# DEPARTMENT OF EDUCATION

## SUPERINTENDENT OF PUBLIC INSTRUCTION

## SPECIAL EDUCATION PROGRAMS AND SERVICES

(By the authority of the superintendent of public instruction under sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994)

## PART 1. GENERAL PROVISIONS

### R 340.1701 Assurance of compliance.

Rule 1. (1) All public agencies in the state, as those agencies are defined in 34 CFR 300.33 (2019), shall comply with these rules and with all of the following, which these rules adopt by reference:

(a) All provisions of the state's application for federal funds under part B and part C of the Individuals with Disabilities Education Act, 20 USC 1411 to 1419 and 1431 to 1444.

(b) The requirements of part B and part C of the Individuals with Disabilities Education Act, 20 USC 1411 to 1419 and 1431 to 1444.

(c) The regulations implementing the Individuals with Disabilities Education Act, 20 USC 1400 *et seq*., 34 CFR Part 300 (2019) and 34 CFR Part 303 (2019).

(2) Copies of the adopted matter are available, at cost of reproduction, from the office of special education of the department at 1-888-320-8384. Copies of the adopted federal matter are available from the United States Government Publishing Office at bookstore.gpo.gov.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 1994 AACS; 1997 AACS; 2002 AACS; 2008 AACS; 2013 AACS; 2020 AACS.

### R 340.1701a Definitions; A to E.

Rule 1a. As used in these rules:

(a) "Adaptive behavior" means a student's ability to perform the social roles appropriate for a person of his or her age and gender in a manner that meets the expectations of home, culture, school, neighborhood, and other relevant groups in which he or she participates.

(b) "Agency" means a public or private entity or organization, including a local school district, a public school academy, an intermediate school district, the department, and any other political subdivision of the state that is responsible for providing education or services to students with disabilities.

(c) "Complaint" means a written and signed allegation by an individual or organization, including the factual basis of the allegation, that there is a violation of any of the following:

(i) Any current provision of these rules.



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(ii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852, as it pertains to special education programs and services.

(iii) The Individuals with Disabilities Education Act, 20 USC 1400 *et seq*., and the regulations implementing the act, 34 CFR Part 300 (2019) and 34 CFR Part 303 (2019).

(iv) An intermediate school district plan.

(v) An individualized education program team report, administrative law judge decision, or court decision regarding special education programs or services.

(vi) The state application for federal funds under the Individuals with Disabilities Education Act, 20 USC 1400 *et seq*.

(d) "Department" means the Michigan department of education.

(e) "Departmentalize" means a delivery system in which 2 or more special education teachers teach groups of students with disabilities by instructional content areas.

(f) “Electronic submission” means submission by email, by facsimile, or by any other electronic means approved by the department.

History: 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS; 2013 AACS; 2020 AACS.

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

Rule 1b. As used in these rules:

(a) "Instructional services" means services provided by teaching personnel that are specially designed to meet the unique needs of a student with a disability. These may be provided by any of the following:

(i) An early childhood special education teacher under R 340.1755.

(ii) A teacher consultant under R 340.1749.

(iii) A teacher of the speech and language impaired under R 340.1745.

(iv) A teacher providing instruction to students with disabilities who are homebound or hospitalized.

(v) A teacher providing instruction to students who are placed in juvenile detention facilities under R 340.1757.

(b) "Multidisciplinary evaluation team" means a minimum of 2 persons who are responsible for evaluating a student suspected of having a disability. The team shall include at least 1 special education teacher or other specialist who has knowledge of the suspected disability.

(c) "Occupational therapy" means therapy provided by an occupational therapist or an occupational therapy assistant who provides therapy under the supervision of a licensed occupational therapist. Occupational therapist and occupational therapy assistants are licensed by the state of Michigan under 1978 PA 368, MCL 333.1101 et seq.

(d) "Parent" means any of the following:

(i) A biological or adoptive parent of a child.

(ii) A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent.

(iii) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state.



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(iv) An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare.

(v) A surrogate parent who has been appointed in accordance with R 340.1725f.

(vi) Except as provided in paragraph (vii) of this subdivision, the biological or adoptive parent, when attempting to act as the parent under this part and when more than 1 party is qualified under paragraphs (i) to (v) of this subdivision to act as a parent, shall be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(vii) If a judicial decree or order identifies a specific person or persons under paragraphs (i) to (iv) of this subdivision to act as the parent of a child, or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent.

(viii) The affected student or youth with a disability when the student or youth with a disability reaches 18 years of age, if a legal guardian has not been appointed by appropriate court proceedings.

(e) "Parent advisory committee" means a committee of parents of students with disabilities of a particular intermediate school district appointed by the board of that district under R 340.1838.

(f) "Physical therapy" means therapy prescribed by a physician and provided by a therapist who is licensed by the state of Michigan under 1978 PA 368, MCL 333.1101 et seq. or a physical therapy assistant who provides therapy under the supervision of a licensed physical therapist.

History: 1980 AACS; 1987 AACS; 1995 AACS; 2002 AACS; 2008 AACS; 2010 AACS.

**R 340.1701c Definitions; R to Y.**

Rule 1c. As used in these rules:

(a) "Related services" means services defined at 34 C.F.R. §300.34 and ancillary services as defined in 1976 PA 451, MCL 380.1 et seq., which is available for public review at the department and at intermediate school districts.

(b) "Services" means instructional or related services as defined in these rules.

(c) "Special education" means specially designed instruction, at no cost to the parents, to meet the unique educational needs of the student with a disability and to develop the student's maximum potential. Special education includes instructional services defined in R 340.1701b(a) and related services.

(d) "Youth placed in a juvenile detention facility" means a student who is placed by the court in a detention facility for juvenile delinquents and who is not attending a regular school program due to court order.

History: 2002 AACS; 2008 AACS.

**R 340.1702 "Student with a disability" defined.**



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Rule 2. "Student with a disability" means a person who has been evaluated according to the individuals with disabilities education act and these rules, and is determined by an individualized education program team, an individualized family service plan team, or an administrative law judge to have 1 or more of the impairments specified in this part that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, and who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a "student with a disability" and entitled to continue a special education program or service until the end of that school year.

History: 1979 AC; 1980 AACS; 1983 AACS; 1987 AAC; 2002 AACS; 2010 AACS; 2013 AACS.

**R 340.1703 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1704 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1705 Cognitive impairment; determination.**

Rule 5. (1) Cognitive impairment shall be manifested during the developmental period and be determined through the demonstration of all of the following behavioral characteristics:

(a) Development at a rate at or below approximately 2 standard deviations below the mean as determined through intellectual assessment.

(b) Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic. This requirement will not apply if the student is not of an age, grade, or mental age appropriate for formal or standardized achievement tests.

(c) Lack of development primarily in the cognitive domain.

(d) Impairment of adaptive behavior.

(e) Adversely affects a student's educational performance.

(2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include a psychologist.

History: 1979 AC; 1980 AACS; 1994 AACS; 2002 AACS; 2010 AACS.

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

Rule 6. (1) Emotional impairment shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affect the student's education to the extent that the student cannot profit from learning experiences without special education support. The problems result in behaviors manifested by 1 or more of the following characteristics:



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(a) Inability to build or maintain satisfactory interpersonal relationships within the school environment.

(b) Inappropriate types of behavior or feelings under normal circumstances.

(c) General pervasive mood of unhappiness or depression.

(d) Tendency to develop physical symptoms or fears associated with personal or school problems.

(2) Emotional impairment also includes students who, in addition to the characteristics specified in subrule (1) of this rule, exhibit maladaptive behaviors related to schizophrenia or similar disorders. The term "emotional impairment" does not include persons who are socially maladjusted, unless it is determined that the persons have an emotional impairment.

(3) Emotional impairment does not include students whose behaviors are primarily the result of intellectual, sensory, or health factors.

(4) When evaluating a student suspected of having an emotional impairment, the multidisciplinary evaluation team report shall include documentation of all of the following:

(a) The student's performance in the educational setting and in other settings, such as adaptive behavior within the broader community.

(b) The systematic observation of the behaviors of primary concern which interfere with educational and social needs.

(c) The intervention strategies used to improve the behaviors and the length of time the strategies were utilized.

(d) Relevant medical information, if any.

(5) A determination of impairment shall be based on data provided by a multidisciplinary evaluation team, which shall include a full and individual evaluation by both of the following:

(a) A psychologist or psychiatrist.

(b) A school social worker.

History: 1979 AC; 1980 AACS; 1983 AACS; 2002 AACS; 2010 AACS.

**R 340.1707 Deaf or hard of hearing.**

Rule 7. (1) The term "deaf or hard of hearing" refers to students with any type or degree of hearing loss that interferes with development or adversely affects educational performance. "Deafness" means a hearing loss that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification. The term "hard of hearing" refers to students who have permanent or fluctuating hearing loss that is less severe than the hearing loss of students who are deaf and that generally permits the use of the auditory channel as the primary means of developing speech and language skills.

(2) A determination of impairment must be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include an audiologist and an otolaryngologist or otologist.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2010 AACS; 2018 AACS.



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**R 340.1708 Visual impairment including blindness definition; determination.**

Rule 8. (1) “Visual impairment including blindness” means an impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes partial sight, blindness, and a progressively deteriorating eye condition.

(2) A determination of eligibility must be based on a full and individual evaluation by a multidisciplinary evaluation team, which must include all of the following:

(a) An eye report by an ophthalmologist or optometrist or a medical evaluation by a physician as that term is defined in article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(b) A functional vision assessment by a teacher of students with visual impairment.

(c) A learning media assessment by a teacher of students with visual impairment.

(3) A certified orientation and mobility specialist shall conduct an orientation and mobility evaluation that complies with subrule (4) of this rule for a student who satisfies at least 1 of the following:

(a) A visual acuity of 20/200 or less after routine refractive correction.

(b) A peripheral field of vision restricted to 20 degrees or less.

(c) A visual acuity of 20/200 or more and a recommendation by a teacher of students with visual impairment, an ophthalmologist, or an optometrist after an evaluation.

(4) The certified orientation and mobility specialist shall conduct the evaluation in familiar and unfamiliar settings and under a variety of lighting and terrain conditions and shall take into consideration the individual needs of the student.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2010 AACS; 2021 MR 12, Eff. June 21, 2021.

**R 340.1709 "Physical impairment" defined; determination.**

Rule 9. (1) "Physical impairment" means severe orthopedic impairment that adversely affects a student's educational performance.

(2) A determination of disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include assessment data from 1 of the following persons:

(a) An orthopedic surgeon.

(b) An internist.

(c) A neurologist.

(d) A pediatrician.

(e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2010 AACS.

**R 340.1709a "Other health impairment" defined; determination.**

Rule 9a. (1) "Other health impairment" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment and to which both of the following provisions apply:



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(a) Is due to chronic or acute health problems such as any of the following:
(i) Asthma.
(ii) Attention deficit disorder.
(iii) Attention deficit hyperactivity disorder.
(iv) Diabetes.
(v) Epilepsy.
(vi) A heart condition.
(vii) Hemophilia.
(viii) Lead poisoning.
(ix) Leukemia.
(x) Nephritis.
(xi) Rheumatic fever.
(xii) Sickle cell anemia.
(b) The impairment adversely affects a student's educational performance.
(2) A determination of disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include 1 of the following persons:
(a) An orthopedic surgeon.
(b) An internist.
(c) A neurologist.
(d) A pediatrician.
(e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

History: 2002 AACS; 2010 AACS.

**R 340.1710 "Speech and language impairment" defined; determination.**

Rule 10. (1) A "speech and language impairment" means a communication disorder that adversely affects educational performance, such as a language impairment, articulation impairment, fluency impairment, or voice impairment.
(2) A communication disorder shall be determined through the manifestation of 1 or more of the following speech and language impairments that adversely affects educational performance:
(a) A language impairment which interferes with the student's ability to understand and use language effectively and which includes 1 or more of the following:
(i) Phonology.
(ii) Morphology.
(iii) Syntax.
(iv) Semantics.
(v) Pragmatics.
(b) Articulation impairment, including omissions, substitutions, or distortions of sound, persisting beyond the age at which maturation alone might be expected to correct the deviation.
(c) Fluency impairment, including an abnormal rate of speaking, speech interruptions, and repetition of sounds, words, phrases, or sentences, that interferes with effective communication.


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(d) Voice impairment, including inappropriate pitch, loudness, or voice quality.

(3) Any impairment under subrule (2)(a) of this rule shall be evidenced by both of the following:

(a) A spontaneous language sample demonstrating inadequate language functioning.

(b) Test results on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning which indicate inappropriate language functioning for the student's age.

(4) 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 under R 340.1745(a).

(5) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include a teacher of students with speech and language impairment under R 340.1796 or a speech and language pathologist qualified under R 340.1792.

History: 1979 AC; 1980 AACS; 1994 AACS; 2002 AACS; 2010 AACS.

**R 340.1711 "Early childhood developmental delay" defined; determination.**

Rule 11. (1) "Early childhood developmental delay" means a child through 7 years of age whose primary delay cannot be differentiated through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716 and who manifests a delay in 1 or more areas of development equal to or greater than 1/2 of the expected development. This definition does not preclude identification of a child through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716.

(2) A determination of early childhood developmental delay shall be based upon a full and individual evaluation by a multidisciplinary evaluation team.

History: 1979 AC; 1980 AACS; 1982 AACS; 1983 AACS; 2002 AACS; 2010 AACS.

**R 340.1712 Rescinded.**

History: 1979 AC; rescinded 1980 AACS.

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

Rule 13. (1) "Specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive



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impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage.

(2) In determining whether a student has a learning disability, the state shall:

(a) Not require the use of a severe discrepancy between intellectual ability and achievement.

(b) Permit the use of a process based on the child's response to scientific, research-based intervention.

(c) Permit the use of other alternative research-based procedures.

(3) A determination of learning disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include at least both of the following:

(a) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age.

(b) At least 1 person qualified to conduct individual diagnostic examinations of children and who can interpret the instructional implications of evaluation results, such as a school psychologist, an authorized provider of speech and language under R 340.1745(d), or a teacher consultant.

History: 1979 AC; 1980 AACS; 1983 AACS; 2002 AACS; 2004 AACS; 2008 AACS; 2010 AACS.

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

Rule 14. (1) Students with severe multiple impairments shall be determined through the manifestation of either of the following:

(a) Development at a rate of 2 to 3 standard deviations below the mean and 2 or more of the following conditions:

(i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills.

(ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.

(iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance.

(iv) A health impairment so severe that the student is medically at risk.

(b) Development at a rate of 3 or more standard deviations below the mean or students for whom evaluation instruments do not provide a valid measure of cognitive ability and 1 or more of the following conditions:

(i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills.

(ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.

(iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance.

(iv) A health impairment so severe that the student is medically at risk.

(2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include a psychologist



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and, depending upon the disabilities in the physical domain, the multidisciplinary evaluation team participants required in R 340.1707, R 340.1708, or R 340.1709, R 340.1709a, or R 340.1716.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2010 AACS.

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

Rule 15. (1) Autism spectrum disorder is considered a lifelong developmental disability that adversely affects a student's educational performance in 1 or more of the following performance areas:

(a) Academic.

(b) Behavioral.

(c) Social.

Autism spectrum disorder is typically manifested before 36 months of age. A child who first manifests the characteristics after age 3 may also meet criteria. Autism spectrum disorder is characterized by qualitative impairments in reciprocal social interactions, qualitative impairments in communication, and restricted range of interests/repetitive behavior.

(2) Determination for eligibility shall include all of the following:

(a) Qualitative impairments in reciprocal social interactions including at least 2 of the following areas:

(i) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction.

(ii) Failure to develop peer relationships appropriate to developmental level.

(iii) Marked impairment in spontaneous seeking to share enjoyment, interests, or achievements with other people, for example, by a lack of showing, bringing, or pointing out objects of interest.

(iv) Marked impairment in the areas of social or emotional reciprocity.

(b) Qualitative impairments in communication including at least 1 of the following:

(i) Delay in, or total lack of, the development of spoken language not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime.

(ii) Marked impairment in pragmatics or in the ability to initiate, sustain, or engage in reciprocal conversation with others.

(iii) Stereotyped and repetitive use of language or idiosyncratic language.

(iv) Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level.

(c) Restricted, repetitive, and stereotyped behaviors including at least 1 of the following:

(i) Encompassing preoccupation with 1 or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus.

(ii) Apparently inflexible adherence to specific, nonfunctional routines or rituals.

(iii) Stereotyped and repetitive motor mannerisms, for example, hand or finger flapping or twisting, or complex whole-body movements.

(iv) Persistent preoccupation with parts of objects.



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(3) Determination may include unusual or inconsistent response to sensory stimuli, in combination with subdivisions (a), (b), and (c) of subrule (2) of this rule.

(4) While autism spectrum disorder may exist concurrently with other diagnoses or areas of disability, to be eligible under this rule, there shall not be a primary diagnosis of schizophrenia or emotional impairment.

(5) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team including, at a minimum, a psychologist or psychiatrist, an authorized provider of speech and language under R 340.1745(d), and a school social worker.

History: 1983 AACS; 2002 AACS; 2004 AACS; 2010 AACS.

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

Rule 16. (1) "Traumatic brain injury" means an acquired injury to the brain which is caused by an external physical force and which results in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairment in 1 or more of the following areas:

(a) Cognition.
(b) Language.
(c) Memory.
(d) Attention.
(e) Reasoning.
(f) Behavior.
(g) Physical functions.
(h) Information processing.
(i) Speech.

(2) The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

(3) A determination of disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include an assessment from a family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

History: 2002 AACS; 2010 AACS.

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

Rule 17. (1) Deaf-blindness means concomitant hearing impairment and visual impairment, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs without additional supports to address the unique needs specific to deaf-blindness. Deaf-blindness also means both of the following:

(a) Documented hearing and visual losses that, if considered individually, may not meet the requirements for visual impairment or hearing impairment, but the combination of the losses affects educational performance.


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(b) Such students function as if they have both a hearing and visual loss, based upon responses to auditory and visual stimuli in the environment, or during vision and hearing evaluations.

(2) A determination of the disability shall be based upon data provided by a multidisciplinary evaluation team which shall include assessment data from all of the following:

(a) Medical specialists such as any of the following:

(i) An ophthalmologist.

(ii) An optometrist.

(iii) An audiologist.

(iv) An otolaryngologist.

(v) An otologist.

(vi) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

(b) A teacher of students with visual impairment.

(c) A teacher of students with hearing impairment.

History: 2004 AACS.

**R 340.1719 Rescinded.**

History: 1979 AC; 2018 AACS.

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

**R 340.1721 Request for initial evaluation.**

Rule 21. Within 10 school days of receipt of a written request for an initial evaluation of a student suspected of having a disability, and before any formal evaluation designed to determine eligibility for special education programs and services, the public agency shall provide the parent with written notice consistent with 34 CFR § 300.503 and, when necessary shall request written consent to evaluate.

History: 1979 AC; 1980 AACS; 2002 AACS; 2010 AACS; 2011 AACS; 2013 AACS.

**R 340.1721a Initial evaluation.**

Rule 21a. (1) Each student suspected of having a disability shall be evaluated by a multidisciplinary evaluation team as defined in R 340.1701b(b). In addition to the requirements in R 340.1705 to R 340.1717, the multidisciplinary evaluation team shall do all of the following:

(a) Complete a full and individual evaluation.



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(b) Make a recommendation of eligibility and prepare a written report to be presented to the individualized education program team by the designated multidisciplinary evaluation team member who can explain the instructional implication of evaluation results. The report shall include information needed by the individualized education program team to determine all of the following:

(i) Eligibility.

(ii) A student's present level of academic achievement and functional performance.

(iii) The educational needs of the student.

(2) Special education personnel who are authorized to conduct evaluations of students suspected of having a disability may provide consultation to general education personnel.

History: 1980 AACS; 1987 AACS; 2002 AACS; 2009 AACS; 2010 AACS; 2011 AACS.

**R 340.1721b Public agency responsibilities and timelines.**

Rule 21b. (1) When a written request for an evaluation is made for a student attending a public school, all of the following apply:

(a) Within 10 school days of receipt of the written request, the public agency shall provide the parent with written notice consistent with 34 CFR 300.503 and request written parental consent to evaluate. The time from receipt of parental consent for an evaluation to the notice of an offer of a free appropriate public education or the determination of ineligibility must not be more than 30 school days. This timeline begins on receipt of the signed parental consent by the public agency requesting the consent. The parent and the public agency may agree to extend this timeline. Any extension must comply with both of the following:

(i) Be in writing.

(ii) Be measured in school days.

(b) The parent has 10 school days after receipt of the notice of an initial offer of a free appropriate public education to provide the public agency with written parental consent to provide initial special education programs and services.

(c) Within 7 school days of the date of the individualized education program team meeting, the public agency shall provide the parent with the notice of an offer of a free appropriate public education or determination of ineligibility. The public agency shall document the mode and date of delivery of the notice. The notice must identify where the programs and services will be provided and when the individualized education program will begin.

(d) Unless a parent has filed a due process complaint to request a hearing under R 340.1724f, the public agency, as defined in 34 CFR 300.33, shall initiate a proposed special education individualized education program as soon as possible and within 15 school days of the parent’s receipt of written notification under subdivision (c) of this subrule, or within 15 school days of receipt of written parental consent under subdivision (b) of this subrule. The parties may agree to a later initiation date if the individualized education program clearly identifies the later date. A later initiation date must not be used to deny or delay programs or services because they are unavailable and must not be used for purposes of administrative convenience.



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(e) For a student with an individualized education program effective at a public agency who transfers to a different public agency during the same school year, the new public agency shall immediately provide a free appropriate public education. A decision regarding implementation of an individualized education program in accordance with 34 CFR 300.323 must be made within 30 school days of enrollment.

(2) When a written request for an initial evaluation is made for a student who is parentally-placed in a private school, the public agency shall do all of the following:

(a) Within 10 school days of receipt of the written request, provide written notice consistent with 34 CFR 300.503 and request written parental consent to evaluate, when appropriate.

(b) Within 30 school days of receipt of written parental consent for an evaluation, determine eligibility and provide notice consistent with 34 CFR 300.503. The parent and the public agency may agree to extend this timeline. Any extension must comply with both of the following:

(i) Be in writing.

(ii) Be measured in school days.

(c) Comply with the requirements of 34 CFR 300.130 to 300.147.

History: 1980 AACS; 1987 AACS; 1995 AACS; 2002 AACS; 2011 AACS; 2013 AACS; 2024 MR 12, Eff. June 27, 2024.

**R 340.1721c Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS; 2010 AACS; 2011 AACS.

**R 340.1721d Rescinded.**

History: 1980 AACS; 2002 AACS; 2011 AACS.

**R 340.1721e Individualized education program.**

Rule 21e. (1) Pursuant to 34 CFR Part 300 (2019), an individualized education program team shall develop a written individualized education program that includes all of the following:

(a) A statement of measurable annual goals, including measurable short-term objectives.

(b) A statement documenting that the individualized education program team considered extended school year services.

(c) For a child age 3 through 5, a statement of the child’s socialization needs and ability to participate and progress in developmentally appropriate activities.

(2) All of the following apply to the determination of the need for extended school year services:

(a) The individualized education program team shall determine if a student's current annual goals address 1 or more skills that need extended school year services. For any



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identified annual goal, the individualized education program team shall consider all of the following:

(i) Data that indicate that in the identified annual goal there is a potential for regression of skills beyond a reasonable period of recoupment.

(ii) Data regarding the nature or severity of the disability of the student that indicate that there is a need to provide services in the identified annual goal during breaks in the school year.

(iii) Information that indicates that in the identified annual goal the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills.

(b) If the individualized education program team determines that any data or information described in subdivision (a)(i) to (iii) of this subrule indicates a need for extended school year services, the individualized education program team shall include extended school year services in the student's individualized education program.

(c) The individualized education program team shall not determine the need for extended school year services based on a formula or policy that prohibits full consideration of the unique educational needs of each student.

(d) The individualized education program team shall consider related services, transportation, supplementary aids and services, and instructional programming when planning a student's extended school year services.

(e) The individualized education program team shall conclude consideration of extended school year services in sufficient time to make plans for the delivery of extended school year services.

(3) Any participant in the individualized education program team's deliberations who disagrees, in whole or in part, with the team's determination may indicate the reasons on the team's individualized education program report or may submit a written statement to be attached to the report.

(4) The individualized education program team shall determine the programs and services for a student with a disability pursuant to 34 CFR Part 300 (2019). The individualized education program team shall not restrict the individualized education program to the programs and services available.

(5) The individualized education program team shall consider the Michigan school for the deaf as a part of the total continuum of services for students who are deaf or hard of hearing. The resident district shall conduct the individualized education program team meeting that initiates an assignment to the Michigan school for the deaf. The individualized education program team shall invite representatives of the intermediate school district of residence and the Michigan school for the deaf to participate in the individualized education program team meeting.

(6) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.

(7) The operating district shall invite the resident district to attend the individualized education program team meeting when the district of residence has authorized the



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operating district to conduct each subsequent individualized education program team meeting.

History: 1980 AACS; 1987 AACS; 1995 AACS; 2002 AACS; 2008 AACS; 2009 AACS; 2011 AACS; 2013 AACS; 2020 MR 3, Eff. Feb. 13, 2020; 2021 MR 12, Eff. June 21, 2021.

**R 340.1722 District responsibilities.**

Rule 22. (1) The superintendent or his or her designee shall appoint a staff person to be responsible for the implementation of the individualized education program, including services provided by other agencies.

(2) The staff person responsible for the implementation of the individualized education program shall be either of the following:

(a) The principal of the building where the primary educational program is provided to the student with an individualized education program.

(b) Another staff person who is generally accessible to the staff and who will be working with the student.

(3) Each public agency shall provide special education and related services to a student in accordance with the student's individualized education program.

History: 1979 AC; 1980 AACS; 1994 AACS; 2002 AACS; 2010 AACS; 2011 AACS; 2013 AACS.

**R 340.1722a Rescinded.**

History: 1980 AACS; 1987 AACS; 1990 AACS; 1994 AACS; 1995 AACS; 2002 AACS; 2004 AACS; 2008 AACS; 2010 AACS; 2011 AACS.

**R 340.1722b Rescinded.**

History: 1980 AACS; 1987 AACS.

**R 340.1722c Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1722d Rescinded.**

History: 1980 AACS; 1997 AACS; 2002 AACS.

**R 340.1722e Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS; 2011 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1722f Rescinded.**

History: 1980 AACS; 2002 AACS.

**R 340.1723 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1723a Rescinded.**

History: 1980 AACS; 1995 AACS; 2002 AACS.

**R 340.1723b Rescinded.**

History: 1980 AACS; 1994 AACS; 2002 AACS.

**R 340.1723c Right to independent educational evaluation.**

Rule 23c. (1) Each public agency shall provide parents with information about independent educational evaluations at public expense. The information must include all of the following:

(a) Criteria regarding credentials for qualified examiners.

(b) Suggested sources and locations.

(c) Procedures for reimbursement.

(d) Reasonable expected costs.

(e) Notification that the parent is not restricted to choosing from sources suggested by the public agency.

(2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. A parent is entitled to only 1 independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

(3) When a parent requests an independent educational evaluation at public expense, the public agency shall, without unnecessary delay, either provide an independent educational evaluation at public expense or initiate a hearing under R 340.1724f to show that its evaluation is appropriate.

(4) The public agency shall respond with written notice consistent with 34 CFR 300.503 to a request for an independent educational evaluation under this rule within 7 calendar days of its receipt by indicating the public agency's intention to honor the request or initiate the hearing procedure under R 340.1724f. If there is a hearing under R 340.1724f and the hearing officer determines that the evaluation is appropriate, the parent retains the right to an independent educational evaluation, but not at public expense.

(5) The public agency shall disclose to the parent, before evaluation, whether the examiner who was contracted to provide an independent educational evaluation provides



*Courtesy of Michigan Administrative Rules*

services to the public agency that are in addition to the independent educational evaluation.

(6) Unless agreeable to the parent, an examiner who regularly contracts with the public agency to provide services shall not conduct an independent educational evaluation.

History: 1980 AACS; 1987 AACS; 1994 AACS; 2002 AACS; 2008 AACS; 2018 AACS; 2024 MR 12, Eff. June 27, 2024.

**R 340.1724 Rescinded.**

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS; 2010 AACS.

**R 340.1724a Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS.

**R 340.1724b Rescinded.**

History: 1980 AACS; 1987 AACS; 1994 AACS; 2002 AACS.

**R 340.1724c Rescinded.**

History: 1987 AACS; 1990 AACS; 2002 AACS; 2008 AACS.

**R 340.1724d Mediation.**

Rule 24d. (1) A parent or public agency may request a mediation process in which the relief sought consists of a mutually agreeable settlement between the parties of a dispute that might be the subject of a state special education complaint under part 8 of the rules or a due process complaint under R 340.1724f.

(2) The superintendent of public instruction shall approve procedures regarding the mediation process.

History: 1987 AACS; 2002 AACS; 2008 AACS; 2018 AACS.

**R 340.1724e Rescinded.**

History: 2006 AACS; 2008 AACS.

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

Rule 24f. (1) A parent, a public agency, or the department may request a hearing by doing both of the following:



*Courtesy of Michigan Administrative Rules*

(a) Filing a written due process complaint, signed by the complainant, with the department by mail, by personal delivery, or by electronic submission.

(b) Providing a copy of the complaint to the public agency or other party or parties that are the subject of the due process complaint.

(2) A complainant may request a hearing on matters related to 1 or more of the following:

(a) Identification.

(b) Evaluation.

(c) Educational placement.

(d) Provision of a free appropriate public education.

(e) Provision of appropriate services under 34 CFR Part 303 (2019) to the child or the child's family.

(f) Assignment of financial obligations for services under 34 CFR Part 303 (2019) to the parents.

(g) Determination that behavior was not a manifestation of the student's disability.

(h) Determination of an appropriate interim alternative educational setting by the individualized education program team.

(i) Placement in an interim alternative setting for not more than 45 school days, because maintaining the current placement is substantially likely to result in injury to the student or others.

(3) Upon receipt of a due process complaint, the department shall refer the complaint to the Michigan office of administrative hearings and rules, which shall appoint an administrative law judge to conduct a hearing in accordance with the Individuals with Disabilities Education Act, 20 USC 1400 *et seq.*; sections 1701 to 1761 of the revised school code, 1976 PA 451, MCL 380.1701 to 380.1761; R 792.11801 to R 792.11803; and these rules.

(4) Any party aggrieved by a final decision and order issued by an administrative law judge under this rule may appeal to a court of competent jurisdiction within 90 days after the mailing date of the final decision and order.

(5) Unless otherwise specified in the administrative law judge's final decision and order, the public agency shall implement the final decision and order within 15 school days of the agency's receipt of the final decision and order.

(6) If the final decision and order of an administrative law judge requires, the public agency shall submit proof of compliance with the final decision and order to the department, documenting that the public agency has implemented the provisions of the final decision and order.

History: 2006 AACS; 2008 AACS; 2010 AACS; 2013 AACS; 2020 AACS.

## R 340.1724g Rescinded.

History: 2006 AACS; 2008 AACS.

## R 340.1724h Administrative law judge training.



*Courtesy of Michigan Administrative Rules*

Rule 24h. The department, in conjunction with the Michigan office of administrative hearings and rules, shall ensure that administrative law judges conducting hearings under these rules receive training, as needed, regarding administrative law, administrative procedure, special education law, special education rules, special education policy, and special education practice.

History: 2006 AACS; 2008 AACS; 2020 AACS.

**R 340.1724i Reimbursement.**

Rule 24i. This rule applies only to due process complaints filed on or after July 1, 2006. For purposes of MCL 380.1752, this rule replaces R 340.1882(4), which was rescinded. The district of residence or public school academy shall reimburse the State 75% of the costs related to providing the due process hearing.

History: 2006 AACS; 2008 AACS.

**R 340.1725 Rescinded.**

History: 1979 AC; 1980 AACS; 1987 AACS; 1994 AACS; 1995 AACS; 2002 AACS.

**R 340.1725a Rescinded.**

History: 1980 AACS; 2002 AACS.

**R 340.1725b Rescinded.**

History: 1980 AACS; 1987 AACS; 1990 AACS; 2002 AACS.

**R 340.1725c Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1725d Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1725e Administrative law judge; duties and authority.**

Rule 25e. (1) The administrative law judge has the authority to do all of the following:

(a) Administer oaths and affirmations.

(b) Sign and issue subpoenas requiring the attendance and giving of testimony by witnesses and the production of documents.



*Courtesy of Michigan Administrative Rules*

(c) Provide for the taking of testimony.

(d) Require a prehearing conference, if appropriate, to consider and take action regarding any of the following:

(i) The formulation and simplification of the issues.

(ii) Admissions of fact and documents that will avoid unnecessary testimony.

(iii) The need and scheduling for the filing of motions, briefs, and dates for further conferences and the hearing.

(iv) Settlement, which may include encouraging the use of mediation or other alternative dispute resolution options.

(v) The filing and disposition of requests or motions.

(vi) Establishing a reasonable limit on the time allowed for presenting evidence.

(vii) Other matters as may facilitate the disposition of the hearing.

(e) Control the conduct of parties or participants in the hearing for the purpose of ensuring an orderly procedure.

(f) Grant a specific extension of time at the request of either party for good cause.

(2) The administrative law judge shall disclose to both parties any relationship of a professional or personal nature that might have a bearing on his or her ability to conduct a fair hearing or render an impartial decision and shall consider motions to disqualify the administrative law judge.

(3) The administrative law judge may admit and consider evidence of a type upon which reasonably prudent persons rely in the conduct of their affairs. The administrative law judge may exclude irrelevant, immaterial, and unduly repetitious evidence. The administrative law judge shall give effect to the rules of privilege recognized by law.

(4) For matters that these rules do not specifically address, R 792.10101 to R 792.10137, R 792.11801 to R 792.11803, the Michigan court rules, and chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.288, apply.

History: 1987 AACS; 1994 AACS; 2002 AACS; 2020 AACS.

**R 340.1725f Surrogate parent.**

Rule 25f. Each public agency shall appoint persons to serve as surrogate parents in accordance with 34 CFR part 300 section 300.519.

History: 2002 AACS; 2013 AACS.

## PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES

**R 340.1731 Rescinded.**

History: 1979 AC; 1980 AACS.

**R 340.1732 Designation of residency.**



*Courtesy of Michigan Administrative Rules*

Rule 32. (1) The residency of a student with a disability shall be determined in accordance with sections 380.1148 and 380.1148a of 1976 PA 451, MCL 380.1148 and MCL 380.1148a.

(2) If a disagreement occurs between 2 or more school districts as to the residency of a student with a disability, then all of the following procedures apply:

(a) Notice shall be sent to the department by a school district involved. The notice shall include all of the following information:

(i) The names of all of the school districts alleged as a resident school district.

(ii) The name of the student involved.

(iii) The name and address of the parent or guardian, or address of the student if the student is over 18 years of age.

(b) The department or its representative shall immediately notify the school districts involved and the parent, guardian, or student of the receipt of notice of disagreement.

(c) Within 7 calendar days of receipt of notice from the department, all parties shall provide the department with a written statement of their position and supporting facts.

(d) Within 14 calendar days of the receipt of a notice of a disagreement from a school district, the department shall investigate the matter, consider information received from the parties involved, and make a determination as to the residency of the student. A copy of the determination shall be immediately sent to each party involved.

History: 1979 AC; 1980 AACS; 2002 AACS; 2013 AACS.

**R 340.1733 Program and service requirements.**

Rule 33. An intermediate school district, local school district, public school academy, and any other agency shall comply with all of the following general requirements for all programs and services for students with disabilities:

(a) Special education classrooms or areas where related services are provided must have at least the same average number of square feet per student and the same light, ventilation, and heat conditions as provided for general education students in the school district.

(b) Programs for students with severe cognitive impairment and severe multiple impairments that have students under 16 years of age must not exceed a 6-year age span at any 1 time.

(c) All other special education programs that have students under 16 years of age and are operated in separate facilities must not exceed a 4-year age span at any 1 time.

(d) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in elementary buildings attended by children who are nondisabled must not exceed, at any 1 time, the age span of the students who are nondisabled in the building.

(e) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in secondary buildings attended by students who are nondisabled must not exceed, at any 1 time, the age span of the students who are nondisabled in the building, except in high school buildings where students up to 26 years of age may be served. As used in this subdivision, "nondisabled" does not include individuals participating in adult education programs.



*Courtesy of Michigan Administrative Rules*

(f) Programs for students with severe cognitive impairment, severe multiple impairments, and moderate cognitive impairment must comply with subdivisions (b), (c), (d), and (e) of this rule unless a program is operated in accordance with an approved intermediate school district plan where, due to the low incidence of eligible students, expanded age ranges may be necessary for programmatic feasibility and meeting the needs of students.

(g) Students with disabilities qualifying for special education programs and services shall be provided with supplies and equipment at least equal to those provided to other students in general education programs, in addition to those supplies and equipment necessary to implement the students' individualized education programs.

(h) Intermediate school districts, local school districts, public school academies, or a combination of these agencies in cooperation with public and private entities, shall provide or contract for the provision of transition services. Special education teachers shall be assigned to supervise these services. Professional special education personnel, a transition coordinator, or both, shall coordinate transition services.

(i) For worksite-based learning, there must be a written agreement signed by the student, parent, school representative, and worksite representative that includes all of the following information:

(i) Expectations and standards of attainment.

(ii) Job activities.

(iii) Time and duration of the program.

(iv) Wages to be paid to the student, if applicable.

(v) Related instruction, if applicable.

(vi) The name of a staff member designated by the superintendent or chief administrator of the public agency to visit the student's worksite at least once every 30 calendar days for the duration of the program to check attendance and student progress and assess the placement in terms of health, safety, and welfare of the student.

(j) When an assigned instructional aide or teacher aide required by R 340.1738, R 340.1739, or R 340.1748 is absent, an instructional aide or teacher aide, as appropriate, shall be provided. In addition, when an assigned aide required by R 340.1740 is absent, an appropriate aide shall be provided.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 1995 AACS; 2002 AACS; 2004 AACS; 2010 AACS; 2024 MR 12, Eff. June 27, 2024.

**R 340.1734 Deviations from rules.**

Rule 34. (1) A deviation from these rules shall be requested, in writing, by an intermediate school district, local school district, or public school academy that operates or contracts for special education programs and services following procedures determined by the department. A copy of the request shall be filed concurrently with the intermediate school district in which affected students with disabilities reside and all local constituent school districts in which the affected students with disabilities reside. A copy of the request shall be filed concurrently with the parent advisory committee of the intermediate school district that requests the deviation and the parent advisory committee of any intermediate school district in which affected students with disabilities reside.



*Courtesy of Michigan Administrative Rules*

(2) Within 7 days of receipt of the request, the intermediate school district shall review and inquire into the request and shall file, with the department, its position regarding the appropriateness of the request and its objections to, or endorsement of, the request, together with the rationale regarding its position.

(3) The department shall initiate action within 30 calendar days of receipt of the request. The department may grant the request, in writing, for a period not to extend beyond the end of the current school year and upon such terms and conditions as it shall specify only when, in its judgment, the best interests of the students with disabilities affected by the deviation are served and good cause is shown.

(4) A deviation shall not be granted when the intent of the deviation is to exclude a student with a disability from, or deny a student with a disability participation in, a special education program or service that is required.

(5) A program deviation that is granted by the department is public information. The affected intermediate school districts, constituent local school districts, or public school academies shall inform their involved personnel of granted deviations in any manner they deem appropriate. At a minimum, the parent advisory committee shall be informed of the disposition of the request.

(6) A deviation shall not be requested for the purpose of avoiding or postponing corrections directed by the department under part 8 of these rules.

(7) If a final decision to deny a deviation request is made, then the school district that makes the request shall correct the condition that precipitated the request and shall forward to the department, office of special education, within 30 school days of the denial, its assurance that the matter is now in compliance with the respective rule.

(8) Nothing in this rule or any other provision of statute or regulation shall permit the department to waive any of the requirements of part B of the individuals with disabilities education act, as amended, 20 U.S.C. §1400 et seq.

History: 1979 AC; 1980 AACS; 1987 AACS; 1994 AACS; 2002 AACS; 2013 AACS.

**R 340.1735 Rescinded.**

History: 1979 AC; 1980 AACS.

**R 340.1736 Rescinded.**

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1737 Rescinded.**

History: 1979 AC; 1980 AACS; 1983 AACS; 2002 AACS.

**R 340.1738 Severe cognitive impairment program.**

Rule 38. A severe cognitive impairment program shall be operated as follows:



*Courtesy of Michigan Administrative Rules*

(a) There shall be 1 teacher and 2 instructional aides for a maximum of 12 students. The maximum number of students may be extended to 15 if an additional instructional aide is assigned with the placement of the thirteenth student. At least 1 full-time teacher and 1 full-time aide shall be employed in every severe cognitive impairment program.

(b) A severe cognitive impairment program shall consist of either of the following:

(i) A minimum of 200 days and 1,150 clock hours of instruction.

(ii) A minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction.

(c) Any decision on whether the child shall participate in the program beyond the regular school year established by the operating district must be made on an individual basis by the individualized education program team.

(d) Teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel.

(e) Instructional aides shall work under the supervision of the teacher and assist in the student's daily training program.

(f) Program assistants may assist the teacher and the instructional aides in the feeding, lifting, and individualized care of students.

(g) A registered nurse shall be reasonably available.

History: 1979 AC; 1980 AACS; 1987 AACS: 1989 AACS; 2002 AACS; 2008 AACS; 2013 AACS.

**R 340.1739 Programs for students with moderate cognitive impairment.**

Rule 39. Programs for students with moderate cognitive impairment shall be operated as follows:

(a) There shall be 1 teacher and 1 teacher aide for a maximum of 15 students.

(b) There shall be 1 lead teacher and a maximum of 3 instructional aides for a maximum of 30 students, with not more than 10 students for each aide.

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1740 Programs for students with mild cognitive impairment.**

Rule 40. Programs for students with mild cognitive impairment shall be operated as follows:

(a) Elementary programs for students with mild cognitive impairment shall serve not more than 15 different students. When an elementary program for students with mild cognitive impairment has 12 or more students in the room at one time, an aide shall be assigned to the program.

(b) Secondary programs for students with mild cognitive impairment shall have not more than 15 different students in the classroom at any one time and the teacher shall be responsible for the educational programming for not more than 15 different students.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS.

**R 340.1741 Programs for students with emotional impairment.**



*Courtesy of Michigan Administrative Rules*

Rule 41. Programs for students with emotional impairment shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.

H History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS.

**R 340.1742 Programs for students who are deaf or hard of hearing.**

Rule 42. If a public agency operates programs and services for students who are deaf or hard of hearing, it shall operate those programs and services as follows:

(a) A special class with 1 teacher shall have an enrollment of not more than 7 students.

(b)The public agency shall provide group amplification devices deemed necessary for instruction by the individualized education program team. The public agency shall ensure that the amplification devices worn by students who are deaf or hard of hearing in school are functioning properly.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS; 2018 AACS.

**R 340.1743 Programs for students with visual impairment.**

Rule 43. Programs and services for students with visual impairment shall be determined by the severity and multiplicity of the impairments. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time students, and the teacher shall be responsible for the educational programming for not more than 10 different students. The public agency shall ensure that low vision aids, excluding prescription eye glasses, are available and functioning properly.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1744 Programs for students with physical impairment or other health impairment.**

Rule 44. (1) Programs for students with physical impairment or other health impairment shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.

(2) Special classroom units serving students with physical or other health impairment shall provide not less than 60 square feet of floor space per person.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS.

**R 340.1745 Services for students with speech and language impairment.**

Rule 45. All of the following provisions are specific requirements for speech and language services:

(a) The speech and language services provided by an authorized provider of speech and language services shall be based on the needs of a student with a disability as determined



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by the individualized education program team after reviewing a diagnostic report provided by an authorized provider of speech and language services.

(b) The determination of caseload size for an authorized provider of speech and language services shall be made by the authorized provider of speech and language services in cooperation with the district director of special education, or his or her designee, and the building principal or principals of the school or schools in which the students are enrolled. Caseload size shall be based upon the severity and multiplicity of the disabilities and the extent of the service defined in the collective individualized education programs of the students to be served, allowing time for all of the following:

(i) Diagnostics.

(ii) Report writing.

(iii) Consulting with parents and teachers.

(iv) Individualized education program team meetings.

(v) Travel.

(c) Individual caseloads of authorized providers of speech and language services shall not exceed 60 different persons and shall be adjusted based on factors identified in subdivision (b) of this rule. Students being evaluated shall be counted as part of the caseload.

(d) An authorized provider of speech and language impaired services shall be either a teacher of students with speech and language impairment under R 340.1781, R 340.1782, and R 340.1796, or a person with a master's degree, as qualified under R 340.1792.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS.

**R 340.1746 Homebound and hospitalized services.**

Rule 46. (1) A district or intermediate district shall provide homebound and hospitalized services to a student with a disability in accordance with section 109 of the state school aid act of 1979, 1979 PA 94, MCL 388.1709, and the individuals with disabilities education act, 20 USC 1400 to 1482.

(2) A district or intermediate district shall not assign more than 12 students at any 1 time to a special education teacher employed for homebound or hospitalized services, or for a combination of these services.

(3) A student with a disability receiving homebound or hospitalized services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Related services may supplement, but not substitute for, the teacher's instruction.

(4) Homebound and hospitalized services are not a substitute for special education programs and services. The provider of homebound and hospitalized services shall, to the extent appropriate, provide curricular experiences that the district or intermediate district provides in the program where the student is enrolled.

(5) For purposes of this rule, “district” and “intermediate district” mean those terms as defined in sections 3 and 5 of the state school aid act of 1979, 1979 PA 94, MCL 388.1603 and 388.1605.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2005 AACS; 2022 MR 13, Eff. July 19, 2022.



*Courtesy of Michigan Administrative Rules*

**R 340.1747 Programs for students with specific learning disabilities.**

Rule 47. Programs for students with specific learning disabilities shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.

History: 1979 AC; 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS.

**R 340.1748 Severe multiple impairments program.**

Rule 48. (1) A severe multiple impairment program shall consist of at least 1 teacher and 2 instructional aides for a maximum of 9 students. At least 1 full-time teacher and 1 full-time aide shall be employed in every severe multiple impairments program.

(2) A severe multiple impairments program shall consist of either of the following:

(a) A minimum of 200 days and 1,150 clock hours of instruction.

(b) A minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction.

(3) Any decision on whether the child shall participate in the program beyond the regular school year established by the operating district must be made on an individual basis by the individualized education program team.

(4) A registered nurse shall be reasonably available.

History: 1979 AC; 1980 AACS; 1987 AACS; 1989 AACS; 2002 AACS; 2008 AACS; 2013 AACS.

**R 340.1748a Teacher consultant without a student caseload assignment; evaluation and consultation assignment; responsibilities.**

Rule 48a. (1) The teacher consultant for special education with an evaluation and consultation assignment shall do either or both of the following:

(a) Provide consultation to education personnel on behalf of students with disabilities.

(b) Evaluate students.

(2) The teacher consultant shall not serve in supervisory or administrative roles and perform the function of a teacher consultant simultaneously.

History: 2011 AACS.

**R 340.1749 Teacher consultant with a student caseload; responsibilities.**

Rule 49. (1) The teacher consultant for special education with a student caseload shall do 1 or more of the following:

(a) Provide instructional services to students receiving instruction in special education programs. Instructional services are supportive of the special education teacher. A teacher consultant shall not grade, give credit for, or teach a general education or a special education subject, class, or course.

(b) Provide instructional services to a student with a disability in a general education classroom. Instructional services are supportive of the general education teacher. The



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teacher consultant shall not grade, give credit for, or teach a general education subject, class, or course.

(c) Provide consultation to education personnel on behalf of students with disabilities on the consultant's caseload.

(d) Evaluate students suspected of being a student with a disability.

(2) The teacher consultant shall carry an active caseload of not more than 25 students with disabilities. All students served under this rule shall be counted as part of the caseload. In establishing the caseload, consideration shall be given to time for all of the following:

(a) Instructional services.

(b) Evaluation.

(c) Consultation with special and general education personnel.

(d) Report writing.

(e) Travel.

(3) The teacher consultant shall not serve in supervisory or administrative roles and perform the function of a teacher consultant simultaneously.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2011 AACS.

**R 340.1749a Elementary level resource program.**

Rule 49a. (1) A district that provides a special education elementary level resource program shall be provided by a special education teacher.

(2) The elementary resource teacher shall serve not more than 10 students at any 1 time and not more than 18 different students and shall do either or both of the following:

(a) Provide direct instruction to students on the resource teacher’s caseload and may assign grades or other evaluative measures for this instruction.

(b) Provide support to the general education classroom teachers to whom special education students on the resource teacher’s caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.

(3) The elementary resource program teacher may provide supplemental instruction to students on his or her caseload.

(4) The elementary resource teacher may evaluate general education students within the same building who are suspected of having a disability and, therefore, may serve on the initial multidisciplinary evaluation team. The resource teacher shall be responsible for the evaluation of not more than 2 students at 1 time. Time shall be allocated to the resource teacher to carry out this responsibility.

(5) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student’s disability, the individualized educational program team shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.

History: 1987 AACS; 2002 AACS; 2004 AACS; 2013 AACS.

**R 340.1749b Secondary level resource program.**



*Courtesy of Michigan Administrative Rules*

Rule 49b. (1) A district that provides a special education secondary level resource program shall be provided by a special education teacher.

(2) A secondary resource teacher shall serve not more than 10 students at any 1 time and have a caseload of not more than 20 different students and shall do either or both of the following:

(a) Provide direct instruction for special education courses approved for graduation by the local educational agency. The teacher may assign grades or other evaluative measures for this instruction.

(b) Provide support to the general education classroom teachers to whom special education students on the resource program teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.

(3) The secondary resource teacher may provide supplemental instruction to students on his or her caseload who are enrolled in general education classes. The teacher shall not teach a class and offer tutorial assistance at the same time.

(4) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational program team shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.

History: 1987 AACS; 2002 AACS; 2004 AACS; 2013 AACS.

**R 340.1749c Departmentalization of special education programs.**

Rule 49c. (1) A school with more than 1 special education teacher may departmentalize.

(2) Each teacher shall teach only 1 local education agency approved special education course per period.

(3) Each teacher may serve more than the students assigned to his or her caseload; however, the total number of students served cannot exceed the combined caseloads of the participating teachers.

(4) Each teacher shall serve not more than an average of 10 students per class period per instructional day.

History: 1987 AACS; 2002 AACS.

**R 340.1750 Director of special education.**

Rule 50. (1) Local school districts or public school academies may employ, or contract for the services of, a not less than half-time director of special education under the intermediate school district plan.

(2) Each intermediate school district shall employ, or contract for the services of, a full-time director of special education.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1751 Supervisor of special education.**



*Courtesy of Michigan Administrative Rules*

Rule 51. (1) A local school district, public school academy, or intermediate school district may employ a supervisor of special education instructional programs. The person shall be employed not less than half-time.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1752 Rescinded.**

History: 1979 AC; 1980 AACS; 1987 AACS.

**R 340.1753 Rescinded.**

History: 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1754 Early childhood special education programs; 2 years 6 months through 5 years of age**

Rule 54. (1) Early childhood special education programs for students with disabilities may be provided to students with disabilities who are 2 years 6 months through 5 years of age.

(2) Early childhood special education programs for students with disabilities shall do all of the following:

(a) Be provided by an approved or endorsed early childhood special education teacher.

(b) Be based upon the student's individual needs as determined through an age appropriate developmental assessment and specified in an individualized education program.

(c) Be based on the approved state board of education early childhood standards.

(d) Have a parent participation and education component.

(e) Be available for a minimum of 360 clock hours and 144 days of instruction.

(f) Have not more than 12 students for 1 teacher and 1 aide at any one time, and the teacher shall have responsibility for the educational programming for not more than 24 different students.

History: 1980 AACS; 1982 AACS; 2002 AACS; 2013 AACS.

**R 340.1755 Early childhood special education services; 2 years 6 months through 5 years of age**

Rule 55. (1) Early childhood special education services for students with disabilities may be provided to students with disabilities who are 2 years 6 months through 5 years of age.

(2) Early childhood special education services for students with disabilities shall do all of the following:

(a) Be provided by an approved or endorsed early childhood special education teacher or approved related service provider.



*Courtesy of Michigan Administrative Rules*

(b) Be provided by an approved related services staff working under the educational direction of an approved or endorsed early childhood special education teacher.

(c) Be provided for not less than 72 clock hours over 1 school year. Services may be provided in appropriate early childhood, school, community, or family settings.

(3) If a preschool-aged student with a disability is placed in a non-special education program, then the individualized education program team shall consider the need for consultation by an early childhood special education teacher.

History: 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS; 2013 AACS.

**R 340.1756 Programs for students with severe language impairment.**

Rule 56. (1) A public agency may establish programs for students with severe language impairment. Specific requirements for these programs are as follows:

(a) A program for students with severe language impairment conducted by a teacher of programs for students with speech and language impairment shall serve only young children with disabilities or developmental delay or elementary students with severe language impairment.

(b) The program shall have not more than 10 students or young children with speech and language impairment in the classroom at any 1 time, and the teacher shall have responsibility for the educational programming for not more than 15 different children.

History: 1980 AACS; 1983 AACS; 2002 AACS; 2004 AACS; 2005 AACS.

**R 340.1757 Students placed in juvenile detention facilities; other educational services.**

Rule 57. All of the following provisions are specific requirements for educational services conducted for students placed in juvenile detention facilities:

(a) Programs shall be initiated within 5 calendar days after admission. If a student placed in a juvenile detention facility is suspected of having a disability, then the procedure outlined in part 2 of these rules shall be immediately followed.

(b) Notification of educational placement shall be sent to the superintendent of the district of residence within 5 school days after the date of entry of a student into the educational program in a juvenile detention facility.

(c) Subject to applicable federal privacy protections, education reports for each student educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence within 5 school days from the date of release from the facility.

(d) Special education reimbursed personnel may provide educational services for students who do not have disabilities and who are placed in the facility, if the programs comply with both of the following provisions:

(i) They are under the supervision of a teacher approved in the area of emotional impairment.

(ii) They have not more than 10 students in a class at any 1 time.

History: 1980 AACS; 2002 AACS; 2005 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1758 Programs for students with autism spectrum disorder.**

Rule 58. Specific requirements for programs for students with autism spectrum disorder shall be provided using either of the following alternatives:

(a) Programs that consist of 1 classroom program for students with autism spectrum disorder shall not have more than 5 students and shall be served by a teacher of students with autism spectrum disorder. However, programs that consist of more than 1 classroom may have more than 5 students in a classroom, if the average student-to-teacher-and-aide ratio does not exceed 5 students to 1 teacher and 1 aide. A classroom with 3 or more students shall have 1 aide.

(b) A special education program described in an approved intermediate school district plan under R 340.1832(d) that assures the provision of educational programming for students with autism spectrum disorder.

History: 1983 AACS; 2002 AACS; 2004 AACS; 2013 AACS.

## PART 4. QUALIFICATIONS OF DIRECTORS AND SUPERVISORS

**R 340.1771 Director of special education; education and experience requirements.**

Rule 71. (1) For full approval, a director of special education shall possess all of the following minimum qualifications:

(a) A master's degree or higher.

(b) Full approval in at least 1 area of special education.

(c) Three years of successful professional practice or administrative experience in special education, or a combination of practice and experience.

(d) Thirty semester or equivalent hours of graduate credit and a successful 200-clock-hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in all of the following areas:

(i) Program development and evaluation.

(ii) Personnel staffing, supervision, and evaluation.

(iii) Verbal and written communication.

(iv) Leadership of professional development.

(v) Budget development and fiscal reporting.

(vi) Fostering parental, family, and community involvement.

(vii) Consultation and collaboration.

(viii) Dispute resolution.

(ix) Data-based decision-making.

(x) Conflict management.

(xi) Legal and ethical issues.

(e) Verification from a college or university approved for the preparation of special education directors.



*Courtesy of Michigan Administrative Rules*

(2) A director of special education who has full approval status shall maintain full approval status indefinitely.

(3) For temporary approval, a director of special education shall possess all of the following minimum qualifications:

(a) A master's degree or higher.

(b) Full approval in at least 1 area of special education.

(c) Three years of successful professional practice or administrative experience in education, or a combination of practice and experience.

(d) Twelve semester or equivalent hours of graduate credit in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education.

(e) The college or university approved for the preparation of special education directors shall verify enrollment in the director of special education preparation program and completion of 12 semester or equivalent hours of graduate credit.

(4) Continuation of temporary approval is dependent upon the satisfactory completion of not less than 6 semester or equivalent hours of required credit toward full approval before the beginning of the next school year.

(5) Any person who has completed all program requirements in effect before the effective date of these rules shall be eligible for full approval as a director of special education.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS.

**R 340.1772 Supervisor of special education; education and experience requirements.**

Rule 72. (1) For full approval, a supervisor of special education shall possess all of the following minimum qualifications:

(a) A master's degree or higher.

(b) Full approval in at least 1 area of special education.

(c) Three years of successful experience in special education.

(d) Twelve semester or equivalent hours of graduate credit in a college or university whose program has been approved by the state board of education.Graduate credit shall be distributed appropriately to assure knowledge and competency as related to special education in all of the following areas:

(i) Curriculum and instruction.

(ii) Administrative procedures.

(iii) Personnel supervision and evaluation.

(iv) Communication skills.

(v) Leadership of professional development.

(vi) Facilitation of effective instruction.

(vii) Data-based program improvement.

(viii) School law and policy.

(ix) Parental and family collaboration.

(e) Verification from a college or university approved for the preparation of special education supervisors.



*Courtesy of Michigan Administrative Rules*

(2) A supervisor of special education who has full approval status shall maintain full approval status indefinitely.

(3) For temporary approval, a supervisor of special education shall possess all of the following minimum qualifications:

(a) A master's degree or higher.

(b) Full approval in at least 1 area of special education.

(c) Three years of successful experience in special education.

(d) Verification of enrollment in the supervisor of special education program from a college or university approved by the state board of education for preparation of special education supervisors.

(4) Continuation of temporary approval is dependent upon the satisfactory completion of not less than 6 semester or equivalent hours of required credit toward full approval before the beginning of the next school year.

(5) Any person who has completed all program requirements in effect before the effective date of these rules shall be eligible for full approval as a supervisor of special education.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS; 2010 AACS.

**R 340.1773 Rescinded.**

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1774 Out-of-state applicants for supervisor or director; temporary approval.**

Rule 74. An applicant for temporary approval as a supervisor or director of special education who has been educated in another state shall present evidence of fulfilling all of the requirements established for applicants who have been educated in approved Michigan colleges and universities. The department shall establish procedures for the temporary approval of out-of-state applicants as supervisors or directors of special education.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

## PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

**R 340.1781 Teachers of students with disabilities; endorsement requirements.**

Rule 81. (1) A teacher seeking an endorsement or full approval by the department shall meet all of the following requirements, in conjunction with those of R 340.1782, R 340.1786 to R 340.1788, R 340.1790, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, before being employed by an intermediate school district, local school district, public school academy, or other agency operating special education programs and services:



*Courtesy of Michigan Administrative Rules*

(a) The requisite knowledge, understanding, skills, and dispositions for effective practice related to all of the following:

(i) Utilizing research-based models, theories, and philosophies for teaching students with an array of disabilities within different placements.

(ii) Assessing students with disabilities for identification and teaching.

(iii) Implementing accommodations and modifications for classroom, district, and statewide assessments.

(iv) Using assistive technology devices to increase, maintain, or improve the capabilities of students with impairments.

(v) Communicating, consulting, and collaborating with parents/guardians, paraprofessionals, general educators, administrators, and human services personnel.

(vi) Developing, implementing, and evaluating individualized education programs.

(vii) Planning, organizing, scheduling, and conducting individualized education program team meetings, including parental and student participation.

(viii) Preparing students with disabilities for transitions consisting of preschool to elementary through post-secondary environments and employment.

(ix) Maintaining, releasing, and transferring student records according to district, state, and federal rules and policies.

(x) Articulating the historical and legal bases regarding special education, such as the concept of free appropriate public education, general least restrictive environment requirements, and family education and privacy rights.

(b) Understanding issues of race, class, culture, religion, gender, orientation, and language related to subdivision (a) of this subrule.

History: 1979 AC; 1980 AACS; 1983 AACS; 1987 AACS; 2002 AACS; 2005 AACS; 2013 AACS.

**R 340.1782 Endorsed teachers of students with disabilities; additional requirements.**

Rule 82. An endorsed teacher of students with disabilities, in addition to meeting the specific requirements in R 340.1786 to R 340.1788, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, shall comply with all of the following requirements:

(a) Possess a valid Michigan teacher's certificate.

(b) Possess a baccalaureate degree with a major in a specific special education area or have earned credit in course work equivalent to that required for a major.

(c) Possess an endorsement in special education that is valid in grades kindergarten through 12. Elementary or secondary endorsements in special education, earned after September 1, 1990, shall be valid in grades kindergarten through 12.

(d) Have completed not less than 8 weeks of directed student teaching in the specific area of impairment. Not less than a 180-hour practicum in the specific area of impairment is required for each additional endorsement.

(e) Be recommended for a certificate or endorsement, or both, in a specific special education area by an institution of higher education or the department signifying verification of completion of a teacher education program for the specific special education area, as approved by the state board of education.

(f) On the effective date of these rules, persons approved as special education teachers under this rule, teacher consultants under R 340.1790, and teachers of



*Courtesy of Michigan Administrative Rules*

preprimary-aged students under R 340.1795 shall maintain and continue to have their full approval status.

History: 1979 AC; 1980 AACS; 1983 AACS; 1987 AACS; 1996 AACS; 2002 AACS; 2005 AACS.

**R 340.1783 Temporarily approved teachers of students with disabilities.**

Rule 83. Under procedures established by the department, the department may grant temporary approval as a teacher of students with disabilities to persons who hold a valid Michigan teaching certificate. The employing superintendent shall certify that the district conducted a search for fully qualified personnel and that no certified teacher who holds full approval or endorsement for the position was available at the time of the assignment. Continuation of temporary approval shall be dependent upon the satisfactory completion of not less than 6 semester or equivalent hours of required credit toward full approval between August 31 of the current school year and September 1 of the next school year that the teacher is employed. The school district is not required to conduct a search for a fully qualified teacher in successive school years if the candidate meets these requirements. The school district is not required to remove a teacher under temporary or continuing approval when a fully approved or endorsed teacher becomes available.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1783a Early childhood special education teacher; full-year permit.**

Rule 83a. (1) The department may issue a permit when a properly certificated teacher, under R 340.1795, is unavailable for a regular teaching assignment for children with disabilities or developmental delay, as defined in R 340.1711.

(2) An application for a permit shall contain evidence that the candidate has a baccalaureate degree or higher, including 15 semester or equivalent hours of appropriate professional education credit.

(3) The permit is effective through June 30 of the school year for which the permit is issued and may not be renewed for the same individual.

History: 2002 AACS; 2005 AACS.

**R 340.1784 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1785 Rescinded.**

History: 1979 AC; 1980 AACS; 1983 AACS; 1987 AACS; 2002 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1786 Teachers of students with cognitive impairment; special requirements.**

Rule 86. (1) The teacher education program for teachers of students with cognitive impairment shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification, classification, legislation and policies, historical perspectives, and levels of support for students with cognitive impairment.

(b) The nature and character of cognitive impairment and its unique impact on the following areas of human development:

(i) Social.

(ii) Emotional.

(iii) Language/communication.

(iv) Physical.

(v) Motor.

(vi) Sensory.

(vii) Learning, behavior, and health related problems.

(c) The promotion of individualized participation in age appropriate environments within the school and community.

(d) Assessing, teaching, and modifying instruction and curricula for students with cognitive impairment related to all of the following:

(i) Using research-based strategies and techniques for developing language and communication abilities and skills of students with cognitive impairment to promote the development of language, reading, writing, spelling, calculating, and thinking.

(ii) Selecting, adapting, and developing specialized or general education curricula, assessments, accommodations, and instructional materials for students with cognitive impairment that is aligned with the general curriculum.

(iii) Planning and implementing instruction in settings across domains, including community, personal/social, sexuality, career/employment, and leisure/recreation.

(iv) Assessing, implementing, and supporting all levels of assistive technology for individual students.

(v) Developing and maintaining collaborative relationships and partnerships with parents/families, educators, administrators, consultants, and community service providers.

(vi) Developing individualized goals for students with cognitive impairment related to social relationships, cultural competence, self-determination, and transitions to postsecondary training, career/employment, and community integration.

(e) Issues related to cognitive impairment theory, research, and policy, including definition and identification; legislation and regulations; pre-referral, referral and placement; instruction and assessment of educational progress for students with cognitive impairment; and, collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching practice, in assessing, teaching, and modifying instruction for students with cognitive impairment.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2005 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1787 Teachers of students with emotional impairment; special requirements.**

Rule 87. (1) The teacher education program for teachers of students with emotional impairment shall include 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification, etiology, diagnosis, characteristics, classifications of emotional impairment, including psychiatric terminology and research-based models.

(b) The impact of various factors upon the lives and behavior of students with emotional impairment and their families, such as the legal system, socioeconomic factors, abuse and dependency, and mental health disorders.

(c) Assessing, teaching, and modifying instruction and curricula for students with emotional impairment related to all of the following:

(i) Developing, implementing, and evaluating individualized behavior management strategies and plans.

(ii) Adapting, accommodating, and modifying the general education curricula, pedagogy, and learning environments for students with emotional impairment.

(iii) Integrating academic instruction and curriculum with affective educational strategies for students with emotional impairment.

(iv) Collaborating with parents and service providers in educational, public, and private agencies to support students with emotional impairment.

(v) Assessing students with emotional impairment related to collecting indirect and direct data on academic, social, and emotional functioning of students in order to develop reports and design, manage, and monitor interventions.

(d) Research and understand policy issues regarding emotional impairment and behavioral disorders that impact identification, service delivery, outcomes, placement, academic, affective, and behavioral interventions.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (d) of this subrule for students with emotional impairment.

History: 1979 AC; 1980 AACS; 2002 AACS; 2005 AACS.

**R 340.1788 Teachers of students with learning disabilities; special requirements.**

Rule 88. (1) The teacher education program for teachers of students with learning disabilities shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification of learning disabilities including diagnostic principles and practices; the etiology and characteristics of learning disabilities; sociocultural, linguistic, and environmental factors influencing identification; and the relationship between learning disabilities and other commonly associated conditions.

(b) The common manifestations of learning disabilities across the age span, including challenges in meeting developmental milestones in the preschool years, problems with academic performance in literacy, math, and content areas across



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the K-12 spectrum, issues of strategic performance and self-determination in older students, and the interplay between cognition and psychosocial functioning.

(c) Assessing, teaching, and modifying instruction and curricula for students with learning disabilities across the K-12 continuum related to all of the following:

(i) Administering and adapting formal and informal assessment methods for the purposes of instructional planning, and communicating assessment results to students, their families, and other professionals.

(ii) Developing and implementing instructional and curricular goals; monitoring and reporting the progress related to the unique needs of students with learning disabilities, including career/transition programs and access to adult role models, and use of assistive technology.

(iii) Fostering competency in the areas of reading (word recognition and comprehension), writing (text composition and revision, grammar, spelling, and legibility), mathematical reasoning and calculation, listening, and speaking.

(iv) Fostering study skills and test-taking skills, self-management, problem solving, reasoning, coping skills, and self-determination.

(v) Adapting and modifying general education curricula, pedagogical approaches, and learning environments for students with learning disabilities.

(vi) Managing and monitoring the social, emotional, and behavioral needs of students with learning disabilities in a variety of group settings.

(d) Issues related to learning disabilities theory, research, and policy, including definition and identification; legislation and regulations; pre-referral, referral and placement; instruction and assessment of educational progress for students with learning disabilities; and, collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (d) of this subrule for students with learning disabilities.

History: 1979 AC; 1980 AACS; 2002 AACS; 2005 AACS.

**R 340.1789 Rescinded.**

History: 1979 AC.

**R 340.1790 Teacher consultants for students with disabilities.**

Rule 90. In addition to meeting all of the requirements of R 340.1782, a teacher consultant shall meet both of the following requirements for full approval by the department:

(a) Possess a master's degree in education or a field of study related to special education.

(b) Show evidence of a minimum of 3 years of satisfactory teaching experience, not less than 2 years of which shall be teaching in a special education program.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS; 2013 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1791 Rescinded.**

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1792 Licensure, certification, or approval of professional personnel.**

Rule 92. Professional personnel employed or contracted with to provide related services to students with disabilities shall be licensed, certificated, or registered by a governmental agency or a legally recognized professional board or association as an indication of adequate preparation and training, or be recommended by a college or university offering an appropriate training program as approved by the state board of education.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1793 Paraprofessional personnel; qualifications.**

Rule 93. Paraprofessional personnel employed in special education programs shall be qualified under requirements established by their respective intermediate school district plan. Paraprofessional personnel include, but are not limited to, teacher aides, health care aides, bilingual aides, instructional aides, and program assistants in programs for students with cognitive impairment or severe multiple impairments.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1793a Interpreters for the deaf.**

Rule 93a. An interpreter for the deaf who provides services for students with disabilities in a local school district, an intermediate school district, the Michigan school for the deaf, or a public school academy as an employee or contractor shall satisfy the applicable credential requirements set forth in rules promulgated under the deaf persons' interpreters act, 1982 PA 204, MCL 393.501 to 393.509.

History: 2002 AACS; 2015 AACS.

**R 340.1794 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1795 Early childhood special education teachers; special requirements.**

Rule 95. (1) An early childhood special education teacher for young children with disabilities or developmental delay shall possess 1 or more of the following:

(a) Endorsements in both special education and early childhood education.



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(b) A major or minor in early childhood education or child growth and development and a valid Michigan teaching certificate with a special education endorsement with full approval from the department.

(c) An endorsement in early childhood general and special education.

(2) Full approval as a teacher of preprimary impaired children is full approval as an early childhood special education teacher if the teacher possesses a valid Michigan teaching certificate.

History: 1980 AACS; 1982 AACS; 1987 AACS; 2002 AACS; 2011 AACS; 2020 AACS.

**R 340.1796 Teachers of students with speech and language impairment; special requirements.**

Rule 96. (1) A teacher of students with speech and language impairment shall meet all of the following requirements:

(a) An earned master's degree in speech and language pathology.

(b) A minimum of 60 semester or equivalent hours of academic credit in normal aspects of human communication, development thereof, and clinical techniques for evaluation and management of speech and language disorders distributed as follows:

(i) A minimum of 12 semester or equivalent hours in courses pertaining to normal development of speech, language, and hearing.

(ii) A minimum of 30 semester or equivalent hours in courses on communication disorders and evaluation and management of speech, language, and hearing disorders. Of these 30 semester or equivalent hours, 24 hours shall be in speech and language pathology and 6 shall be in audiology. Not more than 6 of the 30 semester or equivalent hours may be earned for clinical practicum.

(iii) A minimum of 30 semester or equivalent hours that are acceptable on a graduate level, of which 21 hours shall be within the group specified under paragraph (ii) of this subdivision.

(c) A minimum of 300 clock hours of supervised practicum experience with persons who present a variety of communication disorders, to be acquired in conjunction with academic training, 150 hours of which shall be obtained at the graduate level.

(2) The department shall approve as a teacher of students with speech and language impairment a person who is employed or approved as a teacher of students with speech and language impairment before the effective date of these rules.

(3) A teacher of students with speech and language impairment assigned to programs for students with severe language impairment, as defined in R 340.1756, shall be certified at the elementary level.

History: 1980 AACS; 2002 AACS; 2013 AACS.

**R 340.1797 Teachers of students requiring adapted physical education; special requirements.**

Rule 97. A teacher of students requiring adapted physical education shall possess a valid Michigan teaching certificate with an endorsement in physical education, special education, or both, and shall complete all of the following:



*Courtesy of Michigan Administrative Rules*

(a) A minimum of 20 semester hours or equivalent hours in courses leading to the acquisition of all of the following competencies:

(i) Knowledge of the causes of various disabilities and the effects of those conditions on learning.

(ii) Ability to assess physical education skills of individuals exhibiting various disabilities.

(iii) Ability to use community and staff resources and collaborate with personnel within the education environment.

(iv) Knowledge of measurement and evaluation, including standardized and nonstandardized assessments and functional behavior analysis.

(v) Understand major components of federal and state legislation relating to physical education.

(vi) Knowledge of the unique characteristics and implications of psychomotor, cognitive, and affective attributes of all learners.

(vii) Ability to write in behavioral terms and assess cognitive, affective, and psychomotor instructional objectives for physical education for students requiring adapted physical education.

(viii) Knowledge of motor characteristics, motor behaviors, motor control, and motor development sequences associated with various disabilities in relationship to typical motor development.

(ix) Knowledge of anatomy, kinesiology, exercise science, biomechanics, and neurology that pertains to normal and abnormal motor control and sensory motor integration for teaching physical education to students with disabilities.

(x) Ability to adapt teaching methods, materials, and techniques to meet the needs of students with disabilities specific to health-related fitness, gymnasium and field use, fundamental motor skills and patterns, aquatic skills, dance, individual and group games, and lifetime sports skills for the needs of students with disabilities so that the individual can ultimately participate in community-based leisure, recreation, and sport activities.

(xi) Ability to analyze, adapt, and implement physical education curriculum in providing appropriate programs for a variety of disabilities.

(xii) Understand history and philosophy of physical education, recreation, and sports in terms of trends in education of individuals with disabilities.

(xiii) Understand curriculum theory, curriculum development, movement education, fitness, developmental activity-based curriculum, human, and social development.

(xiv) Utilize instructional design and planning focusing on systematic curriculum development and the spectrum of teaching styles for the purpose of promoting learning.

(xv) Create and implement physical activity lessons with special emphasis on personal adjustment in respect to assistive devices and mobility devices for the purpose of creating successful learning opportunities.

(xvi) Utilize technology applications in the preparation of lessons and within lessons, as well as using technology as professional development.

(xvii) Understand the value of program evaluation measuring student performance and the importance of monitoring the quality of program operations.

(xviii) Understand professional standards such as ethics, value appropriate professional conduct, and the need to advance the knowledge base and the profession.



*Courtesy of Michigan Administrative Rules*

(b) A directed field experience of not less than 60 clock hours teaching adapted physical education in a school setting to students with disabilities.

(c) As of the effective date of these rules, a teacher who has previously received full approval as a teacher of physical education for individuals with disabilities, or teaching of physical education for students with disabilities, shall be deemed to have full approval as a teacher of physical education for students requiring adapted physical education, if the teacher possesses a valid Michigan teaching certificate.

(d) As of the effective date of these rules, a teacher who is a certified adapted physical educator accredited through the adapted physical education national standards process, shall be deemed to be qualified as a teacher of physical education for students requiring adapted physical education, if the teacher possesses a valid Michigan teaching certificate.

History: 1980 AACS; 2002 AACS; 2011 AACS.

**R 340.1798 Teachers of students requiring adapted physical education; role.**

Rule 98. Teachers of students requiring adapted physical education may do any of the following:

(a) Provide adapted physical education instruction to students with disabilities whose disabilities preclude integration into general physical education classes without supports or modifications.

(b) Assess students for the purpose of providing adapted physical education.

(c) Provide supportive services in general physical education and consultative services to general physical education teachers or special education teachers.

History: 1980 AACS; 2002 AACS; 2011 AACS; 2013 AACS.

**R 340.1799 Teachers of students with autism spectrum disorder; special requirements.**

Rule 99. The teacher education program for teachers of students with autism spectrum disorder shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) The identification, diagnosis criteria and classification, etiology, diagnosis, range, and characteristics of autism spectrum disorder, for example, learning characteristics, sensory integration patterns, and medications commonly used with autism spectrum disorders including effects.

(b) The role of language and communication including traits, characteristics, and interventions related to autism spectrum disorder, for example, pragmatic functions of communications and language such as the relationships of communication, language, behavior, and social skills; expressive and receptive language development and patterns; effects of medication on language; developing communication systems such as alternative and augmentative communication systems and assistive technology across environments.

(c) Using behavioral supports and intervention: behavior as communication; sensory needs and impact on behavior: team-based behavior assessments,



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intervention, and evaluation; designing environments for preventing sensory overload; and, developmentally appropriate behavior such as coping and self-regulating behavior.

(d) Assessing, teaching, and modifying instruction and curricula for students with autism spectrum disorder related to all of the following:

(i) Aligning and adapting the student's program with the general education curriculum.

(ii) Using a range of curriculum guides to assist with identifying functional goals.

(iii) Employing current assessment instruments and approaches, intervention methodologies, strategies, and techniques that are appropriate for students with autism spectrum disorder, and consistently linking assessment outcomes to curriculum planning.

(iv) Understanding and using various data keeping systems to record progress and evaluate intervention.

(e) Collaborating with parents and service providers, including paraprofessionals, in educational, public, and private agencies to support students with autism spectrum disorder; and, the impact of the legal system, socioeconomic factors, mental health disorders, resources for independent living, recreation, and vocational education on the lives and behavior of students with autism spectrum disorder and their families.

(f) Issues related to autism spectrum disorder theory, research, and policy, including definition and identification; legislation and regulations; prereferral, referral and placement; instruction and assessment of educational progress for students with autism spectrum disorder, and collaboration with general education teachers, families, and allied service providers.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching practice, in assessing, teaching, and modifying instruction for students with autism spectrum disorder.

History: 1983 AACS; 2002 AACS; 2004 AACS; 2005 AACS.

**R 340.1799a Teachers of students with physical impairment and students with other health impairment; special requirements.**

Rule 99a. (1) The teacher education program for teachers of students with physical impairment and students with other health impairment shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782 and all of the following:

(a) The identification, etiology, diagnosis, and classification of physical, neurological, and other health impairment.

(b) Understanding of human anatomy and physiology; medical terminologies; the types and transmission of infectious and communicable diseases; physical effects of medications; the nature of medical interventions and treatment of physical and other health impairment.

(c) The impact upon student learning and development (behavioral, cognitive, social, and emotional development) of physical, neurological, and other health



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impairment, including the impact of chronic and terminal illness and emergency/life threatening situations.

(d) Assessing, teaching and modifying instruction and curricula for students with physical, neurological, and other health impairment related to all of the following:

(i) Administering, adapting, and modifying formal and informal assessments of learning for students with physical, neurological, and other health impairments.

(ii) Adapting and modifying the teaching and learning environment to accommodate the diverse needs of students with physical, neurological, and other health impairment.

(iii)Developing learning and instructional plans, designing learning sequences and opportunities in differing educational settings and placements.

(iv)Monitoring student progress and making appropriate modifications to instructional and educational methods as needed by students with physical, neurological, and other health impairment, including selecting, adapting, and using specialized materials and instructional strategies to maximize learning.

(v) Selecting, adapting, implementing and designing classroom settings and physical arrangements to facilitate and enhance opportunities for students to participate, interact, and learn with all students and adults in both special and general educational settings including individual, group, and shared projects, in and after school such as recreational activities; organizing and managing different needs and support services for individual and groups of students with different physical; neurological and other health impairment in all educational settings considering safety, as well as maximizing and fostering interactive inclusive opportunities for students.

(vi) Developing curricular and instructional plans and activities related to all of the following:

(A) Daily living, self management of personal and health care needs, sexuality, independent living, vocational/career transition, recreation/leisure, and mobility/transportation.

(B) Advocacy/legal issues.

(vii) Communicating student progress, performance, health issues and other school-related information to students, families, and other educational and medical professionals.

(e) Managing, monitoring, and assisting consistent with school policy and law in health care procedures; the use of orthotic, augmentative, and other supportive equipment; specialized technology and software;
adapted switches/other access devices and environmental controls; and, student and teacher safety in transferring, lifting, and seating which enhances the student's and teacher's safety, comfort, and function.

(f) Issues related to physical, neurological, and other health impairments in research; their impact on learning and development; characteristics, definitions, determination, and identification; pre-referral, referral, and placement; laws and policies related to specialized health care in educational settings; teaching and assessing the educational progress of students who have physical, neurological, and other health impairment.

(2) The 30 semester or equivalent hours shall be distributed to prioritize preparation and including pre-student teaching field experiences in assessing,



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teaching and modifying instruction related to students with physical, neurological, and other health impairment.

History: 1987 AACS; 2002 AACS; 2005 AACS.

**R 340.1799b Teachers of students with visual impairment; special requirements.**

Rule 99b. The teacher education program for teachers of students with visual impairment shall include a minimum of 30 semester or equivalent hours pursuant to R 340.1781, R 340.1782, and all of the following:

(a) Understand and apply knowledge of the foundations for the education of students with visual impairments, including unique characteristics and needs, as well as ethical considerations relating to students' education.

(b) Research and understand legislation and policies which impact identification, educational continuum, placement, service delivery, and outcomes.

(c) Knowledge of normal development of the visual system, structure and function of the eye, diseases and disorders of the eye, and their educational implications.

(d) Understand the effects of a visual impairment on early development in the following areas:

(i) Cognition.

(ii) Self-help.

(iii) Language.

(iv) Motor skills.

(v) Social emotional interactions.

(e) Interpret eye reports and other vision-related diagnostic information.

(f) Proficiency in the use and transcription of the literary braille and nemeth code using a braillewriter and slate and stylus.

(g) Instructional strategies for teaching braille and early literacy skills.

(h) Techniques for production of tactile graphics and instruction of tactile perceptual skills.

(i) Instructional strategies for teaching communication skills, including adapting materials for students with visual and unique educational needs.

(j) Understand and apply knowledge of formal and informal assessments and evaluations; use resulting data and other information to make service and programming recommendations; participate in the development of students' individualized education programs and individualized family service plans.

(k) Use data to identify individualized instructional strategies that enhance learning for students with visual impairments through modification of the environment, adaptation of materials, and the use of disability-specific methodologies and technologies.

(l) Systematic instruction in sensory perceptual skills including, but not limited to, visual, tactile, and auditory skills.

(m) Utilize and integrate appropriate technologies to access the general education curriculum content.

(n) Teach students to use a variety of adaptive, augmentative, and assistive technologies to facilitate their own learning in the content areas.

(o) Promote students' development and concepts of social and independent living skills.



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(p) Knowledge of the role and function of a certified orientation and mobility specialist.

(q) Prepare students to respond to societal attitudes and actions with positive behavior and self-determination leading to self-advocacy.

(r) Collaborate with parents and service providers in educational, public, and private agencies to support students with visual impairments. Facilitate transitions across all environments.

(s) The 30 semester or equivalent hours shall be distributed to prioritize preparation, including pre-student teaching field experiences in assessing, teaching, and modifying instruction related to subdivisions (a) to (r) of this subrule for students with a visual impairment.

History: 1987 AACS; 2002 AACS; 2011 AACS.

**R 340.1799c Teachers of students who are deaf or hard of hearing; special requirements.**

Rule 99c. (1) The teacher education program for teachers of students who are deaf or hard of hearing must include a minimum of 30 semester or equivalent hours. The teacher education program for teachers of students who are deaf or hard of hearing must meet the council on education of the deaf standards or must, at a minimum, include 30 semester or equivalent hours relating to all of the following areas:

(a) Language and linguistics.

(b) Audiology and speech science.

(c) Psychology.

(d) Education.

(2) Students shall complete a program that is designed to develop all of the following competencies:

(a) Knowledge of linguistics, theories of language development, and the various special methods used to assess and develop language competence.

(b) Ability to utilize an individual diagnostic profile of the student's expressive and receptive language skills.

(c) Ability to integrate language development with the teaching of English, mathematics, social studies, science, and other academics.

(d) Ability to use various and combined modes, manual and oral, in both expressive and receptive communication with students who are deaf or hard of hearing.

(e) Knowledge of the anatomy, physiology, and pathology of the organs of speech and hearing.

(f) Knowledge of audiological assessment information and its application to the individualized education program of a student who is deaf or hard of hearing.

(g) Knowledge of personal and group amplification systems, including their basic maintenance.

(h) Ability to incorporate and teach appropriate procedure to maximize the use of speech, speech reading, and auditory skills.

(i) Ability to use systematic observational techniques for establishing baseline data, evaluating problem areas, and documenting and assessing progress.



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(j) Knowledge of the psychological and sociological impact of severe/profound hearing loss, including information about the community/culture of adult persons who are deaf or hard of hearing.

(k) Ability to identify and use local, state, and national resources in support of students who are deaf or hard of hearing, their parents, and their educational program.

(l) Ability to orient parents, general education school staff, and administrators to the unique needs and learning styles of students who are deaf or hard of hearing.

(m) Ability to assess communication, academic, and social/emotional development of students who are deaf or hard of hearing.

(n) Ability to relate diagnostic information in functional terms to parents and support service specialists.

(o) Ability to design and implement an educational program appropriate to the individual student's communication, academic, prevocational, and social needs.

(p) Ability to modify and adapt procedures for teaching reading, math, and other academic subjects to students who are deaf or hard of hearing.

(3) Before assignment to directed student teaching, each student teacher shall spend a minimum of 60 clock hours in programs with students who are deaf or hard of hearing utilizing various communication modes, both manual and oral.

(4) The council on education of the deaf standards, as cited in subrule (1) of this rule, are adopted by reference in these rules and are available from the Council on Education of the Deaf, Gallaudet University, 800 Florida Avenue, N.E., Washington, D.C. 20002-3695, and also from the Michigan Department of Education, Office of Special Education, 608 W. Allegan St., P.O. Box 30008, Lansing, MI, 48909, at no cost for reproduction.

History: 1987 AACS; 2002 AACS; 2013 AACS; 2018 AACS.

**R 340.1799d Rescinded.**

History: 1987 AACS; 2002 AACS

**R 340.1799e "Psychologist" defined.**

Rule 99e. "Psychologist" means an approved Michigan school psychologist who is certified by the department or who is a fully licensed psychologist.

History: 2002 AACS.

**R 340.1799f "School social worker" defined.**

Rule 1799f. "School social worker" means a school social worker who is approved by the department.

History: 2002 AACS.

**R 340.1799g Transition coordinator; requirements.**



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Rule 99g. (1) Full approval as a transition coordinator shall be granted by the department to a person who meets all of the following requirements:

(a) A bachelor's or graduate degree in special education or a field related to transition of youth with disabilities into adult life roles. Related fields include, but are not limited to, general and vocational education, vocational rehabilitation, and counseling.

(b) A minimum of 3 years of satisfactory teaching experience in special or vocational education at the secondary level; or a minimum of 3 years of satisfactory employment providing transition-related service to individuals with disabilities between the ages of 13 to 26 years. Transition-related services include, but are not limited to, vocational rehabilitation, employment, counseling, independent living, and mental health. A person with a master's degree in special education or field related to transition of youth with disabilities into adult life roles shall be credited with 1 year of employment.

(c) Approval under competencies and procedures established by the department.

History: 2005 AACS; 2013 AACS.

## PART 6. FINANCING

### R 340.1801 Source of funds.

Rule 101. Funds for operating and housing special education programs and services operated by intermediate school districts, constituent local school districts, and public school academies shall be derived from federal appropriations; general and categorical appropriations in 1979 PA 94, MCL 388.1601 et seq., and known as the state school aid act of 1979; local general and specific property taxes, gifts, grants, and bequests; or payments from a school district sending students with disabilities to another school district.

History: 1979 AC; 1980 AACS; 2002 AACS.

### R 340.1802 Use of funds.

Rule 102. Funds available to intermediate school districts, constituent local school districts, and public school academies as provided in R 340.1801 may be used for any of the following:

(a) The employment of teachers and other personnel.

(b) Transportation of students with disabilities.

(c) The purchase and maintenance of equipment and supplies.

(d) The lease, purchase, construction, renovation, or acquisition of vehicles, sites, buildings or portions thereof, and equipment as deemed necessary for staff, programs, and services operated under the intermediate school district plans as approved by the department and other provisions of law.

History: 1979 AC; 1980 AACS; 2002 AACS; 2013 AACS.



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**R 340.1803 Building or purchasing facilities.**

Rule 103. When facilities are purchased, constructed, or renovated with funds acquired through 1976 PA 451, MCL 380.1722 to 380.1729 for constituent local school districts, funds shall be used for contractual purposes which provide that the constituent local school district or public school academy shall make that facility available for special education programs and services for a period of 25 years. Disbursement of the funds shall be made by the intermediate school district board of education under the intermediate school district plan.

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1804 Rescinded.**

History: 1979 AC; 1980 AACS.

**R 340.1805 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1806 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1807 Rescinded.**

History: 1979 AC.

**R 340.1808 Reporting costs.**

Rule 108. An intermediate school district, a local school district, or a public school academy operating a program under these rules shall submit to the superintendent of public instruction, at the close of the fiscal year, an itemized report of the actual cost of operating the program, including the cost of transportation, on forms provided for that purpose. Reported actual costs for purposes of reimbursement shall include only those that are reasonable and appropriate as determined by the superintendent of public instruction.

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1809 State aid to operating school districts.**

Rule 109. The intermediate school district and its constituent local school districts and public school academies shall be entitled to receive reimbursement for special education



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programs and services that are in compliance with these rules and in accordance with the intermediate school district plan as approved by the department and as prescribed in 1979 PA 94, MCL 388.1601 et seq. and known as the state school aid act of 1979.

History: 1979 AC; 1980 AACS; 2002 AACS; 2013 AACS.

**R 340.1810 Reimbursement of special education transportation.**

Rule 110. Specialized transportation or additional transportation, or both, as required in the individualized education program for a person with a disability to receive a free appropriate public education in the least restrictive educational environment, shall be reimbursable as authorized by 1979 PA 94, MCL 388.1601 et seq., and known as the state school aid act of 1979.

History: 1980 AACS; 2002 AACS; 2008 AACS.

**R 340.1811 Distribution of intermediate millage to intermediate school district, its constituent local school districts, and public school academies.**

Rule 111. (1) Only those programs and related services provided under a department-approved intermediate school district plan and approved for reimbursement by the department shall be eligible for reimbursement from funds generated by adoption of millage under sections 1723 and 1724 of 1976 PA 451, MCL 380.1723 and 380.1724.

(2) If intermediate school district special education tax funds are insufficient to reimburse constituent claims in full, then a like percentage of the claim shall be paid for support of each program and service to each constituent district. Claims for operation of special education programs and services available to all constituent local school districts or public school academies may be reimbursed in full before any prorated payment which may become necessary for other programs and services.

(3) Current intermediate school district special education tax funds need not be used to offset operational claim deficits from prior years.

(4) Amounts may be retained by the intermediate school district for required cash flow purposes not to exceed 1 year's operational expenses for the purpose of maintaining special education programs and services operated by the intermediate school district.

(5) Intermediate school districts shall submit the desired method for the distribution of funds to the intermediate school district, its constituent local school districts, and public school academies and the reasons therefor for approval as part of the intermediate school district plan required under section 1711 of 1976 PA 451, MCL 380.1711.

History: 1980 AACS; 2002 AACS; 2013 AACS.

**R 340.1812 Intermediate school district's use of special education millage.**

Rule 112. (1) Costs for the operation of special education programs and services by the intermediate school district, available to all constituent local school districts and public school academies, may be reimbursed in full before the reimbursement of



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local districts from funds generated by adoption of millage under sections 1723 and 1724 of 1976 PA 451, MCL 380.1723 and 380.1724.

(2) If intermediate school district special education personnel offer direct services to students with disabilities in some but not all constituent local school districts or public school academies, and if prorated payment of constituent local school district or public school academy operational claims is necessary, then the per capita deficit for each student served shall be paid by the school district of residence or a direct charge shall be made to the constituent local school district based on the amount of deficit and the proportion of time the constituent local school district or public school academy received the service from the intermediate school district.

History: 1980 AACS; 2002 AACS.

## PART 7.DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS' PLANS AND MONITORING

### R 340.1831 Plan and modification submission.

Rule 131. (1) Each intermediate school district board shall submit an intermediate school district plan for special education to the superintendent of public instruction to become effective when approved by the superintendent of public instruction.

(2) Any intermediate school district plan or subsequent modification approved by the superintendent of public instruction shall be distributed by the intermediate school district to each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee within 7 calendar days of the intermediate school district's receipt of approval by the superintendent of public instruction.

(3) Except as provided in subrule (4) of this rule, a plan submitted by an intermediate school district and approved by the superintendent of public instruction shall remain in effect until the intermediate school district submits modifications that the intermediate school district deems necessary to the department and the modifications are approved by the superintendent of public instruction.

(4) The department may require an intermediate school district to modify its plan if, after the effective date of the individuals with disabilities education act, 20 U.S.C. §1400 et seq., the provisions of that act, its regulations, 34 C.F.R. 300.1, et seq., 1976 PA 451, MCL 380.1 et seq. or these rules are amended, there is a new interpretation of any of these laws or regulations by the United States Department of Education, the department, or court, or the department finds noncompliance.

(5) If the department requires a modification to the intermediate school district plan under subrule (4) of this rule and an intermediate school district's process as set forth in this part does not result in agreement among the intermediate school district, its constituent local school districts, public school academies, and the parent advisory committee regarding the required modification, then the intermediate school district shall submit the required modification. A constituent local school district, public school academy, or the parent advisory committee may file an objection under R 340.1836.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2005 AACS; 2013 AACS.



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**R 340.1832 Content areas.**

Rule 132. An intermediate school district plan for special education, or any modification thereof, shall be an operational plan that sets forth the special education programs and related services to be delivered. The plan shall comply with 1976 PA 451, MCL 380.1 et seq. and these rules. The plan shall also comply with the following format and include, at a minimum, all of the following:

(a) A description of the procedures used by the intermediate school district to advise and inform students with disabilities, their parents, and other members of the community of the special education opportunities required under the law; the obligations of the local school districts, public school academies, and intermediate school district; and the title, address, and telephone number of representatives of those agencies who can provide information about the special education opportunities.

(b) A description of activities and outreach methods which are used to ensure that all citizens are aware of the availability of special education programs and services.

(c) A description of the type of diagnostic and related services that are available, either directly or as a purchased service, within the intermediate school district or its constituent local school districts or public school academies.

(d) A description of the special education programs designed to meet the educational needs of students with disabilities.

(e) The intermediate school district plan shall either describe special education programs and services under part 3 of these rules or shall propose alternative special education programs and services.

(f) Provide an assurance statement that any personally identifiable data, information, and records of students with disabilities are collected, used, or maintained in compliance with 34 C.F.R. §§300.610 through 300.626.

(g) The identity of the full- or part-time constituent local school district or public school academy administrator who, by position, is responsible for the implementation of special education programs and services.

(h) A description of the qualifications of paraprofessional personnel.

(i) A description of the transportation necessary to provide the special education programs and services described in subdivisions (c), (d), and (e) of this subrule.

(j) A description of the method of distribution of funds under R 340.1811(5).

(k) A description of how the intermediate school district will appoint the parent advisory committee members under R 340.1838(1) and (2).

(l) A description of the role and responsibilities of the parent advisory committee, including how it shall participate in the cooperative development of the intermediate school district plan, formulate objections thereto, if any, and other related matters.

(m) A description of the role and relationship of administrative and other school personnel, as well as representatives of other agencies, in assisting the parent advisory committee in its responsibilities.

(n) A description of the fiscal and staff resources that shall be secured or allocated to the parent advisory committee by the intermediate school district to make it efficient and effective in operation.



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(o) The plan shall be approved by the superintendent of public instruction before implementation under R 340.1831(1). The plan is developed and approved under R 340.1833 and R 340.1835 to R 340.1837.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2008 AACS.

**R 340.1833 Cooperative development and review.**

Rule 133. (1) Intermediate school district plans, or any modification thereof, shall be developed in cooperation with constituent local school districts, public school academies, and the parent advisory committee.

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1834 Rescinded.**

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1835 Plan signatures.**

Rule 135. Each intermediate school district plan, or modification thereof, shall be signed by all of the following:

(a) The intermediate school district superintendent, signifying approval by the intermediate school district board.

(b) The superintendent of each constituent local school district, the chief executive officer of each public school academy, and the chairperson of the parent advisory committee, signifying their involvement in the development of the intermediate school district plan.

History: 1979 AC; 1980 AACS; 2002 AACS.

**R 340.1836 Objections to plan; procedures.**

Rule 136. (1) Any constituent local school district, a public school academy, or the parent advisory committee may file objections in whole or in part with the intermediate school district to an approved intermediate school district plan or a plan modification that the intermediate school district has submitted to the superintendent of public instruction for approval. Within 7 calendar days, the board of education of the intermediate school district shall send a copy of objections to the plan to the department and to all constituent local school districts, public school academies, and the parent advisory committee by certified mail, return receipt requested. Objections must specify the challenged portions of the intermediate school district plan, contain a specific statement of the reasons for objection, and propose alternative provisions.

(2) The department shall refer objections to the Michigan office of administrative hearings and rules, which shall assign an administrative law judge who shall promptly give reasonable notice of a hearing. The hearing must begin not later than 30 calendar



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days after the department receives the objections. The administrative law judge shall conduct the hearing according to procedures established by the department. After the appointment of the administrative law judge, the objecting party may withdraw the objections if the intermediate school district agrees.

(3) The intermediate school district, a constituent local school district, a public school academy, or the parent advisory committee may file with the department a response to objections before the hearing.

(4) Within 30 calendar days after the closing of the hearing, the administrative law judge shall submit to the department findings of fact and conclusions of law and shall recommend to the superintendent of public instruction whether the superintendent of public instruction should approve the intermediate school district plan or modification to the plan as submitted, approve the intermediate school district plan or modification to the plan with other modifications deemed appropriate by the administrative law judge, or grant the objections as submitted. The department shall immediately mail the findings and recommendations to all parties to the intermediate school district plan. Any party may file written exceptions to the findings and recommendations with the superintendent of public instruction within 20 calendar days of receipt of the findings and recommendations and shall provide copies of the exceptions to all other parties. After review of the intermediate school district plan; the objections; the findings of fact, the conclusions of law, and the recommendations of the administrative law judge; and any exceptions, the superintendent of public instruction shall issue a final decision not more than 30 calendar days from the date the exceptions were due.

History: 1979 AC; 1980 AACS; 1987 AACS; 2002 AACS; 2020 AACS.

**R 340.1837 Approval of intermediate school district plans.**

Rule 137. (1) Intermediate school district plans, or modification thereof, or any changes to the intermediate school district plan based on an objection to the plan, shall be approved by the superintendent of public instruction under R 340.1836. The intermediate school district plans or modifications shall be in compliance with all of the following:

(a) The provisions of sections 1701 to 1766 of 1976 PA 451, MCL 380.1701 to 380.1766.

(b) Michigan rules promulgated to implement statutory provisions for special education programs and services.

(c) The individuals with disabilities education act, 20 U.S.C. §1400 et seq., and its implementing regulations, 34 C.F.R. §300.1 et seq., adopted by reference in R 340.1701.

(2) The intermediate school district superintendent, or superintendent's designee, shall advise each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee as to whether the intermediate school district plan was approved by the superintendent of public instruction.

History: 1979 AC; 1980 AACS; 2002 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1838 Parent advisory committee.**

Rule 138. (1) A parent advisory committee shall be appointed by each intermediate school district board.

(a) The parent advisory committee and its officers shall consist only of parents of students with disabilities with at least 1 parent from each constituent local school district and public school academy unless no parent agrees to serve on the parent advisory committee to represent the constituent local school district or public school academy.

(b) Each constituent local school district board of education and each public school academy board of directors shall nominate at least 1 parent.

(c) The intermediate school district board of education may nominate additional members not to exceed 33 1/3% of the total parent advisory committee membership.

(2) The intermediate school district board of education shall make every attempt to assure that all types of impairments and all identifiable organizations of parents of students with disabilities within the intermediate school district are represented on the parent advisory committee.

(3) The intermediate school district board of education may recommend operational procedures for parent advisory committee review and adoption.

(4) The intermediate school district shall secure or allocate fiscal and staff resources to the parent advisory committee to make it efficient and effective in operation.

(5) The parent advisory committee is responsible for determining and documenting, in writing, the organizational structure of the committee, including all of the following:

(a) Officers and their responsibilities.

(b) Meeting times.

(c) Notice of meeting times.

(d) Voting procedures.

(e) Terms of office.

(f) Related matters.

(6) The parent advisory committee shall participate in the development of the intermediate school district's plan or any modification of the plan for the delivery of special education programs and services as required by R 340.1833.

(7) The parent advisory committee may provide advisory input on any matters that the committee deems appropriate to the improvement of special education services within the intermediate school district.

History: 1980 AACS; 1987 AACS; 2002 AACS.

**R 340.1839 Monitoring and program evaluation.**

Rule 139. (1) The department shall establish monitoring procedures, criteria, and evaluation activities to ensure that minimum standards are being achieved by all public agencies.

(2) Each intermediate school district shall implement monitoring procedures and evaluation methods developed by the department to ensure that the standards and criteria established are being achieved by the intermediate school district, their constituent local school districts, and their public school academies.



*Courtesy of Michigan Administrative Rules*

History: 1987 AACS; 2002 AACS; 2013 AACS.

## PART 8. STATE COMPLAINTS

### R 340.1851 Filing a state complaint.

Rule 151. (1) A state complaint filed with the office of special education of the department must meet the requirements of 34 CFR 300.153 (2019).

(2) An individual shall file a state complaint with the office of special education of the department within 1 year of the date of the alleged violation.

(3) The complainant shall deliver the state complaint to the office of special education of the department and the public agency by mail, by personal delivery, or by electronic submission.

(4) Any person acting on behalf of a complainant shall provide evidence of that authority to the office of special education of the department.

History: 1979 AC; 1980 AACS; 1987 AACS; 1997 AACS; 2002 AACS; 2009 AACS; 2013 AACS; 2020 AACS.

### R 340.1852 General responsibilities of public agencies, intermediate school districts, and the department.

Rule 152. (1) All public agencies shall receive allegations of violations of state or federal regulations pertaining to special education. When an allegation is made orally, the recipient public agency may take formal or informal action as necessary to resolve the situation in compliance with applicable provisions of law, but, at a minimum, shall immediately do all of the following:

(a) Inform the person making the allegation that he or she has a right to file a written state complaint with the department.

(b) Inform the person making the allegation that the filing of a state complaint may be delayed so that mediation or other informal resolution may be attempted. The right to file a state complaint is retained if the informal attempts to resolve the concern in a timely manner are unsuccessful.

(c) Provide the person making the allegation with a copy of part 8 of these rules and the department's procedures pertaining to state complaints.

(d) Offer to assist the person in filing a state complaint.

(2) All public agencies shall have procedures to receive state complaints.

(3) If requested, the intermediate school district shall assist a person in writing a state complaint.

(4) When a state complaint is filed, the department shall provide the complainant with all of the following:

(a) A copy of part 8 of these rules.

(b) A copy of the procedures established by the department pertaining to state complaints.

(c) A copy of the procedural safeguards notice.



*Courtesy of Michigan Administrative Rules*

(d) Information regarding mediation.

History: 1979 AC; 1980 AACS; 1987 AACS; 1997 AACS; 2002 AACS; 2009 AACS.

**R 340.1853 Investigation, report, and final decision of a state complaint.**

Rule 153. (1) The department and the intermediate school district shall investigate state complaints pursuant to part 8 of these rules, procedures established by the department pertaining to state complaints, and the federal regulations implementing the individuals with disabilities education act.The department may independently initiate and investigate a state complaint.

(2) The intermediate school district shall appoint a staff member, or contract with an independent agent, to conduct the investigation with the department. The intermediate school district investigator shall not have administrative authority over programs or services against which a state complaint is filed.

(3) The public agency shall cooperate with the department and the intermediate school district during the conduct of the investigation, including submitting documents requested by the intermediate school district or the department.

(4) The department, during the pendency of the state complaint, shall require any public agency against which the complaint was lodged to maintain the educational status, program placement, and services of an involved student as it was before the complaint if, in the judgment of the department, not doing so constitutes a violation of the student's due process protections.

(5) The department shall issue a final written decision within 60 calendar days after a complaint is filed.

(6) The department may grant an extension of time if exceptional circumstances exist with respect to a particular state complaint. A denial of an extension request is final.

(7) The department shall mail the final written report to the complainant, any public agency subject to the state complaint, and the intermediate school district.

History: 1980 AACS; 1987 AACS; 1997 AACS; 2002 AACS; 2009 AACS.

**R 340.1854 Corrective action and proof of compliance.**

Rule 154. (1) The public agency shall correct violations as directed by the department.

(2) The intermediate school district shall assist the public agency in monitoring the progress of the corrective action.

(3) The public agency shall submit proof of compliance to the department and the intermediate school district documenting that the violation is corrected within the time line specified in the corrective action.

History: 1980 AACS; 1997 AACS; 2009 AACS.



*Courtesy of Michigan Administrative Rules*

**R 340.1855 Failure to comply with corrective action in a timely manner; sanctions.**

Rule 155 (1) If a public agency fails to correct known violations of law in a timely manner, or fails to cooperate with the department or the intermediate school district during the conduct of its investigation, or presents known falsification of fact, or continues repetition of similar violations, the department shall do 1 or more of the following:

(a) If the public agency in violation is a local school district or a public school academy, then the department shall direct the intermediate school district to provide complying programs and services pursuant to section 1702 of 1976 PA 451, MCL 380.1702.

(b) If the public agency in violation is an intermediate school district, the department may withdraw the authority of the intermediate school district to operate a program that is in noncompliance and simultaneously require the public agency of residence to place the affected student or students in an appropriate program.

(c) Withhold federal funds under part B of the individuals with disabilities education act, 20 U.S.C. chapter 33, §1400, et seq.

(d) Apply other penalties under 1976 PA 451, MCL 380.1.

(e) Withhold state funds under 1979 PA 94, MCL 388.1601, or any other governing statute.

(f) Withhold, withdraw, or suspend such endorsements, approvals, credentials, grants, or authorizations pertaining to special education personnel or projects that the department, or its designee, had authority to grant as authorized by, and in accordance with, the procedures required by law.

(g) Seek enforcement of the corrective action in a court of appropriate jurisdiction.

History: 2009 AACS.

## PART 9. RECORDS AND CONFIDENTIALITY

**R 340.1861 Records; maintenance; content; transfer of records; release of records.**

Rule 161. (1) A registry shall be maintained by intermediate school districts under procedures established by the department and under the provisions of 1976 PA 451, MCL 380.1711, for all students with disabilities, as defined by R 340.1702, including students placed in state and privately operated facilities. The registry shall be an operational, active database system with the capacity to provide up-to-date student counts and other data requirements to the department on a timely basis. Each constituent local school district, public school academy, or state agency shall provide the intermediate school district with a complete updated data record for each student with a disability. The updated record shall contain full-time equivalency data for each student enrolled in a special education program by the student count dates required in the state school aid act, 1979 PA 94, MCL 388.1601 et seq., and shall contain each student's data enrolled in programs and services by the student count date required



*Courtesy of Michigan Administrative Rules*

by the regulations implementing the individuals with disabilities education act, 34 C.F.R.§300.1 et seq.

(2) If the residency of a student with a disability changes from one intermediate school district to another, then the intermediate school district of previous residence shall transfer the records maintained under this rule to the new intermediate school district upon written request of the intermediate school district of residence and the parent of the student with a disability for whom the record was maintained.

(3) Public agencies shall comply with 34 C.F.R. 300.610 to 300.626.

History: 1980 AACS; 1983 AACS; 1987 AACS; 2002 AACS; 2008 AACS.

## PART 10. BIRTH TO THREE

### R 340.1862 Individualized family service plan; time lines; eligibility.

Rule 162. (1) Eligibility for Michigan special education services for all children with a disability birth to age 3 shall be determined by and documented in an individualized family service plan.

(2) Evaluations conducted to determine eligibility for Michigan special education services shall meet the requirements of 34 CFR part 303 and R 340.1705 to R 340.1717.

(3) Determination of eligibility for Michigan special education services, for a child birth to 3 with a disability shall follow all time lines and requirements pursuant to 34 CFR part 303.

(4) Special education services for children birth to 3 with disabilities shall be all of the following:

(a) Determined by the child's individual needs and specified in an individualized family service plan.

(b) Provided by an approved or endorsed early childhood special education teacher or approved related services staff.

(c) Provided for not less than 72 clock hours over 1 year. The time line begins upon receipt of signed parental consent to provide services.

(d) Provided in an appropriate early childhood setting, school setting, community setting, or family setting.

(e) Have a parent participation and education component.

(5) Approved related services staff shall work under the educational direction of an approved or endorsed early childhood special education teacher.

History: 1980 AACS; 2002 AACS; 2011 AACS; 2013 AACS.

### R 340.1863 Rescinded.

History: 1980 AACS; 2002 AACS.

### R 340.1864 Rescinded.



*Courtesy of Michigan Administrative Rules*

History: 1980 AACS; 2002 AACS.

## R 340.1865 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1866 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1867 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1868 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1869 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1870 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1871 Rescinded.

History: 1980 AACS; 2002 AACS.

## R 340.1872 Rescinded.

History: 1980 AACS; 1987 AACS; 2002 AACS.

## R 340.1873 Rescinded.

History: 1980 AACS; 1987 AACS; 2002 AACS.



*Courtesy of Michigan Administrative Rules*