

DEPARTMENT OF EDUCATION  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
SPECIAL EDUCATION PROGRAMS AND SERVICES

Filed with the Secretary of State on January 26, 2018

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a)(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By the authority of the superintendent of public instruction under sections 1701 and 1703 of 1976 PA 451, MCL 380.1701 and MCL 380.1703, and Executive Reorganization Order No. 1996-6, MCL 388.993)

R 340.1719 of the Michigan Administrative Code is rescinded and R 340.1707, R 340.1723c, R 340.1724d, R 340.1742, and R 340.1799c of the Code are amended as follows:

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.

R 340.1719 Rescinded.

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. The parent shall submit the parent's disagreement

December 4, 2017

and request in written, signed, and dated form. However, the public agency may initiate a hearing under R 340.1724f to show that its evaluation is appropriate. The public agency shall respond, in writing, to the request within 7 calendar days of its receipt by indicating the public agency's intention to honor the request or to initiate the hearing procedure under R 340.1724f. If the hearing officer determines that the evaluation is appropriate, then the parent still has the right to an independent educational evaluation, but not at public expense.

(3) The public agency shall disclose to the parent, before evaluation, whether the examiner who was contracted to provide an independent educational evaluation provides services to the public agency that are in addition to the independent educational evaluation.

(4) Unless agreeable to the parent, an examiner or examiners who otherwise or regularly contract with the public agency to provide services shall not conduct an independent educational evaluation.

#### 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.

#### 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.

#### 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.
  - (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.