.4502**

Source: 1983 AACS.

**R 400.4504**

Source: 1983 AACS.

**R 400.4506**

Source: 1983 AACS.

**R 400.4508**

Source: 1983 AACS.

**R 400.4510**

Source: 1983 AACS.

**R 400.4512**

Source: 1983 AACS.

**R 400.4513**

Source: 1983 AACS.

**R 400.4515**

Source: 1983 AACS.

**R 400.4517**

Source: 1983 AACS.

**R 400.4520**

Source: 1983 AACS.

**R 400.4522**

Source: 1983 AACS.

**R 400.4523**

Source: 1983 AACS.

**R 400.4524**

Source: 1983 AACS.

**R 400.4527**

Source: 1983 AACS.

**R 400.4532**

Source: 1983 AACS.

**R 400.4535**

Source: 1983 AACS.

**R 400.4538**

Source: 1983 AACS.

**R 400.4540**

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Source: 1983 AACS.

**R 400.4543**

Source: 1983 AACS.

**R 400.4545**

Source: 1983 AACS.

**R 400.4546**

Source: 1983 AACS.

**R 400.4548**

Source: 1983 AACS.

**R 400.4550**

Source: 1983 AACS.

**R 400.4552**

Source: 1983 AACS.

**R 400.4554**

Source: 1983 AACS.

**R 400.4555**

Source: 1983 AACS.

**R 400.4557**

Source: 1983 AACS.

**R 400.4559**

Source: 1983 AACS.

**R 400.4560**

Source: 1983 AACS.

**R 400.4562**

Source: 1983 AACS.

**R 400.4563**

Source: 1983 AACS.

**R 400.4564**

Source: 1983 AACS.

**R 400.4566**

Source: 1983 AACS.

**R 400.4568**

Source: 1983 AACS.

**PART 6. FIRE SAFETY FOR RESIDENTIAL GROUP HOME FACILITIES**

**R 400.4601**

Source: 1983 AACS.

**R 400.4602**

Source: 1983 AACS.

**R 400.4606**

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Source: 1983 AACS.

**R 400.4608**

Source: 1983 AACS.

**R 400.4612**

Source: 1983 AACS.

**R 400.4613**

Source: 1983 AACS.

**R 400.4615**

Source: 1983 AACS.

**R 400.4617**

Source: 1983 AACS.

**R 400.4618**

Source: 1983 AACS.

**R 400.4620**

Source: 1983 AACS.

**R 400.4623**

Source: 1983 AACS.

**R 400.4632**

Source: 1983 AACS.

**R 400.4635**

Source: 1983 AACS.

**R 400.4638**

Source: 1983 AACS.

**R 400.4639**

Source: 1983 AACS.

**R 400.4640**

Source: 1983 AACS.

**R 400.4643**

Source: 1983 AACS.

**R 400.4652**

Source: 1983 AACS.

**R 400.4657**

Source: 1983 AACS.

**R 400.4660**

Source: 1983 AACS.

**R 400.4666**

Source: 1983 AACS.

**FAMILY SERVICES ADMINISTRATION**

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**CHILD DAY-CARE PROGRAM**

- R 400.5001**  
Source: 2011 AACS.
- R 400.5002**  
Source: 2011 AACS.
- R 400.5003**  
Source: 2011 AACS.
- R 400.5004**  
Source: 2011 AACS.
- R 400.5005**  
Source: 2011 AACS.
- R 400.5006**  
Source: 2011 AACS.
- R 400.5007**  
Source: 2011 AACS.
- R 400.5008**  
Source: 2011 AACS.
- R 400.5009**  
Source: 2011 AACS.
- R 400.5010**  
Source: 2011 AACS.
- R 400.5011**  
Source: 2011 AACS.
- R 400.5012**  
Source: 2011 AACS.
- R 400.5013**  
Source: 2011 AACS.
- R 400.5014**  
Source: 2011 AACS.
- R 400.5015**  
Source: 2011 AACS.
- R 400.5016**  
Source: 2011 AACS.
- R 400.5017**  
Source: 2011 AACS.
- R 400.5018**  
Source: 2011 AACS.
- R 400.5019**  
Source: 2011 AACS.

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**R 400.5020**  
Source: 2011 AACS.

**DIVISION OF CHILD CARE CENTER LICENSING**  
**CHILD CARE CENTERS**

**PART 1. GENERAL PROVISIONS, INCLUDING PROVISIONS FOR CARE  
OF CHILDREN 2 1/2 YEARS TO 5 YEARS OF AGE**

**R 400.5101**  
Source: 2013 AACS.

**R 400.5102**  
Source: 2013 AACS.

**R 400.5102a**  
Source: 2013 AACS.

**R 400.5103**  
Source: 2013 AACS.

**R 400.5103a**  
Source: 2013 AACS.

**R 400.5104**  
Source: 2013 AACS.

**R 400.5104a**  
Source: 2013 AACS.

**R 400.5104b**  
Source: 2013 AACS.

**R 400.5105**  
Source: 2013 AACS.

**R 400.5105a**  
Source: 2006 AACS.

**R 400.5105b**  
Source: 2006 AACS.

**R 400.5106**  
Source: 2013 AACS.

**R 400.5107**  
Source: 2013 AACS.

**R 400.5108**  
Source: 2013 AACS.

**R 400.5109**  
Source: 2013 AACS.

**R 400.5109a**

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**Source:** 2013 AACS.

**R 400.5110**

**Source:** 2013 AACS.

**R 400.5111**

**Source:** 2013 AACS.

**R 400.5111a**

**Source:** 2013 AACS.

**R 400.5111b**

**Source:** 2013 AACS.

**R 400.5112**

**Source:** 2006 AACS.

**R 400.5113**

**Source:** 2006 AACS.

**R 400.5113a**

**Source:** 2013 AACS.

**R 400.5113b**

**Source:** 2013 AACS.

**R 400.5113c**

**Source:** 2013 AACS.

**R 400.5114**

**Source:** 2013 AACS.

**R 400.5115**

**Source:** 2013 AACS.

**R 400.5116**

**Source:** 2013 AACS.

**R 400.5117**

**Source:** 2013 AACS.

**R 400.5118**

**Source:** 2013 AACS.

**PART 2. INFANTS/YOUNG TODDLER/OLDER TODDLER**

**R 400.5201**

**Source:** 2006 AACS.

**R 400.5201a**

**Source:** 2013 AACS.

**R 400.5201b**

**Source:** 2013 AACS.

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**R 400.5202a**  
Source: 2013 AACS.

**R 400.5204**  
Source: 2013 AACS.

**R 400.5204a**  
Source: 2013 AACS.

**R 400.5205**  
Source: 2013 AACS.

**R 400.5205a**  
Source: 2013 AACS.

**R 400.5205b**  
Source: 2013 AACS.

**R 400.5206**  
Source: 2013 AACS.

**R 400.5207**  
Source: 2006 AACS.

**R 400.5209**  
Source: 2013 AACS.

**PART 3. SCHOOL AGE**

**R 400.5301**  
Source: 2013 AACS.

**R 400.5302**  
Source: 2013 AACS.

**R 400.5303**  
Source: 2013 AACS.

**R 400.5303a**  
Source: 2013 AACS.

**R 400.5305**  
Source: 2013 AACS.

**R 400.5306**  
Source: 2013 AACS.

**R 400.5307**  
Source: 2013 AACS.

**PART 4. ADDITIONAL PROVISIONS FOR DROP-IN CENTERS**

**R 400.5401**  
Source: 2006 AACS.

**R 400.5402**  
Source: 2006 AACS.

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**R 400.5403**  
Source: 2006 AACS.

**R 400.5404**  
Source: 2006 AACS.

**R 400.5405**  
Source: 2006 AACS.

**PART 5. ADDITIONAL PROVISIONS FOR SPECIFIC PROGRAM COMPONENTS**

**R 400.5501**  
Source: 2013 AACS.

**R 400.5502**  
Source: 2013 AACS.

**R 400.5502a**  
Source: 2013 AACS.

**R 400.5502b**  
Source: 2013 AACS.

**R 400.5502c**  
Source: 2013 AACS.

**R 400.5503**  
Source: 2006 AACS.

**PART 6. TRANSPORTATION PROVISIONS**

**R 400.5601**  
Source: 2013 AACS.

**R 400.5602**  
Source: 2013 AACS.

**R 400.5603**  
Source: 2013 AACS.

**R 400.5604**  
Source: 2013 AACS.

**R 400.5605**  
Source: 2013 AACS.

**R 400.5606**  
Source: 2013 AACS.

**R 400.5607**  
Source: 2013 AACS.

**R 400.5608**  
Source: 1997 AACS.

**R 400.5610**

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**Source:** 2013 AACS.

**R 400.5611**

**Source:** 2013 AACS.

**R 400.5612**

**Source:** 2006 AACS.

**R 400.5613**

**Source:** 2013 AACS.

**R 400.5614**

**Source:** 2006 AACS.

**R 400.5615**

**Source:** 2013 AACS.

**PART 7. FIELD TRIP TRANSPORTATION PROVISIONS**

**R 400.5701**

**Source:** 2006 AACS.

**R 400.5702**

**Source:** 2006 AACS.

**R 400.5703**

**Source:** 2006 AACS.

**R 400.5704**

**Source:** 2006 AACS.

**R 400.5705**

**Source:** 2006 AACS.

**R 400.5706**

**Source:** 2006 AACS.

**R 400.5709**

**Source:** 2006 AACS.

**R 400.5710**

**Source:** 2006 AACS.

**R 400.5711**

**Source:** 2006 AACS.

**R 400.5712**

**Source:** 2006 AACS.

**PART 8. FIRE SAFETY**

**R 400.5801**

**Source:** 2013 AACS.

**R 400.5805**

**Source:** 2013 AACS.

**R 400.5810**

**Source:** 2013 AACS.

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**R 400.5815**  
Source: 2013 AACS.

**R 400.5820**  
Source: 2013 AACS.

**R 400.5825**  
Source: 2013 AACS.

**R 400.5835**  
Source: 2013 AACS.

**R 400.5840**  
Source: 2013 AACS.

**R 400.5841**  
Source: 2013 AACS.

**R 400.5845**  
Source: 2013 AACS.

**R 400.5850**  
Source: 2013 AACS.

**R 400.5856**  
Source: 2013 AACS.

**R 400.5865**  
Source: 2013 AACS.

**R 400.5870**  
Source: 2013 AACS.

**PART 9. SANITATION PROVISIONS**

**R 400.5900a**  
Source: 2013 AACS.

**R 400.5901**  
Source: 2013 AACS.

**R 400.5902**  
Source: 2013 AACS.

**R 400.5902a**  
Source: 2013 AACS.

**R 400.5902b**  
Source: 2013 AACS.

**R 400.5902c**  
Source: 2013 AACS.

**R 400.5902d**  
Source: 2013 AACS.

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**R 400.5903**  
Source: 2013 AACS.

**R 400.5905**  
Source: 2013 AACS.

**R 400.5910**  
Source: 2013 AACS.

**R 400.5915**  
Source: 2013 AACS.

**R 400.5920**  
Source: 2013 AACS.

**R 400.5925**  
Source: 2013 AACS.

**R 400.5930**  
Source: 2013 AACS.

**R 400.5935**  
Source: 2013 AACS.

**R 400.5940**  
Source: 2013 AACS.

**DIVISION OF CHILD WELFARE LICENSING**  
**CHILD PLACING AGENCIES**

**PART 1. GENERAL PROVISIONS**

**R 400.6101**  
Source: 1998-2000 AACS.

**R 400.6102**  
Source: 1998-2000 AACS.

**R 400.6108**  
Source: 1998-2000 AACS.

**R 400.6110**  
Source: 1998-2000 AACS.

**R 400.6112**  
Source: 1998-2000 AACS.

**R 400.6114**  
Source: 1998-2000 AACS.

**R 400.6117**  
Source: 1998-2000 AACS.

**R 400.6119**  
Source: 1998-2000 AACS.

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**R 400.6122**  
Source: 1998-2000 AACS.

**R 400.6123**  
Source: 1998-2000 AACS.

**R 400.6124**  
Source: 1998-2000 AACS.

**R 400.6126**  
Source: 1998-2000 AACS.

**R 400.6128**  
Source: 1998-2000 AACS.

**R 400.6129**  
Source: 1998-2000 AACS.

**R 400.6131**  
Source: 1998-2000 AACS.

**R 400.6132**  
Source: 1998-2000 AACS.

**R 400.6133**  
Source: 1998-2000 AACS.

**R 400.6135**  
Source: 1998-2000 AACS.

**R 400.6136**  
Source: 1998-2000 AACS.

**R 400.6137**  
Source: 1998-2000 AACS.

**R 400.6139**  
Source: 1998-2000 AACS.

**R 400.6142**  
Source: 1998-2000 AACS.

**R 400.6143**  
Source: 1998-2000 AACS.

**R 400.6145**  
Source: 1998-2000 AACS.

**R 400.6148**  
Source: 1998-2000 AACS.

**R 400.6151**  
Source: 1998-2000 AACS.

**R 400.6152**  
Source: 1998-2000 AACS.

**PART 2. FOSTER HOME CARE**

- R 400.6201**  
Source: 1998-2000 AACS.
- R 400.6202**  
Source: 1998-2000 AACS.
- R 400.6204**  
Source: 1998-2000 AACS.
- R 400.6207**  
Source: 1998-2000 AACS.
- R 400.6209**  
Source: 1998-2000 AACS.
- R 400.6211**  
Source: 1998-2000 AACS.
- R 400.6215**  
Source: 1998-2000 AACS.
- R 400.6216**  
Source: 1998-2000 AACS.
- R 400.6218**  
Source: 1998-2000 AACS.
- R 400.6219**  
Source: 1998-2000 AACS.
- R 400.6221**  
Source: 1998-2000 AACS.
- R 400.6222**  
Source: 1998-2000 AACS.
- R 400.6223**  
Source: 1998-2000 AACS.
- R 400.6225**  
Source: 1998-2000 AACS.
- R 400.6226**  
Source: 1998-2000 AACS.
- R 400.6227**  
Source: 1998-2000 AACS.
- R 400.6228**  
Source: 1998-2000 AACS.
- R 400.6229**  
Source: 1998-2000 AACS.
- R 400.6230**  
Source: 1998-2000 AACS.

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- R 400.6231**  
Source: 1998-2000 AACS.
- R 400.6232**  
Source: 1998-2000 AACS.
- R 400.6234**  
Source: 1998-2000 AACS.
- R 400.6238**  
Source: 1998-2000 AACS.
- R 400.6240**  
Source: 1998-2000 AACS.
- R 400.6245**  
Source: 1998-2000 AACS.
- R 400.6250**  
Source: 1998-2000 AACS.
- R 400.6252**  
Source: 1998-2000 AACS.
- R 400.6254**  
Source: 1998-2000 AACS.
- R 400.6260**  
Source: 1998-2000 AACS.
- R 400.6261**  
Source: 1998-2000 AACS.
- R 400.6262**  
Source: 1998-2000 AACS.
- R 400.6263**  
Source: 1998-2000 AACS.
- R 400.6265**  
Source: 1998-2000 AACS.
- R 400.6267**  
Source: 1998-2000 AACS.
- R 400.6271**  
Source: 1998-2000 AACS.
- R 400.6274**  
Source: 1998-2000 AACS.
- R 400.6277**  
Source: 1998-2000 AACS.
- R 400.6279**  
Source: 1998-2000 AACS.

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**R 400.6280**  
Source: 1998-2000 AACS.

**R 400.6281**  
Source: 1998-2000 AACS.

**R 400.6282**  
Source: 1998-2000 AACS.

**PART 3. FOSTER HOME CERTIFICATION**

**R 400.6301**  
Source: 1998-2000 AACS.

**R 400.6302**  
Source: 1998-2000 AACS.

**R 400.6303**  
Source: 1998-2000 AACS.

**R 400.6305**  
Source: 1998-2000 AACS.

**R 400.6306**  
Source: 1998-2000 AACS.

**R 400.6308**  
Source: 1998-2000 AACS.

**R 400.6309**  
Source: 1998-2000 AACS.

**R 400.6311**  
Source: 1998-2000 AACS.

**R 400.6314**  
Source: 1998-2000 AACS.

**R 400.6319**  
Source: 1998-2000 AACS.

**R 400.6320**  
Source: 1998-2000 AACS.

**R 400.6322**  
Source: 1998-2000 AACS.

**R 400.6323**  
Source: 1998-2000 AACS.

**R 400.6324**  
Source: 1998-2000 AACS.

**PART 4. INDEPENDENT LIVING**

**R 400.6401**  
Source: 1998-2000 AACS.

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**R 400.6402**  
Source: 1998-2000 AACS.

**R 400.6405**  
Source: 1998-2000 AACS.

**R 400.6407**  
Source: 1998-2000 AACS.

**R 400.6411**  
Source: 1998-2000 AACS.

**R 400.6416**  
Source: 1998-2000 AACS.

**PART 5. ADOPTION**

**R 400.6501**  
Source: 1998-2000 AACS.

**R 400.6502**  
Source: 1998-2000 AACS.

**R 400.6505**  
Source: 1998-2000 AACS.

**R 400.6508**  
Source: 1998-2000 AACS.

**R 400.6509**  
Source: 1998-2000 AACS.

**R 400.6511**  
Source: 1998-2000 AACS.

**R 400.6513**  
Source: 1998-2000 AACS.

**R 400.6515**  
Source: 1998-2000 AACS.

**R 400.6518**  
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**R 400.6520**  
Source: 1998-2000 AACS.

**R 400.6522**  
Source: 1998-2000 AACS.

**FAMILY SERVICES ADMINISTRATION**  
**STATE EMERGENCY RELIEF PROGRAM**

**R 400.7001**  
Source: 1993 AACS.

**R 400.7002**

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Source: 1993 AACS.

**R 400.7003**

Source: 1993 AACS.

**R 400.7004**

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**R 400.7005**

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**R 400.7006**

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**R 400.7008**

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**R 400.7010**

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**R 400.7011**

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**R 400.7012**

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**R 400.7013**

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**R 400.7014**

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**R 400.7015**

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**R 400.7016**

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**R 400.7020**

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**R 400.7022**  
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**R 400.7023**  
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**R 400.7024**  
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**R 400.7025**  
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**R 400.7031**  
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**R 400.7032**  
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**R 400.7033**  
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**R 400.7034**  
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**R 400.7049**  
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**MEDICAL SERVICES ADMINISTRATION**  
**GENERAL ASSISTANCE MEDICAL PROGRAM AUTHORIZATION**

**R 400.7101**  
Source: 1997 AACS.

**R 400.7102**  
Source: 1997 AACS.

**R 400.7103**  
Source: 1997 AACS.

**R 400.7104**  
Source: 1997 AACS.

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**R 400.7105**  
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**R 400.7106**  
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**R 400.7107**  
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**R 400.7108**  
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**R 400.7109**  
Source: 1997 AACS.

**PROHIBITION OF DISCRIMINATION IN THE MEDICAL ASSISTANCE PROGRAM  
AND THE GENERAL ASSISTANCE MEDICAL PROGRAM**

**R 400.7171**  
Source: 1980 AACS.

**R 400.7172**  
Source: 1980 AACS.

**R 400.7173**  
Source: 1980 AACS.

**MONITORING AND CONTROLLING RECIPIENT USE OF  
MEDICAL ASSISTANCE PROGRAM SERVICES**

**R 400.7391**  
Source: 2012 AACS.

**R 400.7392**  
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**R 400.7393**  
Source: 2012 AACS.

**R 400.7394**  
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**R 400.7395**  
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**R 400.7396**  
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**R 400.7397**  
Source: 2012 AACS.

**STERILIZATION AND HYSTERECTOMY CONSENT PROCEDURES**

**R 400.7701**  
Source: 1980 AACS.

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**R 400.7702**  
Source: 1980 AACS.

**R 400.7703**  
Source: 1980 AACS.

**R 400.7704**  
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**R 400.7705**  
Source: 1980 AACS.

**R 400.7706**  
Source: 1980 AACS.

**PART 1. GENERAL PROVISIONS FOR ALL CHILDREN**

**R 400.8101**  
Source: 2013 AACS.

**R 400.8104**  
Source: 2013 AACS.

**R 400.8107**  
Source: 2013 AACS.

**R 400.8110**  
Source: 2013 AACS.

**R 400.8113**  
Source: 2013 AACS.

**R 400.8116**  
Source: 2013 AACS.

**R 400.8119**  
Source: 2013 AACS.

**R 400.8122**  
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**R 400.8125**  
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**R 400.8128**  
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**R 400.8131**  
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**R 400.8134**  
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**R 400.8137**  
Source: 2013 AACS.

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- R 400.8140**  
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- R 400.8143**  
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- R 400.8146**  
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- R 400.8149**  
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- R 400.8161**  
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- R 400.8185**  
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- R 400.8188**  
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- R 400.8191**  
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**ENVIRONMENTAL HEALTH PROVISIONS**

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- R 400.8301**  
Source: 2013 AACS.
  
- R 400.8305**  
Source: 2013 AACS.
  
- R 400.8310**  
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- R 400.8315**  
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- R 400.8365**  
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- R 400.8380**  
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- R 400.8385**  
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**FIRE SAFETY PROVISIONS**

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**R 400.8501**  
Source: 2013 AACS.

**R 400.8505**  
Source: 2013 AACS.

**R 400.8510**  
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**R 400.8515**  
Source: 2013 AACS.

**R 400.8520**  
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**R 400.8525**  
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**R 400.8530**  
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**R 400.8535**  
Source: 2013 AACS.

**R 400.8540**  
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**R 400.8545**  
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**R 400.8550**  
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**R 400.8555**  
Source: 2013 AACS.

**R 400.8560**  
Source: 2013 AACS.

**R 400.8565**  
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**TRANSPORTATION PROVISIONS**

**R 400.8701**  
Source: 2013 AACS.

**R 400.8710**  
Source: 2013 AACS.

**R 400.8720**  
Source: 2013 AACS.

**R 400.8730**  
Source: 2013 AACS.

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**R 400.8740**  
Source: 2013 AACCS.

**R 400.8750**  
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**R 400.8760**  
Source: 2013 AACCS.

**R 400.8770**  
Source: 2013 AACCS.

**SWIMMING PROVISIONS**

**R 400.8801**  
Source: 2013 AACCS.

**R 400.8810**  
Source: 2013 AACCS.

**R 400.8820**  
Source: 2013 AACCS.

**R 400.8830**  
Source: 2013 AACCS.

**R 400.8840**  
Source: 2013 AACCS.

**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**

**DIVISION OF CHILD WELFARE LICENSING**

**FOSTER FAMILY HOMES AND FOSTER FAMILY GROUP HOMES**

**PART 1. GENERAL PROVISIONS**

**R 400.9101 Definitions.**

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA 116, as amended, being MCL 722.111 to 722.128.
- (b) "Agency" means the child placing agency that certifies the foster home for licensure by the department.
- (c) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management, except as provided in R 400.9404(2).
- (d) "Department" means the Michigan department of human services.
- (e) "Family member" means foster parents, foster children, and members of the household.
- (f) "Foster care" means the care, training, protection, and supervision of a foster child.
- (g) "Foster child" means a person who meets the following criteria:
  - (i) Resides in an out-of-home placement based on a court order or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by the act or has been released by a parent to the department or a child placing agency pursuant to section 22 of 1939 PA 288, MCL 710.22.
  - (ii) Is either of the following:
    - (A) Placed with or committed to the department for care and supervision by a court order under section 712A.2 of 1939 PA 288, MCL 712A.2.
    - (B) Is eighteen years of age or older, was in foster care prior to turning eighteen, and agrees to remain in care following termination of court jurisdiction.
- (h) "Foster home" means a foster family home or foster family group home as defined in section 1 of the act.

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- (i) "Foster parent" means the person or persons to whom a foster home license is issued.
  - (j) "Infant" means a child between birth and 12 months of age.
  - (k) "Member of the household" means any person, other than foster children, who resides in a foster home on an ongoing or recurrent basis.
  - (l) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
  - (m) "Substitute care" means care that is provided to a foster child when the foster parent is not present or not available.
  - (n) "Willful noncompliance" means, after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.
- History: 1998-2000 AACS; 2007 AACS; 2011 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9102**

Source: 1998-2000 AACS.

**R 400.9404**

Source: 2011 AACS.

**R 400.9199 Rescinded.**

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**PART 2. APPLICATION AND LICENSING**

**R 400.9201 Foster home applicant /licensee qualifications.**

Rule 201. A foster home applicant or licensee shall meet all of the following qualifications:

- (a) Be 18 years of age or older.
- (b) Be of good moral character.
- (c) Express a willingness to provide care for children who are served by the agency.
- (d) Demonstrate an understanding of the care which must be provided to the children served by the agency.
- (e) Express a willingness to learn how to provide care to children served by the agency.
- (f) Have adequate time to provide care and supervision for the children.
- (g) Have a defined legal source of income, and be capable of managing that income, to meet the needs of the foster family.
- (h) Be of such physical, mental, and emotional health to assure appropriate care of children.
- (i) Express a willingness, and demonstrate the ability, to work with a foster child's family or future family.
- (j) Be of responsible character and be suitable and able to meet the needs of children and provide for their care, supervision, and protection.
- (k) Demonstrate a willingness and ability to comply with the licensing rules for foster homes.
- (l) Be residing in the United States legally.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9202 Member of household qualifications.**

Rule 202. (1) To assure the safety and welfare of a foster child, a member of the household shall meet all of the following qualifications:

- (a) Be of good moral character and suitable to assure the welfare of children.
- (b) Be in a state of physical, mental, and emotional health that will not impair the care of a foster child.
- (c) Be willing to accept a foster child into the foster home as a member of the household.
- (d) Be residing in the United States legally.

(2) Any adult member of the household who provides care for foster children shall also meet the qualifications specified in R 400.9201.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

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**R 400.9203 Orientation.**

Rule 203. Before completing and submitting an application for an original license or transferring a license to another certifying agency, each applicant/licensee for a foster home license shall attend orientation pursuant to R 400.12307.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9204**

**Source:** 1998-2000 AACS.

**R 400.9205 Records check.**

Rule 205. (1) A foster home applicant/licensee shall provide the agency with the name of, and a signed release to obtain any of the following information about, each adult member of the household, including children who turn 18 years of age while living in the home:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in substantiated abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) By the next working day after another adult moves into a currently licensed foster home, or upon the request of the agency, a foster parent shall provide the agency with the name of the adult and a signed release to obtain the information required in subrule (1) of this rule.

(3) If an applicant, licensee, or adult household member is identified on central registry as a perpetrator of child abuse or neglect in this state or any other state or Canadian province, he or she shall not be licensed or reside in a licensed foster home.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9206 Foster home evaluation.**

Rule 206. A foster home applicant/licensee shall do all of the following:

- (a) Allow the agency access to the foster home for licensing and foster child supervision purposes.
- (b) Truthfully assist the agency in determining all of the following:
  - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence or abuse, either as a perpetrator or victim.
  - (ii) The circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children.
  - (iii) Educational history and any special skills and interests.
  - (iv) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.
  - (v) Physical, mental, and emotional health of each member of the household.
  - (vi) Any history of substance abuse, including alcohol, drugs or controlled substances, by each member of the household and a description of any treatment received.
  - (vii) Current substance use, including alcohol, drugs, or controlled substances, by each member of the household and a description of any treatment currently being received.
  - (viii) Parenting skills and attitudes toward children.
  - (ix) Methods of discipline of children.
  - (x) Adjustment and special needs of the applicant's own children, including children not living in the home.
  - (xi) Strengths and weaknesses of each member of the household.
  - (xii) Experiences with own parents and any history of out-of-home care.
  - (xiii) Family's perception of the purpose of foster care.
  - (xiv) Reason for applying to be a foster family.
  - (xv) Previous licenses or experience in providing child foster care, child day care, or adult foster care.
  - (xvi) Willingness of each member of the household to accept a foster child with the child's individual characteristics, needs, and background.
  - (xvii) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
  - (xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.

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- (xix) Willingness and ability to work with a foster child's birth family and to understand the foster child's attachment to the birth family.
  - (xx) Understanding of and willingness to participate in concurrent planning.
  - (xxi) Existence of a social support system including alternate care providers.
  - (xxii) Spirituality or religious beliefs.
  - (xxiii) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
  - (xxiv) Assessment of the neighborhood, schools, community, and available resources.
  - (xxv) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.
- (c) Provide the agency with all of the following:
- (i) Three current references from persons not related to the applicants.
  - (ii) A medical history that includes all treatments and all prescriptions used by each member of the household.
  - (iii) A medical statement that includes all treatments and all prescriptions and medications being used by each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant, or nurse practitioner within the 12-month period before licensure.
  - (iv) A statement regarding any past and/or current mental health treatment or counseling by any member of the household.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9207 Foster home reevaluations and special evaluations.**

Rule 207. A foster parent shall do all of the following:

- (a) Allow the agency access to the foster home for licensing and foster child supervision purposes.
  - (b) On an ongoing basis, provide all changes to the factual information contained in the initial evaluation and subsequent evaluations.
  - (c) Share information on family functioning and interrelationships.
  - (d) Provide a preference for receiving children in placement, including the characteristics, age, sex, race, ethnic background, and number of children the foster parents would not wish to accept in placement.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**PART 3. THE FOSTER HOME**

**R 400.9301 Maintenance.**

Rule 301. (1) A foster parent shall ensure that the property, structure, premises, and furnishings of a foster home are constructed and maintained in a clean and safe condition and in good repair.

- (2) A foster parent shall ensure that the property, structures, premises, and furnishings are adequately constructed and maintained to meet the needs of each foster child and each member of the household.
- (3) A foster parent shall ensure that all animals are safe to be around members of the household and the children who may be placed in the home. The foster parent shall notify the agency within 3 business days when new pets are acquired. Animals shall be licensed and vaccinated in accordance with the laws of the municipality where the foster home is located.
- (4) Before using a residential pool, spa, or hot tub, the foster parent shall ensure that the water is clean, safe, and sanitary.
- (5) Children must be adequately supervised at all times around any water activity.
- (6) If there is a residential pool, spa, hot tub, pond, or other body of water on the premises, rescue equipment shall be available at all times. There shall be an alarm on any exterior door that leads directly to the pool, spa, hot tub, pond, or other body of water.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9302**

Source: 1998-2000 AACS.

**R 400.9303**

Source: 1998-2000 AACS.

**R 400.9304**

Source: 1998-2000 AACS.

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**R 400.9305**

**Source:** 1998-2000 AACs.

**R 400.9306 Bedrooms.**

Rule 306. (1) A foster parent shall ensure that bedrooms comply with all of the following provisions:

- (a) Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child.
- (b) Have not less than 40 square feet of floor space per person, excluding closets.
- (c) Have sufficient space for the storage of clothing and personal belongings.
- (d) Have a finished ceiling, floor-to-ceiling permanently affixed walls, and finished flooring.
- (e) Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.
- (f) Have at least 1 outside window that complies with all of the following provisions:
  - (i) Is accessible to children and caregivers.
  - (ii) Can be readily opened from the inside of the room.
  - (iii) Is of sufficient size and design to allow for the evacuation of children and caregivers.
- (g) Be free of all of the following:
  - (i) Household heating equipment.
  - (ii) Water heater.
  - (iii) Clothes washer.
  - (iv) Clothes dryer.

(2) A foster parent shall not use as a bedroom a room that is primarily used for purposes other than sleeping. A foster parent shall not use any of the following as a bedroom:

- (a) A hall.
  - (b) A closet.
  - (c) A stairway.
  - (d) A garage.
  - (e) A shed.
  - (f) A detached building.
  - (g) A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor.
- (3) A foster parent shall ensure that all bedding and sleeping equipment comply with the standards set forth in the U.S. Consumer Product Safety Commission, Safety Standards for Full Size Baby Cribs and Non-Full Size Baby Cribs; Final Rule, 16 CFR Parts 1219, 1220 and 1500, (<http://www.cpsc.gov>) for the age of the child using the equipment and also comply with all of the following conditions:
- (a) All blankets shall be appropriate for the weather.
  - (b) All bedding and equipment shall be in good repair and cleaned and sanitized before being used by another person.
  - (c) All bedding used by children shall be washed when soiled or weekly at a minimum.
  - (d) A clean pillow is available for children 2 years of age and older.
  - (e) Infants, birth to 12 months of age, shall rest or sleep alone in a crib that meets the needs of the infant and the conditions of subdivision (f) of this subrule.
  - (f) All cribs shall be equipped with all of the following:
    - (i) A firm, tight-fitting mattress with a waterproof, washable covering.
    - (ii) No loose, missing, or broken hardware or slats.
    - (iii) Not more than 2 3/8 inches between the slats.
    - (iv) No corner posts over 1/16 inches high.
    - (v) No cutout designs in the headboard or footboard.
    - (vi) A tightly fitted bottom sheet shall cover the mattress with no additional padding placed between the sheet and mattress.
  - (g) An infant's head shall remain uncovered during sleep.
  - (h) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.

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(i) Blankets shall not be draped over cribs.

(j) Infant car seats, infant seats, infant swings, bassinets, highchairs, playpens, pack'n plays, collapsible cribs, collapsible playyards, waterbeds, adult beds, soft mattresses, sofas, beanbags or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

(k) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

(l) The foster parent shall have the appropriate number and types of beds/cribs available in the home prior to licensure or a change in terms for all children who will be covered under the terms of the license.

History: 1998-2000 AACS; 2007 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9307**

**Source:** 1998-2000 AACS.

**R 400.9308 Telephone.**

Rule 308. (1) A foster parent shall ensure that a working telephone is available in the foster home at all times.

(2) A foster parent shall ensure that emergency telephone numbers which follow appropriate agency protocol are within sight of the telephone.

(3) The foster parent shall provide the home telephone number to the certifying agency and shall inform the agency within 24 hours if the number changes.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9309 Wheelchair access.**

Rule 309. A foster parent shall ensure that a foster home that provides care to a foster child who regularly requires the use of a wheelchair is wheelchair accessible.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9310 Smoking.**

Rule 310. (1) An individual shall not smoke any substance inside the foster home while foster children are placed in the home.

(2) An individual shall not smoke any substance inside a vehicle while transporting foster children.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**PART 4. FOSTER CARE**

**R 400.9401 Child capacity; living arrangement.**

Rule 401. (1) Both of the following apply to the capacity of a foster home:

(a) Not more than 8 children under 17 years of age, including children of the foster parents, may live in or receive foster care in a foster home at any given time ~~is 8~~.

(b) If a foster home is concurrently licensed for child care, the total number of children under 17 years of age, including children of the foster parents, who live in or receive care in the foster home, shall not exceed 12. The foster home shall comply with all applicable licensing rules for both foster homes and child care homes.

(2) All of the following apply to infants:

(a) Not more than 2 children under 1 year of age, including the children of the foster parents, may receive care in a foster home at any time.

(b) Children birth to 12 months of age shall sleep alone in a crib.

(c) An infant shall be placed on his or her back for resting and sleeping.

(d) An infant unable to roll from stomach to back, and from back to stomach, when found facedown, shall be placed on his or her back.

(e) An infant who can easily turn over from his or her back to his or her stomach shall be initially placed on his or her back, but allowed to adopt whatever position he or she prefers for sleep.

(f) For an infant who cannot rest or sleep on her/his back, the foster parent shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant.

(g) The foster parent shall maintain supervision and frequently monitor infants' breathing, sleep position, and bedding for possible signs of distress. Baby monitors shall not be used exclusively to comply with this subdivision.

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- (4) A child who is non-ambulatory and cannot readily be carried by 1 member of the household shall sleep in a bedroom that has a means of exiting at ground level.
- (5) A child shall not share a bedroom with a non-parent adult unless 1 of the following conditions exists:
  - (a) The child and adult are siblings of the same sex.
  - (b) The child and adult are foster siblings who were sharing the bedroom prior to 1 of them turning 18 years of age.
  - (c) The child has a special medical need that requires the attention of an adult during sleeping hours.
- (6) A minor child, 3 years of age or older, shall not routinely share the same bedroom with a parent.
- (7) Children of the opposite sex, any of whom are more than 5 years of age, shall not share the same bedroom.
- (8) Each child shall sleep alone in a bed that is sufficient to meet the functioning level, size, length, and other special needs of the child.
- (9) Resting or sleeping areas shall have adequate lighting to allow the foster parent to assess children.  
History: 1998-2000 AACCS; 2007 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9402**

**Source:** 1998-2000 AACCS.

**R 400.9403 Foster parent duties.**

Rule 403. A foster parent shall carry out each of the following functions:

- (a) Cooperate with and assist the agency in the agency's implementation of the service plan for children and their families.
  - (b) Fully disclose to the agency information concerning a foster child's progress and problems.
  - (c) Provide written notification to the agency of the need for a foster child to be moved from the foster home not less than 14 calendar days before the move, except when a delay would jeopardize the foster child's care or safety or the safety of members of the foster family.
  - (d) Maintain a copy of and follow the agency's written policies and procedures for foster parents and foster care, including the policies and procedures for all of the following:
    - (i) Behavior management as required by R 400.12313.
    - (ii) Religion as required by R 400.12314.
    - (iii) Communication as required by R 400.12315.
    - (iv) Education as required by R 400.12409.
    - (v) Personal possessions as required by R 400.12316.
    - (vi) Allowance and money, as required by R 400.12317.
    - (vii) Clothing as required by R 400.12318.
    - (viii) Emergencies as required by R 400.12323.
    - (ix) Medical and dental care as required by R 400.12413.
    - (x) Substitute care as required by R 400.12319.
    - (xi) Supervision as required by R 400.12320.
    - (xii) Incidents reporting as required by R 400.12322.
    - (xiii) Hazardous materials as required by R 400.12321.
- History: 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9404 Behavior management.**

Rule 404. (1) A foster parent shall follow the behavior management plan developed for each foster child by the child's social services worker.

- (2) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or property or to allow the child to gain control of himself or herself.
- (3) A foster parent shall not use corporal punishment for any reason with a foster child.

History: 1998-2000 AACCS; 2011 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9405**

**Source:** 1998-2000 AACCS.

**R 400.9406 Communication.**

Rule 406. A foster parent shall comply with the agency's communication policy.

History: 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9407**

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**Source:** 1998-2000 AACS.

**R 400.9408 Personal possessions.**

Rule 408. A foster parent shall comply with both of the following:

- (a) Assure that a child has a right to have his or her personal possessions during placement with the foster family or to have them stored in a safe and secure manner when leaving the foster family.
- (b) All gifts and clothing that are purchased for the child during placement with the foster family remain the property of the foster child.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9409 Allowance and money.**

Rule 409. (1) A foster parent shall follow the agency's policy on allowance.

- (2) Any money earned or received directly by the child remains the property of the child.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9410 Clothing.**

Rule 410. All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9411 Emergencies**

Rule 411. (1) A foster parent shall follow agency approved written procedures for each of the following emergencies:

- (a) Fire.
  - (b) Tornado.
  - (c) Serious accident or injury.
- (2) A foster parent who provides care for a person who requires assistance to evacuate the home shall follow agency approved written procedures for prompt evacuation.
- (3) A foster parent shall familiarize each member of the household, including the foster child according to the child's ability to understand and persons who provide substitute care, with the emergency and evacuation procedures.
- (4) A foster parent shall practice emergency evacuation procedures at least 1 time every 4 months.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9412 Medical and dental care.**

Rule 412. (1) A foster parent shall follow and carry out the health plan for a foster child as prescribed by a physician, health authority, or the agency.

- (2) A foster parent shall follow agency approved protocols for medical care of a foster child who is injured or ill.
- (3) A foster parent shall ensure that all medications, both prescription and nonprescription, are inaccessible to children and properly stored unless there is an alternative direction from the prescribing physician.
- (4) A foster parent shall ensure that prescription medication is given or applied as directed by a licensed physician.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9413 Substitute care.**

Rule 413. (1) A foster parent shall follow the agency's substitute care policy.

- (2) A foster parent shall ensure that appropriate care and supervision are provided for foster children at all times consistent with the child's treatment plan.
- (3) A foster parent shall identify a primary substitute caregiver who agrees to follow the policies of the certifying agency.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9414 Unusual incident notification.**

Rule 414. (1) A foster parent shall immediately notify the agency of the death of a foster child.

- (2) A foster parent shall immediately notify the agency of the removal or attempted removal of a foster child from a foster home by any person not authorized by the agency.
- (3) A foster parent shall immediately notify the agency that a foster child is missing.
- (4) A foster parent shall notify the agency within 24 hours after the foster parent knows of any of the following:
  - (a) Any illness that results in inpatient hospitalization of a foster child.
  - (b) Any accident or injury of a foster child that requires medical treatment by a licensed or registered health care person.

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- (c) A foster child's involvement with law enforcement authorities.
  - (d) Pregnancy of a foster child.
  - (e) Incidences of child-on-child abuse.
  - (f) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9415 Hazardous materials.**

- Rule 415. (1) A foster parent shall follow the agency's hazardous materials policy.
- (2) Dangerous and hazardous materials, objects, weapons, chemicals, medication, or equipment that may present a risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.
  - (3) Firearms are subject to the following conditions:
    - (a) Stored in a locked metal or solid wood gun safe or
    - (b) Trigger-locked and stored without ammunition in a locked area.
    - (c) Ammunition shall be stored in a separate locked location.
    - (d) A handgun shall be registered. Documentation of the registration of the handgun shall be available for review.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9416 Foster parent training.**

- Rule 416. (1) Each licensed foster parent shall attend training as required by the agency foster parent training plan, totaling to at least 6 clock hours per year.
- (2) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross, or other institution approved by the department.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9417 Food and nutrition.**

- Rule 417. (1) A foster parent shall provide for the nutritional needs of each foster child in the foster home.
- (2) A foster parent shall provide a foster child with meals that are nutritious, well-balanced, and of sufficient quantity.
  - (3) A foster parent shall provide a special diet if a foster child has been prescribed a special diet. Only a licensed physician or other health professional under the supervision of a licensed physician may prescribe special diets.
  - (4) A foster parent shall allow a foster child to eat with other members of the household.
  - (5) A foster parent shall serve a foster child the same meals as other members of the household, unless a special diet has been prescribed or unless otherwise dictated by differing nutritional requirements related to the child's age, medical condition, or religious beliefs.
  - (6) A foster parent shall ensure that refrigeration is used for perishable foods.
  - (7) A foster parent shall only serve pasteurized milk products to foster children.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9418 Foster child tasks.**

- Rule 418. A foster child's tasks must be within the child's ability, be reasonable, and be similar to routine tasks expected of other members of the household of similar age and ability.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9419 Recreation.**

- Rule 419. A foster parent shall provide opportunities for, and encourage a foster child to participate in, a variety of indoor and outdoor recreational activities that are appropriate for the child's age and ability.
- History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9420 Transportation.**

- Rule 420. (1) All transportation shall be done in a safe, responsible manner.
- (2) A foster parent shall ensure that the transportation of the foster child, foster parents, and members of the household is conducted as required by state laws regarding transportation in a motor vehicle.
- History: 2015 MR 23, Eff. Jan. 5, 2015.

**PART 5. REPORTING AND RECORDKEEPING**

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**400.9501 Reporting suspected child abuse or neglect.**

Rule 501. (1) A foster parent who has reasonable cause to suspect physical or sexual abuse or neglect of a child shall make a report immediately to the child protective services central intake unit of the department of human services.

(2) If the suspected physical or sexual abuse or neglect occurred in the foster home or to a foster child placed in the foster home, then a foster parent shall make a report immediately to both of the following entities:

- (a) The child protective services central intake unit of the department of human services.
- (b) The agency.

(3) The foster parent shall provide a written report as required by 1975 PA 238, MCL 722.621 to 722.638.

History: 1998-2000 AACS; 2007 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9502 Reporting foster home changes.**

Rule 502. A foster parent shall report to the agency any significant change in the foster home by the next working day from the time a foster parent knows of a change, including any of the following changes:

- (a) A change of employment status of a foster parent.
- (b) Serious illness, injury, or death of a foster parent or a member of the household.
- (c) Changes in household composition.
- (d) Arrests and criminal convictions of a foster parent or member of the household.
- (e) Court-supervised parole or probation of a foster parent or member of the household.
- (f) Admission to, or release from, a correctional facility, a facility, a hospital, or an institution for the treatment of an emotional, mental, or substance abuse problem of a foster parent or member of the household.
- (g) Counseling, treatment, or therapy on an outpatient basis for an emotional, mental, or substance abuse problem of a foster parent or member of the household.
- (h) Any revocation or modification of a driver's license.
- (i) Any major changes or renovations to the structure of the foster home.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9503 License application filing; agency notification.**

Rule 503. (1) A foster parent shall notify the agency within 5 calendar days after filing an application for an adult foster care family home license, a family child care home certificate of registration, or a group child care home license.

(2) If the foster home is licensed concurrently as an adult foster care family home or a child care group home or registered as a family child care home, the foster parent shall notify the agency if there is a change in the terms of the adult foster care or child care license or registration.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9504 Change of residence; agency notification.**

Rule 504. A foster parent shall inform the agency of any change of residence and submit an application for licensure at the new address not less than 4 weeks before a move.

History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.9505**

**Source:** 1998-2000 AACS.

**R 400.9506 Record management.**

Rule 506. (1) A foster parent shall maintain a record for each foster child in the home.

(2) The record shall contain all of the following current information:

- (a) The child's name and date of birth.
- (b) Any known history of abuse or neglect of the child.
- (c) All known emotional and psychological problems of the child.
- (d) All known behavioral problems of the child.
- (e) Circumstances necessitating placement of the child.
- (f) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.
- (g) Date of placement, date of termination of placement, and reasons for termination of placement.
- (h) Name, address, and telephone number, including emergency telephone number, of the agency and the agency's social service worker who is currently assigned to the child.
- (i) Name, address, and telephone number of the child's physician and dentist.

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- (j) Written consent authorizing the foster parent to obtain routine, non-surgical medical care and to authorize emergency medical and surgical treatment.
  - (k) A report of the child's medical history.
  - (l) Dates of, and reasons for, medical treatment of the foster child.
  - (m) Child's behavior management and discipline plan.
- (3) A foster parent shall store and maintain each record in a manner to prevent unauthorized access or return the documents to the agency.
- (4) When a foster child moves from the foster home all records regarding that child shall be returned to the agency.
- (5) Upon closure of the foster home license, all records provided by the child placing agency shall be returned to the agency.  
History: 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**DIVISION OF CHILD WELFARE LICENSING**  
**JUVENILE FACILITIES**

**R 400.10101**  
Source: 1992 AACS.

**R 400.10103**  
Source: 1992 AACS.

**R 400.10105**  
Source: 1992 AACS.

**R 400.10106**  
Source: 1992 AACS.

**R 400.10107**  
Source: 1992 AACS.

**R 400.10109**  
Source: 1992 AACS.

**R 400.10111**  
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**R 400.10113**  
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**R 400.10115**  
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**R 400.10117**  
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**R 400.10119**  
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**R 400.10121**  
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**R 400.10123**  
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**R 400.10125**  
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**R 400.10127**

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Source: 1992 AACS.

**R 400.10129**

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**R 400.10131**

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**R 400.10133**

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**R 400.10143**

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**R 400.10147**

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**R 400.10167**  
Source: 1992 AACS.

**R 400.10169**  
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**R 400.10171**  
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**R 400.10173**  
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**R 400.10185**  
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**R 400.10187**  
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**R 400.10189**  
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**R 400.10199**  
Source: 1992 AACS.

**PART 2. DETENTION AND SHELTER CARE FACILITIES**

**R 400.10201**  
Source: 1992 AACS.

**R 400.10205**  
Source: 1992 AACS.

**R 400.10207**  
Source: 1992 AACS.

**R 400.10208**  
Source: 1992 AACS.

**R 400.10209**  
Source: 1992 AACS.

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**R 400.10211**  
Source: 1992 AACS.

**PART 3. RESIDENTIAL TREATMENT FACILITIES**

**R 400.10301**  
Source: 1992 AACS.

**R 400.10303**  
Source: 1992 AACS.

**R 400.10305**  
Source: 1992 AACS.

**R 400.10307**  
Source: 1992 AACS.

**R 400.10309**  
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**R 400.10311**  
Source: 1992 AACS.

**R 400.10313**  
Source: 1992 AACS.

**R 400.10315**  
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**R 400.10317**  
Source: 1992 AACS.

**R 400.10319**  
Source: 1992 AACS.

**PART 4. ENVIRONMENTAL HEALTH AND SAFETY**

**R 400.10401**  
Source: 1992 AACS.

**R 400.10403**  
Source: 1992 AACS.

**R 400.10405**  
Source: 1992 AACS.

**R 400.10407**  
Source: 1992 AACS.

**R 400.10409**  
Source: 1992 AACS.

**R 400.10411**  
Source: 1992 AACS.

**R 400.10413**  
Source: 1992 AACS.

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**R 400.10415**  
Source: 1992 AACS.

**R 400.10417**  
Source: 1992 AACS.

**R 400.10419**  
Source: 1992 AACS.

**R 400.10421**  
Source: 1997 AACS.

**PART 5. FIRE SAFETY FOR SMALL, LARGE, AND SECURE FACILITIES**

**R 400.10501**  
Source: 1992 AACS.

**R 400.10503**  
Source: 1992 AACS.

**R 400.10505**  
Source: 1992 AACS.

**R 400.10507**  
Source: 1992 AACS.

**R 400.10509**  
Source: 1992 AACS.

**R 400.10511**  
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**R 400.10513**  
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**R 400.10515**  
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**R 400.10519**  
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**R 400.10521**  
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**R 400.10523**  
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**R 400.10525**  
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**R 400.10527**  
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**R 400.10529**  
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- R 400.10531**  
Source: 1992 AACS.
- R 400.10533**  
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- R 400.10535**  
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- R 400.10537**  
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- R 400.10549**  
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- R 400.10559**  
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- R 400.10561**  
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- R 400.10563**  
Source: 1992 AACS.
- R 400.10565**  
Source: 1992 AACS.

**PART 6. FIRE SAFETY FOR RESIDENTIAL GROUP HOME FACILITIES**

- R 400.10601**  
Source: 1992 AACS.

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- R 400.10603**  
Source: 1992 AACS.
- R 400.10604**  
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- R 400.10605**  
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- R 400.10607**  
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- R 400.10609**  
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- R 400.10611**  
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- R 400.10613**  
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- R 400.10614**  
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- R 400.10615**  
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- R 400.10617**  
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- R 400.10637**  
Source: 1992 AACS.
- R 400.10639**  
Source: 1992 AACS.

**CHILDREN'S AND ADULT FOSTER CARE CAMPS**

**PART 1. GENERAL PROVISIONS**

**R 400.11101**  
Source: 2009 AACS.

**R 400.11102**  
Source: 2009 AACS.

**R 400.11103**  
Source: 2009 AACS.

**R 400.11105**  
Source: 2009 AACS.

**R 400.11106**  
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**R 400.11107**  
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**R 400.11109**  
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**R 400.11111**  
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**R 400.11113**  
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**R 400.11115**  
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**R 400.11117**  
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**R 400.11119**  
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**R 400.11121**  
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**R 400.11122**  
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**R 400.11123**  
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**R 400.11127**  
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**R 400.11133**  
Source: 2009 AACS.

**R 400.11135**  
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**R 400.11137**  
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**R 400.11139**  
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**R 400.11141**  
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**R 400.11143**  
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**R 400.11145**  
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**R 400.11146**  
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**R 400.11147**  
Source: 2009 AACS.

**R 400.11149**  
Source: 2009 AACS.

**R 400.11199**  
Source: 1984 AACS.

**PART 2. FIRE SAFETY**

**R 400.11201**  
Source: 2009 AACS.

**R 400.11203**  
Source: 2009 AACS.

**R 400.11205**  
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**R 400.11207**  
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**R 400.11208**  
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**R 400.11209**  
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**R 400.11211**  
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**R 400.11213**  
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**R 400.11215**  
Source: 2009 AACS.

**R 400.11216**  
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**R 400.11221**  
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**R 400.11223**  
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**R 400.11224**  
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**R 400.11225**  
Source: 1997 AACS.

**R 400.11227**  
Source: 2009 AACS.

**PART 3. ENVIRONMENTAL HEALTH AND SAFETY**

**R 400.11301**  
Source: 2009 AACS.

**R 400.11302**  
Source: 2009 AACS.

**R 400.11303**  
Source: 1998-2000 AACS.

**R 400.11304**  
Source: 2009 AACS.

**R 400.11305**  
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**R 400.11307**  
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**R 400.11309**  
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**R 400.11311**  
Source: 2009 AACS.

**R 400.11313**  
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**R 400.11315**

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Source: 2009 AACS.

**R 400.11317**

Source: 2009 AACS.

**R 400.11319**

Source: 2009 AACS.

**PART 4 HIGH ADVENTURE ACTIVITIES**

**R 400.11401**

Source: 2009 AACS.

**R400.11403**

Source: 2009 AACS.

**R 400.11405**

Source: 2009 AACS.

**R400.11407**

Source: 2009 AACS.

**R 400.11409**

Source: 2009 AACS.

**R 400.11411**

Source: 2009 AACS.

**R 400.11413**

Source: 2009 AACS.

**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**

**DIVISION OF CHILD WELFARE LICENSING**

**CHILD PLACING AGENCIES**

**PART 1. GENERAL PROVISIONS**

**R 400.12101 Definitions.**

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA 116, as amended, being MCL 722.111 to 722.128, and known as the child care organization licensing act.
- (b) "Agency" means a child-placing agency as defined in section 1 of the act.
- (c) "Chief administrator" means the person designated by the licensee as having the day-to-day responsibility for the overall administration of a child placing agency and for assuring the care, safety, and protection of children and families served.
- (d) "Concurrent planning" means simultaneously planning for reunification and alternative permanence.
- (e) "Contribution" means the payment of money or donation of goods or services.
- (f) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking or any other use of physical force as a means of behavior management except as provided in R 400.12313(4).
- (g) "Department" means the Michigan department of human services.
- (h) "Deemed status" means a status conferred on an organization based on a professional standards review by a national accrediting organization that recognizes that the organization's programs meet certain effectiveness criteria.
- (i) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence which demands immediate action.

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- (j) “Foster child” means a person who meets all of the following criteria:
- (i) Resides in an out of home placement based on a court order or who has been reunified with a parent or guardian but continues under the wardship and supervision of the court or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by section 1 of 1973 PA116, MCL 722.111 or has been released by a parent to the department or a child placing agency under to section 22 of 1939 PA 288, MCL 710.22
  - (ii) Is placed with or committed to the department for care and supervision by a court order under section 2 of 1939 PA 288, MCL 712A.2.
  - (iii) Is less than 18 years of age or is 18 years of age or older and was in foster care before turning 18 year of age and agrees to remain in care following termination of court jurisdiction.
- (k) “Foster home” means foster family home or foster family group home, as defined in section 1 of 1973 PA 116, MCL 722.111.
- (l) “Human behavioral science” means a degree from an accredited college or university in any of the following:
- (i) Social work.
  - (ii) Psychology.
  - (iii) Counseling and guidance.
  - (iv) Child development
  - (v) Criminal justice.
  - (vi) Family and child ecology.
  - (vii) Sociology.
  - (viii) Family community services.
  - (ix) Family studies.
  - (x) Family Live education
  - (xi) Human services
- (m) “Independent living” means the placement, by an agency, of a youth who is not less than 16 years old in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.
- (n) “Infant” means a child between birth and 12 months of age.
- (o) “Licensing authority” means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child placing agency.
- (p) “Licensee designee” means the individual who is authorized by the board of directors, or the governing body for a public agency, to act on behalf of the corporation or organization on licensing matters.
- (q) “Member of the household” means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurrent basis.
- (r) “Parent” means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.
- (s) “Placement” means moving a child to an out-of-home living arrangement for purposes of foster care, adoption, or independent living; or from out-of-home placement to another out-of-home placement.
- (t) “Social service supervisor” means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker if the provisions of R 400.12205 are met.
- (u) “Social service worker” means a person who performs social services functions covered by these rules.
- (v) “Staff” means a person who is any of the following:
- (i) Employed by an agency.
  - (ii) A volunteer for the agency.
  - (III) A person who is under contract to the agency.
- (w) “Substantial noncompliance” means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
- (x) “Substitute care provider” means a person who provides care and supervision in the absence of the foster parent for any length of time.
- (y) “Tribe” means a federally recognized tribe.
- (z) “Willful noncompliance” means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

History: 1979 AC; 1998-2000 AACS; 2007 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

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**R 400.12102**

**Source:** 1998-2000 AACS.

**R 400.12103**

**Source:** 1998-2000 AACS.

**R 400.12104 Deemed status.**

Rule 104. (1) The department may accept, for the purpose of determining rule compliance, evidence that the child placing agency is accredited by the council on accreditation or other nationally recognized accrediting body whose standards closely match state licensing regulations.

(2) All of the following apply to deemed status:

(a) The organization may request deemed status when the accreditation site inspection is less than 12 months old.

(b) When deemed status is requested, an organization shall submit a copy of the most recent accreditation report to the department.

(c) An organization shall only be eligible for deemed status if the license is on a regular status.

(3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site inspections or investigations of any rule at intervals determined by the department.

**R 400.12105 Public review.**

Rule 105. An agency shall make all written policies, procedures, and program statements, required by these administrative rules, available for review by the public.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**PART 2. AGENCY SERVICES**

**R 400.12201**

**Source:** 1998-2000 AACS.

**R 400.12202**

**Source:** 2007 AACS.

**R 400.12203 Financial stability.**

Rule 203. (1) An agency shall initially and annually develop and implement a plan of financing for the operation of the agency in carrying out its programs and meeting the requirements for licensing. A plan of financing shall include all of the following:

(a) A listing of all income sources and the anticipated amount of income for the current fiscal year.

(b) An annual budget for the current fiscal year.

(c) A copy of the income and expenditures from the previous fiscal year.

(d) A copy of the nonprofit tax return from the previous fiscal year.

(e) An audit of all financial accounts conducted annually by an independent certified public accountant not administratively related to the agency. A copy of the audit shall be available to the department upon request.

(2) Subdivision (d) and (e) of subrule (1) do not apply to a governmentally operated agency.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12204 Facilities.**

Rule 204. (1) An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.

(2) An agency shall have physical office space with a Michigan street address.

(3) An organization may maintain satellite offices when the following conditions are met:

(a) The agency has notified the department in writing prior to opening the satellite office and has received approval to open the satellite office.

(b) The agency provides on-site supervision at the satellite office at least 2 days a week.

(c) The files are made available for review at the agency main location when requested by the department.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12205 Required staff.**

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Rule 205. (1) An agency shall employ or contract for all of the following staff positions:

- (a) Chief administrator.
- (b) Social service supervisor.
- (c) Social service worker.

(2) An agency shall appoint a chief administrator who possesses at least 1 of the following:

- (a) A master's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 2 years of experience in an agency or child caring institution, at least 1 of which is in a management capacity.
- (b) A bachelor's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 4 years of post-bachelor's degree experience in an agency or child caring institution, at least 2 of which are in a management capacity.

(3) An agency shall report any change of chief administrator by the next business day to the department.

(4) An agency shall appoint a social service supervisor who possesses the qualifications in either of the following:

- (a) A master's degree from an accredited college or university in a human behavioral science or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences and 1 year of experience as a social service worker in an agency, or a child caring institution, or in an agency in a child welfare function.
- (b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which are in an agency or in a child caring institution, or in an agency in a child welfare function.

(5) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.

(6) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.

(7) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (6) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.

(8) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member shall not be more than any of the following:

- (a) Five social service workers per supervisor.
- (b) Fifteen children assigned to a social services worker for purposes of providing direct services in foster care, independent living, adoption, or post adoption services or a combination thereof.
- (c) Thirty certified or enrolled foster homes per social service worker.

History: 1979 AC; 1998-2000 AACs; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12206 Staff qualifications.**

Rule 206. (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who has the ability, experience, education, and training to perform the duties assigned.

(2) An agency's policy on staff qualifications shall state all of the following:

(a) A person who has unsupervised contact with children may not have been convicted of either of the following:

- (i) Child abuse or neglect.
- (ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.
- (b) A person who is listed on the central registry as a perpetrator of child abuse or child neglect shall not have unsupervised contact with children.

History: 1979 AC; 1998-2000 AACs; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12207 Staff responsibilities.**

Rule 207. (1) An agency shall designate that the chief administrator is responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.

(2) An agency chief administrator shall be administratively responsible for all of the following functions:

- (a) Not less than once annually, conduct a written assessment and verify the agency's compliance with the applicable provisions of these rules.
- (b) Assess all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes to identify systemic trends and patterns of those disrupted and unplanned removals.
- (c) Within 6 months, develop and implement a written plan to correct noncompliance identified in subdivision (a) of this subrule and address causes of disrupted and unplanned removals identified in subdivision (b) of this subrule.

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- (d) Provide space for staff and children served to be interviewed privately by police, regulatory staff, or other entities investigating activities of the agency related to safety of children and compliance with statute and promulgated rules.
- (3) An agency shall require that social service workers be directly responsible for all of the following activities:
  - (a) Placing and supervising children in out-of-home care. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.
  - (b) Assessing and certifying private family homes for licensure and supervising the homes.
  - (c) Conducting evaluations of private family homes for purposes of adoption.
  - (d) Assessing of children for adoptive placement.
- (4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but shall not have responsibility for any of the following:
  - (a) Case planning.
  - (b) Selecting placements.
  - (c) Foster home certification.
  - (d) Making visits required under R 400.12419, R 400.12505, R 400.12711 or R 400.12806
  - (e) Conducting adoptive family evaluations.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12208**

**Source:** 1998-2000 AACS.

**R 400.12209 Orientation and training.**

- Rule 209. (1) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 16 hours of orientation after initial appointment and before assumption of assigned duties.
- (2) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 15 hours of training relating to his or her current position within the first year of being assigned to the position.
- (3) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 15 hours of planned training relating to his or her current position annually after the time periods specified in subrules (1) and (2) of this rule.
- (4) The orientation and training specified in subrules (1) and (2) of this rule for each social service worker shall include all of the following topics:
  - (a) Characteristics and needs of children and families served by the agency.
  - (b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.
  - (c) Agency expectations for the social service worker to facilitate and supervise the care of children and to work with families that are served by the agency.
  - (d) Agency expectations for the social service worker's role and responsibility with foster parents and other persons who provide care or services to children and families served by the agency.
  - (e) Agency expectations for developing, maintaining, and reviewing initial and updated service plans for children and families served by the agency.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12210**

**Source:** 1998-2000 AACS.

**R 400.12211**

**Source:** 1998-2000 AACS.

**R 400.12212 Personnel records.**

- Rule 212. (1) An agency shall maintain a personnel record for each staff member.
- (2) The personnel record shall contain all of the following information before employment may occur:
  - (a) Name.
  - (b) Verification of education.
  - (c) Work history.
  - (d) Three references obtained from persons who are unrelated to the staff person.
  - (e) A record of any convictions other than minor traffic violations from either of the following:

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- (i) The Michigan state police or the equivalent state or Canadian provincial law enforcement agency where the person usually resides.
- (ii) An entity accessing either Michigan state police records or equivalent state or Canadian provincial law enforcement agency where the person usually resides.
- (f) If the employee has criminal convictions, the chief administrator or his or her designee shall complete a written evaluation of the convictions that addresses the nature of the conviction, the length of time since the conviction, and the relationship of the conviction to regulated activity.
- (g) A written statement from the employee regarding any convictions.
- (h) Documentation from the department that the person has not been named in a central registry case as the perpetrator of child abuse or neglect in Michigan or in any state where the person lived in the 5 years preceding hire.
- (3) The personnel record shall contain both of the following:
  - (a) A written evaluation of a staff member's performance within a probationary period or not later than 6 months after the staff member assumes his or her current responsibilities. After the initial evaluation, a written evaluation shall be conducted each year.
  - (b) A copy of the job description for the staff member's current position.
- (4) An agency shall maintain an orientation and training record for staff members.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12213**  
**Source:** 1998-2000 AACS.

**R 400.12214**  
**Source:** 2007 AACS.

**PART 3. FOSTER HOME CERTIFICATION**

**R 400.12301**  
**Source:** 1998-2000 AACS.

**R 400.12302**  
**Source:** 1998-2000 AACS.

**R 400.12303. Policy and procedures.**

Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure. An agency may not have a policy related to certifying homes that violates section 102 of the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2102.

(2) Policies and procedures shall cover all of the following areas and be on forms provided, and in a manner prescribed, by the department:

- (a) Recruitment and retention.
- (b) Certification training.
- (c) Application request.
- (d) Orientation.
- (e) Application submission.
- (f) Records check.
- (g) Initial evaluation.
- (h) Foster parent/agency agreement.
- (i) Foster parent training.
- (j) Behavior management.
- (k) Religion.
- (l) Communication.
- (m) Personal possessions.
- (n) Allowance and money.
- (o) Clothing.
- (p) Substitute care.
- (q) Supervision.
- (r) Hazardous materials.
- (s) Unusual incidents.

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- (t) Emergency policy.
- (u) Reevaluation.
- (v) License recommendation.
- (w) Borrowed home.
- (x) Special evaluation.
- (y) Foster home record.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12304. Recruitment and retention.**

Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes to meet the needs of children served by the agency.

(2) An agency shall develop, implement, and maintain a program of foster home retention that includes foster parent involvement.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12305. Certification training.**

Rule 305. (1) An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.

(2) An agency shall ensure that all social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12306 Application request.**

Rule 306. (1) An agency shall provide an orientation for prospective applicants for a foster home license before a foster home application is provided.

(2) An agency shall document that the applicant has expressed a willingness to care for the types of children served by the agency before providing a foster home application.

(3) An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all of the following:

- (a) A copy of the act.
- (b) Administrative rules for foster homes.
- (c) Administrative rules for child placing agencies.
- (d) Good moral character rules.
- (e) The child protection law.
- (f) The children's ombudsman act.
- (g) The agency's program statement.
- (h) The agency's foster care services policies.
- (i) The agency's foster parent training requirements.

(4) An agency shall document that the licensee has been given an application for renewal of the license not less than 60 calendar days before the expiration date of the license.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12307 Orientation.**

Rule 307. An agency foster parent orientation shall consist of all of the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children placed by the agency.
- (c) Attachment and separation issues.
- (d) Impact of fostering on the foster family.
- (e) Role of the foster family.
- (f) Licensing process.
- (g) Grievance procedure.
- (h) Importance of a child's family.
- (i) Parent and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.

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- (m) Provisions of the children's ombudsman act.
- (n) Provisions of the child protection act.
- (o) Foster care review board appeal procedures.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12308**

**Source:** 1998-2000 AACCS.

**R 400.12309 Records check.**

Rule 309. (1) An agency shall, upon receipt of an application, request the department of state police to conduct both a criminal history check and a criminal records check through the federal bureau of investigation for applicants. The agency shall also request the department to conduct a criminal history check on all persons residing in the home over 18 years of age. Additional checks shall pertain to previous licenses, and substantiated child abuse and neglect records for all applicants and persons residing in the home 18 years of age or over in Michigan and in all states where the applicant has resided in the 5 years preceding the application.

(2) An agency shall initiate a new records check if it receives information indicating a lack of good character or suitability of any person residing in the home who is 18 years of age or over who is not a licensee.

(3) An agency shall initiate a criminal history check of a resident minor within 30 days after turning 18 years of age.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12310 Initial evaluation.**

Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

(a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:

(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.

(ii) Educational history and any special skills and interests.

(iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.

(iv) Physical, mental, and emotional health of each member of the household.

(v) Any history of substance abuse, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment received.

(vi) Current substance use, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment currently being received.

(vii) Parenting skills and attitudes toward children.

(viii) Methods of discipline of children.

(ix) Adjustment and special needs of the applicant's own children including children not living in the home.

(x) Strengths and weaknesses of each member of the household.

(xi) Experiences with own parents and any history of out-of-home care.

(xii) Reasons for applying to be a foster family.

(xiii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.

(xiv) Willingness to accepting a foster child with the child's individual characteristics, needs, and background.

(xv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.

(xvi) Willingness and ability to work with birth families and to understand the foster child's attachment to the birth family.

(xvi) An understanding of and willingness to participate in concurrent planning.

(xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.

(xix) Existence of social support system and alternate care providers.

(xx) Spirituality or religious beliefs.

(b) Previous adoption evaluations or placements.

(c) Previous criminal convictions, and substantiated child abuse or neglect ~~for~~ investigations or concerns brought to the agency's or department's attention for any member of the household.

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- (d) Three current references from persons not related to the applicants. The agency shall evaluate any negative references.
  - (e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the initial evaluation.
  - (f) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
  - (g) Assessment of the neighborhood, schools, ~~and~~ community and available resources.
  - (h) The age, number, gender, race, ethnic background, and the special characteristics of children preferred by the applicants.
  - (i) Training needs of the family.
- (4) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications shall include the following:
- (a) Age;
  - (b) Gender
  - (c) Race
  - (d) Number of children preferred by the family.
  - (e) Characteristics of children best served by the family,
  - (f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (5) An agency shall inform the applicant of the department's policies and procedures regarding concurrent planning.
- (6) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.
- History: 1979 AC; 1998-2000 AACCS; 2007 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12311 Foster parent/agency agreement.**

- Rule 311. (1) An agency shall have a written foster parent/agency agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.
- (2) The foster parent/agency agreement shall contain all of the following provisions:
- (a) The responsibilities of the agency.
  - (b) The services to be provided to foster children and the foster family.
  - (c) The responsibilities of the foster family.
  - (d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.
  - (e) The role of the lawyer guardian ad litem and the court.
- (3) An agency shall document review of the foster parent/agency agreement with the foster family at least annually and, when needed, develop a new agreement.
- (4) An agency shall give a foster family a copy of the signed current foster parent/agency agreement.
- History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12312 Foster parent training.**

- Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.
- (2) The foster parent training plan shall provide for all of the following:
- (a) The individual training needs of the foster parents.
  - (b) Not less than 12 hours of training to be completed by each person named on the license before a recommendation is made for licensure. Not more than 6 hours of orientation may be included as part of the initial 12 hours of training.
  - (c) Not less than 6 hours of training annually for each licensee after the time periods specified in subdivisions (b) of this subrule.
- (3) The training specified in subrule (2)(a), and (b), of this rule shall address all of the following areas:
- (a) Characteristics and needs of children who may be placed into the home.
  - (b) Safe sleep practices for infants.
  - (c) Effective parenting.
  - (d) Behavior management, including de-escalation techniques.
  - (e) Importance of the foster child's family.
  - (f) Concurrent planning.
  - (g) Role of the agency.
  - (h) Emergency procedures, first aid, and fire safety.
  - (i) Preparation of the foster child for permanence and independence.
  - (j) The role of the court and lawyer guardian ad litem in permanency planning.

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- (4) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross or other institution approved by the department.
- (5) An agency shall document all training received by each foster parent.

History: 1979 AC; 1998-2000 AACS; 2007 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12313 Behavior management policy.**

Rule 313. (1) An agency's behavior management policy shall identify appropriate and specific methods of behavior management for foster children.

(2) An agency shall ensure that methods of behavior management for a foster child are positive and consistent, based on each foster child's needs, stage of development, and behavior, and promote self-control, self-esteem, and independence. Problems of child training shall be handled with sympathy and understanding.

(3) All of the following are prohibited:

- (a) Corporal punishment, excessive restraint, or any kind of punishment inflicted on the body.
- (b) Confinement in an area such as a closet or locked room.
- (c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.
- (d) Mental or emotional cruelty.
- (e) Verbal abuse, threats, or derogatory remarks.
- (f) Prohibiting visits or communication with a foster child's family.
- (g) Denial of necessary educational, medical, counseling, or social work services.

(4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or to prevent serious property damage.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12314 Religion policy.**

Rule 314. An agency's religion policy shall, at a minimum, ensure that the foster child has the opportunity to receive religious instruction and attend religious services. A foster child shall not be required to attend religious services or follow specific religious doctrine.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12315 Communication.**

Rule 315. An agency's communication policy shall ensure that a child is able to communicate with family and friends in a manner appropriate to the child's functioning and consistent with the child's treatment plan.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12316 Personal possessions.**

Rule 316. An agency's personal possessions policy shall, at a minimum, address both of the following:

- (a) Assuring that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.
- (b) All gifts and clothing that are purchased for the child during placement with the foster family shall remain the property of the foster child.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12317 Allowance and money policy.**

Rule 317. (1) The agency's policy on allowance shall, at a minimum, specify the following:

- (a) General guidelines that provide a monetary range based on a child's age.
- (b) Allowance for specific youth will be determined by the social services worker and the foster parent based on the child's age and treatment needs.
- (c) How the agency monitors allowance.

(2) Any money earned or received directly by the child remains the property of the child.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12318 Clothing policy.**

Rule 318. The agency's clothing policy for foster parents shall specify both of the following:

- (a) A foster parent shall ensure that a foster child has the minimum required clothing specified by the agency's policy and leaves the foster home with not less than the minimum required clothing.

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(b) All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12319 Substitute care policy.**

Rule 319. An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:

- (a) Qualifications for substitute caregivers, consistent with the requirements of 1973 PA 116 and child care licensing rules.
- (b) Conditions under which substitute care may be utilized.
- (c) Any planned substitute care shall be consistent with the child's treatment plan.
- (d) Notification of the agency, by the foster parent, before the beginning of any planned overnight substitute care.
- (e) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.
- (f) A foster parent must notify any substitute care provider of the agency's policies relating to care and supervision and the care provider must follow the policies.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12320 Supervision.**

Rule 320. An agency's supervision policy shall, at a minimum, state that a foster parent shall provide appropriate care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12321 Hazardous materials policy.**

Rule 321. An agency's hazardous materials policy shall, at a minimum, contain both of the following provisions:

- (1) Dangerous and hazardous materials, objects, weapons, chemicals, medication, or equipment that may present a risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.
- (2) Proper handling of firearms includes the following:
  - (a) Storage in a locked metal or solid wood gun safe, or trigger-locked and without ammunition in a locked area.
  - (b) Storage of ammunition in a separate locked location.
  - (c) Registration of a handgun. Documentation of the registration of the handgun shall be available for review.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12322 Unusual incident policy.**

Rule 322. (1) An agency's unusual incident policy shall, at a minimum, include immediate notification to the agency by the foster parent of either of the following incidents:

- (a) When a foster child is missing from a foster home.
  - (b) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.
- (2) An agency's unusual incident policy shall, at a minimum, include notification to the agency by the foster parent of any of the following incidents within 24 hours of knowledge of the incident:
- (a) A foster child's involvement with law enforcement authorities.
  - (b) Any illness or injury that requires hospitalization or emergency medical care of a foster child.
  - (c) Pregnancy of a foster child.
  - (d) Incidences of child-on-child abuse.
  - (e) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12323 Emergency policy.**

Rule 323. (1) An agency's emergency policy shall, at a minimum, contain provisions for ensuring that a foster parent has agency-approved written procedures for each of the following emergencies:

- (a) Fire.
  - (b) Tornado.
  - (c) Serious accident or injury.
- (2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.

History: 2015 MR 23, Eff. Jan. 5, 2015.

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**R 400.12324 Reevaluation.**

- Rule 324. (1) An agency shall conduct an annual on-site visit and complete a written reevaluation of a foster home.
- (2) The annual reevaluation shall include a determination and assessment of all of the following:
- (a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.
  - (b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.
  - (c) Training needs of the family.
  - (d) Compliance with the licensing rules for foster homes.
  - (e) Compliance with the agency's written policies and procedures.
- (3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.
- (4) An agency shall document placement specifications consistent with the information contained in the reevaluation. The placement specifications shall include all of the following:
- (a) Age,
  - (b) Gender,
  - (c) Race,
  - (d) Number of children preferred by the family,
  - (e) Characteristics of children best served by the home,
  - (f) Children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (5) An agency shall inform the foster parent of and discuss the agency's policy and procedures regarding concurrent planning.
- (6) An agency shall complete a licensing record clearance request form on each adult non-licensee member of the household, including foster youth who turn 18 years of age, prior to each renewal and shall assess the results of the record check.
- (7) An agency shall notify the foster parent that a copy of the reevaluation is available upon request.
- (8) An agency shall complete a reevaluation and shall make a licensing recommendation to the department at least 15 calendar days before the expiration date of the foster home license.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12325 License recommendation.**

- Rule 325. (1) An agency shall recommend to the department the appropriate licensing action consistent with facts contained in the foster home evaluation and any special evaluations.
- (2) An agency shall document foster home license changes in the foster home record and shall communicate the changes immediately to the department in the manner prescribed by the department.
- (3) Except for an original license, an agency shall recommend to the department the issuance of a regular license or the continuation of an active license only when all rules are in compliance or both of the following conditions exist:
- (a) All non-compliances relating to the recommendation are correctable.
  - (b) A written corrective action plan has been developed. The plan shall be in compliance with all of the following requirements:
    - (i) Specify the methods, the persons responsible, the time frames for correction; methods for ensuring the safety of any children placed in the home; how continuing compliance will be maintained once compliance is achieved; consequences if the corrective action plan is not completed; and what documentation will be required to demonstrate compliance or completion.
    - (ii) Require that the corrective action be completed within six (6) months of being signed.
    - (iii) Be signed and dated by the foster parent and the agency.
- (4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when both of the following conditions exist:
- (a) The agency complies with subrule (3)(a) and (b) of this rule.
  - (b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.
- (5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license only when both of the following conditions exist:
- (a) The applicant or the foster parent falsifies information or, the applicant or the foster parent willfully and substantially violates the act, 1 or more of the licensing rules for foster homes, or the terms of the license,
  - (b) The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.
- (6) An agency shall provide the department with all documentation that details the basis for the agency's recommendation or any requested documentation for a department licensing action.

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(7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12326 Borrowed home.**

Rule 326. (1) Before placing a child in a foster home certified by another agency or tribe, the agency shall have a record containing all of the following documents:

- (a) Prior approval from the certifying agency authorizing the placement of a child in the home.
  - (b) Documentation that the foster parent is willing to accept the foster child.
  - (c) A copy of the initial evaluation with written endorsement by the borrowing agency that the evaluation is acceptable.
  - (d) A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable.
  - (e) A list of all children currently placed in the home.
  - (f) Documentation that the foster parent has received orientation to the policies of the borrowing agency.
  - (g) A copy of the foster parent /agency agreement signed by the foster parent and the borrowing agency.
  - (h) A copy of the current children's foster home license application and children's foster home licensing transaction record documents from the certifying agency.
  - (i) A copy of all special evaluations completed during the last 2 years.
- (2) The borrowing agency is responsible for securing the items identified in subrules (1) (d), (e), (g), (h), and (i) of this rule annually for the duration of the child's placement.
- (3) The certifying agency is responsible for certification functions, including special evaluations, and shall share all information regarding changes in the home with all agencies that have children in placement in the home.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12327 Special evaluation.**

Rule 327. (1) An agency shall do all of the following when anyone in the agency receives information that relates to possible noncompliance with any foster home rule:

- (a) Submit a special investigation record to the department's licensing authority within 5 working days in the manner prescribed by the department.
  - (b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.
  - (c) Conduct a thorough investigation including all necessary collateral contacts.
  - (d) Notify all social service workers who have children placed in the home that a special evaluation has been initiated.
- (2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation:
- (a) That a special evaluation has been initiated.
  - (b) A clear description of the allegations.
  - (c) That the foster parents may involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.
- (3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension and the expected length of the extension. The total time for the completion of the investigation shall not exceed 90 calendar days without written approval from the chief administrator or his or her designee.
- (4) Before completion of the written report required by subrule (6) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.
- (5) Within 15 days of the conclusion of the evaluation, an agency shall complete a written report that includes all of the following information:
- (a) The date the information was received.
  - (b) Identification of the information source, unless anonymous or confidential, as specified in the child protection law, 1975 PA 238, MCL 722.621 to 722.638.
  - (c) The allegations.
  - (d) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names shall not be included in the report.
  - (e) Findings of fact, based upon the evaluation.
  - (f) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.

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(g) Any change in the agency's decision regarding the number, gender, age, race, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.

(h) Recommendations regarding licensing action and any required corrective action.

(6) An agency shall do all of the following:

(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.

(b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.

(c) Provide a copy of the report to any social services worker that has children placed in the home.

(7) If any violations are cited and there is a signed corrective action plan, all social service workers who have children placed in the home shall be notified there is a corrective action plan and what is required of the foster parent in that plan.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12328 Foster home record.**

Rule 328. (1) An agency shall maintain a foster home record for each foster home.

(2) The record shall contain all of the following information:

(a) All documents pertaining to certification of the home.

(b) Any special evaluation reports.

(c) Placement agreements between a foster parent and the agency.

(d) A placement list of all children placed in the foster home, including all of the following information about each child:

(i) Name, age, gender, and race of the child.

(ii) Date of placement.

(iii) Date of, and reasons for, a child's removal from the foster home.

(e) Any written response from a foster parent, as provided by R 400.12327(6)(b).

(3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:

(a) Pending evaluation reports and documents.

(b) Records of privileged communication.

(c) Criminal records, police reports, child protective services information, and social security numbers from any source.

(4) An agency shall maintain records for not less than 7 years after closure.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**PART 4. FOSTER CARE SERVICES**

**R 400.12401**

Source: 1998-2000 AACS.

**R 400.12402**

Source: 1998-2000 AACS.

**R 400.12403. Policy and procedures.**

Rule 403. (1) An agency shall have and follow written policies and procedures for the foster care services provided.

(2) The policies and procedures shall cover at least all of the following areas:

(a) Placement.

(b) Change of placement.

(c) Education.

(d) Clothing.

(e) Medical and dental care.

(f) Unusual incidents.

(g) Hazardous materials.

(h) Foster parent information.

(i) Service plans.

(j) Visitation.

(k) Foster care record.

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(3) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12404. Placement.**

Rule 404 (1) An agency shall only place a child with an adult who is legally related to the child, is a legal custodian, or in a licensed foster home, except as permitted in R 400.12709.

(2) Initial consideration shall be given to placement with a relative and/or placing siblings together.

(3) An agency's placement of a child in a foster home shall be consistent with the placement specifications for the home.

(4) An agency shall consider all of the following factors in selecting an appropriate placement for a child:

(a) The permanency goal for the child.

(b) The physical, emotional, and educational needs of the child.

(c) Expressed preferences of the child.

(d) The child and child's family's religious preference.

(e) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, previous foster parents, and other persons significant to the child.

(f) The availability of placement resources for the purpose of making a timely placement.

(5) The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(6) Before the placement of a child, the agency shall document preparation, regardless of the child's age, that explains all of the following to all relevant parties:

(a) The circumstances necessitating placement.

(b) The child's individual needs.

(c) Any special problems presented.

(7) An agency shall document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) and all of the following information:

(a) All of the following child characteristics:

(i) Gender.

(ii) Race.

(iii) Height and weight.

(iv) Eye color and hair color.

(v) Identifying marks.

(vi) Religious preference.

(vii) School status, including grade, last school attended, and educational program.

(b) Name, known addresses and marital status of the child's parents or legal guardian, if any.

(c) Names, ages, and known addresses of any siblings.

(d) Known names, addresses, and dates of any previous out-of-home placements.

(e) The date that the agency received the child for placement.

(f) The child's legal status and the agency's legal right to provide care.

(g) Documentation of the child's placement preparation.

(h) A photograph of the child at the time of placement.

(i) Documentation that American Indian ancestry was assessed.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12405 Change of placement.**

Rule 405. (1) An agency shall make every reasonable effort to maintain a stable placement for each child placed in foster care. The efforts shall be documented in the child's record.

(2) An agency shall give first consideration to returning the child to a parent.

(3) The agency shall document all of the following in the child's record before a change of placement occurs:

(a) Reason for the change in placement.

(b) If the child is not returned to the parent, then the reason why return is not possible.

(c) If the child is not reunited with siblings or placed with a relative, then the reason why those placements are not possible.

(d) Consideration of the factors identified in R 400.12404(4).

(e) Replacement preparation, regardless of the child's age, appropriate to the child's capacity to understand, which includes an explanation to all relevant parties as to why the change is necessary.

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- (f) Notification to the parents, referral source, lawyer guardian ad litem, and courts when applicable, of the change in placement.
- (g) Information about the child was shared with the new placement, consistent with the requirements of R 400.12417.
- (h) The child's new location and address.
- (i) That the current foster parent was notified in writing of the following information:
  - (i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.
  - (ii) Of the current foster parent's rights concerning the change in placement.
  - (j) Supervisory approval before the change.
- (4) If an emergency change in placement is necessary, then all of the documentation required in subrules (2) and (3) of this rule shall be in the child's record within 14 calendar days after the change in placement.
- (5) If an agency is no longer providing services to the child in a foster home, then both of the following shall be documented before a change in placement:
  - (a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.
  - (b) Provision for any continuing services.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12406 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12407 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12408 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12409 Education.**

Rule 409. An agency's education policy shall ensure that, within 5 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12410 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12411**

**Source:** 1998-2000 AACCS.

**R 400.12412 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12413 Medical and dental care policy.**

Rule 413. (1) An agency's medical and dental care policy shall, at a minimum, include all of the following:

- (a) The provision of routine medical care.
- (b) The provision of emergency medical, surgical, and dental care.
- (c) A physical examination for each child as follows, unless a greater frequency is medically indicated:
  - (i) For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.
  - (ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.
  - (iii) A physical examination every 14 months.
- (d) Current immunizations for each child as required by section 5111 of 1978 PA 368, MCL 333.5111. All of the following apply:
  - (i) A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations.

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(ii) A copy of a waiver addressed to the department of community health signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons is sufficient documentation of immunizations.

(iii) If documentation of immunization or a copy of the waiver is unavailable, then immunizations shall begin within 30 calendar days of placement.

(e) The provision of any dental treatment necessary for a child who is less than 4 years of age.

(f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:

(i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.

(ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.

(2) An agency shall have documentation from the medical or dental provider of all medical and dental care received by a foster child.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12414 Rescinded.**

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12415 Incident reporting policy.**

Rule 415. (1) An agency's incident reporting policy shall, at a minimum, include the following:

(a) Immediate notification to the foster child's parents, the responsible agency, and guardian ad litem as applicable, if either of the following occurs:

(i) When a foster child is missing from a foster home.

(ii) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.

(b) Notification of the foster child's parents, the responsible agency, and guardian ad litem as applicable within 24 hours of knowledge of the following:

(i) Any illness or injury that requires hospitalization of emergency medical care of a foster child.

(ii) A foster child's involvement with law enforcement authorities.

(iii) Pregnancy of a foster child.

(iv) Incidences of a foster child being abused.

(2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child:

(a) The child's parents.

(b) The referring agency.

(c) The department licensing authority.

(d) The lawyer guardian ad litem and court, as applicable.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12416 Rescinded.**

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12417 Foster parent information.**

Rule 417. (1) An agency shall provide a foster parent with all of the following information before the placement or replacement of a child:

(a) Child's name.

(b) Child's date of birth.

(c) Available known information about the child's health.

(d) Any known history of abuse or neglect of the child.

(e) All known emotional and psychological factors relating to the care of the child.

(f) All known behaviors of the child.

(g) Circumstances necessitating placement or replacement of the child.

(h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.

(i) Name of assigned social service worker.

(j) Authorization to provide routine and emergency medical care.

(2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the agency shall provide information to the foster parent within 7 calendar days of the placement.

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(3) After the child is placed, and on an ongoing basis, the agency shall notify the foster parent of any known information that will enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12418 Development of service plans.**

Rule 418. (1) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, or medical care, unless the agency documents why any of the entities have not been involved.

(2) An agency shall complete written service plans for each child and parent or parents, as follows:

(a) Within 30 calendar days from removal from the home.

(b) Within 120 calendar days after the initial removal and at least once every 90 calendar days thereafter.

(3) When case responsibility changes from 1 child placing agency to another child placing agency, a modified service plan must be completed within 30 calendar days of the change in agency responsibility if no other plan is done within 30 days. The plan shall address why the agency responsibility changed and whether there are any modifications to existing service plans.

(4) An agency shall place service plans in the case record, give a copy to and review the plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.

(5) An agency shall involve the foster parents in the development of service plans to enable the foster parents to understand the plan for the child and the foster parent's role in assisting the agency in carrying out the plan.

(6) Service plans shall be signed by the social services worker and the social services supervisor.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12419 Initial service plans.**

Rule 419. (1) The initial service plan, as required in R 400.12418(2)(a), shall include all of the following information:

(a) Dates, types, and places of agency contacts and persons contacted.

(b) Circumstances necessitating placement.

(c) Assessment of the placement selection criteria as required under R 400.12404(4).

(d) A social history pertinent to the circumstances necessitating placement that assesses the child and all persons in the child's family to determine the services best suited to meet the child's needs.

(e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement. The plan shall include all of the following information:

(i) The permanency goal for the child.

(ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.

(iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.

(iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this subdivision.

(v) Projected length of placement in foster care.

(f) Specific goals, as appropriate, to meet the child's needs in the following areas:

(i) Education

(ii) Health

(iii) Vocational training

(iv) Psychological, psychiatric, and mental health services

(g) Plans for visits between the child, siblings, the child's family, and any other person.

(h) The child management plan to be used by the foster parent.

(2) If parental rights have not been terminated, the service plan shall include all of the following:

(a) An assessment of the parents' needs as they relate to the care of the child.

(b) The parents' role while the child is in placement, including parenting time.

(c) The requirements to be met for the return of the child.

(d) The time frames for meeting the stated requirements.

(e) Documentation of how the parents were informed of their rights and responsibilities in the care of their child.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12420 Updated service plans.**

Rule 420. (1) An updated service plan, as required in R 400.12418(2)(b), shall include all of the following information:

(a) Dates, types, and places of agency contacts and persons contacted.

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- (b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.
- (c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.
- (d) Assessment of progress in achieving the permanency goal for the child.
- (e) A plan which includes any changes made since the previous plan and which has the content specified in R 400.12419.
- (f) Plans for visits between the child, siblings, the child's family, and any other person.
- (g) A child management plan which includes any changes made since the previous plan and which is to be used by the foster parents.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12421 Visitation and parenting time.**

Rule 421. An agency shall have a policy regarding visitation and parenting time that contains, at a minimum, all of the following:

- (a) A plan of visitation for each child in foster care consistent with the child's service plans, as required by R 400.12419 and R 400.12420 to assure the safety and well being of the child.
- (b) An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every month.
- (c) Provisions for visits between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.
- (d) Provisions for visits between siblings who are not placed together except when there is a court determination that visits are detrimental to either child.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12422 Foster care record.**

Rule 422. (1) An agency shall maintain a record for each child in its foster care program.

- (2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.
- (3) The record shall contain all of the following information:
  - (a) Initial service plan.
  - (b) Any required updated service plans.
  - (c) Medical and dental records.
  - (d) Placement documentation as required by R 400.12404.
  - (e) Change of placement documentation as required by R 400.12405.
  - (f) Plan of visitation and parenting time as required by R 400.12421.
  - (g) A photograph taken at least annually.
- (4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the child.
- (5) If an agency ceases operating as a child placing agency, the records shall be returned to the child's referring agency.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**PART 5. INDEPENDENT LIVING SERVICES**

**R 400.12501**

Source: 1998-2000 AACCS.

**R 400.12502 Program statement.**

Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of living arrangements approved.
- (b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning and youth not appropriate for the program.
- (c) Services provided.
- (d) Means of financial support for the youth.
- (e) Supervision.
- (f) Educational and vocational or work requirements.

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- (g) Medical and dental care.
- (h) Basis for termination.
- (2) An agency shall give a copy of the program statement to a youth before placement in independent living.  
History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12503 Policy and procedures.**

Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Eligibility requirements for youth to participate in the program.
- (b) Types of living arrangements provided or approved.
- (c) Contract between youth and agency.
- (d) Service plans.
- (e) Supervision provided by the agency.
- (f) Amount of financial support and how it is disbursed.
- (g) Education/vocational training/employment.
- (h) Medical, dental, and mental health care.
- (i) Independent living record.
- (j) Termination.

(3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by this rule.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12504 Eligibility requirements.**

Rule 504. (1) An agency shall document the rationale for selection of independent living as the most appropriate placement for the youth.

(2) All of the following shall be in the case record before a youth is placed in independent living:

- (a) How the youth meets the eligibility requirements for the specific program the youth is being placed into.
- (b) The basis for concluding that a youth exhibits self-care potential.
- (c) That the youth's social service worker has personally observed and determined that the living situation is safe and that the youth has a bed and has access to cooking and bathing facilities.
- (d) The availability of specific and relevant resources that provide for suitable social, physical, educational, vocational, and emotional needs of a youth.
- (e) An evaluation of a youth's need for supervision and a plan for providing the level of supervision determined necessary.
- (f) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12505 Supervision.**

Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(e).

(2) An agency shall provide the following minimum supervision:

- (a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.
- (b) At monthly intervals, ensure that the youth is complying with the terms of the contract required by R 400.125010, continues to reside in a safe and acceptable environment, and is managing expenditures.
- (c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12506 Education/vocational training/employment.**

Rule 506. An agency shall ensure that a youth in independent living is employed full-time, actively involved in job training or continuing education, or a combination of employment and education.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12507 Medical/dental and mental health care.**

Rule 507. (1) An agency shall ensure that a youth in independent living receives any needed medical, dental, and mental health care as required in R 400.12413. Medical, dental, and mental health care provided shall be documented in the youth's record.

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(2) For a youth who become 18 years of age while in the program or who enters independent living after the age of 18, the agency shall provide information on how to access needed medical, dental, and mental health services and shall actively, and on an ongoing basis, encourage participation in needed medical, dental, and mental health services.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12508 Rescinded.**

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12509 Independent living record.**

Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.

(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.

(3) The case record shall contain all of the following information and documentation, which shall be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days:

(a) All of the following personal information pertaining to the youth:

(i) Name.

(ii) Social security number.

(iii) Address and telephone number.

(iv) Date of birth.

(v) Gender

(vi) Race.

(vii) Height.

(viii) Weight.

(ix) Hair color.

(x) Eye color.

(xi) Identifying marks.

(xii) A photograph updated on an annual basis.

(b) Documentation of the agency's legal right to place a youth.

(c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.

(d) The names, dates of birth, and addresses of the youth's siblings, if applicable.

(e) The names and addresses of any offspring.

(f) The names and addresses of any other significant persons.

(g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.

(h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.

(i) Current adjustment.

(j) The youth's relationship with family members and agency efforts to resolve family conflicts.

(k) Medical and dental records.

(l) Birth certificate

(m) Placement documentation as required by R 400.12404.

(n) Change of placement documentation as required by R 400.12405.

(o) Service plans as required in R 400.12419 and R 400.12420. If the youth has biological children, the service plan must address the living arrangement for the child or children, visitation/parenting time with the youth's biological children or a clear explanation why this is not possible or appropriate.

(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the youth.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12510 Independent living contract.**

Rule 510. (1) There shall be a mutually agreed upon contract between the youth and the agency specifying all of the following:

(a) The responsibilities of the agency and the youth.

(b) A plan for education or work.

(c) An agreement for the youth to meet with the worker at least one time per calendar month.

(d) The location where the youth is living.

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(2) The agreement shall be signed and dated by the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12511 Termination.**

Rule 511. (1) When an agency terminates its independent living services for a youth, the agency shall document all of the following information in the case record within 30 calendar days of termination of its services:

- (a) The reason for the termination.
- (b) The youth's new location.
- (c) A summary of the services provided during care and the needs that remain to be met.
- (d) Provision for any follow-up services.

(2) An agency shall ensure and document that each youth who ends independent living is provided with all of the following:

- (a) Basic information about health, housing, counseling/mental health services, and emergency resources.
- (b) A birth certificate.
- (c) A social security card.
- (d) The youth's funds and personal property.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**PART 6. ADOPTION EVALUATION SERVICES**

**R 400.12601**

**Source:** 1998-2000 AACS.

**R 400.12602 Program statement.**

Rule 602. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

- (a) Services and functions provided directly or indirectly.
- (b) Geographical area covered.
- (c) Eligibility requirements for adoptive parents.
- (d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services that includes specific charges for expenses and services, within and outside the agency, and differentiates between the charges that are refundable and the charges that are not refundable.
- (e) Training requirements.
- (3) An agency shall document that the statement was provided to all persons making inquiry about the agency's services.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12603 Policy and procedures.**

Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Orientation.
- (b) Training requirements.
- (c) Adoptive evaluation.
- (d) Agency recommendation.
- (e) Adoption evaluation record.
- (f) Grievance policy as required by R 400.12210.

(3) An agency shall document that the policies and procedures were provided to all persons making inquiry about the agency's services.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12604 Orientation and application.**

Rule 604. (1) An agency shall provide an orientation for prospective applicants for adoption before an adoptive application is provided. The orientation shall include a review of all of the following:

- (a) Program statement, policies, and procedures.
- (b) Needs and characteristics of children available for adoption.
- (c) Services and resources available.
- (d) Fees and charges.

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- (e) Legal process.
  - (f) Training requirements.
  - (g) Post adoption service availability.
  - (2) An agency shall, upon request, provide an adoptive application to an interested family.
  - (3) An agency may consider an application withdrawn after 90 days if the applicant fails to cooperate with the completion of the evaluation process.
- History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12605 Adoptive family evaluation.**

- Rule 605. (1) An agency social service worker shall complete a written adoptive evaluation within 90 days of the family signing an adoption application and prior to approving a family for adoption.
- (2) The report shall include the dates and places of contacts and persons interviewed or observed.
  - (3) The report shall be an assessment of all of the following:
    - (a) Visits at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all of the following:
      - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.
      - (ii) Educational history and any special skills and interests.
      - (iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.
      - (iv) Physical, mental, and emotional health of each member of the household.
      - (v) Any history of substance abuse of each member of the household.
      - (vi) Parenting skills and attitudes toward children.
      - (vii) Methods of discipline of children.
      - (viii) Adjustment and special needs of the applicant's own children, including children not living in the home.
      - (ix) Strengths and weaknesses of each member of the household.
      - (x) Experiences with own parents and any history of out-of-home care.
      - (xi) Reasons for adopting.
      - (xii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.
      - (xiii) Willingness to accept an adoptive child with the child's individual characteristics, needs, and background.
      - (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.
      - (xv) Willingness and ability to understand an adopted child's attachment to the birth family and other significant relationships.
      - (xvi) An understanding of and willingness to participate in concurrent planning.
      - (xvii) Willingness and ability to give an adopted child guidance, love, and affection and accept the child as a member of the household.
      - (xviii) Existence of social support system and alternate care providers.
    - (b) Previous adoption evaluations or placements.
    - (c) Previous criminal convictions, and substantiated child abuse or neglect investigations or concerns brought to the agency's or department's attention for any member of the household.
    - (d) Three current references from persons not related to the applicants. There shall be an evaluation of any negative references.
    - (e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of an adoptive child. The statement shall be signed by a physician within the 12-month period before the adoptive evaluation.
    - (f) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
    - (g) Assessment of the neighborhood, schools, community, and available resources for the purpose of adoption.
    - (h) The plan for guardianship of the child or children in the event of the parent or parents' death or permanent disability preventing continuation of parental responsibility.
    - (i) The family's plan to discuss adoption with any child adopted.
    - (j) Training needs of the family.
    - (k) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.
- History: 1979 AC; 1998-2000 AACS; 2007 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

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**R 400.12606 Training requirements.**

Rule 606. An agency shall document that an applicant for adoption has, at a minimum, had training in all of the following areas:

- (a) Separation.
- (b) Attachment and bonding.
- (c) Child development, including safe sleep practices for children under 1 year of age.
- (d) Behavioral and emotional needs of adoptive children.
- (e) Impact of adoption on the family.
- (f) Post adoption service availability.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12607 Agency recommendation.**

Rule 607. (1) An agency shall recommend the appropriate action consistent with the facts contained in the adoptive evaluation. An agency shall make a written recommendation based on the findings of the adoptive family evaluation.

(2) The recommendation shall include all of the following:

- (a) Be in writing.
- (b) Contain approval or denial of the applicants for adoption by a social service supervisor.
- (c) If approved, the number, gender, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicants' home. A child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (3) If an agency concludes that an individual is not approved, then the basis for the decision shall be specified in the recommendation.
- (4) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12608 Adoptive family evaluation record.**

Rule 608. (1) An agency shall retain a case record for each applicant for adoption.

(2) The record shall contain all of the following:

- (a) Orientation documentation as required by R 400.12604.
- (b) Adoptive evaluation as required by R 400.12605.
- (c) Record of training provided
- (d) Documentation agency policies were provided to applicants
- (e) All documents pertaining to adoption evaluation required by R 400.12605
- (f) Agency recommendation as required by R 400.12606.
- (3) An agency shall retain each record for not less than 3 years after the agency's termination of services to the applicant.
- (4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records shall be forwarded to the central office of the branch or associate office.
- (5) If a child-placing agency ceases operation, the agency's adoption records shall be shredded or returned to the applicant if services to the applicant were terminated 3 or more years before the closure. Records shall be forwarded to the department's central office adoptions for all other records.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**PART 7. ADOPTION PLACEMENT SERVICES**

**R 400.12701 Department authorization.**

Rule 701. An agency shall be authorized by the department to receive and place children for purposes of adoption.

History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12702 Program statement.**

Rule 702. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

- (a) Types of adoptions provided by the agency, including whether the agency accepts children released under the safe delivery act, section 20 of 1939 PA 288, MCL 712.20.
- (b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.

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- (c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.
- (d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services, within and outside the agency, and shall differentiate between the charges that are refundable and the charges that are not refundable.
- (e) Services and functions provided directly or indirectly, including ~~both of~~ the following:
  - (i) Counseling services and any other available services to a person who is releasing a child for adoption.
  - (ii) Counseling services and any other available services to a child being released for adoption based on the needs of the child.
  - (iii) Counseling services or post-finalization services provided to adoptive parents or to the adoptee.
- (f) Geographical area covered.
- (3) An agency shall document that the statement has been provided to all persons making inquiry to release a child for adoption and to prospective adoptive parents.  
History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12703 Policy and procedures.**

- Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided.
- (2) The policies and procedures shall cover all of the following areas:
- (a) Safeguarding rights.
  - (b) Release.
  - (c) Recruitment.
  - (d) Orientation.
  - (e) Child evaluation.
  - (f) Placement selection.
  - (g) Adoptive parent information.
  - (h) Placement.
  - (i) Supervision.
  - (j) Adoption placement record.
- History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12704 Safeguarding rights.**

- Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all of the following entities:
- (a) Birth parents who are considering release, or who have released, ~~of~~ a child for adoption.
  - (b) The child who becomes available for adoption.
  - (c) The adoptive parents who apply to adopt or adopt a child.
- History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12705 Release.**

- Rule 705. (1) An agency social service worker shall document that information has been provided for birth parents before the birth parents release their rights to a child unless the child is relinquished under the safe delivery of newborns act, 1939 PA 288, MCL 712.1 to 712.20.
- (2) The information shall include a review of all of the following:
- (a) Program statement, policies, and procedures.
  - (b) Legal process for adoption.
  - (c) Services and resources available.
  - (d) Meaning and consequences of a release.
- History: 1979 AC; 1998-2000 AACS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12706 Recruitment.**

- Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children serviced by the agency who are available for adoption.
- (2) An agency shall recruit adoptive parents for children served by the agency considering all of the following criteria:
- (a) Ages and developmental needs of children.
  - (b) Racial, ethnic and cultural identity of children.
  - (c) Sibling relationships of children.
  - (d) Special needs of children.

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(3) There shall be a child specific recruitment plan for any child the agency is responsible for who is available for adoption and who does not have an identified family. The child specific plan shall be based on the child evaluation, as required by R 400.12708, and updated every 90 days.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12707 Orientation.**

Rule 707. An agency shall document that an orientation for the adoptive parents has been provided, consistent with the requirements of R 400.12604, before they are determined suitable to parent an adopted child.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12708 Child evaluation.**

Rule 708. (1) A social service worker shall complete a written assessment of each child available for adoption within 60 days of the child being referred for adoption. The assessment shall include all information available in the foster care file from the date the child entered care and shall meet all requirements of section 27 of 1939 PA 288, MCL 710.27.

(2) An agency shall have on file a written adoptive family evaluation and agency recommendation as required under R 400.12605 and R 400.12606 before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12709 Placement selection.**

Rule 709. (1) An agency shall document how all of the following factors were assessed in selecting appropriate adoptive parents:

(a) The physical, emotional, medical, and educational needs of the child.  
(b) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.

(c) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule, the child evaluation required by R 400.12708 and the agency's adoptive parent recommendation as required by R 400.12607.

(3) An agency shall require a social service supervisor or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval shall be documented in the record.

(4) An agency may approve overnight pre-placement visits to a family being considered for adoption of a child. Pre-placement visits may only occur under the following conditions:

(a) If the placement selected is a licensed foster home, the certifying agency gives approval prior to any visits starting.

(b) There is an approved child evaluation.

(c) There is an approved family evaluation.

(d) The child evaluation has been shared with the prospective adoptive family prior to any pre-placement visits occurring.

(e) Planning for pre-placement visits is focused on the best interests of the child.

(f) There is a written plan for transitioning the child from the foster home to the adoptive home.

(g) Unless there are exceptional circumstances, that the transition period will not exceed 3 calendar months. A transitional period of more than 3 calendar months shall be approved in writing by the MCI superintendent or the court with jurisdiction over the child.

(h) Overnight visitation is done in compliance with section 1 of 1973 PA 116, MCL 722.111(i).

(5) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:

(a) The adoptive parents have received orientation in accordance with the requirements of R 400.12604 and R 400.12707.

(b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605 and the placement is consistent with the recommendation completed in accordance with R 400.12607.

(c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.

(d) The adoptive petition has been filed with the court or consent to adopt has been granted by the authorized agency representative.

(6) The provisions of this rule do not prohibit a temporary placement made under section 23d of 1939 PA 288, MCL 710.23d.

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History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12710 Adoptive parent information.**

Rule 710. (1) An agency shall provide adoptive parents with all of the following information before the placement of a child:

- (a) Child's name.
  - (b) Date, time, and place of birth including hospital, city, state, and country.
  - (c) Medical, social, and educational history of the child.
  - (d) Child's racial, ethnic, and religious background.
  - (e) Description of the child's family of origin, including age and ~~sex~~ gender of family members, relationship to the child, and medical, social, and educational history of each member of the family.
  - (f) Circumstances necessitating placement of the child.
  - (g) Child's preparation for placement and attitude toward the adoption.
  - (h) Placement history.
  - (i) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.
- (2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12711 Placement.**

Rule 711. An agency shall document how the following factors were assessed in selecting appropriate adoptive parents for a child:

- (1) The physical, emotional, medical, and educational needs of the child.
- (2) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.
- (3) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12712 Supervision.**

Rule 712. (1) An agency shall provide post-placement supervisory visits for the adoptive family at the adoptive parent's home as needed to assure the safety and well being of the child, but not less than once every month, after the placement of a child and until the final order of adoption.

- (2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, include plans to assist the child or adoptive family.
- (3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

History: 1979 AC; 1998-2000 AACCS; 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12713 Adoption placement record.**

Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement except as identified in subrule 5 of this rule.

- (2) The record shall contain all of the following:
  - (a) Orientation documentation as required by R 400.12707.
  - (b) Evaluation documentation as required by R 400.12708.
  - (c) Placement documentation as required by R 400.12709.
  - (d) Supervision documentation as required by R 400.12711.
- (3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.
- (4) If a child-placing agency ceases to operate, then the agency shall forward its records to the Michigan department of human services.
- (5) The Michigan department of human services must permanently retain all adoption records for children adopted from Michigan's child welfare system. The adoption agency must forward any adoption records for children adopted from the

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Michigan child welfare system to the department one year after finalization of the adoption. The adoption agency may not retain the original copies or any other copies of the adoption records.

History: 1979 AC; 1998-2000 AACs; 2015 MR 23, Eff. Jan. 5, 2015.

**PART 8 INTER-COUNTRY ADOPTION**

**R 400.12801 Department authorization.**

Rule 801. (1) An agency shall be authorized by the department to evaluate applicants for inter-country adoption.

(2) An agency shall be authorized by the department to assist with the adoption or placement of a child coming to the United States for the purpose of being adopted.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12802 Program statement.**

Rule 802. An agency shall have and follow a current written program statement that includes all of the following information:

(1) Placement programs, by country.

(2) Eligibility requirements for adoptive parents established by the agency and the specific countries.

(3) Services available, either directly or indirectly, both before adoption and after adoption.

(4) Procedures for completing adoptive evaluations.

(5) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. Differences in fees for different countries shall be clearly stated.

(6) If the agency has written contracts or agreements with individuals in the foreign country or entity, the responsibilities of the agency and the responsibilities of the contractor shall be clearly identified.

(7) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country or entity and the regulations issued by that country or entity for adoptions by foreigners shall be kept on file at the agency.

(8) If an agreement exists between a foreign government or entity and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, this state, and the foreign country.

(9) An agency shall provide the statement to all persons making inquiry about the agency's services at the time of inquiry.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12803 Policies and procedures.**

Rule 803. (1) The agency shall have and follow written policies and procedures for inter-country adoption services.

(2) The policies and procedures shall cover at least the following areas:

(a) Orientation, as required in R 400.12604.

(b) Adoptive evaluation, as required in R 400.12605.

(c) Fees.

(d) Placement.

(e) Supervision.

(f) Adoption record.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12804 Adoptive family evaluation.**

Rule 804. (1) If an agency assists a family with an evaluation prepared specifically for the adoption of a child coming to the United States for the purpose of being adopted, then the agency shall complete adoptive evaluations as required in R 400.12604.

(2) Adoptive family evaluations accepted from other states or agencies in this state shall have been completed by an agency or social worker licensed to complete adoption home studies in the state where the evaluation was completed.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12805 Fees.**

Rule 805. An agency shall have a specific fee policy that covers the following:

(1) That all fees are to be covered in a written agreement with applicants.

(2) What specific services are covered by the fees.

(3) Whether fees can change during an agreement.

(4) Fees associated with modifying the agreement.

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- (5) Specific fees for each country.
  - (5) Fees associated with changing countries.
  - (6) What fees can be transferred during the agreement.
  - (7) What fees are refundable and at what points in time.
  - (8) How fees are to be paid to individuals in other countries.
  - (9) Which fees are to be paid to individuals in other countries.
- History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12806 Placement.**

Rule 806 (1) An agency shall require a social service supervisor or chief administrator, if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement. The decision shall be documented in the record.

(2) An adoptive family evaluation completed by a different agency or licensed social worker, where legal, must be endorsed by the agency arranging the placement.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12807 Supervision.**

(1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every month after the placement of a child and until the final order of adoption, or as required by the country where the adoption originated.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, shall include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**R 400.12808 Inter-country adoption record.**

Rule 807. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

(2) The child record shall contain all of the following:

(a) Orientation documentation as required by R 400.12707.

(b) Evaluation documentation as required by R 400.12708.

(c) Placement documentation as required by R 400.12709.

(d) Supervision documentation as required by R 400.12711.

(3) An agency shall retain a case record for each applicant family for adoption.

(4) The applicant family record shall contain all of the following:

(a) Orientation documentation as required by R 400.12604.

(b) Adoptive family evaluation as required by R 400.12605.

(c) Record of training provided.

(d) Documentation of agency policies that were provided to applicants.

(e) All documents pertaining to adoption evaluation required by R 400.12605.

(f) Agency recommendation as required by R 400.12606.

(5) An agency shall retain each applicant family record for not less than 3 years after the agency's termination of services to the applicant family.

(6) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(7) If a child-placing agency ceases to operate, then the agency shall forward its child records to the Michigan department of human services.

(8) If a child-placing agency ceases operation, the agency's adoptive applicant family records shall be shredded or returned to the applicant family if services to the applicant family were terminated 3 or more years before the closure. Records shall be forwarded to the department of human services central office adoptions for all other records.

History: 2015 MR 23, Eff. Jan. 5, 2015.

**DIVISION OF ADULT FOSTER CARE LICENSING**  
**ADULT FOSTER CARE SMALL GROUP HOMES**

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**PART 1. GENERAL PROVISIONS**

- R 400.14101**  
Source: 1994 AACS.
- R 400.14102**  
Source: 1994 AACS.
- R 400.14103**  
Source: 1994 AACS.
- R 400.14104**  
Source: 1994 AACS.
- R 400.14105**  
Source: 1994 AACS.
- R 400.14106**  
Source: 1994 AACS.
- R 400.14199**  
Source: 1994 AACS.

**PART 2. PROGRAM REQUIREMENTS**

- R 400.14201**  
Source: 1994 AACS.
- R 400.14202**  
Source: 1994 AACS.
- R 400.14203**  
Source: 1994 AACS.
- R 400.14204**  
Source: 1994 AACS.
- R 400.14205**  
Source: 1994 AACS.
- R 400.14206**  
Source: 1994 AACS.
- R 400.14207**  
Source: 1994 AACS.
- R 400.14208**  
Source: 1994 AACS.
- R 400.14209**  
Source: 1994 AACS.
- R 400.14210**  
Source: 1994 AACS.

**PART 3. RESIDENT CARE, SERVICES, AND RECORDS**

- R 400.14301**

**Annual Administrative Code Supplement**  
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Source: 1994 AACS.

**R 400.14302**

Source: 1994 AACS.

**R 400.14303**

Source: 1994 AACS.

**R 400.14304**

Source: 1994 AACS.

**R 400.14305**

Source: 1994 AACS.

**R 400.14306**

Source: 1994 AACS.

**R 400.14307**

Source: 1994 AACS.

**R 400.14308**

Source: 1994 AACS.

**R 400.14309**

Source: 1994 AACS.

**R 400.14310**

Source: 1994 AACS.

**R 400.14311**

Source: 1994 AACS.

**R 400.14312**

Source: 1994 AACS.

**R 400.14313**

Source: 1994 AACS.

**R 400.14314**

Source: 1994 AACS.

**R 400.14315**

Source: 1994 AACS.

**R 400.14316**

Source: 1994 AACS.

**R 400.14317**

Source: 1994 AACS.

**R 400.14318**

Source: 1994 AACS.

**R 400.14319**

Source: 1994 AACS.

**PART 4. ENVIRONMENTAL CONDITIONS**

**R 400.14401**

**Annual Administrative Code Supplement**  
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Source: 1994 AACS.

**R 400.14402**  
Source: 1994 AACS.

**R 400.14403**  
Source: 1994 AACS.

**R 400.14404**  
Source: 1994 AACS.

**R 400.14405**  
Source: 1994 AACS.

**R 400.14406**  
Source: 1994 AACS.

**R 400.14407**  
Source: 1994 AACS.

**R 400.14408**  
Source: 1994 AACS.

**R 400.14409**  
Source: 1994 AACS.

**R 400.14410**  
Source: 1994 AACS.

**R 400.14411**  
Source: 1994 AACS.

**PART 5. FIRE SAFETY; HOMES LICENSED OR PROPOSED TO BE LICENSED  
AFTER MARCH 27, 1980**

**R 400.14501**  
Source: 1994 AACS.

**R 400.14502**  
Source: 1994 AACS.

**R 400.14503**  
Source: 1994 AACS.

**R 400.14504**  
Source: 1994 AACS.

**R 400.14505**  
Source: 1994 AACS.

**R 400.14506**  
Source: 1994 AACS.

**R 400.14507**  
Source: 1994 AACS.

**R 400.14508**  
Source: 1994 AACS.

**R 400.14509**

**Annual Administrative Code Supplement**  
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Source: 1994 AACS.

**R 400.14510**  
Source: 1994 AACS.

**R 400.14511**  
Source: 1994 AACS.

**R 400.14512**  
Source: 1994 AACS.

**PART 6. FIRE SAFETY; HOMES LICENSED ON OR BEFORE MARCH 27, 1980**

**R 400.14601**  
Source: 1994 AACS.

**ADULT FOSTER CARE LARGE GROUP HOMES**

**PART 1. GENERAL PROVISIONS**

**R 400.15101**  
Source: 1994 AACS.

**R 400.15102**  
Source: 1994 AACS.

**R 400.15103**  
Source: 1994 AACS.

**R 400.15104**  
Source: 1994 AACS.

**R 400.15105**  
Source: 1994 AACS.

**R 400.15106**  
Source: 1994 AACS.

**PART 2. PROGRAM REQUIREMENTS**

**R 400.15201**  
Source: 1994 AACS.

**R 400.15202**  
Source: 1994 AACS.

**R 400.15203**  
Source: 1994 AACS.

**R 400.15204**  
Source: 1994 AACS.

**R 400.15205**  
Source: 1994 AACS.

**R 400.15206**  
Source: 1994 AACS.

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**R 400.15207**  
Source: 1994 AACS.

**R 400.15208**  
Source: 1994 AACS.

**R 400.15209**  
Source: 1994 AACS.

**R 400.15210**  
Source: 1994 AACS.

**PART 3. RESIDENT CARE, SERVICES, AND RECORDS**

**R 400.15301**  
Source: 1994 AACS.

**R 400.15302**  
Source: 1994 AACS.

**R 400.15303**  
Source: 1994 AACS.

**R 400.15304**  
Source: 1994 AACS.

**R 400.15305**  
Source: 1994 AACS.

**R 400.15306**  
Source: 1994 AACS.

**R 400.15307**  
Source: 1994 AACS.

**R 400.15308**  
Source: 1994 AACS.

**R 400.15309**  
Source: 1994 AACS.

**R 400.15310**  
Source: 1994 AACS.

**R 400.15311**  
Source: 1994 AACS.

**R 400.15312**  
Source: 1994 AACS.

**R 400.15313**  
Source: 1994 AACS.

**R 400.15314**  
Source: 1994 AACS.

**R 400.15315**  
Source: 1994 AACS.

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**R 400.15316**  
Source: 1994 AACS.

**R 400.15317**  
Source: 1994 AACS.

**R 400.15318**  
Source: 1994 AACS.

**R 400.15319**  
Source: 1994 AACS.

**PART 4. ENVIRONMENTAL CONDITIONS**

**R 400.15401**  
Source: 1994 AACS.

**R 400.15402**  
Source: 1994 AACS.

**R 400.15403**  
Source: 1994 AACS.

**R 400.15404**  
Source: 1994 AACS.

**R 400.15405**  
Source: 1994 AACS.

**R 400.15406**  
Source: 1994 AACS.

**R 400.15407**  
Source: 1994 AACS.

**R 400.15408**  
Source: 1994 AACS.

**R 400.15409**  
Source: 1994 AACS.

**R 400.15410**  
Source: 1994 AACS.

**R 400.15411**  
Source: 1994 AACS.

**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**

**BUREAU OF REGULATORY SERVICES**

**ADULT FOSTER CARE FACILITY LICENSING AND CHILD CARE**

**ORGANIZATION**

**CONTESTED CASE HEARINGS**

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**R 400.16001**  
Source: 1998-2000 AACS.

**DEPARTMENT OF STATE POLICE**  
**STATE FIRE SAFETY BOARD**  
**ADULT FOSTER CARE FACILITIES**  
**PART 1. GENERAL PROVISIONS**

**R 400.18101**  
Source: 2012 AACS.

**R 400.18102**  
Source: 2012 AACS.

**R 400.18103**  
Source: 2012 AACS.

**R 400.18104**  
Source: 2012 AACS.

**R 400.18105**  
Source: 2012 AACS.

**R 400.18106**  
Source: 2012 AACS.

**R 400.18107**  
Source: 2012 AACS.

**R 400.18108**  
Source: 2012 AACS.

**R 400.18109**  
Source: 2012 AACS.

**R 400.18110**  
Source: 2012 AACS.

**R 400.18111**  
Source: 2012 AACS.

**PART 2. NEW SMALL AND LARGE ADULT FOSTER CARE FACILITIES**

**R 400.18201**  
Source: 2012 AACS.

**R 400.18202**  
Source: 2012 AACS.

**R 400.18203**  
Source: 2012 AACS.

**R 400.18204**  
Source: 2012 AACS.

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- R 400.18205**  
Source: 2012 AACS.
- R 400.18206**  
Source: 2012 AACS.
- R 400.18207**  
Source: 2012 AACS.
- R 400.18208**  
Source: 2012 AACS.
- R 400.18209**  
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- R 400.18210**  
Source: 2012 AACS.
- R 400.18211**  
Source: 2012 AACS.
- R 400.18212**  
Source: 2012 AACS.
- R 400.18213**  
Source: 2012 AACS.
- R 400.18214**  
Source: 2012 AACS.
- R 400.18215**  
Source: 2012 AACS.
- R 400.18216**  
Source: 2012 AACS.
- R 400.18217**  
Source: 2012 AACS.
- R 400.18218**  
Source: 2012 AACS.
- R 400.18219**  
Source: 2012 AACS.
- R 400.18220**  
Source: 2012 AACS.
- R 400.18221**  
Source: 2012 AACS.
- R 400.18222**  
Source: 2012 AACS.
- R 400.18223**  
Source: 2012 AACS.

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**R 400.18224**  
Source: 2012 AACS.

**R 400.18225**  
Source: 2012 AACS.

**R 400.18226**  
Source: 2012 AACS.

**PART 3. EXISTING SMALL AND LARGE ADULT FOSTER CARE FACILITIES LICENSED ON OR BEFORE MARCH 27, 1980; EXISTING SMALL AND LARGE ADULT FOSTER CARE FACILITIES LICENSED ON OR BEFORE MARCH 27, 1980, AND RELICENSED BEFORE JULY 2, 1991**

**R 400.18301**  
Source: 1994 AACS.

**R 400.18302**  
Source: 1994 AACS.

**R 400.18303**  
Source: 1994 AACS.

**R 400.18304**  
Source: 1994 AACS.

**R 400.18305**  
Source: 1994 AACS.

**R 400.18306**  
Source: 1994 AACS.

**R 400.18307**  
Source: 1994 AACS.

**R 400.18308**  
Source: 1994 AACS.

**R 400.18309**  
Source: 1994 AACS.

**R 400.18310**  
Source: 1994 AACS.

**R 400.18311**  
Source: 1994 AACS.

**R 400.18312**  
Source: 1994 AACS.

**R 400.18313**  
Source: 1994 AACS.

**R 400.18314**  
Source: 1997 AACS.

**PART 4. EXISTING SMALL AND LARGE ADULT FOSTER CARE FACILITIES LICENSED AFTER MARCH 27, 1980**

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**R 400.18401**  
Source: 2012 AACS.

**R 400.18402**  
Source: 2012 AACS.

**R 400.18403**  
Source: 2012 AACS.

**R 400.18404**  
Source: 2012 AACS.

**R 400.18405**  
Source: 2012 AACS.

**R 400.18406**  
Source: 2012 AACS.

**R 400.18407**  
Source: 2012 AACS.

**R 400.18408**  
Source: 2012 AACS.

**R 400.18409**  
Source: 2012 AACS.

**R 400.18410**  
Source: 2012 AACS.

**R 400.18411**  
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**R 400.18412**  
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**R 400.18413**  
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**R 400.18414**  
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**R 400.18415**  
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**R 400.18416**  
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**R 400.18417**  
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**R 400.18418**  
Source: 2012 AACS.

**R 400.18419**  
Source: 2012 AACS.

**R 400.18420**

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Source: 2012 AACS.

**R 400.18421**

Source: 2012 AACS.

**R 400.18422**

Source: 2012 AACS.

**R 400.18423**

Source: 2012 AACS.

**R 400.18424**

Source: 2012 AACS.

**R 400.18425**

Source: 2012 AACS.

**PART 5. NEW ADULT AND FOSTER CARE CONGREGATE FACILITIES**

**R 400.18501**

Source: 2012 AACS.

**R 400.18502**

Source: 2012 AACS.

**PART 6. EXISTING ADULT FOSTER CARE CONGREGATE FACILITIES**

**R 400.18601**

Source: 1994 AACS.

**R 400.18602**

Source: 1994 AACS.

**R 400.18603**

Source: 1994 AACS.

**R 400.18604**

Source: 1994 AACS.

**R 400.18605**

Source: 1994 AACS.

**R 400.18606**

Source: 1994 AACS.

**R 400.18607**

Source: 1994 AACS.

**R 400.18608**

Source: 1994 AACS.

**R 400.18609**

Source: 1994 AACS.

**R 400.18610**

Source: 1994 AACS.

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- R 400.18611**  
Source: 1994 AACS.
- R 400.18612**  
Source: 1994 AACS.
- R 400.18613**  
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- R 400.18614**  
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- R 400.18615**  
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- R 400.18618**  
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- R 400.18619**  
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- R 400.18620**  
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- R 400.18621**  
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- R 400.18623**  
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- R 400.18624**  
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- R 400.18625**  
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- R 400.18626**  
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- R 400.18627**  
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- R 400.18628**  
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- R 400.18629**  
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- R 400.18630**  
Source: 1994 AACS.

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- R 400.18631**  
Source: 1994 AACS.
- R 400.18632**  
Source: 1994 AACS.
- R 400.18633**  
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- R 400.18634**  
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- R 400.18635**  
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- R 400.18636**  
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- R 400.18637**  
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- R 400.18638**  
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- R 400.18639**  
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- R 400.18640**  
Source: 1994 AACS.
- R 400.18641**  
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- R 400.18642**  
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- R 400.18643**  
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- R 400.18644**  
Source: 1994 AACS.
- R 400.18645**  
Source: 1994 AACS.
- R 400.18646**  
Source: 1994 AACS.
- R 400.18647**  
Source: 1994 AACS.
- R 400.18648**  
Source: 1994 AACS.
- R 400.18649**  
Source: 1994 AACS.
- R 400.18650**  
Source: 1994 AACS.

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**R 400.18651**  
Source: 1994 AACS.

**R 400.18652**  
Source: 1994 AACS.

**R 400.18653**  
Source: 1994 AACS.

**R 400.18654**  
Source: 1994 AACS.

**R 400.18655**  
Source: 1994 AACS.

**R 400.18656**  
Source: 1994 AACS.

**R 400.18657**  
Source: 1994 AACS.

**R 400.18658**  
Source: 1994 AACS.

**R 400.18659**  
Source: 1994 AACS.

**PART 7. AMENDMENTS TO THE STANDARD FOR THE INSTALLATION, MAINTENANCE,  
AND USE OF HOUSEHOLD FIRE WARNING EQUIPMENT (NFPA 74, 1989 EDITION,  
NATIONAL FIRE PROTECTION ASSOCIATION)**

**R 400.18701**  
Source: 1994 AACS.

**R 400.18702**  
Source: 1994 AACS.

**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**  
**BUREAU OF COMMUNITY SERVICES**  
**COMMUNITY ACTION PROGRAMS**

**PART 1. GENERAL PROVISIONS**

**R 400.19101 Definitions; A to C.**

Rule 101. As used in these rules:

- (a) "Act" means 230 PA 1981, MCL 400.1101 to 400.1120.
- (b) "Advisory board" means the board of a public community action agency which is established by a local unit or units of government and which is delegated certain policy and administrative responsibilities to assure decision-making and participation by low-income individuals 42 U.S.C § 9910(b).
- (c) "Appeals Committee" means committee members selected by the governing/advisory board that review items in dispute and seek clarification or resolution to the dispute, with approval from the governing/advisory board.
- (d) "Bureau" means the bureau of community action and economic opportunity.
- (e) "Causes of poverty" means those personal or institutional factors, or both, that combine to limit the ability of individuals and families to acquire the basic necessities of life, such as food, shelter, medical care, and household energy.
- (f) "Commission" means the commission on community action and economic opportunity.
- (g) "Community" means the geographical area served by a grantee and may be any of the following:

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- (i) A village.
- (ii) A township.
- (iii) A city.
- (iv) A county.
- (v) A multicounty unit.
- (h) "Community action agency" or "CAA" means an agency officially designated as such in the Community Services Block Grant Act, 42 U.S.C. 9901 et seq. as amended., or officially designated pursuant to section 8 of the act.
- (i) "Community services block grant" or "CSBG" means the federal funding source to ameliorate the causes and conditions of poverty in communities within the state.
- (j) "Community social and economic programs" means those programs provided under section 675 of the community services block grant act, subtitle B, Title IV of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9904 , such as the following:
  - (i) Programs that provide a range of services and activities that have a measurable and potentially major impact on reducing the causes of poverty in the community or in those areas of the community where the incidence of poverty is a particularly acute problem.
  - (ii) Programs that provide activities designed to assist low-income participants, including the elderly poor, to do all of the following:
    - (A) Secure and retain meaningful employment.
    - (B) Attain an adequate education.
    - (C) Make better use of available income.
    - (D) Obtain and maintain adequate housing and a suitable living environment.
    - (E) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for any of the following:
      - (1) Health services.
      - (2) Nutritious food.
      - (3) Housing.
      - (4) Employment-related assistance.
    - (F) Remove obstacles and solve problems which block the achievement of self-sufficiency.
    - (G) Achieve greater participation in the affairs of the community.
    - (H) Make more effective use of other programs related to the purposes of the act.
  - (iii) Programs that provide, on an emergency basis, such supplies and services, nutritious foodstuffs, and related services as may be necessary to counteract conditions of hunger and malnutrition among the poor.
  - (iv) Programs that coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals.
  - (v) Programs that encourage the use of entities in the private sector of the community to ameliorate poverty in the community.
- (k) "Conditions and effects of poverty" means social and economic circumstances affecting individuals and families, such as any of the following:
  - (i) Unemployment.
  - (ii) Underemployment.
  - (iii) Dilapidated housing.
  - (iv) Lack of education.
  - (v) Limited access to proper medical care.
  - (vi) Limited self-esteem.
  - (vii) Insufficient food.
  - (viii) Other conditions that foster a restrained quality of life.
- (l) "Consumer sector" means the low-income, elderly, or handicapped persons who reside in the service area of a CAA and who are eligible to be served by the CAA.
- (m) "Contract" means a written agreement directly with the bureau that establishes the type and priority of services being provided.
- (n) "Contractor" means the party or parties specified in a contract to receive remuneration in return for goods or services rendered.
- (o) "Corrective action activity" means the monitoring process used to correct administrative and programmatic deficiencies in an eligible entity.

History: 1990 AACs; 2015 MR 24, Eff. Dec. 23, 2014.

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**R 400.19102 Definitions; D to W.**

Rule 102. As used in these rules:

- (a) "Department" means the Michigan department of human services.
- (b) "Designate" means formal approval of a proposed CAA by the executive director.
- (c) "Director" means the director of the department.
- (d) "Eligibility entity" means an entity:
  - (i) that is an eligible entity described in section 673(1) as in effect on the day before the date of enactment of the Coats Human Services Reauthorization Act of 1998 as of the day before such date of enactment or is designated by the process described in section 676A, including an organization serving migrant or seasonal farmworkers that is so described or designated; and
  - (ii) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.
- (e) "Executive director" means the chief administrator of the bureau.
- (f) "Governing board" means the board of directors of a private nonprofit CAA or of a CAA that is a public agency that has the same legal powers and responsibilities as the board of directors of any private, nonprofit organization.
- (g) "Grant" means an award of funds by the bureau to a contractor agency for administrative and contract purposes or to another entity in accordance with criteria established by the bureau.
- (h) "Grantee" means a local CAA, public agency, nonprofit private agency, nonprofit organization, or other entity that receives funds from the bureau.
- (i) "Limited purpose agency" or "LPA" means an agency that is officially designated as such under the provisions of the Community Services Block Grant Act, 42 U.S.C. 9901 et seq. as amended.
- (j) "Local Weatherization Operator" or "LWO" means an agency that provides weatherization services within the parameters of the established contract.
- (k) "Low income person" means a person who is a member of a household that has a gross annual income that is equal to or less than the poverty standard for the same size household.
- (l) "Management decision letter" means a written response to a corrective action plan submitted by a CAA.
- (m) "Means test" means the measure of income, financial resources, or real property as a basis for establishing eligibility or service limits to a low-income person.
- (n) "Monitoring" means the process used in order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of federal, state, and local policies and requirements.
- (o) "Nonprofit" means a nonprofit corporation that is registered and in good standing with the corporations division, Michigan department of licensing and regulatory affairs, pursuant to the provisions of 162 PA 1982, the nonprofit corporation act. This term includes religious organizations to which the provisions of 42 U.S.C. 9901 apply.
- (p) "Poverty standard" means the federal poverty guidelines published annually in the federal register by the United States department of health and human services under its authority to revise the poverty line under section 673(2) of subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902.
- (q) "Private sector" means representatives of business and industry, agriculture, labor, and religious and civic organizations.
- (r) "Program cost" means all costs incurred by a grantee in managing, administering, and delivering services to low-income persons.
- (s) "Program income" means gross income earned by the grantee from grant-supported activities.
- (t) "Public sector" means representatives of units of local government and public agencies.
- (u) "Rescission of designation" means the executive director's removal of a grantee's status as a CAA and the loss of a grantee's rights to consideration for formula funding from the bureau.
- (v) "Self-sufficiency" means the achievement or maintenance of a reasonable degree of self-determination and independence that enables an individual to carry out the normal responsibilities and activities of daily life without sustained assistance from governmental or other agencies.
- (w) "Service area" means the geographical area served by a community action agency.
- (z) "Service provider" means an entity that is under contract to a grantee and that provides services to low-income persons.
- (aa) "Service recipient" means a low-income person who receives services directly from a service provider.
- (bb) "State plan" means the document required by the provisions of sections 5 and 10 of the act.
- (cc) "State program budget request" means state funds, federal block grants, and federal categorical grants that the legislature appropriates annually for community social and economic programs.
- (dd) "Statewide database" means a shared electronic database used to store client eligibility information, demographic data, and national performance indicators.

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(ee) “Supporting documentation” means additional documentation to support the activity, program, or expenditure. Examples include agency general ledgers, invoices, client applications, proof of contract deliverables, and other internal documentation.

(ff) “Weatherization”, Weatherization Assistance Program” or “WAP” is a program administered by the bureau as required in section 5(m) of the act to reduce the energy costs for low-income families, particularly for the elderly, people with disabilities and children.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19103**

**Source:** 1990 AACCS.

**R 400.19104 Service delivery method.**

Rule 104. The primary structure or organization through which financial resources shall flow in providing services and programs to low-income persons under the provisions of the act and other applicable state or federal regulations consists of the following:

(a) The bureau that is administered by the executive director to perform those functions and responsibilities specified by the provisions of section 5 of the act.

(b) A network of local grantees to plan and allocate resources for services and programs to low-income persons. Grantees shall be agencies established in accordance with the provisions of section 8 of the act or other entities in accordance with applicable federal and state criteria.

(c) Other agencies, organizations, or consultants with the ability to provide self-help and other support services directly or indirectly to low-income persons. Such services shall be provided through contractual agreements.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19105 Grantee; written operating procedures.**

Rule 105. (1) A grantee that receives funding or delegated authority received under provisions of the act shall have written procedures to govern the conduct of its operations and functions. Grantee procedures shall describe the administrative and policy structure of the entity and the methods used in dealing with contractors or other agencies and shall incorporate those applicable policies of the bureau.

(2) A grantee's written procedures shall be adopted by official action of its governing/advisory board.

(3) A grantee, upon request, shall provide a copy of the procedures to each of its contractors and to the bureau without cost.

(4) A grantee shall attach an electronic copy of the procedures, within 30 days of the governing/advisory board's approval, to the statewide database.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19106 Grantee reporting requirements.**

Rule 106. A grantee shall do all of the following:

(a) Submit, to the bureau, program and financial reports, including supporting documentation when requested by the bureau, to comply with state and federal requirements.

(b) Submit reports on time and in a manner prescribed by the bureau.

(c) Be responsible for obtaining and reporting necessary information from those entities with whom contracts have been made.

(d) Submit to the bureau by uploading an electronic copy to the statewide database, on a timely basis, changes in any of the follow:

(i) Corporate status.

(ii) Bylaws.

(iii) Governing board composition.

(iv) Governing board officers.

(v) Key staff.

(vi) Fiscal and administrative procedures.

(vii) The status of litigation against the agency.

(e) As required, obtain reports from contractors.

(f) Report any changes to its legal status pursuant to the provisions of the act or requirements issued by the state or federal government.

(g) Report any changes to the mission and the agency organizational structure to the bureau.

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History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**PART 2. BUREAU OF COMMUNITY ACTION AND ECONOMIC OPPORTUNITY**

**R 400.19201 Bureau; powers and duties.**

Rule 201. (1) The bureau shall perform those functions and responsibilities as provided in section 5 of the act and those conferred by the department.

(2) The bureau, through the executive director, shall issue written policies or guidelines regarding its administrative and management responsibilities pursuant to the following:

(a) The provisions of sections 24 to 26 of 306 PA 1969, MCL 24.224 to 24.226.

(b) Applicable federal program requirements and regulations for those federal programs administered by the bureau.

(3) The bureau shall issue guidelines to provide for all of the following:

(a) The systematic administration and management policies for all of the following:

(i) CAA designations or rescission of designations.

(ii) Grant applications.

(iii) Grant actions.

(iv) Payments.

(v) Reporting.

(vi) Closeout.

(vii) Monitoring of bureau administered grants or contracts.

(b) The general conduct of business with CAAs, other grantees, and contractors on an ongoing basis. Such guidelines shall include program and fiscal information to interpret, instruct, or otherwise provide guidance.

(c) The methods by which state and federal program and financial requirements are to be fulfilled.

(d) The development and maintenance of applicable plans on the state and federal grant programs administered, including substantive content, period of applicability, public review, and methods for amendment.

(e) The processing of administrative complaints registered by grantees, service recipients, or contractors that are based on established policies or procedures.

(4) The bureau shall develop distribution formulae and criteria for use in allocating state and federal grant funds. The formulae and criteria shall be consistent with the act or other applicable state or federal requirements.

(5) The bureau shall establish guidelines for receiving and processing appeals requests for all of the following:

(a) Applicants who are denied a service funded by the bureau.

(b) Grantees that are denied a contract or have funding reduced or terminated for cause.

(c) CAAs whose designation status has been rescinded or altered for cause.

(d) Contractors that are denied a contract or have funding terminated for cause.

(6) The bureau shall develop interagency agreements pursuant to section 13 of the act.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19202**

**Source:** 1990 AACCS.

**R 400.19203 Monitoring; performance assessments of community action agency activities.**

Rule 203. (1) The bureau shall conduct comprehensive on-site performance monitoring of each CAA once every 3 years or sooner, in addition to other types of monitoring including, but not limited to, desk monitoring and focused scope onsite monitoring. The monitoring shall accomplish all of the following:

(a) Determine the extent to which the CAA achieves desired results or benefits established by the legislature or other authorizing body.

(b) Assess the CAA's performance in attaining objectives that are made a part of the grant or contract agreement.

(c) Determine whether the CAA is acquiring, protecting, and using bureau-funded resources, such as personnel or equipment, economically and efficiently.

(d) Determine the causes, if any, of inefficiencies or uneconomical practices and provide remedial assistance.

(e) Determine whether the CAA has complied with laws or regulations applicable to its operation in an efficient and economical manner.

(f) Access other items as required by the bureau or state or federal government. Continued funding shall be contingent upon satisfactory performance in all areas covered by the performance assessment in accordance with applicable federal and state laws or regulations.

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(g) Assess the CAA's financial capacity and compliance with cost and accounting standards as required by the federal office of management and budget.

(2) The bureau shall do all of the following:

(a) Assure that a grantee is given advance notice, in writing, of a scheduled monitoring, including all of the following information:

(i) The date scheduled for the on-site monitoring.

(ii) The scope of the on-site monitoring.

(iii) Criteria to be used in conducting the on-site monitoring.

(b) Assure that a written monitoring report will be submitted, within 60 days of the exit conference, to the grantee describing the bureau's findings based on the on-site monitoring unless the executive director approves the extension.

(c) Assure that the grantee has the opportunity to respond to the office within 30 days of receipt of the bureau's findings concerning any exceptions noted in the monitoring report unless the executive director approves the extension.

(3) Each monitoring report and management decision letter that is issued by the bureau may be used as a basis for any of the following actions:

(a) Corrective action to be taken by the grantee.

(b) Suspension, probation, or termination of grants or CAA status, or both, in accordance with applicable contracts and state and federal laws or regulations.

(c) Denial of eligibility, subsequent grants, or contracts due to performance or compliance factors.

(4) Each monitoring report and management decision letter shall specify the changes, improvements, or corrections that have been made by the grantee since the previous comprehensive monitoring.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19204 Training and technical assistance.**

Rule 204. (1) The bureau shall provide training and technical assistance, either directly or through contracted arrangements, to grantees to improve program planning, program development, administration, and the mobilization of public and private resources.

(2) The bureau may provide assistance to units of local government, nonprofit, private agencies, or other public entities for the purpose of operating a CAA. Assistance may also be provided when it is necessary to establish a new CAA to serve a community.

(3) The bureau may assist CAAs with training and technical assistance for corrective action implementation, when necessary, to ensure compliance with grants and contracts.

(4) The bureau may assist CAAs to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and state networks of eligible entities.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19205 Administrative and financial management instructions.**

Rule 205. (1) To ensure maximum fund accountability and program effectiveness, the bureau shall provide periodic instructions to grantees regarding administrative and financial management concerns.

(2) The bureau shall maintain operating guidelines and policies to be available online that can be accessed through the statewide database.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19206 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19207**

Source: 1990 AACCS.

**R 400.19208 State plans; development; content.**

Rule 208. (1) The bureau shall be responsible for the development, maintenance, and implementation of state antipoverty plans in accordance with the following requirements:

(a) The provisions of section 5 of the act and other applicable state or federal requirements.

(b) The provisions of the community services block grant act of 1981, as amended, 42 U.S.C. 9901 et seq., and its implementing regulations.

(2) The state plans shall include all of the following:

(a) The duration or time frame the plans are to be in effect.

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- (b) The content to comply with applicable state and federal requirements or their implementing regulations.
- (c) Action steps that will be established to effectuate the plans.
- (d) The funding formulas, pursuant to R 400.19201(4), shall be made an attachment to the plan.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19209 Procedures; annual proposal; CSBG funding.**

Rule 209. (1) The executive director shall annually distribute an application detailing the nature and extent of information required of applicants pursuant to R 400.19201(3)(a). The application shall include the identification of the proposed CSBG funding allocations to eligible communities or organizations.

(2) Federal CSBG funds administered by the bureau shall be allocated to eligible CAAs in accordance with the community services block grant act of 1981, as amended, 42 U.S.C. 9901 et seq., as amended, based on the following distribution requirements:

(a) Eligible Entities (CAAs) Funds: Not less than 90% of the state's federal CSBG allotment shall be used by the bureau to make grants for the purposes described in section 672 of the CSBG Act of 1981 to eligible entities. The formula factor for distribution to low-income persons who reside in the designated service areas of the CAAs are measured by the most recent and available United States bureau of census poverty population data.

(b) State Administration Funds: Up to 5% of the state's annual CSBG allotment shall be used for state administration of the program.

(c) State Discretionary Funds: Up to 5% of the state's annual CSBG allotment shall be used for state discretionary programs to include, but not limited to, supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization. Discretionary fund distribution may be made on a matching basis of state funds and local share of the applicant's total project budget.

(d) Other factors that the director and executive director consider appropriate after review and comment by the commission. Funding levels for other eligible nonprofit organizations shall be determined by the executive director after consultation with the director and the Michigan-commission.

(3) For the purpose of these rules, entities that are eligible to receive CSBG funds include any of the following:

(a) An organization that is officially designated by the bureau's executive director as a CAA under the provisions of the act and these rules.

(b) Limited-purpose agencies designated under the provisions of the Community Services Block Grant Act, 42 U.S.C. 9901 et seq., as amended.

(c) Any organization that receives financial assistance under the provisions of the Community Services Block Grant Act, 42 U.S.C. 9901 et seq., as amended.

(4) Grantee funding shall terminate in full or be limited in part, at the discretion of the bureau, if the bureau suffers a loss of funding or termination of a grant from which it funds grantees in full or in part. If the bureau suffers a loss of funding in full or in part, grantees shall be provided written notice that shall set forth the effective date of full termination or partial funding and describe any changes necessary in the grantee's approved program budget.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**PART 3. COMMISSION ON ECONOMIC AND SOCIAL OPPORTUNITY**

**R 400.19301 Commission composition, functions, and responsibilities.**

Rule 301. (1) The commission shall be composed as specified in the provisions of section 6 of the act. For the purposes of commission appointment, a low-income person, senior citizen, or handicapped person who is a consumer representative shall be eligible.

(2) The commission shall establish operating policies or guidelines to carry out its responsibilities specified in the provisions of section 7 of the act.

(3) The executive director or designee of the commission shall serve as executive secretary to the commission.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**PART 4. COMMUNITY ACTION AGENCIES**

**R 400.19401 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19402 Community action agencies; responsibilities and functions.**

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Rule 402. (1) Public and private nonprofit CAAs shall be responsible for those functions specified in the provisions of sections 9 of the act. Private nonprofit CAAs shall also be responsible for those functions specified in the provisions of section 11 of the act.

(2) CAAs shall develop a comprehensive and coordinated plan for the delivery of services to low-income persons in their respective service areas.

(3) CAAs may enter into cooperative agreements with public and private agencies to achieve coordination and cooperation in the planning and delivery of services to low-income persons.

(4) Public and private nonprofit agencies designated by the bureau with the CAA status may receive funds and continuation of services in the provisions of section 15 of the act.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19403 Community action agencies; required procedures.**

Rule 403. A CAA shall be required to have procedures for all of the following:

(a) The agency's governing body or board of directors.

(b) The agency's advisory councils/board.

(c) The agency's handling of administrative complaints generated by service providers or applicants.

(d) The agency's financial procedures manual.

(e) The agency's handling of personnel/employee handbook.

(f) The agency's handling of equipment inventory.

(g) The agency's handling of procurements, including a conflict of interest policy.

(h) The conduct of the agency's public hearings, or public comment opportunities on the agency's CSBG application, advocacy on service area needs determinations, community needs assessments activities, or issues concerning low-income persons.

(i) The agency's handling of affirmative action-related matters.

(j) Guidance on limited English proficiency.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19404 Community action agencies; required procedures for appeals and appeals hearings.**

Rule 404. (1) A CAA shall establish an appeals mechanism that provides the opportunity to appeal an application for a low-income service if there has been a partial or complete denial of assistance and if all of the following provisions have been satisfied:

(i) The services denied are specific, tangible benefits for which the bureau provides funding.

(ii) Funds are currently available.

(iii) The grantee has authority to provide or disburse funds.

(iv) The applicant has completed a formal, written application for such services.

(v) The applicant falls within the program guidelines or believes that he or she can prove that he or she falls within the program guidelines.

(2) A CAA, through the action of its governing/advisory board, shall establish and issue an appeals procedure for the items covered by subrule (1)(a) and (b) of this rule that shall include all of the following:

(a) Written notice to the applicant, contractor, or service provider of the CAA's action to suspend, terminate, not renew, or deny a contract or service, including a notice of the right to appeal.

(b) Notice that information or a criterion on which the CAA's action was based is available for review by affected parties.

(c) Notice that the affected party may appear in person or through a designated representative to appeal the grantee's action.

(d) Provision for, as the initial step of any appeal, a meeting with the Appeals Committee, which is selected by the governing/advisory board, within 30 days to review items in dispute and seek clarification or resolution to the dispute. A record of the meeting, including relevant facts, shall be maintained and a determination shall be rendered, in writing, by the Appeals Committee and approved by the governing/advisory board.

(e) A specification that appeals proceedings shall be conducted within an aggregate time frame of 60 days, within which time all of the following shall occur:

(i) A notice of the right to appeal shall be sent to the affected party within 20 days of the grantee's action.

(ii) Any formal appeal shall be requested, in writing, by the affected party or parties within 10 days of notice pursuant to the provisions of paragraph (i) of this subdivision.

(iii) Upon the receipt of an appeal request, a hearing shall be conducted. The decision rendered shall be provided, in writing, to the affected party or parties.

(f) Notice shall be provided that a grantee's hearing decision may be appealed to the bureau and that the bureau shall review and act on the appeal pursuant to the provisions of R 400.19201(5).

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(g) A description of those circumstances under which a request for appeal hearing may be refused. Such circumstances shall be limited to the failure to comply with the appeal procedures required by this subrule or to lack of standing by the appellant.

(3) A CAA, through action of its governing /advisory board shall maintain administrative appeals procedures for items covered by the provisions of subrule (1)(c) of this rule, which shall include all of the following:

(a) Written notice to all denied applicants, contractors, or service providers of the administrative appeals process.

(b) Written notice that denied applicants, contractors, or service providers may appeal administrative complaints to the grantee's governing advisory board.

(c) Written notice to the appellant of the governing /advisory board's determination within 30 days of the appeal's filing date.

(d) Written notice of the decision shall include a statement that appellants may appeal the decision to the bureau within 10 days of the written notice provided by subdivision (c) of this subrule.

(4) The CAA, before final adoption of its procedures as required by subrules (2) and (3) of this rule, shall first submit the procedure to the bureau for review of content and form.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19405 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19406 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19407 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19408 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19409 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19410 Rescinded.**

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19411 Community action agency board; membership responsibilities.**

Rule 411. (1) CAA boards shall be composed as specified in section 11 of the act. For the purposes of board appointment, a low-income person, consumer sector representative, is a person eligible for a CAA service at the time of his or her appointment or an individual that is representative of low-income individuals and families in a neighborhood served. Low-income person, consumer sector representative, includes senior citizens and handicapped persons. Representatives from the public sector shall be elected officials or their designated representative. If the number of elected officials available and willing to serve is less than 1/3 of the membership of the board, appointed public officials may represent the public sector.

(2) Consumer sector representative board members shall be chosen in accordance with selection procedures that are adequate to assure that they represent the low-income persons in the community served by the CAA. Consumer sector representative board members shall not be selected by public officials. Consumer sector representative board members may be selected to either represent a specific area or neighborhood served by the CAA, or at large to represent the community served by the CAA, or to represent a particular organization designated by the board whose membership is composed predominantly of low-income persons. The selection procedures which may be used, either alone or in combination, include the following:

(a) Nominations and elections, either within neighborhoods or within the community as a whole.

(b) Selection of eligible low-income persons at a meeting or conference where the date, time, and place of such meeting or conference have been adequately publicized.

(c) Selection of eligible low-income representatives to a community-wide board by members of neighborhood or subarea boards who are themselves selected by low-income neighborhood or area residents.

(d) Selection on a small area basis, such as a city block, of representatives who in turn select low-income members for a community-wide board.

(e) Selection of eligible low-income representatives by existing organizations designated by a board whose membership is predominantly composed of low-income persons.

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- (f) Any other selection procedure which assures maximum participation of eligible consumers, subject to bureau review and approval.
- (3) Public sector representatives, elected or appointed, selected to serve on the board shall have either general governmental responsibilities or responsibilities which require them to deal with poverty-related issues. Public sector representatives shall not be officials with only limited, specialized, or administrative responsibilities.
- (4) Each public official or private or consumer sector representative selected to serve on the board may have 1 permanent designated representative to serve on the board either full-time or when he or she is unable to attend a meeting. The public or private-designated representatives shall be public or private sector officials themselves and have the full authority to act for the officials whom they represent at meetings of the board.
- (5) A CAA may establish term limits for members of its board of directors in the CAA's bylaws.
- (6) A CAA board shall annually evaluate the policies and programs of the CAA and shall consider all of the following:
- (a) Program effectiveness.
  - (b) Contract and program.
  - (c) Management.
  - (d) Personnel systems.
  - (e) Financial systems.
  - (f) Property acquisition and management systems.
  - (g) Any other items required by the bureau to implement the act or as mandated by the legislature or the department.
- (7) A public CAA that has established an advisory board shall do all of the following:
- (a) Provide recommendations regarding the selection of the executive director of the CAA.
  - (b) Determine rules and procedures for the advisory board, subject to department and bureau policies.
  - (c) Select the officers and the executive committee, if any, of the advisory board.
  - (d) Provide recommendations regarding major personnel, organizational, fiscal, and program policies.
  - (e) Provide recommendations regarding overall program plans and priorities.
  - (f) Provide recommendations regarding approval of all program proposals and budgets.
  - (g) Provide recommendations regarding the arrangements for delegating the planning, conducting, or evaluating of a component of the work program.
  - (h) Exercise other responsibilities which the local designating officials delegate to the advisory board.
- (8) The advisory board shall report directly to the local designating officials of the public CAA.
- History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19412**

**Source:** 1990 AACS.

**R 400.19413**

**Source:** 1990 AACS.

**R 400.19414 Public meeting requirements.**

Rule 414. All commission or CAA governing/advisory board business shall be conducted at public meetings pursuant to the provisions of section 14 of the act.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19415 Schedule and notice of meetings.**

Rule 415. CAA governing/advisory boards shall meet on a regular basis at least six times per year to conduct official business. The meetings shall be scheduled for the convenience of its members and the general public.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**PART 5. FINANCIAL REQUIREMENTS**

**R 400.19501 Notice of financial award.**

Rule 501. (1) The bureau shall issue a grant or contract agreement as a 2-party agreement for obligating funds.

(2) The grant or contract instrument agreement shall constitute the official document which specifies the terms of the agreement. The grant or contract agreement shall include all of the following:

- (a) The total financial amount, including both of the following:
  - (i) Funds provided through the bureau as stated in the grant agreement or the "notice of funds available" form.
  - (ii) Funds, or services in place of funds, provided by the grantee or contractor.

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- (b) The conditions of the grant or contract, including all of the following:
  - (i) Beginning and ending dates for which the agreement is to be in effect.
  - (ii) Documentation of services to be provided or objectives to be achieved by the grant or contract.
  - (iii) Special conditions, if any, which may be specified as a part of bureau approval action.
- (c) Dated signatures of the executive department representative and authorized representative of the grantee or contractor to bind the agreement.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19502 Modification of approved grants or contracts.**

Rule 502. (1) A grantee or contractor of the bureau shall submit a request and obtain prior approval of the executive director for any change which modifies the grant or contract agreement in any of the following ways:

- (a) Changes the program scope, planned objectives, or the character of service delivery made part of the grant or contract agreement.
- (b) Provides financial assistance to any person not authorized by the grant or contract instrument.
- (c) Transfers to a third party the conduct of functions or responsibilities that are central to executing the purposes of the grant or contract.
- (d) Alters the approved budget of the grant or contract, except as may occur through the limits of administrative discretion as provided in the agreement.

(2) Grantees or contractors of the bureau shall be notified by the executive director of the action on requests initiated under the provisions of subrule (1) of this rule.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19503 Grantee contracting responsibilities.**

Rule 503. A grantee shall do all of the following when contracting for services under provisions of a grant:

- (a) Contract for services within 45 days after the effective date of the grant instrument executed with the bureau pursuant to the provisions of R 400.19501.
- (b) Not alter the contract amount during the final 60 days of any fiscal year unless approved by the executive director.
- (c) Retain a copy of each contract in the grantee's office for review and audit for a period listed in the contract language.
- (d) Obtain prior written approval from the bureau when proposing to contract with profit-making organizations involving bureau-administered funding of more than \$25,000.00.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19504 Audits.**

Rule 504. A financial audit of grantee records shall be made not less than biennially. Audits are to be conducted in accordance with standards established by the American institute of certified public accountants and requirements issued by the executive director. Audit requirements shall include at least all of the following requirements:

- (a) Audits shall be made to test the integrity of financial transactions and compliance with grant or contract terms.
- (b) The bureau shall ensure that timely and appropriate resolution of negative audit findings and recommendations for reconciliation occur promptly.
- (c) Grantees must monitor contractors that have provided services if the audit conforms to minimum audit standards.
- (d) The bureau shall not authorize the expense of an independent audit which does not meet the standards cited in this rule.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19505 Audit and monitoring disallowances.**

Rule 505. A grantee is responsible for any costs disallowed as a result of the actions of its contractors. Resolution of disallowances shall be achieved between the grantee and the contractor of record.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014

**R 400.19506**

Source: 1990 AACS.

**R 400.19507**

Source: 1990 AACS.

**R 400.19508**

Source: 1990 AACS.

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**R 400.19509**

**Source:** 1990 AACS.

**R 400.19510 Payments to grantees or contractors.**

Rule 510. (1) The bureau shall only make payments for those authorized costs made in conformance with a fully executed grant or contract agreement and the “notice of funds available” when applicable.

(2) A grantee or contractor shall not receive payment for costs incurred until authorized pursuant to the provisions of subrule (1) of this rule.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19511 Withholding payments.**

Rule 511. The bureau may withhold payments to grantees under any of the following circumstances:

- (a) Failure of the grantee to use funds for the purposes prescribed in the contract.
- (b) Failure of the grantee to submit accurate and timely fiscal and programmatic reports as prescribed in the contract.
- (c) Conditions of suspension or termination ordered by the director or the executive director.
- (d) Failure of the grantee to return fund balances to the bureau within 45 days of contract termination.
- (e) Failure of the grantee to respond to monitoring findings, corrective action activities, management decision requirements, or audit citations within the time allotted.
- (f) Failure of the grantee to return disallowed costs to the bureau within the time period mandated by the bureau.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19512**

**Source:** 1990 AACS.

**R 400.19513**

**Source:** 1990 AACS.

**R 400.19514**

**Source:** 1990 AACS.

**R 400.19515 Standards for financial closeout procedures.**

Rule 515. Financial closeouts requirements for all bureau grantees include all of the following:

- (a) All closing journal voucher activity shall be reviewed by the grantee's finance director and entered in the grantee's general ledger.
- (b) Final trial balances shall be prepared by the grantee's bookkeeper and shall be reviewed by its finance director before the preparation of the grantee's final financial report. A copy of the final trial balance shall be retained in the front of the grantee's general ledger.
- (c) The grantee's final monthly reconciliation shall be accomplished simultaneous to closing the general ledger.
- (d) Appropriate grantee staff shall compare any interagency account balances with the control ledger to insure agreement.
- (e) Appropriate grantee staff must adhere to proper document retention and storage procedures for electronic and physical files and shall assemble necessary documents for grantee audits, including all of the following documents:
  - (i) Copies of all grant actions, amendments, budgets, and contracts.
  - (ii) All bank statements and all monthly bank reconciliations.
  - (iii) Copies of all monthly trial balances and all monthly finance reports.
  - (iv) All claimed in-kind documentation, which shall be filed.
  - (v) All payment vouchers and journal vouchers, which shall be filed numerically.
  - (vi) Other documents as requested by the bureau.
- (f) Following audits, a grantee shall place all program and financial documents listed in subdivision (e) of this rule into a records storage container for placement in a designated records retention area.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

**PART 6. COMMUNITY ACTION AGENCY (CAA) STATUS DESIGNATION, RECISSION AND CHANGE**

**R 400.19601 Designation of community action agencies status.**

Rule 601. The bureau shall designate, or rescind the designation of, CAAs pursuant to the provisions of section 8 of the act.

History: 1990 AACS; 2015 MR 24, Eff. Dec. 23, 2014.

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**R 400.19602 Community action agency designation; responsibilities and functions.**

Rule 602. (1) A community action agency shall not be officially designated as such by the executive director, unless the community or entity is any of the following:

- (a) A city, village, or township, or a combination of such units of government which are contiguous, with a population of not less than 150,000 people according to the most recent available census data.
- (b) A county or a group of contiguous counties with a minimum of 100,000 people according to the most recent available census data.
- (c) One or more federally or state-recognized Indian reservations.
- (2) If, due to a boundary change, a community served by a CAA ceases to meet the requirements of subrule (1)(a) or (b) of this rule, the executive director, with the advice of the commission, shall determine if the loss in population constitutes grounds for withdrawing the executive director's official designation of the CAA serving the community. The executive director's decision shall take into consideration the past performance of the agency and the prospects for its continued viability and effectiveness.
- (3) To be designated as a CAA, the governing/advisory board of the agency shall submit a request, in writing, to the executive director.
- (4) The request or designation must identify a private non-profit organization.
- (5) The executive director shall consider the requests or designation under subrules (3) and (4) of this rule approved if a response to the contrary is not received.
- (6) An organization that requests state CAA designation shall, at the request of the department, conduct 1 or more public hearings to provide citizens in the service area the opportunity to review and comment on the organization's ability to serve the community as a CAA.
- (7) If a local unit of government is not served by a CAA, the bureau may fund an existing CAA or other eligible organization to serve the residents of the community.
- (8) To attain or maintain its CAA designation, a CAA must establish a governing/advisory board of directors pursuant to the provisions of section 11 of the act.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19603 Request for change in designation or service areas of community action agency**

Rule 603. (1) The CAA's governing/advisory board, for reasons such as poor fiscal or programmatic administration, specified in a written request, do any of the following:

- (a) Request that the executive director rescind official designation of the CAA serving the community.
- (b) Request to withdraw from the CAA's service area.
- (c) Request that a different CAA, either new or existing, be designated to serve the community.
- (2) The executive director may, for reasons such as poor fiscal and programmatic performance, suspend or terminate CAA status, or rescind designation based on Community Services Block Grant Act (42 U.S.C. 9901 et seq.) as amended.
- (3) If a CAA is proposed to merge with another CAA, the executive director shall either approve or disapprove the written request within 90 business days pursuant to the procedure in the provisions of R 400.19606(3).

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19604 Replacement of an existing community action agency.**

Rule 604. (1) If another private non-profit organization is proposed to replace an existing CAA, the executive director shall either approve or disapprove the designation within 90 business days pursuant to the procedures in the provisions of R 400.19606(3). If approved, the designation shall be provisional for 120 days. During this period, the proposed CAA shall establish required operating and management procedures, select and appoint members of the governing/advisory board, and formally adopt bylaws. A status report of these activities and related documents shall be submitted to the executive director within the 120-day provisional period. If the executive director is satisfied that all actions and plans are in order, the agency shall receive final designation as a CAA. The executive director may extend the 120-day provisional period for an additional 60 days. The executive director shall take into consideration if the new CAA is capable of providing a broad range of services and activities in the unserved area that are designed to eliminate poverty and foster self-sufficiency and that the new CAA meets the tripartite board requirements.

(2) If another CAA is proposed to replace an existing CAA, the executive director shall either approve or disapprove the designation within 90 business days pursuant to the procedures in the provisions of R 400.19606(3). If approved, the designation shall be provisional for 120 days. During this period, the replacing CAA shall restructure its governing/advisory board and amend its bylaws and operating procedures to reflect the new service area. A status report of these activities and related documents shall be submitted to the executive director within the 120-day provisional period. If the executive director

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is satisfied that all actions and plans are in order, the agency shall receive final designation. The executive director may extend the 120-day provisional period for an additional 60 days.

(3) If another CAA is proposed to replace an existing CAA as an intermediate provider, the executive director shall either approve or disapprove the intermediate provider within 90 business days pursuant to the procedures in an open and fair request for proposal bid process. If approved, the CAA shall be provisional for 120 days. During this period, the intermediate provider CAA will set up operations to expand into the new service area. A status report of these activities and related documents shall be submitted to the executive director every 30-days during the provisional period. The executive director may extend the 120-day provisional period for an additional 60 days. A CAA may continue the expanded service area as intermediate provider without governing/advisory board restructuring and bylaw amendments until a permanent solution is implemented.

(4) A change in designation shall not take place unless a written transition plan or closedown plan, approved by the executive director, is followed. The party or parties responsible for the preparation and execution of the plan shall be identified by the executive director. A transition plan shall ensure the orderly transfer of program functions, obligations, records, authority, and funds from an existing CAA to a new CAA. A closedown plan shall ensure the orderly termination of program activities and disposition of funds, records, and property.

(5) The bureau may reallocate available resources, as necessary, when there has been a change in the designation of a CAA serving a community. The bureau, in making such a reallocation, shall take into consideration the financial obligations of the CAA being replaced and the fiscal needs of the new CAA.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19605 Serving unserved areas.**

Rule 605. (1) In any geographic area of the state not being served by an eligible entity, the governor may solicit applications from eligible entities and do any of the following, giving preference to entities identified in the Community Services Block Grant Act, 42 U.S.C. 9901 et seq., as amended:

(a) Request an existing eligible entity that is located and provides services in an area contiguous to the unserved area to serve the new area.

(b) If there is no existing eligible entity that is located and provides services in an area contiguous to the unserved area, request the eligible entity located closest to the area to be served or an existing eligible entity serving an area within reasonable proximity of the unserved area to provide services in the unserved area.

(c) If an existing eligible entity that is requested to serve the unserved area decides not to serve the area, designating any existing eligible entity or organization that has a governing/advisory board that meets the requirements in the provisions of R 400.19411, or any political subdivision of the state, to serve the new area. The governor's designation of an organization that has a governing/advisory board that meets the requirements in the provisions of R 400.19411, or a political subdivision of the state, to serve the unserved area qualifies the organization as an eligible entity under the act.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19606 Designating public hearing requirements.**

Rule 606. (1) Within 60 business days after receiving a written request pursuant to the provisions of R 400.19608, the executive director shall hold a public hearing. The public hearing shall be held in the affected community so that interested persons and organizations may express their opinions, either orally or in writing.

(2) The executive director shall implement the public hearing process as follows:

(a) Not less than 10 days before the hearing, the executive director shall publish a notice of the hearing in a newspaper or newspapers of general circulation available to interested persons or organizations. Notices shall also be posted in public places accessible to interested persons or organizations. The notice shall be mailed to each affected unit of local government and any CAA currently serving any part of the community.

(b) The notice shall indicate the type of request being considered and any tentative decision already made on the request.

(3) After the public hearing, the executive director must consult with and obtain the advice of the commission regarding the proposed action before making a final decision. The commission shall be consulted at its first meeting following the public hearing.

History: 1990 AACCS; 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19607 Rescission of community action agency designation.**

Rule 607. (1) The executive director, pursuant to section 8(2) of the act, may rescind the designation of a CAA for cause if the agency fails to operate bureau-administered programs in compliance with these rules or applicable state and federal laws and regulations. Cause for rescission of a CAA designation may include a combination of any of the following factors:

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- (a) The agency's governing/advisory board does not exercise sufficient authority or leadership to ensure that bureau-administered funds are expended in accordance with applicable regulations, laws, or contractual obligations.
  - (b) The agency's administrative leadership does not demonstrate the administrative knowledge and skills required to ensure that the agency's fiscal, personnel, programs, or property management systems are adequate to support bureau-funded projects.
  - (c) The agency has not properly accounted for bureau-administered funds and property.
  - (d) The agency's general management systems are not adequate to support bureau-funded programs.
  - (e) The agency has not demonstrated the capacity for effective service delivery of bureau-funded programs.
  - (f) The agency has not sufficiently fulfilled its contractual obligations.
  - (g) The agency's liabilities significantly exceed its assets.
  - (h) The agency has filed for bankruptcy.
  - (i) The agency lacks community support and credibility with regard to its ability to competently administer bureau-funded programs.
  - (j) The agency is unable to make substantive improvement in problem areas following a bureau monitoring visit.
- (2) An agency whose designation has been rescinded by the executive director shall lose its eligibility for formula funding and shall not use the term "community action agency" or "CAA" to refer to itself.
- History: 2015 MR 24, Eff. Dec. 23, 2014

**R 400.19608 Designation appeal process.**

- Rule 608. (1) The governing/advisory board of affected CAAs may appeal the decision of the executive director to designate a CAA or to rescind or change the designation of a CAA. The appeal shall be made in writing to the director.
- (2) The director shall, within 10 business days of the notice of an appeal, assign the matter to a hearings officer for the purpose of holding a hearing and making findings of fact, conclusions of law, and a proposed decision.
- (3) The hearing shall be conducted pursuant to the provisions of R 400.19701.
- (4) The director shall provide notification of all appeals to the commission.
- History: 2015 MR 24, Eff. Dec. 23, 2014.

**PART 7. GRANTEE APPEALS AND APPEALS HEARINGS**

**R 400.19701 Notice of grantee right to appeal; right to appeals hearing.**

- Rule 701. (1) The executive director shall provide written notice to each affected party of those bureau actions that are subject to appeal. All of the following actions are subject to appeal:
- (a) Bureau action that denies an applicant's designation as a community action agency.
  - (b) Bureau action that rescinds a community action agency's designation.
  - (c) Bureau action that terminates or suspends funding to a grantee or which places a grantee on probation.
  - (d) Bureau action that terminates or alters a contract of a state agency contractor, except as provided by the terms of the contract.
- (2) The executive director shall notify the parties specified in subrule (1) of this rule of all bureau actions and those actions that may be appealed. Notice must be provided in writing and contain all of the following:
- (a) A concise statement of the action and whether it may be appealed.
  - (b) The basis for the action which makes it subject to appeal.
  - (c) A reference or citation of law, rule, or regulation applicable to the action subject to appeal.
  - (d) A statement to notify the affected party of the right to appeal and the time frame within which an appeal request shall be initiated.
- (3) Each party who is notified of the right to an appeal and a hearing must be notified that the provisions of this rule and R 400.19702 to R 400.19706 shall govern the method of proceeding.
- History: 2015 MR 24, Eff. Dec. 23, 2014

**R 400.19702 Request for hearing; timeliness.**

- Rule 702. (1) A written notice of appeal and request for an appeals hearing shall be made to the executive director. Requests made by public or private agencies shall certify that the request is officially endorsed by the agency's governing/advisory board.
- (2) The ability to make an appeal request shall not be limited or interfered with in any way. If needed, the bureau shall assist the party in filing and processing the request.
- (3) Parties shall have 30 calendar days from the mailing of the notice to submit an appeal by certified mail and request an appeals hearing.

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History: 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19703 Denial or dismissal of request for hearing.**

Rule 703. (1) The executive director shall deny or dismiss the request for an appeals hearing under any of the following circumstances:

- (a) A request was not submitted within 30 calendar days.
  - (b) A request is withdrawn by an aggrieved party through written notice before issuance of the final decision.
  - (c) An aggrieved party abandons a hearing.
  - (d) The bureau has no jurisdiction over the matter.
  - (e) An issue is not appealable.
- (2) Abandonment occurs if an aggrieved party, without good cause as determined by the hearing officer, fails to appear or be represented at the scheduled hearing.
- (3) Written notice shall be given by the executive director to an aggrieved party stating the reasons for denial or dismissal as provided in subrule (1) of this rule.

R 400.19704 Hearings; place and notice.

Rule 704. (1) A hearing shall be conducted at a reasonable time, date, and place, which will normally be in state facilities in Lansing.

(2) The bureau shall mail a notice of hearing to the aggrieved party or its representative of record not less than 10 business days before the hearing date and shall include all of the following:

- (a) Time, date, and place of hearing.
- (b) A citation of the provision of the regulation, rule, or law involved.
- (c) A citation of the issue being heard.

History: 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19705 Hearing; conduct and proceedings.**

Rule 705. Proceedings in a hearing shall be conducted pursuant to the procedures applicable to contested cases under the administrative procedures act, 306 PA 1969, MCL 24.201 to 24.328.

History: 2015 MR 24, Eff. Dec. 23, 2014.

**R 400.19706 Hearings; provision of copy of administrative procedures act.**

Rule 706. At such times that the bureau takes action that may cause a grantee to file for an appeal hearing, the bureau shall forward to the grantee a copy of 306 PA 1969, MCL 24.201 to 24.328.

History: 2015 MR 24, Eff. Dec. 23, 2014.

**DEPARTMENT OF MANAGEMENT AND BUDGET**  
**OFFICE OF SERVICES TO THE AGING**  
**STATE AND LOCAL PROGRAMS ON AGING**

**PART 1. GENERAL PROVISIONS**

**R 400.20101**

Source: 1983 AACS.

**R 400.20102**

Source: 1983 AACS.

**R 400.20103**

Source: 1983 AACS.

**R 400.20104**

Source: 1983 AACS.

**R 400.20105**

Source: 1983 AACS.

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**R 400.20106**  
Source: 1983 AACS.

**R 400.20107**  
Source: 1983 AACS.

**R 400.20108**  
Source: 1983 AACS.

**R 400.20109**  
Source: 1983 AACS.

**PART 2. COMMISSION ON SERVICES TO THE AGING**

**R 400.20201**  
Source: 1983 AACS.

**R 400.20202**  
Source: 1983 AACS.

**R 400.20203**  
Source: 1983 AACS.

**R 400.20204**  
Source: 1983 AACS.

**R 400.20205**  
Source: 1983 AACS.

**R 400.20206**  
Source: 1983 AACS.

**R 400.20207**  
Source: 1983 AACS.

**PART 3. OFFICE ON SERVICES TO THE AGING**

**R 400.20301**  
Source: 1983 AACS.

**R 400.20302**  
Source: 1983 AACS.

**R 400.20303**  
Source: 1983 AACS.

**R 400.20304**  
Source: 1983 AACS.

**R 400.20305**  
Source: 1983 AACS.

**R 400.20306**  
Source: 1983 AACS.

**R 400.20307**  
Source: 1983 AACS.

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**R 400.20308**  
Source: 1983 AACS.

**R 400.20309**  
Source: 1983 AACS.

**PART 4. AREA AGENCIES ON AGING**

**R 400.20401**  
Source: 1983 AACS.

**R 400.20402**  
Source: 1983 AACS.

**R 400.20403**  
Source: 1983 AACS.

**R 400.20404**  
Source: 1983 AACS.

**R 400.20405**  
Source: 1983 AACS.

**R 400.20406**  
Source: 1983 AACS.

**R 400.20407**  
Source: 1983 AACS.

**PART 5. FINANCIAL REQUIREMENTS**

**R 400.20501**  
Source: 1983 AACS.

**R 400.20502**  
Source: 1983 AACS.

**R 400.20503**  
Source: 1983 AACS.

**R 400.20504**  
Source: 1983 AACS.

**R 400.20505**  
Source: 1983 AACS.

**R 400.20506**  
Source: 1983 AACS.

**R 400.20507**  
Source: 1983 AACS.

**R 400.20508**  
Source: 1983 AACS.

**R 400.20509**  
Source: 1983 AACS.

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**R 400.20510**  
Source: 1983 AACS.

**R 400.20511**  
Source: 1983 AACS.

**R 400.20512**  
Source: 1983 AACS.

**R 400.20513**  
Source: 1983 AACS.

**PART 6. APPEALS AND APPEALS HEARINGS**

**R 400.20601**  
Source: 1983 AACS.

**R 400.20602**  
Source: 1983 AACS.

**R 400.20603**  
Source: 1983 AACS.

**R 400.20604**  
Source: 1983 AACS.

**R 400.20605**  
Source: 1983 AACS.

**R 400.20606**  
Source: 1983 AACS.

**R 400.20607**  
Source: 1983 AACS.