



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
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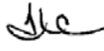
RICK SNYDER
GOVERNOR

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STATE SUPERINTENDENT

MEMORANDUM

DATE: February 2, 2018

TO: ISD Special Education Directors, LEA Special Education Contacts and Grant Funded Initiatives

FROM: Teri L. Chapman, Ed.S., Director 
Office of Special Education

SUBJECT: Michigan Special Education Rules for Special Education

The attached amended rules entitled "Special Education Programs and Services" were filed with the Office of the Great Seal on January 26, 2018. The revised [Michigan Administrative Rules](#) in its entirety can be found on the [Department of Education Office of Special Education](#) website.

The amendments, which will take effect on February 2, 2018, are not substantive and were promulgated using the abbreviated rulemaking process that does not require public comment, public hearing, or the active involvement of the Joint Committee on Administrative Rules.

The general purposes of the amendments were to update terminology (changing hearing impairment to deaf or hard of hearing), delete an obsolete rule and obsolete references in rules, and align with Executive Reorganization Order 1996-6, MCL 388.993 which transferred powers to the Superintendent of Public Instruction.

The specific proposed changes are:

R 340.1707

This rule used the term "hearing impairment." The Public Health Code, the Mental Health Code, and the Division on Deafness Act were recently amended (2016 PA 238 to 2016 PA 241) to update terminology and to remove references to "hearing impairment." This rule was amended to align with those statutory changes, replacing outdated and offensive language with "deaf or hard of hearing" and "hearing loss."

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R 340.1719

This was an obsolete rule that referenced previously rescinded rules.

R 340.1723c

R 340.1723(2) addressed the hearings process and included references to R 340.1724, which concerned due process complaints filed before July 1, 2006. R 340.1724 was rescinded in 2010. "R 340.1724" was replaced with "R 340.1724f," the current due process complaint rule.

R 340.1724d

- The reference to R 340.1724 in R 340.1724d(1) was deleted because R 340.1724 was rescinded in 2010.
- The reference to R 340.1724(f) in R 340.1724d(1) was a mistake. There was no R 340.1724(f). The correct reference is R 340.1724f.
- Pursuant to 34 CFR §300.506, a public agency (in this case, the Department of Education) is to develop procedures for mediation. Under Executive Reorganization Order 1996-6, MCL 388.993, the Superintendent of Public Instruction is the administrative head of the Department of Education. R 340.1724d(2) was updated to align with the executive reorganization order, replacing "state board of education" with "Superintendent of Public Instruction."

R 340.1742

References to hearing impairment were replaced with deaf or hard of hearing.

R 340.1799c

- R 340.1799c(1) and several subdivisions of R 340.1799c(2) references to hearing impairment were replaced with deaf or hard of hearing.
- R 340.1799c(2)(i) was amended to correct a grammatical error.
- R 340.1799c(3) was amended to clarify that the reference to "student" means "student teacher" and to clarify that the programs are with students who are deaf or hard of hearing.
- R 340.1799c(4) was amended to provide the correct name of the council on education of the deaf and to add the street address of the Office of Special Education.

If you have any questions, please feel free to contact the Office of Special Education Information Line at 1-888-320-8384.