

## Summary of Michigan Administrative Rules for Special Education Changes

January 2014

### **R 340.1701a: Definitions; A to D.**

- Removes inaccurate language that states a complaint can be filed regarding a violation of a court decision.

### **R 340.1701b: Definitions; I to P.**

- Removes the definition of multidisciplinary evaluation team (MET).

### **R 340.1702: “Student with a disability” defined.**

- Changes title to “Student with a disability” definition and determination of eligibility.
- Clarifies that a student with a disability means a person who has been evaluated and found eligible for special education.
- Replaces Individuals with Disabilities Education Act (IDEA) with 20 U.S.C. chapter 33, §1400 et seq.
- Changes the determination of eligibility to be completed by a defined group of qualified professionals to align with 34 CFR § 300.306.
- Outlines the required members in the group of qualified professionals who will determine eligibility for special education.
- Clarifies that a student with a disability is eligible for special education programs and services until the student has completed the requirements for a regular high school diploma.

### **R 340.1705 Cognitive impairment; determination.**

- Removes the word determination from the title.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.

### **R 340.1706 Emotional impairment; determination; evaluation report.**

- Removes the words determination and evaluation report from the title.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.

### **R 340.1707 Hearing impairment explained; determination.**

- Changes title and language within the rule to Deaf or Hard of Hearing.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.

### **R 340.1708 Visual impairment explained; determination.**

- Removes the words explained and determination from the title.

- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.
- Removes reference to orientation and mobility report and replaces with documentation of specific recommendations by Orientation and Mobility Specialist.

**R 340.1709 “Physical impairment” defined; determination.**

- Removes the words defined and determination from the title.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.
- Adds a physician’s assistant to the list of evaluators who are allowable in article 15 of 1978 PA 368, MCL 333.16101 to 333.18838.

**R 340.1709a “Other health impairment” defined; determination.**

- Removes the words defined and determination from the title.
- Clarifies that evaluators have to include at least one of those listed.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.
- Adds a physician’s assistant to the list of evaluators who are allowable in article 15 of 1978 PA 368, MCL 333.16101 to 333.18838.

**R 340.1710 “Speech and language impairment” defined; determination.**

- Removes the words defined and determination from the title.
- Removes language that a student who has a communication disorder, but whose primary disability is other than speech and language, may be eligible for speech and language services.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the evaluation.

**R 340.1711 “Early childhood developmental delay” defined; determination.**

- Removes the words defined and determination from the title.
- Removes language regarding the determination of the disability by the MET.

**R 340.1713 Specific learning disability defined; determination.**

- Removes language that refers to the state making a determination of learning disability.
- Removes the words defined and determination from the title.
- Removes language regarding the determination of the disability by the MET to focus on who will complete the assessments.

**R 340.1714 Severe multiple impairment; determination.**

- Removes the word determination from the title.
- Removes language regarding the determination of the impairment by the MET to focus on who will complete the assessments.

**R 340.1715 Autism spectrum disorder defined; determination.**

- Removes the words defined and determination from the title.
- Adds numbering to make the criteria easier to follow.
- Removes language regarding the determination of the disability by the MET to focus on who will complete the assessments.

**R 340.1716 "Traumatic brain injury" defined; determination.**

- Removes the words defined and determination in the title.
- Removes language regarding the determination of the disability by the MET to focus on who will complete the assessments.
- Adds a physician's assistant to the list of evaluators who are allowable in article 15 of 1978 PA 368, MCL 333.16101 to 333.18838.

**R 340.1717 Deaf-blindness defined; determination.**

- Removes the words defined and determination in the title.
- Removes language regarding the determination of the disability by the MET to focus on who will complete the assessments.
- Adds a physician's assistant to the list of evaluators who are allowable in article 15 of 1978 PA 368, MCL 333.16101 to 333.18838.

**R 340.1721 Request for initial evaluation.**

- Rescinded since it is duplicated in R 340.1721b.

**R 340.1721a Initial evaluation.**

- Changes title to special education personnel consultation with general education personnel.
- Removes R 340.1721a(1) since requirements of evaluations are duplicated in 34 CFR Part 300 and R 340.1721b.
- Maintains language that allows special education personnel who are authorized to conduct evaluations of students suspected of having a disability to provide consultation to the general education personnel.

### **R 340.1721b Time lines.**

- Establishes 30 school days as time for notice following parental consent to the provision of notice.
- Simplifies language to refer to the provision of notice upon completion of evaluation.
- Removes the option of extending evaluation time lines.
- Removes requirement of parent to provide parental consent for the initial provision of services within 10 school days.
- Requires the receipt of parental consent for the initial provision of services to occur prior to the development of an individualized education program (IEP) or service plan to align with 34 CFR § 300.300.
- Establishes 10 school days as time for development of IEP or service plan following parental consent for the initial provision of services.
- Removes the requirement of notice to identify the location of programs and services as this duplicates the requirements of 34 CFR § 300.320(a)(7).
- Removes language regarding a 15 school day time line to initiate the IEP since this conflicts with 34 CFR § 300.323, which requires the IEP to be initiated as soon as possible following its development.

### **R 340.1721e Individualized education program.**

- Removes the requirement for measurable short term objectives for all students.
- Removes language that allows any participant in the IEP who disagrees in whole or in part with the team's determinations to submit a written statement to attach to the report.

### **R 340.1722 District responsibilities.**

- Clarifies that the staff person who is responsible for the implementation of the IEP must be qualified.
- Clarifies that the district is responsible for developing an IEP that is in accordance with 20 U.S.C. chapter 33, §1400 of the IDEA and the Michigan Administrative Rules for Special Education.

### **R 340.1724d Mediation.**

- Removes reference to R 340.1724, which was rescinded in 2010.
- Removes the requirement for the state board to approve mediation process pursuant to Executive Order 1996-12.

### **R 340.1724f Due process complaints; procedures.**

- Removes language that the rule applies to due process complaints filed on or after July 1, 2006.

- Adds time lines for returning documentation of the outcomes of the resolution session to the Michigan Department of Education (MDE).
- Adds time lines for the district to inform the MDE when a party files a civil action in respect to the final administrative law judge decision.

**R 340.1724i Reimbursement.**

- Removes language that the rule applies to due process complaints filed on or after July 1, 2006.
- Adds 30 day time line for the district of residence, operating district or PSA to reimburse the state 75% of the costs related to the due process hearing.

**R 340.1784 Deaf or Hard of Hearing Education Specialist.**

- This new rule adds a specialist position for students who are deaf, hard of hearing or hearing impaired.

**R 340.1785 Vision Education Specialist.**

- This new rule adds a specialist position for students with visual impairments.

**R 340.1799c Teachers of students with hearing impairments.**

- Updates language, substituting “deaf or hard of hearing” for “with hearing impairment.”
- Revises requirements for teacher education programs for teachers of students who are deaf or hard of hearing, incorporating the requirements of R 340.1782, and adding a provision related to R 340.1781.
- Requires that programs be designed to develop knowledge of the physical and psychological impact of hearing impairment and knowledge of the community and culture of persons who are deaf or hard of hearing.

**R 340.1832 Content areas.**

- Requires that ISD plans for special education include statements that ensure the following:
  - Written procedures to advise and inform students with disabilities, their parents, and other members of the community of the special education opportunities required under law.
  - Activities and outreach methods used to ensure that all citizens are aware of the availability of special education programs and services.
  - Programs and services designed to meet the educational needs of students with disabilities and in compliance with the rules.
  - Annual review by ISDs, constituent school districts, and public school academies of caseloads and referrals to determine staffing needs.

- Availability of copies of contracts or service agreements at the ISD pursuant to 1976 PA 451, MCL 380.1751(1)(b).
- All paraprofessional personnel have a high school diploma.
- Written procedures for the Parent Advisory Committee that include the appointment process, the role and responsibilities, personnel, fiscal and staff resources.
- Requires descriptions of the following to be included in the plan:
  - The type of diagnostic services, programs, and related services that are available within the ISD and its constituent local school districts and public school academies.
  - The delivery system for the programs and services within the ISD and its constituent local school districts and public school academies designed to meet the individual needs of students with disabilities.
- Removes requirements for ISD plans related to:
  - ISD proposals of alternative programming.
  - Identification of local school district or public school academy administrators responsible for special education services.
  - Transportation necessary to provide special education programs and services.