

Annual Regulatory Plan 2019-2020

Department of Education

1. Rule(s) to be **processed** between July 1, 2019 and June 30, 2020. [Give brief description.]

<p>Teacher Tenure General Rules (R 38.131 to R 38.179) ORR 2018-053 ED Public hearings on proposed amendments of this rule set are scheduled for August 14, 2019.</p> <p>School District Pupil Accounting for Distribution of State Aid (R 340.1 to R 340.18) These rules may be updated and aligned with statutory requirements.</p> <p>School Social Worker (R 340.1001 to R 340.1018) These rules may be updated.</p> <p>Special Education Programs and Services (R 340.1701 to R 340.1873) Amendments of R 340.1708 will be proposed and amendments of Part 5 (Qualifications of Teachers and Other Personnel) (R 340.1781 to R 340.1799g) may be proposed. In addition, amendments of this rule set will be proposed under MCL 24.244(1) to align with the Individuals with Disabilities Education Act (IDEA) and Legislative Service Bureau standards of drafting.</p> <p>School Administrator Certification Code (R 380.101 to R 380.136) Amendments of this rule set may be proposed under MCL 24.244(1).</p> <p>School Psychologist Certification Code (R 380.201 to R 380.214) Amendments of this rule set may be proposed under MCL 24.244(1).</p> <p>Teacher Certification Code (R 390.1101 to R 390.1216) Amendments of this rule set under MCL 24.244(1) will be proposed to align with statutory amendments and a recent executive reorganization order; to delete obsolete, duplicative and unnecessary language; and to add clarity.</p> <p>Certification and Licensure of School Counselors (R 390.1301 to R 390.1313) Amendments of this rule set will be proposed under MCL 24.244(1) to align with statutory amendments and with a recent executive reorganization order.</p>
--

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2019 and June 30, 2020. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

<p>Some rules in the rule sets listed in #1 above can be rescinded because they are obsolete or superseded. The rule sets listed in #1 also include rules that are strong candidates for rescission for other reasons.</p>
--

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Since 1976, section 1157(1) of the Revised School Code, MCL 380.1157, has required rules regarding the conduct of and participation in bilingual instruction in-service training programs. There have never been such rules and there is no need for them.

The Marshall Plan for Talent (MPT), MCL 388.1897 to 388.1897l, was added to the State School Aid Act effective June 27, 2018. 2018 PA 227. MCL 388.1897a(9) requires that the Department of Education promulgate rules to implement MCL 388.1897a (expansion of K-12 education programs that focus on creating competencies and earning credentials in high-demand fields). As required by the MPT, the Department of Education immediately took action to award allocated funds and otherwise to implement MCL 388.1897a and the Department implemented the second round of the MPT with available funds during the transition from Governor Snyder to Governor Whitmer. There was no time to promulgate rules before the initial phases of implementation and, in light of the smooth and successful nature of actions taken by the Department under the MPT, the Department determined that promulgation of administrative rules was unnecessary. Effective August 11, 2019, all of the authority of the Department under the MPT will be transferred to the Department of Labor and Economic Opportunity under Executive Order 2019-13, which was issued on June 6, 2019.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules of the Department of Education relate to school districts and are not problematic to industry.

- A. Whether there is a continued need for the rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

- C. The complexity of complying with the rules.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?admincode=Department&Dpt=ED>

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

Teacher Tenure General Rules (R 38.131 to R 38.179)

Amendments of these rules are pending. 2018-053 ED. See #1 above.

Financial Accounting Systems for Public Schools (R 340.851 to R 340.855)

These rules were amended effective September 6, 2018, under MCL 24.244(1). 2018-052 ED.

Certification of School Nurses (R 340.1161 to R 340.1170)

There are no current plans to amend these rules.

Special Education Programs and Services (R 340.1701 to R 340.1873)

See #1 above.

Postsecondary Dual Enrollment Criteria for Fifth-Year High School Pupils (R 388.151 to 388.155)

There are no current plans to amend these rules.

State Aid for Transportation of School Children (R 388.371 to R 388.384)

These rules were amended effective October 31, 2018, under MCL 24.244(1). 2018-058 ED.

Teacher Certification Code (R 390.1101 to R 390.1216)

These rules were amended effective February 27, 2019, under MCL 24.244(1). 2018-069 ED. See also #1 above.

Certification and Licensure of School Counselors (R 390.1301 to R 390.1313)

These rules were amended effective February 27, 2019, under MCL 24.244(1). 2018-067 ED. See also #1 above.

State Aid Rules (Libraries) (R 397.01 to 397.92)

There are no current plans to amend these rules.

Youth Employment Standards (R 408.6199 to R 408.6309)

Effective August 11, 2019, the authority of the Department of Education to promulgate these rules will be transferred to the Department of Labor and Economic Opportunity under Executive Order 2019-13, which was issued on June 6, 2019.