



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: July 17, 2020

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Michael F. Rice, Ph.D., State Superintendent 

SUBJECT: Michigan Administrative Rules for Special Education Waivers Due to COVID-19 Pandemic - MEMO #COVID-19-063 (UPDATE) - MEMO #COVID-19-077

Section 6(k) of Executive Order 2020-142 states in pertinent part, "Any waiver issued by the [state] Superintendent under Part VII of Executive Order 2020-65 continues in effect through the end of the fiscal year unless otherwise rescinded by the [state] Superintendent."

The waivers approved in the memo issued May 27, 2020 of the following requirements in the Michigan Administrative Rules for Special Education (MARSE) for all districts for the remainder of the 2019-2020 school year will remain in effect through the end of the fiscal year, September 30, 2020:

1. R 340.1733(b)-(f): Under a waiver hereby approved, programs and services for students with disabilities are not subject to the age span requirements described in these subdivisions.
2. R 340.1738(b)(ii): Under a waiver hereby approved, programs for students with a severe cognitive impairment program are not subject to 1,150 hours of instruction with no breaks greater than 10 consecutive days. Programs must be available for 200 days.
3. R 340.1746(a): Under a waiver hereby approved, homebound services are not subject to physician verification of the student need to be confined to the home.

D STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – PRESIDENT • PAMELA PUGH – VICE PRESIDENT
MICHELLE FECTEAU – SECRETARY • TOM MCMILLIN – TREASURER
TIFFANY D. TILLEY – NASBE DELEGATE • JUDITH PRITCHETT
LUPE RAMOS-MONTIGNY • NIKKI SNYDER

4. R 340.1748(2)(b): Under a waiver hereby approved, programs for students with a severe multiple impairment are not subject to 1,150 hours of instruction with no breaks greater than 10 consecutive days. Programs must be available for 200 days.
5. R 340.1754 (2)(e): Under a waiver hereby approved, early childhood special education programs for students with disabilities are not subject to 360 clock hours. Programs must be available for 144 days.
6. R 340.1755(2)(c): Under a waiver hereby approved, early childhood special education services are not subject to 72 clock hours over one school year. Services may be provided over a calendar year.
7. R 340.1862(4)(c): Under a waiver hereby approved, special education services for children with a disability are not subject to 72 clock hours over one school year. Services will continue to be provided over one year from the signed date of parent consent.

Please note these approved waivers of the specific requirements are for clock hours of instruction in R 340.1738, R 340.1748, R 340.1754, R 340.1755, and R 340.1862. If necessary, districts are allowed to operate program days for the 2019-2020 school year past June 30, 2020; however, these programs must continue to be funded with the 2019-2020 school year allocations.

Questions pertaining to these waivers can be directed to the Michigan Department of Education, Office of Special Education at 1-888-320-8384 or mde-ose@michigan.gov.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors